

STATE OF CALIFORNIA, COUNTY OF NEVADA
BOARD OF SUPERVISORS MINUTES, AUGUST 11, 2009

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

REGULAR MEETING: 9:00 A.M.

STANDING ORDERS:

Chairman Weston called the meeting to order at 9:00 a.m.

The following Supervisors present:

Nate Beason, 1st District
Ed Scofield, 2nd District
John Spencer, 3rd District
Hank Weston, 4th District
Ted S. Owens, 5th District

Pledge of Allegiance led by Mr. Pete Milano, Assistant Superintendent, Twin Ridges Elementary School District.

Corrections and/or deletions to agenda.

ACTION TAKEN: Mr. Richard Haffey, County Executive Officer, requested that Agenda Item 39 come after Agenda Item 40 for presentation purposes. Chairman Weston concurred.

CONSENT CALENDAR: Chairman Weston introduced the consent calendar.

Health and Human Services Director: Jeffrey Brown

1. Resolution authorizing execution of Contract No. L208 with First 5 Nevada County Children and Families First Commission pertaining to awarding Nevada County Child Protective Services \$38,500 for the Differential Response Program Project, for the period July 1, 2009 through June 30, 2010. (Resolution 09-367 adopted.)
2. Resolution authorizing execution of Contract No. L202b with First 5 Nevada County Children and Families First Commission pertaining to awarding the Public Health Department \$5,000 for the Early Health Intervention (Great Beginnings) Project, for the period July 1, 2009 through June 30, 2010. (Resolution 09-368 adopted.)
3. Resolution authorizing execution of Amendment to Contract No. L146 with First 5 Nevada County Children and Families First Commission pertaining to the Postpartum Depression Counseling Project, extending the term of expending out the remaining \$315 of the initial \$3,955 awarded to the Public Health Department until June 30, 2010. (Resolution 09-369 adopted.)
4. Resolution authorizing execution of Amendment to Contract No. L145 with First 5 Nevada County Children and Families First Commission pertaining to awarding \$4,167 to Behavioral Health for continuation of the "Maximizing Opportunities" Project, for the period July 1, 2009 through June 30, 2010. (Resolution 09-370 adopted.)

Director of Social Services: Alison Lehman

5. Resolution authorizing execution of Agreement EW-2009-24 with the Regents of the University of California, Davis University Extension, pertaining to 14.5 days of Eligibility Services Training to be provided to the Health and Human Services Agency, for a total cost of \$53,360, with a University in-kind contribution of \$8,004 and Nevada County's share of \$45,356, for the period July 1, 2009 through June 30, 2010. (Resolution 09-371 adopted.)

6. Resolution authorizing execution of contract with Family Resource Center of Truckee for the provision of collaborative child abuse prevention services related to the Truckee Prevention Program as a component of the County's Child Abuse Prevention, Intervention and Treatment/Community-Based Child Abuse Prevention/Promoting Safe and Stable Families (CAPIT/CBCAP/PSSF) Plan, in the maximum amount of \$16,000 for the period July 1, 2009 through June 30, 2011, with funds in the amount of \$8,000 to be encumbered for Fiscal Year 2009/10. (Resolution 09-372 adopted.)

Director of Behavioral Health: Michael Heggarty

7. Resolution authorizing execution of Amendment 3 to Standard Agreement 07-NNA29 with the State Department of Alcohol and Drug Programs (ADP) through the combined Negotiated Net Amount and Drug Medi-Cal contract (Res. 07-144) to provide funding for the operation of the County's Alcohol and/or Drug Treatment programs, decreasing the contract maximum amount from \$936,953 to \$914,611 (a decrease of \$22,342) for Fiscal Year 2008/09, for a new total contract maximum of \$2,699,286, for the period July 1, 2007 through June 30, 2010. (Resolution 09-373 adopted.)
8. Resolution authorizing execution of Amendment 4 to contract with Brian Augustine, MFT, (PESZ1177), for the provision of specialty mental health services to Nevada County's adult Medi-Cal beneficiaries, increasing the maximum obligation from \$28,000 to \$30,000 (an increase of \$2,000), for the period October 15, 2007 through June 30, 2009. (Resolution 09-374 adopted.)
9. Resolution authorizing execution of amendment to contract with Milhous Children's Services, Inc. (Res. 08-408), for the provision of specialized mental health treatment services for seriously emotionally disturbed youth, increasing the contract maximum from \$55,000 to \$67,000 (an increase of \$12,000), for Fiscal Year 2008/09. (Resolution 09-375 adopted.)
10. Resolution authorizing execution of contract with Nevada Joint Union High School District pertaining to the provision of case management and related specialized mental health services for County clients in Behavioral Health's New Directions Program, in the maximum amount of \$36,000, for the period July 1, 2009 through June 30, 2010. (Resolution 09-376 adopted.)

Sheriff-Coroner: Keith Royal

11. Resolution authorizing execution of contract with Delta Wireless pertaining to the maintenance and repair of radios and related equipment for Sheriff's fleet vehicles, in an amount not to exceed \$32,016, for the period July 1, 2009 through June 30, 2010. (Resolution 09-377 adopted.)
12. Resolution amending Resolution 07-606 which authorized execution of agreement with Jidan Enterprises, Inc. dba Tunez4U pertaining to the installation and removal of safety equipment and accessories from Nevada County Sheriff's emergency vehicles, changing the contract expiration date to June 30, 2009, with all other terms and conditions of the prior contract remaining in full force and effect. (Resolution 09-378 adopted.)
13. Resolution authorizing execution of contract with Jidan Enterprises, Inc. dba Tunez4U pertaining to the installation of emergency equipment in and on emergency services vehicles for the Nevada County Sheriff's office, in the maximum amount of \$40,000, for the period July 1, 2009 through June 30, 2010. (Resolution 09-379 adopted.)

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14. Resolution amending Resolution 06-441 which authorized execution of a three-year license with Kenneth and Renate Kearns pertaining to placement of an antenna on their Wild Canary Lane property for radio communications between Sheriff's dispatch and patrol vehicles, to reflect a contract expiration date of July 31, 2012 with monthly payments in the amount of \$137.50, and directing the Auditor-Controller to pay a maximum amount of \$4,950 for the period August 1, 2009 through July 31, 2012. (Resolution 09-380 adopted.)
15. Resolution authorizing execution of Amendment 1 to Lease L-2408 with the State of California, Department of General Services (Res. 09-274) pertaining to leasing radio vault space for the housing of communications equipment, amending Clause 4 to reflect that all payments are to be split equally between California Highway Patrol (CHP) and the holder of the Master Lease, Truckee Donner Public Utility District, for the period beginning June 1, 2009 and ending June 30, 2019. (Resolution 09-381 adopted.)
16. Resolution authorizing execution of a Project Agreement with the State of California, Department of Parks and Recreation pertaining to off-highway vehicle patrols, in the amount of \$16,291 with the provision that matching funds in the amount of \$5,430.33 will be provided as represented by staff time, equipment expenses and administrative costs, for the period July 1, 2009 through June 30, 2010. (Pulled from consent by Supervisor Owens.)

Treasurer-Tax Collector: E. Christina Dabis

17. Resolution authorizing the Nevada County Treasurer and Tax Collector to sell tax defaulted property at public auction on October 8, 2009. (Resolution 09-382 adopted.)

Agricultural Commissioner: Jeffrey Pylman

18. Resolution authorizing execution of California Department of Food and Agriculture Weed Management Area Agreement 09-0267, pertaining to identification of existing yellow star thistle and treatment of the leading edge within Nevada County, in the amount of \$2,190 for the period August 1, 2009 through June 30, 2010, and \$1,990 for the period July 1, 2010 through June 30, 2011. (Resolution 09-383 adopted.)
19. Resolution authorizing execution of Agreement 09-C0026 with the California Department of Pesticide Regulations (DPR) pertaining to review of pesticide applications against grower's current permits and transmitting the information to DPR, in an amount not to exceed \$1,856, for the period July 1, 2009 through June 30, 2010. (Resolution 09-384 adopted.)

Director of Environmental Health: Wesley Nicks

20. Resolution authorizing acceptance of funding in the amount of \$46,832 from the United States Environmental Protection Agency (EPA) for implementation of a survey to evaluate the presence of Class V Injection Wells used for the disposal of industrial wastewater, delegating authority to the Director of Nevada County Department of Environmental Health to negotiate and execute related transactions, and directing the Auditor-Controller to amend the Fiscal Year 2009/10 budget. (4/5 affirmative vote required.) (Pulled from consent by Supervisor Scofield.)

Planning Director: Jory Stewart

21. Resolution approving Final Map 05-008 "Anna Ridge," located in the area of Bitney Springs Road and Empress Road, Nevada City, and instructing the County Surveyor to deliver the map to the County Recorder's office for recording. (Dist. IV) (Resolution 09-385 adopted.)

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22. Resolution authorizing execution of Standard Agreement 08-EDEF-5788 with the Department of Housing and Community Development (HCD) pertaining to Nevada County's Business Assistance Program (BAP), in the amount of \$300,000, with a contract term from the date of State execution through December 31, 2011, and directing the Auditor-Controller to amend the Fiscal Year 2009/10 budget. (Housing Division) (Resolution 09-386 adopted.)
23. Resolution authorizing execution of Amendment 1 to Standard Agreement 09B-5526 with the State Department of Community Services and Development (CSD) for the Low Income Home Energy Assistance Program (LIHEAP) (Res. 09-010), increasing the amount of the contract by \$2,750 for a total contract amount of \$839,864, for the period of January 1, 2009 through June 30, 2010, and directing the Auditor-Controller to increase the Fiscal Year 2009/10 budget. (Housing Division) (Resolution 09-387 adopted.)
24. Resolution authorizing execution of Amendment 8 to contract with Steve Hull Construction for services to the Home Rehabilitation and Weatherization Program (Res. 06-370), increasing the amount from \$567,928 to a maximum of \$619,928 (an increase of \$52,000), and extending the contract termination date to October 31, 2009. (Housing Division) (Pulled from consent by Supervisor Owens.)

Director of Public Works: Douglas Farrell

25. Resolution authorizing execution of agreement with County of Placer, and approving Exhibit A, for the provision of Gold Country Stage Route 5 service, in the amount of \$58,189, for Fiscal Year 2009/10. (Transit Services) (Resolution 09-388 adopted.)
26. Resolution directing the Department of Public Works to solicit Requests for Qualifications for professional architectural services for the Transit Transfer Facility Improvement Project for the Gold Country Stage, located on Tinloy Street in Grass Valley. (Transit Services) (Resolution 09-389 adopted.)
27. Resolution authorizing the Auditor-Controller to close County Service Area 22, Zones 1 and 2, 6B Ranches, fund number 3262-30103-701-4000, transfer any remaining amount equally into the larger road maintenance funds 3230-30103-701-4000 and 3231-30103-701-4000, and pay future utility billings from the remaining funds on a 50/50 basis. (Dist. IV) (Resolution 09-390 adopted.)
28. Resolution awarding bid and authorizing execution of contract for the Pasquale Road Shoulder Improvement Project – Contract No. 225021. (Successful bidder and the contract amount will be announced following the bid opening on August 6, 2009.) (Dist. I) (Pulled from consent by the Clerk of the Board.)

Director of Sanitation: Mark Miller

29. Resolution approving plans, specifications, and cost estimate for the McCourtney Road Transfer Station Metals Area Floor Replacement Project – Contract No. 789816, and instructing the Purchasing Agent to advertise for bids with the bid opening date to be on September 9, 2009. (Resolution 09-391 adopted.)

Chief Information Officer: Stephen Monaghan

30. Resolution approving the Notice of Completion and Acceptance of the Nevada City Courthouse Annex Chiller and Boiler Replacement Project, located at 201 Church Street, Nevada City, with Aircon Energy, Inc., for a total project expenditure of \$475,270. (Resolution 09-392 adopted.)

31. Resolution approving the Notice of Completion and Acceptance of the Courthouse Security Card Access System Project, located at 201 Church Street, Nevada City and 10075 Levone Avenue, Truckee, with Precision Electric, for a total project expenditure of \$51,403. (Resolution 09-393 adopted.)
32. Resolution awarding bid and authorizing execution of contract with Koch Excavating, Inc. for the McCourtney Road Transfer Station Household Hazardous Waste Facility Office Building Project (Res. 09-281), in the amount of \$16,888 plus a ten percent contingency of \$1,688 for a total encumbrance of \$18,567, and directing the Auditor-Controller to amend the Fiscal Year 2009/10 Facilities Management and Solid Waste budgets. (Resolution 09-394 adopted.)

Clerk of the Board: Cathy Thompson

33. Reappointment of Mr. Don Mabon to Area 4 Agency on Aging Advisory Council, as the Adult and Family Services Commission representative. (Reappointed.)
34. Appointments of Ms. Toni Thompson, low-income representative, and Ms. Adela González del Valle, public member, to the Adult and Family Services Commission. (Appointed.)
35. Acceptance of resignation from Mr. Charles "Terry" Edwards from the Adult and Family Services Commission. (Accepted.)
36. Acceptance of Board of Supervisors minutes for June 26, and July 7, 2009. (Accepted.)

ACTION TAKEN: Supervisor Scofield requested Agenda Item 20 be pulled from the consent calendar for discussion. Supervisor Owens requested Agenda Items 16 and 24 be pulled from the consent calendar for discussion. Ms. Cathy Thompson, Clerk of the Board, requested Agenda Item 28 be pulled from the consent calendar for discussion.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Owens, to accept the consent calendar less Agenda Items 16, 20, 24, and 28. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Sheriff-Coroner: Keith Royal

16. Resolution authorizing execution of a Project Agreement with the State of California, Department of Parks and Recreation pertaining to off-highway vehicle patrols, in the amount of \$16,291 with the provision that matching funds in the amount of \$5,430.33 will be provided as represented by staff time, equipment expenses and administrative costs, for the period July 1, 2009 through June 30, 2010.

ACTION TAKEN: Supervisor Owens indicated that he supports more equipment for off-highway motor vehicle patrols because it is becoming more and more of a problem in his District all the way to the Nevada border. He asked if there was a coordinated plan, or could they develop a plan with other agencies, for using the off-highway vehicles in the outlying areas. Sheriff Keith Royal replied that there is no coordinated effort at this point. This grant funding will be used by his staff for both winter and summer application. Supervisor Owens believed that as agencies acquire off-highway vehicle equipment, they might be able to coordinate a plan in the future. Sheriff Royal indicated he would have his staff talk with some of the allied agencies and see if there is a way they could make a broader impact on some of the high impact areas.

Chairman Weston stated he has had four or five complaints in his District about use of off-highway vehicles on private property. This use is becoming very close to a full-time track that affects the

neighbors with dust and noise all hours of the night. Sheriff Royal agreed and indicated he has already given direction to staff to make a greater effort next year to try to apply for additional funds. His intent is to try to expand this program to have greater coverage.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to adopt Resolution 09-395. On a roll call vote, the motion passed unanimously.

Director of Environmental Health: Wesley Nicks

20. Resolution authorizing acceptance of funding in the amount of \$46,832 from the United States Environmental Protection Agency (EPA) for implementation of a survey to evaluate the presence of Class V Injection Wells used for the disposal of industrial wastewater, delegating authority to the Director of Nevada County Department of Environmental Health to negotiate and execute related transactions, and directing the Auditor-Controller to amend the Fiscal Year 2009/10 budget. (4/5 affirmative vote required.)

ACTION TAKEN: Supervisor Scofield requested more information on what type of businesses would use the Class V Injection Well system and if pollutions were found, what results would come out of it. Mr. Wesley Nicks, Director of Environmental Health, replied that the wastewater at hazardous materials facilities might not be hazardous and is outside of the purview of Environmental Health under the Hazardous Materials Plan. However, disposal of wastewater in the subsurface is against the Clean Water Act rules. Since Environmental Health inspectors are at the facility anyway, they are going to do a survey to determine if wastewater is being disposed of in the subsurface and try to advise the businesses on how to not subsurface inject hazardous wastewater or potentially hazardous wastewater. Water can be disposed of into the subsurface in a leachfield or a dry well, but not water polluted with hydrocarbons and other contaminants.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Spencer, to adopt Resolution 09-396. On a roll call vote, the motion passed unanimously.

Planning Director: Jory Stewart

24. Resolution authorizing execution of Amendment 8 to contract with Steve Hull Construction for services to the Home Rehabilitation and Weatherization Program (Res. 06-370), increasing the amount from \$567,928 to a maximum of \$619,928 (an increase of \$52,000), and extending the contract termination date to October 31, 2009. (Housing Division)

ACTION TAKEN: Supervisor Owens asked if staff should be putting out an RFP (Request for Proposal) or going out to bid for this contract. Mr. Kyle Thompson, Housing Division Program Manager, noted that staff is developing an RFQ (Request for Qualifications) that should be out by the end of the month, and this amendment is the last one before the RFQ.

Supervisor Beason recalled that Mr. Hull was the only person the County could find that had the qualifications needed. Mr. Thompson concurred, adding that besides having a General Contractor's license, Mr. Hull was the only one who possessed the required certifications from the PG&E training center in Stockton.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to adopt Resolution 09-397. On a roll call vote, the motion passed unanimously.

Director of Public Works: Douglas Farrell

28. Resolution awarding bid and authorizing execution of contract for the Pasquale Road Shoulder Improvement Project – Contract No. 225021. (Successful bidder and the contract amount will be announced following the bid opening on August 6, 2009.) (Dist. I)

ACTION TAKEN: Mr. Douglas Farrell, Director of Public Works, introduced the agenda item. He indicated that since the bid results were not provided to the Board until last Friday, it is required that he read the results into the record. Bids for this contract were opened on Thursday, August 6, 2009, with the following results: Hansen Bros. Enterprises was the low bidder at \$161,335. Lester Enterprises was the second low bidder at \$165,945. Knife River Construction was the third at \$184,412.50. Western Engineering Contractors was fourth at \$188,865, and Lorang Brothers Construction was the fifth low bidder at \$237,230. The Engineer's Estimate for this project was \$265,100. One bid was rejected from Teichert Construction because they were missing confirmation of a contract addendum. Failure to acknowledge an addendum results in an automatic rejection of the bid. He recommended the contract be awarded to Hansen Bros. Enterprises at a contract amount of \$161,335. The recommended encumbrance for this contract includes a ten percent contingency for a total encumbrance of \$177,468.50.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Beason, to adopt Resolution 09-398. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEMS: 9:10 A.M. Chief Information Officer, Stephen Monaghan

37. Public hearing to consider purchasing that certain real property described as 10.45-acre parcel and residential dwelling located at 16782 State Highway 49, Nevada City, CA (APN 04-140-67), from property owner, Mr. Michael Dial, for a total cost of \$300,000.

Resolution approving the purchase of a 10.45-acre parcel and residential dwelling (APN 04-140-67) located at 16782 State Highway 49, from Michael Dial, in the amount of \$300,000, plus 50 percent of the closing costs, authorizing the Chief Information Officer to execute any or all documents required to consummate this transaction, authorizing the Chair to accept conveyance of the deed and execute the certificate of acceptance for recordation purposes, and directing the Auditor-Controller to reduce the 2009/10 Facilities Planning Designation of the General Fund by \$300,000, plus \$10,000 for closing costs, increase the General Fund Contingency by \$310,000, and amend the Fiscal Year 2009/10 County Budget. (Resolution 09-399)

38. Public hearing to consider purchasing that certain real property described as 14.30-acre parcel located off State Highway 49, Nevada City, CA, next to the Carl F. Bryan II Regional Juvenile Hall (Portion of Parcel APN 05-050-27), from property owner, Mr. Glenn Christ, for a total cost of \$480,000.

Resolution approving the purchase of approximately 14.30 acres (APN 05-050-27) located on State Highway 49, from Glenn Christ, in the amount of \$480,000, plus 50 percent of the closing costs, authorizing the Chief Information Officer to execute any or all documents required to consummate this transaction, authorizing the Chair to accept conveyance of the deed and execute the certificate of acceptance for recordation purposes, and directing the Auditor-Controller to reduce the 2009/10 Facilities Planning Designation of the General Fund by \$480,000, plus \$10,000 for closing costs, increase the General Fund Contingency by \$490,000, and amend the Fiscal Year 2009/10 County Budget. (Resolution 09-400)

40. Public hearing to consider purchasing that certain real property described as 18.94-acre parcel located between LaBarr Meadows Road and Highway 49, south of Crestview Drive, Grass Valley, CA (APN 22-331-21), from property owner, Catlin Grass Valley, LLC, for a total cost of \$825,000.

Resolution approving the purchase of approximately an 18.94-acre parcel located at 12831 State Highway 49, Grass Valley (APN 22-331-12) from Catlin Grass Valley, LLC, in the amount of \$825,000, plus 50 percent of the closing costs, subject to the terms of a development agreement including an easement for access from LaBarr Meadows Road, directing the development agreement and easement agreement be brought back to the Board for approval prior to close of escrow, authorizing the Chief Information Officer to execute any or all documents required to consummate transaction, authorizing the Chair to accept conveyance of the deed and execute the certificate of acceptance for recordation purposes, and directing the Auditor-Controller to reduce the 2009/10 Facilities Planning Designation of the General Fund by \$825,000, plus \$10,000 for closing costs, increase the General Fund Contingency by \$835,000, and amend the Fiscal Year 2009/10 County Budget. (Resolution 09-401)

ACTION TAKEN: Mr. Stephen Monaghan, Director of Information and General Services, stated that these three agenda items are for public hearings on three property purchases for County general purpose usage. The County has been actively looking for land to meet several needs. These needs are planned for and documented in the Nevada County Capital Facilities Master Plan. This annually updated plan looks out at least 25 years into the future to project what facilities the County will need to best serve the citizens. This plan is annually updated through the Capital Facilities Subcommittee and adopted by the full Board of Supervisors. The Plan also identifies changing needs and strategic moves with the current property assets. The County's goal has always been stated that the County would rather own the property than lease the property, and the County has a considerable amount of leased space in the community.

In this process, the Plan has identified in a relatively short term, five to ten years, some of the needs of the County, with some of the top needs being a new Public Works Corporation Yard, Human Services Consolidated Agency Building, and a Public Safety Center for the Sheriff. Some major departments still have leased space, such as Child Support Services and Probation. Approximately 116,800 square feet is the total amount of facility space needed in the five to ten year term. Looking out another 25 to 40 years, the County will probably need another 100,000 square feet of general office space. The County has 495,000 square feet across 34 facilities that the County owns and leases approximately 67,000 square feet across 17 facilities.

The current Corporation Yard is a very small three-acre yard located at the Loma Rica Business Park next to the Airport. The Public Works Department has to lease other smaller lots around Nevada County for equipment storage, material storage, sand, rock, etc. The Corporation Yard is also logistically very challenging because it is above the snow line. Loma Rica Drive causes many delays for the Public Works Department. Also, Loma Rica has the new Master Economic Development Plan for the Business Park, and the Corporation Yard is a very prime piece of property that the Airport has been looking at for many years, wanting to do economic development to build airport accessible business access. The County is talking with the City of Grass Valley regarding a joint Corporation Yard. The City is outgrowing their Yard and has some logistical issues. The timing is very good for an opportunity for the two agencies to collaborate and consolidate some other operations as well. If the Corporation Yard was moved off of Loma Rica, there would also be the opportunity to move Transit and open up more space that is airport accessible for economic development.

Over the past few years the County has actively been putting away reserves specifically for Facility Services designated in the General Fund Reserves. The current balance is \$6,970,000. The County had budgeted \$2 million to do these property purchases. The estimated cost and total right now for the three parcels is \$1,650,000, which would leave a balance afterwards of \$5,320,000.

The Capital Facilities section of the General Plan recommends that government services be kept on the Government Corridor section of State Highway 49. The parcel adjacent to Juvenile Hall would be very strategic for the County and the ten-acre parcel down the road about two miles would keep the government services on the Government Corridor. The third parcel between Loma Rica and Highway 49 would be the proposed Joint Corporation Yard to be used jointly with the City of Grass Valley.

Mr. Monaghan pointed out that it has been challenging to find ten-plus acres of flat land with the proper zoning in the County that has access to one of the major highways and is below the snow line, and staff believes they have found a couple of parcels that will meet the County's needs. In review, the airport needs, in combination with the Corporation Yard, are becoming a more urgent driver for the County. Available suitable parcels are few. As developers purchase land, each year the inventory of available parcels decreases. The Capital Facilities Master Plan identified the County facilities needs. Currently, the market is historically low due to the economy, and the pricing on the parcels being considered is very attractive. The County has done a good job at putting away reserves and saving for these purchases during the good times, and there is currently an opportunity with the City to collaborate on the Joint Corporation Yard, which could provide further dividends and cost savings.

End Tape #09-33

Staff has identified the County's needs in the Capital Facilities Master Plan and explored the possibilities and possible properties through the Capital Facilities Subcommittee. As staff looked at potential properties, they met with CDA, and any potential customer departments, to receive their input to make sure the potential properties could fit their needs. The potential properties were brought to the Board in closed session and staff received Board's permission to move forward with appraisals on the properties, which was done. The Capital Facilities Subcommittee had more discussions on a monthly basis and presented the outcome to the Board in closed session. Staff has negotiated a purchase with the sellers and all the selling prices were at the appraised value. Public notices were done and a public hearing is being held today for final approval on moving forward with the land purchase.

Supervisor Owens noted that he serves on the Capital Facilities Committee and pointed out that from his judgment, leased facilities are not acceptable. He believed the County has to look 25 years out and remember that many of the services the County provides are not necessarily services the County invents. They are services that come down in the form of requirements, regulations, and mandates, particularly in the area of Health and Human Services. Sixty years ago, counties were responsible for roads, public safety, jail and courts, which is about one-third of the County's responsibility today when Social Services is added to the mix. Mr. Richard Haffey, County Executive Officer, concurred, and added that two-thirds of the County's operation is usually State-operated or State-mandated programs that the County receives limited funding for. Supervisor Owens believed this is forward thinking and the County is actually behind the curve. He was thrilled with the talks with the City of Grass Valley because when agencies work together and consolidate, that will reduce the footprint on the overall community and there is a sharing of equipment and facilities. Supervisor Owens believed the purchase of real estate is an asset and it is important to point out that real estate is something the County could divest of at some future date. He believed this is a very good solid and safe move and in the best interest of the public.

Chairman Weston opened the public hearing to consider purchasing certain real property described as 10.45-acre parcel and residential dwelling located at 16782 State Highway 49, Nevada City, CA (APN 04-140-67), from property owner, Mr. Michael Dial, for a total cost of \$300,000. He pointed out that there is currently a rental on this property and the County will become the landlord. There being no public comment, Chairman Weston closed the public hearing.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Owens, to adopt Resolution 09-399 (APN 04-140-67, property owner Michael Dial). On a roll call vote, the motion passed unanimously.

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Chairman Weston opened the public hearing to consider purchasing certain real property described as 14.30 acres located off State Highway 49, Nevada City, next to the Carl F. Bryan II Regional Juvenile Hall (Portion of Parcel APN 05-050-27), from property owner, Mr. Glenn Christ, for a total cost of \$480,000. He noted that there is some work that is part of the purchase. Mr. Monaghan stated that the money will be held out in a trust hold back fund. There being no public comment, Chairman Weston closed the public hearing.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Scofield, to adopt Resolution 09-400 (portion of APN 05-050-27, property owner Glenn Christ). On a roll call vote, the motion passed unanimously.

Chairman Weston opened the public hearing to consider purchasing that certain real property described as 18.94 acres located between LaBarr Meadows and Highway 49, south of Crestview Drive, Grass Valley (APN 22-331-21), from property owner, Catlin Grass Valley, LLC, for a total cost of \$825,000. There being no public comment, Chairman Weston closed the public hearing.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Owens, to adopt Resolution 09-401 (APN 22-331-21, property owner Catlin Grass Valley, LLC). On a roll call vote, the motion passed unanimously.

39. Public hearing to consider purchasing that certain real property described as 11.50-acre parcel and improvements located at 18841 Oak Tree Road, North San Juan, CA (APN 60-390-16), from Twin Ridges Elementary School District, for a total cost of \$499,542.

Resolution approving the purchase of an 11.50-acre parcel and improvements located at 18841 Oak Tree Road, North San Juan (APN 60-390-16), from Twin Ridges Elementary School District, in the amount of \$499,542, authorizing the Chief Information Officer to execute any or all documents required to consummate this transaction, authorizing the Chair to accept conveyance of the deed and execute the certificate of acceptance for recordation purposes, and directing the Auditor-Controller to amend the Fiscal Year 2009/10 County Budget. (4/5 affirmative vote required)

ACTION TAKEN: Chairman Weston introduced the agenda item.

Mr. Stephen Monaghan, Director of Information and General Services, indicated that this project was originally initiated in 2004 by Supervisor Sutherland, who was the North San Juan area District Supervisor. She pursued a California State Grant to provide recreational opportunities and facilities for a specific demographic that fit the North San Juan community. The grant was awarded and received in 2006 for a total of \$500,000 for the specific acquisition for capital land. It cannot be used for improvement, services, or programs. It was specifically meant to buy recreational property or a facility of some type. Staff has spent several years looking for property, and even brought some proposed properties to the Board in closed session to purchase; however, none of them worked out. Staff has continued to work with the North San Juan community and have them vet potential properties to get their feedback. Ms. Larkyn Feiler, Planning Department, has been key and instrumental in picking up the grant project and the applications. An opportunity came up working with Twin Ridges School District in their Oak Tree School in that over the years the school student population has declined and they have closed a portion of that school. The community has put a lot of energy and effort and money into building very nice recreation fields and facilities at that site, and over the years because of declining enrollment, the school does not operate it anymore and the fields have gone into disrepair and are overgrown. The facilities and the restrooms have stayed stagnant over the years. Staff views this as a win-win with the school district, and the school district can regain some income from that unused property. The community can gain back a facility to use for recreational purposes, and the agreement is the County will purchase this property with the grant funds so there will be no local county funds used on this project. The County will hold this land and facilities in trust and will not operate it as a park or open it up to the public. A group is looking to reinitiate the recreational park district effort in

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North San Juan and reform that park district. Once they have the park district formed and it is a viable organization, the County will then transfer the property to the park district and the County will not be in the park business.

Planning is administrating the grant process with the State of California and the State has approved Nevada County purchasing this property. This has been brought to the Capital Facilities Subcommittee and staff has met with the groups in North San Juan who support a park district and want to take lead in the community for this project. This has been brought to closed session. An appraisal has been done and due diligence has been done on the property. The purchase agreement compensates back to the County for all closing costs and all staff time related to administrating the grant and doing this process. Ongoing, there will be a period of time between when the County closes on this property before the park district is formed and becomes a viable organization that the county will incur some costs for maintenance, etc. He did not expect that to be much money, as they will use work release crews to go up with weeders.

Mr. Pete Milano, Assistant Superintendent for Twin Ridges School District, noted that this particular piece of property is beloved by the community. He commented that the District cannot afford the long-term maintenance for this property and believed this is a wonderful opportunity to recycle this grant money through the school community to the North San Juan area. In spite of the economic times, he is very confident that the Oak Tree Park and Recreation District Formation Committee will, in the next year, be able to successfully convince the voters that this is a rare opportunity to turn this property into a park to serve all the children and families in the community. The school district has fulfilled all their requirements and he hoped the transaction takes place.

Chairman Weston added that when Supervisor Sutherland applied for the grant and the grant was successful, she then applied for a waiver. There is normally a matching fund on this type of grant, and based on the community profile, she was successful in getting the matching funds waived. He pointed out there are some useable buildings on the site. Currently, the Sheriff has a small service center there and other uses are proposed. Assuming the Formation Committee is successful, this will give them an opportunity to apply for improvement grants through the park system. He hoped if the Park District is formed, they will also take over the three-acre park where the Senior Center is located.

Ms. Carole Chadima, San Juan community member, believed the community needs a place where children can learn how to play football or baseball and where children can come together and learn to work together. The Committee has looked long and hard for a piece of property, and this property is certainly the most wonderful piece of property the Committee has found. She promised the Committee will work very hard to get the property out of the County's hands and into the Park District's hands. She hoped the Board will support the Committee and realize that this is something needed for the benefit of the people where they can have a place to congregate and try to get back the community spirit.

Supervisor Beason commented that this initiative is one of three the Board is trying to move forward in the North San Juan community. He believed this is an opportunity to improve the character of the community from a quality of life standpoint, and it will have an indirect positive effect on the entire County. He hoped they could make the park district work and he is completely behind the initiative.

Ms. Pat Leach, San Juan Ridge area resident, thanked the Board for their vision, and pointed out that adults would also like to use this facility for various uses. Many people have worked diligently on this vision and are very excited with the opportunity. She believed the Park District was not successful last time it came before the voters because there was no property in mind that the community could get behind, and the community is behind this property.

Chairman Weston recalled that the actual formation was passed and the five board members were selected the last time it was before the voters. The only part that failed was the parcel tax.

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Supervisor Spencer commented that he was recently approached by a North San Juan resident who stated the residents have voted in the past and do not want a park in North San Juan, and Supervisor Spencer suggested he make sure the people who do not want a park in North San Juan attend the public hearing and voice their opinions, and if they cannot attend the meeting, make sure they submit a petition so the Board can understand that the people in North San Juan do not want a park. Supervisor Spencer stated that the people will have an opportunity to vote again as to whether they want to assess themselves in order to keep up the maintenance and have the Park District.

Supervisor Spencer indicated that he had asked Chairman Weston what would happen if the grant money was used to purchase the property, the people at a later date vote to not form a Park District, and there was no one to take care of the property and improve it, and Chairman Weston replied that the property could be sold and the money would have to go back to the State.

Ms. Chadima pointed out that there are many people willing to volunteer labor for this project. The difficulty will be taxing the residents, especially during these economic times.

Chairman Weston opened the public hearing.

Ms. Frances Jaynes, North San Juan native and business owner, believed that what sets this apart from the last time is that it is being made real clear to the public that this is not just for the kids, but it is for the whole community.

Chairman Weston passed the gavel to Vice Chairman Beason.

Vice Chairman Beason closed the public hearing.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Owens, to adopt Resolution 09-402, approving the purchase of an 11.50-acre parcel and improvements located at 18841 Oak Tree Road, North San Juan (APN 60-390-16), from the Twin Ridges Elementary School District, in the amount of \$499,542. On a roll call vote, the motion passed unanimously.

Vice Chairman Beason relinquished the gavel back to Chairman Weston.

Chairman Weston recessed as the Nevada County Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

41. Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.

Call meeting to Order. Following a short break, Chairman Weston called the meeting to order. All Directors present.

a. Consent: Chairman Weston introduced the consent calendar.

1) Resolution authorizing execution of Amendment 2 to contract with Counihan Consulting Engineers (PESA1498) pertaining to services required for construction projects including Lake Wildwood Phase II, DarkHorse to Lake of the Pines Connection, Penn Valley Plant Upgrade, and various collection system projects, changing the scope of work to include project management services at \$95 per hour, increasing the contract amount by \$85,000 for a maximum encumbrance not to exceed \$110,000, and extending the contract termination date to June 30, 2011. (DOS) (Resolution SD09-16 adopted.)

2) Acceptance of Nevada County Sanitation District No. 1 minutes for July 7, 2009. (Clerk of the Board) (Accepted.)

MOTION: Motion made by Director Beason, seconded by Director Owens, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

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- b. Appointments to the Nevada County Sanitation District No. 1 Advisory Committee, one regular member and one alternate, representing Cascade Shores. (Director Beason)

ACTION TAKEN: Chairman Weston introduced the agenda item.

Director Beason indicated he was going to nominate as his appointee Mr. Robert Crabb. The current representative from this zone, Ms. Janis Johnson, has done a terrific job, but has been on the committee for eight years and Director Beason believes it is a good idea to shuffle the deck every now and then. Mr. Crabb is willing to take this on and is the previous President of the Cascade Shores Homeowners Association and very involved in the events. Director Beason will determine who the alternate will be shortly.

MOTION: Motion made by Director Beason, seconded by Director Owens, and passed unanimously, to nominate Mr. Robert Crabb as the Zone 8 representative.

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- c. Public comment. No public comment received.

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Adjournment.

ACTION TAKEN: Chairman Weston adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

DEPARTMENT HEAD MATTERS:

Agricultural Commissioner: Jeffrey Pylman

42. Review and acceptance of the Nevada County 2008 Annual Crop Report.

ACTION TAKEN: Mr. Jeffrey Pylman, Agricultural Commissioner, submitted the Nevada County 2008 Annual Crop Report for the Board's review and acceptance. The crop report is an annual report that is submitted to the Board and the State Secretary of Food and Agriculture and to the general public. The crop report contains statistics on crop types, yields, acreage, and prices, and shows total production value in major categories of agriculture in Nevada County. In 2008, the ongoing drought effected livestock, rangeland, and irrigated pasture. Also, the April 2008 hard freeze brought the orchard crops in Nevada County down by at least 50 percent and impacted the wine grapes and nursery stock. It is because of the direct marketing efforts for vegetables and other locally-grown products that there were some offsetting figures as far as the overall value of products in the County. Overall, the economy has had an impact on timber production and nursery production.

Board questioning ensued.

Supervisor Spencer referred to the ten-year agricultural income comparison on page 5 of the staff report and noted that the numbers have been steadily decreasing while the County has been trying to protect the agricultural resources in the community. He believed in the future, legislators need to start looking at finding answers to why the numbers are going down and why people are leaving the State. He suggesting getting together with staff to determine why the numbers are going down while they are trying to protect and foster agricultural resources in the community.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, and passed unanimously, to accept the crop report for 2008.

Clerk Recorder-Registrar of Voters: Gregory Diaz

43. Resolution establishing a procedure to charge cities and special districts for reimbursement of costs incurred by the County Clerk for conducting city and district elections, and directing the County Clerk-Recorder to convene a meeting, not later than five years after adoption of this resolution, of city and district representatives to review the appropriateness of the charges authorized and make a report and recommendation to the Board. (Resolution 09-403)

Resolution establishing a procedure to charge school districts for reimbursement of costs incurred by the County Clerk for conducting school district elections. (Resolution 09-404)

Authorization to close Board Order 06-06, forming an ad hoc committee to review policies and procedures.

ACTION TAKEN: Mr. Gregory Diaz, Clerk-Recorder-Registrar of Voters, pointed out that the California Elections Code authorizes the County to be reimbursed if the County Clerk is going to consolidate Districts, Cities, and School District Elections with the General Election. In 2006, the Board gave direction through a Board Order to try to arrive at a resolution to develop the election billing formula. He believed the best way to approach this formula was to collect the data, collect the parties, and try to hammer out a formula. The proposed school district resolution defines what items constitute conducting an election so it is clear how to bill the school districts.

Ms. Holly Hermansen, Superintendent of Schools, pointed out that this has been a very complicated and controversial issue for several years. Everyone worked very close together to arrive at a reasonable and fair solution, and she supports the adoption of the proposed resolution.

Supervisor Beason commented that he believed the confluence of the respective arrivals in their jobs of Mr. Diaz and Ms. Hermansen have brought a salubrious effect on the process and he appreciates the open and above-board way in which they have conducted the business.

Supervisor Scofield recognizes that it is very costly for special districts and schools to have elections, and asked if a compromise was reached. Ms. Hermansen replied that the election is still costly; however, Mr. Diaz explained how the Election and Education codes work. She believed they have reached a solution that is fair and equitable, and have turned a very complicated formula into something that the school boards and superintendents can understand. She pointed out that transparency, simplicity, and fairness are all qualities that are a part of this solution.

Mr. Diaz indicated that with regard to the special district resolution, staff convened two large meetings where participants from the special districts attended. The first meeting did not start off so well. There was a large gap and they continued to work together. At the second meeting, they arrived at a fair resolution. The special district resolution will charge a dollar per voter for an election, which is very favorable. A survey of counties was done, and the dollar per voter was at the low end of all the counties. He believed it will give the special districts predictability in terms of their costs if they choose to have an election, and the special districts overwhelmingly agreed. There were a couple of special districts that had concerns and Mr. Diaz offered Election services to the special districts to discuss the different options to conduct an election, should they choose not to come under the proposed resolution.

Supervisor Spencer pointed out that the one dollar per voter for special districts is the starting point, but each year it would increase according to the all urban consumers consumer price index, so ten years from now it might be up to something different than one dollar per voter. Mr. Diaz concurred; however, in five years they are going to reconvene to look at the formula again to see if any adjustments are needed.

Chairman Weston asked if there was anyone who would like to speak.

Mr. Bill Stone, Bear River Recreation and Park District Director, commended Mr. Diaz for jumping into what has been a very difficult process. He believed the proposed resolution will work well for the large district, but Bear River Recreation and Park District is a tiny district. The cost for an election is a large burden on their little District and their District is not in favor of the resolution as proposed as it relates to Bear River Recreation and Park District. He requested the Board consider treating smaller districts, like Bear River Recreation and Park District, differently than the proposed formula.

Mr. Richard Haffey, County Executive Officer, commented that the Clerk-Recorder is more than willing to work with special districts, and there are more economical ways to conduct elections. He encouraged the Board to move forward with the Clerk-Recorder's recommendation, but encourage the Districts to work with the Clerk-Recorder to come up with something more economical.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to adopt Resolution 09-403 (city and districts) and Resolution 09-404 (school districts), and close Board Order 06-06.

Clerk of the Board: Cathy Thompson

44. Acceptance of Board of Supervisors minutes for July 14, 2009.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to accept the minutes. On a voice vote, the motion passed as follows: Ayes: Supervisors Owens, Scofield, Beason, and Weston. Noes: None. Absent: Supervisor Spencer. Abstain: None.

SCHEDULED ITEM: 10:30 A.M. County Librarian, Mary Ann Trygg

45. Public hearing to consider establishing a revised Library Fines and Fees Schedule, effective September 10, 2009.

(Waive Further Reading/Adoption) An Ordinance adding Section 24.20 to Article 24 of Chapter II of the Administrative Code of the County of Nevada pertaining to Library Fines and Fees.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Mary Ann Trygg, County Librarian, explained that the proposed increases are to the Damaged Price List for the Library, and for the Inter-Library Loan Request for obtaining a book from another library system. She reviewed the reasons for the proposed increases.

The Board supported the proposed changes.

Chairman Weston opened the public hearing. There being no public comment, Chairman Weston closed the public hearing.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Spencer, to waive further reading and adopt Ordinance 2294.

Chairman Weston read the title of the ordinance into the record.

On a roll call vote, the motion passed unanimously.

Following a short recess, Chairman Weston called the meeting to order.

DEPARTMENT HEAD MATTERS: (Continued)

Director of Child Support Services: Tex Ritter

46. Resolution proclaiming August 2009 as “Child Support Awareness Month” in Nevada County, California.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Mr. Tex Ritter, Director of Child Support Services, presented a brief PowerPoint presentation on the benefits of Child Support Services. He commented that Child Support Services has the ability to suspend professional and driver’s licenses for individuals who are not cooperating with their child support obligation. In August, in recognition of Child Support Awareness Month, Child Support Services is offering a License Buy Back Program whereby for \$25 and a written promise and agreement to pay \$25 per month, Child Support Services will return the licenses and work with them to create an ongoing revenue source and stream for both parents and children.

Supervisor Spencer asked for clarification of the money Child Support Services returns to the County. Mr. Richard Haffey, County Executive Officer, explained that when a parent does not pay for child support, the other parent would apply for State, Federal, or County public assistance. Once the payments begin, then there are reimbursements made for the public assistance programs. Mr. Ritter concurred and added that if someone is on public assistance and Child Support Services collects child support, Child Support Services gives back to the County one-half percent of the total amount collected, almost half of the money goes back to the State, and the Federal government is reimbursed a little less than half for providing this program.

Board questioning ensued

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Owens, to adopt Resolution 09-405. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEM: 11:00 A.M.

47. Ms. Sara Morrison, Project Director, Presentation of the RSVP (Retired and Senior Volunteer Program of Nevada County) Annual Report.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Sara Morrison, RSVP Project Director, indicated that RSVP is celebrating its 25 years of service in Nevada County. She thanked the Board for its volunteer mileage award. The \$15,000 award almost covers the cost of the volunteers’ requests. More volunteers need help with this mileage reimbursement in order to continue their work. She was pleased to report that there has been an increase in the number of volunteer hours from RSVP contributed to the County departments. Ms. Morrison wrote an application to the Corporation for National Community Service, which is Federal funding for this program, and RSVP was awarded grant for the next three years, bringing in a total of about \$80,000 per year for running and operating the RSVP Program. The number of agencies has been expanded to 76 stations with varying numbers of volunteers. The Corporation for National Community Service asked that over 50 percent of the volunteers be in impact assignments where the outcomes can be measured by what their contribution means and how it is helping the people the agencies are serving. Ms. Morrison commented that RSVP is a program for volunteers that are 55 years old or older, and RSVP is able to provide the benefits for those volunteers. Other people who are under the age of 55 and are interested in volunteering in Nevada County are free to call RSVP and RSVP will help them find a volunteer opportunity; however, those volunteers cannot apply for the mileage reimbursement. She concluded that RSVP is expanding their marketing this year to make sure the whole community is aware of the volunteer opportunities to reach out to people that might want to

continue doing something if they are unemployed, and make sure everyone knows that they do not have to be 55 to volunteer in Nevada County and RSVP wants to support all the agencies that need volunteers.

Board questioning ensued.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Owens, and passed unanimously, to accept the report.

Following a short recess, Chairman Weston called the meeting to order.

SCHEDULED ITEM: 11:30 A.M. (Video-Conferencing to Truckee)

48. Resolution authorizing the creation of a Recovery Zone under the provisions of the American Recovery and Reinvestment Act of 2009 for the purpose of issuing Recovery Zone Economic Development Bonds, designating the local suballocation of the volume cap with respect to the Recovery Zone Economic Development Bonds to the Town of Truckee, and related matters. (Dist. V)

ACTION TAKEN: Chairman Weston introduced the agenda item.

Supervisor Owens stated that he is requesting the Board to support this resolution on behalf of the Town of Truckee. This is not a bailout or a handout. It is a financing mechanism. The American Reinvestment and Recovery Act (ARRA) amended the Internal Revenue Code to create two methods of federally-subsidized financing available to local governments of a particular size for economic development bonds and for facility bonds. This particular pool of funding is for larger municipalities, larger than that of the Town of Truckee, City of Grass Valley or the City of Nevada City, to finance certain qualified economic development purposes, but to be done so in areas that are designated as a Recovery Zone. Nevada County has been designated to receive a volume cap allocation of slightly over \$3.3 million under the ARRA. Because Truckee does not meet the population requirements, but the County does, the County can submit for access to these financing mechanisms and suballocate to a municipality located within the County. The Town has been working for many years on relocating its Corporation Yard. Land acquisition is complete, design engineering and CEQA requirements have all been met, and this is a project underway ready to go. It qualifies for use of these financing mechanisms. He requested the Board find Truckee to be a Recovery Zone area. The volume of construction activity in Truckee has decreased tremendously. The Town is suffering economic difficulties in the construction-related area, in the retail taxable sales area, as well as in the reassessment of property values, and meets the intended purpose of these funding mechanisms within ARRA. It is important to point out that in discussions with the cities of Grass Valley and Nevada City, the cities opted out because they would not have projects far enough along that would meet the qualifications with a deadline of January 1, 2011. Supervisor Owens also pointed out that the Jail expansion is also too far down the road to access these funding mechanisms. He requested the Board's support of sponsorship of the bond funding mechanism on behalf of the Town of Truckee for the Corporation Yard.

Mr. Tony Lashbrook, Truckee Town Manager, reiterated that the Town has worked with both cities and the County, and the bottom line is that they are not in a position to borrow money. The Town will probably blend the conventional tax-exempt financing and the Recovery Zone bonds to fund the Corporation Yard. The Town is in a position to borrow money to build this facility and ready to move forward. He pointed out that Grass Valley and Nevada City were not in a position to borrow money for capital facilities at this point in time and deferred this pot of potential borrowing to the Town of Truckee.

Board discussion ensued.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to adopt Resolution 09-406, authorizing the creation of a Recovery Zone under the provisions of the American Recovery and Reinvestment Act of 2009 for the purpose of issuing Recovery Zone Economic Development Bonds, designating the local suballocation of the volume cap to the Town of Truckee for the Corporation Yard project. On a roll call vote, the motion passed unanimously.

Following a short recess, Chairman Weston called the meeting to order.

PUBLIC COMMENT: 11:45 A.M. (Video-Conferencing) No public comment received.

***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: Supervisor Scofield invited everyone to attend SEDCorp's 40-year celebration at the Ridge Golf Course on September 2, 2009. He announced that he attended a meeting at the schools regarding the elimination of school bus service in the Lake of the Pines area. Another community meeting is scheduled for later this month perhaps opening up more area for pedestrians outside Lake of the Pines for walking to school. He commented that the Ad Hoc Visitor's Committee appointed a subcommittee who spent a lot of time reviewing the applications to come up with recommendations and at the Ad Hoc Visitor's Committee meeting, the three members that were not a part of the subcommittee did not support the recommendation. The recommendation is being sent to the full Board of Supervisors for review in September. He attended a Highway 49 Safety Committee meeting, and they are going to start meeting quarterly. He also attended a CSAC conference on "Rebuilding California Government from the Bottom Up," which he found interesting. Supervisor Scofield mentioned that tomorrow is the opening of the Nevada County Fair and invited everyone to attend, especially for the opening ceremonies where he will get inducted into the Hall of Fame and his family will be recognized as Family of the Year.

Supervisor Owens commented that he met with the Mountain Area Preservation Foundation to discuss issues of common interest, spoke to the Day Break Club that meets monthly in Truckee, and met with a Donner Summit group that wants to recognize Donner Summit in a little different way. He will be working with Caltrans on signage issues and Old 40/Donner Pass Road issues. He also had a meeting with Placer County District V Supervisor Montgomery on issues that are common to the eastern parts of Placer and Nevada Counties. Supervisor Owens also mentioned that he is co-sponsoring with the Sierra Business Council, former Truckee Mayor Mai Schneider, and Supervisor Montgomery, a Constitutional Convention Forum that will be held in the eastern county later this month.

End Tape #09-34

Supervisor Beason reported that he attended many ad hoc meetings and constituent meetings. He announced that the Constitution Day Parade is coming up in Nevada City on September 13, 2009 and the Rotary Duck Races along with the civil war reenactment on September 12, 2009.

Supervisor Spencer reported that he attended a NoRTEC meeting in Oroville and found there is quite a bit of money available here now for trying to get people employed. He pointed out that the unemployment figures are probably higher than calculated if the people that are not collecting unemployment are taken into account.

Recess for lunch: Chairman Weston recessed for lunch at 12 noon.

AFTERNOON SESSION: Chairman Weston called the meeting to order at 1:30 p.m.

SCHEDULED ITEM: **1:30 P.M.** Planning Director, Jory Stewart

49. Public hearing to adopt Ordinance Amendment 09ORD-005; a County-initiated amendment to the Subdivision Ordinance, Chapter IV of the Land Use and Development Code. The Ordinance Amendment would allow supplemental data required for subdivision and parcel maps to be recorded on 8 ½ x 11 sized paper and proposes to update references and clarify language throughout the Ordinance.

Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061.

(Waive Further Reading/Adoption) An Ordinance amending Chapter IV, Subdivision Ordinance, of the Land Use and Development Code of the County of Nevada to allow supplemental data required for subdivision and parcel maps to be recorded on 8 ½ x 11 sized paper and to make additional modifications to update references and clarify language.

BACKGROUND:

Board Order 08-07 directed the Planning Department, in consultation with the County Surveyor and County Counsel to review the appropriate County codes and ordinances and provide recommendations for code amendments to create a revised process for supplemental data recordation with parcel and final maps. One reason for the desire to revise the process is due to the fact that supplemental data required to be recorded with a Final Map includes, among other things, natural resources such as oak trees, oak groves, water courses, wetlands and other living features. Over time these natural features can change due to natural events such as fire and/or natural life cycles of trees growing and dying and waterways changing courses. If a map contains depictions of resources that have changed in size shape or location the information on the recorded map becomes inaccurate and development of the parcels can be impacted. The recorded map dictates the location of new development so an accurate reflection of the resource constraints on the map is crucial.

The Planning Department, County Surveyor and County Counsel has reviewed Chapter IV of the Land Use and Development Code which is the Subdivision Ordinance and has drafted an amended version of the Ordinance that will allow supplemental data to be recorded on 8 ½" x 11" sized paper as an alternative to full size 18"x 26" plan sheets. This will allow amendments to supplemental data to be made by recording revised and updated 8 ½" x 11" sheets of paper rather than drawing a new map that requires substantial technical data. This will reduce the costs associated with revising maps and will allow for a simpler process to depict accurate information on maps should supplemental information require modifications. It should be noted that regardless of the size of paper used to describe changes, the document must be clearly legible or it cannot be recorded. It is likely that 8 ½" x 11" paper will only be feasible for text and not graphics.

Additionally, the Subdivision Ordinance has been clarified to describe the process for allowing alterations to a recorded map through an Amended Map process or a Certificate of Correction process. Both processes will allow supplemental information or information on the map itself to be modified in accordance with the Subdivision Map Act. The process for an Amended Map and a Certificate of Correction to revise a recorded map and/or the supplemental data will not change and may still require consideration and approval by the jurisdictional body that approved the original map. If the proposed amendments are substantial and affect conditions of approval or mitigation measures a public hearing process would be required, however, if the changes are minor and technical in nature a public hearing may not be required. The requirements for changes and public hearings are governed by the Subdivision Map Act and will be determined on a case by case basis. In any event, the proposed

language amendments and clarifications make it clear that a process exists to revise recorded maps without the need to file a complete new Final Map.

County Counsel has drafted an amended Subdivision Ordinance in consultation with the County Surveyor, County Recorder and County Planning staff that outlines and clarifies the process for recording supplemental data on 8 ½" x 11" paper and the process for making changes to a recorded map through the Amended Map process or the Certificate of Correction process. Additional amendments to Chapter IV are also proposed as discussed below.

STAFF COMMENT:

The primary amendments to Chapter IV of the Land Use and Development Code are proposed in Sections 2.16.B-D (Final Maps), 2.17.B-D (Parcel Maps) and 2.18 (Corrections and Amendments). Language is proposed that clarifies the supplemental data requirements and adds provisions that allow the supplemental data to be recorded on 8 ½ x 11 sized paper. Language to these sections has also been added that clarifies that modifications to recorded maps can be accomplished through an amended map process or a certificate of correction process in accordance with the Subdivision Map Act.

Another proposed amendment would remove the distinction between tentative final maps and tentative parcel maps since these terms are not used in the Subdivision Map Act. Sections L-IV 2.12 and L-IV 2.13 were found to be duplicative and have been combined into one section that covers all Tentative Maps. Originally, the two sections addressed Tentative Final Maps and Tentative Parcel Maps separately, however, the language in each section was identical. Section L-IV 2.12 is proposed to remain and cover all Tentative Maps, while section L-IV 2.13 is proposed to be repealed.

Section L-IV 1.6 (Appeal by Interested Person) has been modified to remove the term "as defined in this chapter", because the preceding term, "interested person", is not defined in the Subdivision Ordinance.

Section L-IV 1.3 (Prohibition of Penalty) has been modified to reference updated language in the Subdivision Map Act. The existing Ordinance references language that was changed in 1982.

Section L-IV 2.16.A.6.e (Form and Content of Final Maps) is proposed to include the term "dashed lines" as the required method to show easements of record on maps. The existing language did not specify the method to show easements. The new language will allow the preparers of Final Maps to show easements in the correct form, thereby reducing the potential for corrections on a map filed for recordation.

Section L-IV 2.16.B.1.a (Supplemental Documents) is proposed to be amended to replace the term "Subdivision Agreement" with "Improvement Agreement" because this term is consistent with language in the Subdivision Map Act and Section L-IV 3.9. The requirements of the "Improvement Agreement" do not change, only the term is updated for clarification and consistency purposes.

Section L-IV 2.19.F (Final Map Submittal for Checking) is proposed to be amended to replace the term "Traverse Sheets" with the term "Mathematical closure calculations" since this is the standard language that the County uses.

Numerous other amendments are proposed to Chapter IV, Subdivision Ordinance. However, these changes are primarily corrections to form, grammar and references to outdated departments (i.e. Department of Public Works replaces Department of Transportation and Sanitation). These amendments are minor in nature and do not affect the content or requirements of the Subdivision Ordinance. All of the proposed changes are shown in Attachment 3.

SUMMARY:

The proposed amendments to the Subdivision Ordinance would clarify the process needed to modify a recorded map and allow supplemental information to be recorded on 8 ½" x 11" sized paper, provided it is clearly legible, as an alternative to 18" x 26" map sheets. The other amendments would update the document with the most current references to code sections and County departments and would clean-up formatting and grammatical errors. The proposed amendments do not substantially change the map recordation process or require any additional information or process steps for map approval or recordation. The proposed amendments are found to be exempt from CEQA and staff recommends approval of the revised Chapter IV, Subdivision Ordinance shown in Attachment #2.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Board of Supervisors take the following actions:

- I. Find the project categorically exempt from CEQA pursuant to section 15061.
- II. Adopt Ordinance Amendment ORD09-005 amending the Subdivision Ordinance, Chapter IV of the Land Use and Development Code to allow supplemental data required for subdivision and parcel maps to be recorded on 8 ½ x 11 sized paper and additional modifications to update references and clarify language.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Mr. Brian Foss, Principle Planner, reviewed the staff report.

Supervisor Spencer explained why the request was made to change the size of the supplemental data sheet, believed the changes will benefit the County and the general public by being able to make the changes quicker and in a less expensive way, and he supported the change.

Board questioning ensued.

Chairman Weston opened the public hearing.

Mr. Greg Diaz, Clerk-Recorder, supported the ordinance amendment. He clarified that legibility goes towards a document being photographically reproducible. These documents are scanned for future generations and he wanted to make sure that after a document has been scanned, it is readable. He also noted that any document being presented for recording that has supplemental data, or is an amendment, must reference the original document. He did not know whether the wording needed to be in the ordinance, but it is in statute and very important that the supplemental data references the book and page of the map so that citizens can find the original document to see what the supplemental data is talking about. Ms. Jory Stewart, Planning Director, did not believe the wording is necessary in this document because it is referenced on both the face sheet of the originally recorded map and again on the supplemental data. Mr. Tom Martin, County Surveyor, stated that he is aware of the statutory requirement that the certificate of correction or the amended map make reference to the map that it is correcting or amending. Mr. Diaz reiterated that if the recording reference is not on the document being submitted for recording, the Recorder's office is going to reject it.

There being no further public testimony, Chairman Weston closed the public hearing.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Scofield, to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and waive further reading and adopt Ordinance 2295, and cancel Board Order 08-07.

DEPARTMENT HEAD MATTERS: (Continued)

Planning Director: Jory Stewart

51. (Second Reading/Adoption) An Ordinance amending Section L-II 1.3D Chapter II, Land Use and Development Code of the Nevada County Code, to establish the “AG-X-SP” General Agricultural with the ‘X’ and the Site Performance Districts for Len and Nancy Stevens (Z05-001). (Dist. IV)

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Stephanie Wagner, Planner Associate, explained that this item is a second reading of an ordinance. The first reading of the ordinance occurred in 2005. This is a second reading for an “X” zoning to be attached to a parcel map that created parcels that averaged density. Typically when a parcel map is approved with a rezoning attached, a first reading is held to provide assurances to the property owner that he should proceed with his map, and later, when the map is ready to record, the second reading is held.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, to adopt Ordinance 2296. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEM: 1:45 P.M. Planning Director, Jory Stewart

50. Public hearing to consider the adoption of an Urgency Ordinance to place a temporary moratorium on the legal establishment and operation of medical marijuana dispensaries in the unincorporated area of Nevada County, pursuant to Government Code Section 65858.

Find that the Urgency Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2) and 15060(c)(3).

(Waive Further Reading/Adoption) An Urgency Ordinance adopting a temporary moratorium on the legal establishment and operation of medical marijuana dispensaries in the unincorporated area of Nevada County, pursuant to Government Code Section 65858.

BACKGROUND:

California, along with several other states, has implemented programs that allow people with certain conditions to use marijuana for medicinal purposes. Specifically, California’s Compassionate Use Act of 1996 (“the Act”) (approved as Proposition 215 and codified as Health and Safety Code Section 11362.5) permits the use and cultivation of marijuana for medicinal purposes, while the Medical Marijuana Program (SB 420) established a voluntary medical marijuana identification card program and allows cities and counties to adopt and enforce regulations consistent with SB 420 and the Compassionate Use Act.

Based on preliminary research on the impacts of medical marijuana dispensaries, the County has found that other jurisdictions in California which have permitted the establishment of medical marijuana dispensaries have at a minimum experienced an increase in crime, such as burglary, robbery and sale of illegal drugs in the areas immediately surrounding such medical dispensaries.

This is further supported by a “2009 White Paper on Marijuana Dispensaries by the California Police Chiefs Association’s Task Force (*Attachment 2*)” and by the Nevada County Sheriff’s Office. In his July 21, 2009 memorandum to the Planning Department, the Nevada County Sheriff, Keith Royal provides a 5-year local history of criminal activity in Nevada County related to marijuana and a list of potential other adverse secondary impacts in the immediate vicinity of dispensaries (*Attachment 3*). Sheriff Royal strongly recommends to the Board that the County take steps to ban these types of

businesses within the un-incorporated portions of Nevada County. The Nevada County District Attorney, Cliff Newell has also weighed in on this issue and finds that: "There is no urgent need for the County to enact an ordinance authorizing a dispensary... There is however a need to proceed with caution as a decision either way will have long term ramifications for the citizens of Nevada County (*Attachment 4*)."

The County has not adopted rules and regulations specifically applicable to the establishment and operation of medical marijuana dispensaries and therefore, the lack of such controls may lead to a proliferation of dispensaries and the inability of the County to regulate these establishments in a manner that will protect the general public, homes, and businesses adjacent to and near such businesses, and the patients or clients of such establishments. Due to potential impacts of unregulated medical marijuana dispensaries, the Planning Department, County District Attorney and the Nevada County Sheriff are recommending that the Board adopt the attached urgency ordinance pursuant to Government Code Section 65858.

California Government Code Section 65858 authorizes cities and counties to adopt an urgency ordinance, to protect the public safety, health, and welfare, after a noticed public hearing, that prohibit land uses which are in conflict with a contemplated General Plan, Specific Plan, or zoning proposal that the legislative body, Planning Commission or the Planning Department is considering or studying or intends to study within a reasonable timeframe.

If approved, the urgency ordinance will take effect and be in force immediately for a period of forty-five (45) days from and after its passage, unless extended by the Board. Government Code Section 65858 requires at least a four-fifths (4/5) vote by the Board of Supervisors for the Urgency Ordinance to be approved.

ACTIONS FOR CONSIDERATION:

After conducting a public hearing, Staff recommends that the Board of Supervisors take the following actions:

- I. Find that the attached Urgency Ordinance is exempt from environmental review under the California Environmental Quality Act Guidelines Section 15060(c)(2) and 15060(c)(3).
- II. Adopt the attached urgency ordinance placing a temporary moratorium on the legal establishment and operation of medical marijuana dispensaries in the unincorporated area of Nevada County, pursuant to Government Code Section 65858.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Jory Stewart, Planning Director, read the title of the ordinance into the record.

Supervisor Beason asked for Mr. Michael Jamison, Interim County Counsel, to explain the legality of these establishments. Mr. Jamison believed the discussion he had with Supervisor Beason yesterday was whether dispensaries, as they are commonly operated, are legal under California law. This is discussed in the white paper as part of the Board packet. The issue is that dispensaries, as commonly operated, normally do not meet the criteria of being a primary caregiver for the person to whom the marijuana is furnished, and that is the requirement under California law. In order to come within the immunities of the Compassionate Use Act, you would have to be a primary caregiver. A primary caregiver is defined by law and interpreted by courts essentially as assuming consistent care for the health of the patient that you are furnishing this to. It is possible to operate a dispensary in some manner that meets the standard of being a primary caregiver, but he believed the common observation is that in most dispensaries, the operator furnishing the marijuana to the person with the recommendation normally would not meet the criteria for being considered a primary caregiver. As such, they do not have the benefit of the immunities in the Compassionate Use Act.

Chairman Weston opened the public hearing for public testimony.

Sheriff Keith Royal, Nevada County Sheriff's Office, stated that law enforcement officials, both in the District Attorney's Office, Cal Chiefs, and State Sheriffs, have done a great deal of evaluation of the issue of dispensaries within their communities. He has submitted his white paper, so to speak, of some of the issues the Sheriff's Office has faced and his recommendation. The reality is that statewide, where dispensaries have been established, consistently there has been an increase in robberies, burglaries, and a variety of other associated crimes in those jurisdictions. Last year in Nevada County there were 140 incidents involving marijuana. Those instances have resulted in major assault and batteries with serious injuries, home invasions, robberies, and murders. He cannot say that Nevada County is immune from these types of incidents. Nevada County has faced a number of these issues. The problem Nevada County faces in bringing a dispensary into the community is there will then be a location that can be targeted more specifically. At a time when the County has limited resources, he did not know if that would be a good move. He looked at the quality of life issues within the community and where dispensaries have gone. Individuals who come from other communities loiter around, try to sell or buy marijuana from would-be patients coming in or try to rob them. There is increased traffic and there have been significant impacts on other businesses that might be in the surrounding area. He believed this would be a bad move for Nevada County, and there would be negative impacts ultimately because there is a dark reality to what happens when there is a dispensary within a community. He recommended the Board move forward with a moratorium.

Chairman Weston pointed out that Attorney General Brown has issued different guidelines that generally find marijuana dispensaries to be "unprotected and illegal trafficking enterprises except in the rare instance that one could qualify as a true cooperative under California law," which is a change in the previous Attorney General's write. Sheriff Royal agreed, but believed in light of that, consideration must also be given to what was offered by Counsel about being a primary caregiver.

District Attorney Clifford Newell, Nevada County Office of the District Attorney, firmly believed the Board should pass a short-term moratorium and in the process of studying the issue potentially through the Planning Department, a long-term moratorium, and/or more restrictive policies throughout the County as far as marijuana growth goes. To be clear, he does not oppose necessarily the use of medicinal marijuana, but what he vehemently opposes is outright retail sale of marijuana. It is against State and Federal law. In the rare occasion that Counsel and the Sheriff spoke to, that the person would be doing it in a non-profit fashion, it typically is done in the form of a small cooperative collaborative effort between people who can grow or do not have property and do have property, and have medicinal needs. He noted that he, Sheriff Royal, and other law enforcement agencies in the County have expanded their Memorandum of Understanding as far as whom the District Attorney's Office would prosecute, who the Sheriff's office would arrest or not arrest, and it remains liberally and readily available throughout the County. Based on the resources and the efforts that Sheriff Royal's office spends in trying to curtail the illicit marijuana growing for sale throughout the County. It is a tremendous sponge and waste of resources at times and he would like to see further action taken on this initiated through the Planning Department. There are quality of life issues that revolve around ready availability of marijuana and so-called dispensaries. Even though the Attorney General's guidelines show that there is some small exception that would allow sales or distribution, to do it in a large fashion with hundreds, if not thousands of members, it would fall almost always strictly outside of the law. Marijuana proponents acknowledge the majority of dispensaries in California, and NORML (National Organization for the Reform of Marijuana Laws) acknowledges they are operating outside of the law only when law enforcement and local Boards of Supervisors allow it. He did not suggest Nevada County goes to that end. Ultimately, if the Board chooses to go towards an ordinance that allows some sort of limited access, he will make himself available and offer opinions, but it is a legislative process that he will not try to inhibit too much.

Supervisor Spencer asked why marijuana is not dispensed in a drug store by a regular pharmacist if there are medical benefits to the use of marijuana. Mr. Newell replied that it is not dispensed in a drug store because it is still against the law federally and will probably remain so, notwithstanding the current movements in both the House and Senate to ease up on federal law in regulating the States.

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The bottom line is that most all of the medical associations say that there is some potential medicinal use for marijuana or the cannabinoids found in marijuana; however, the tradition of smoking it is counter-productive and not a good delivery system for medicinal purposes. The general belief is that the medical part of the marijuana could better be distributed through patches, tinctures, and oils, etc., but this will not happen without the Federal Government easing up and the FDA getting involved, etc., so it is done through a drug store.

Ms. Pearl Bernard, local individual, did not understand if marijuana was illegal to dispense through drug stores, why it should be opened up to the public through a dispensary. She asked if Hospice could act as a primary caregiver and dispense marijuana with the right kind of prescriptions. Chairman Weston recalled that the white paper indicated that if Hospice was approved, Hospice would be considered to be a primary caregiver.

Mr. Ralf Swenson, Superintendent of the Nevada Joint Union High School District, reminded the Supervisors that the schools are asked to try to continue providing a safe drug-free learning environment. The schools have drug intervention programs, counseling programs, and a number of people on the campuses assigned with the responsibility of watching for elicit inappropriate activities that would disrupt the learning process in the schools. As the presence of any elicit activity increases in the community, it washes over into the public school grounds, and therefore creates more of a challenge for the schools and has a negative impact on the educational experience of the young people attending schools. The school's first commitment is to try to continue to keep anything that detracts from a young person's development intellectually and takes away from the energy that the school might be able to commit to the person in terms of expanding the person's capacity for success later in life. Yet, even in spite of all the efforts, the schools continue to see marijuana and other drug issues appear on their campuses. Last year in the Nevada Joint Union High School District there worked out to be about one suspendible offense per school day related to drugs or alcohol type issues. Young people often talk about the fact that the drugs are present in their homes and it is not difficult for them to take it with them to school or make it a part of their daily routine. He believed if the Board kept that in mind when making its decision, everyone will be better off.

Ms. Holly Hermansen, Superintendent of Schools, supported Mr. Swenson's comments. She stated that the schools collect a tremendous amount of data and studies that verify drug use among youth in Nevada County is at a very high rate. She commented that the youth report they have easy access to drugs, and it is often in their own homes or the homes of family friends, and that is a high level of concern to the schools. Another area of concern is that there is a large number of youth in the community that do not believe that the use of drugs and alcohol, especially marijuana, are harmful. She was also concerned about the ease of getting a prescription. They have heard many stories from students and families throughout the years how easy it was for them to get a prescription for medical marijuana. The County office recently received a Federal grant, over \$5 million over a four-year period. The primary components of the grant are to address the issue of youth using drugs and alcohol in the community. She wanted to make sure that everyone works together in making the appropriate decisions.

Mr. Cloyd Odell, Nevada City resident, indicated he has lived and worked in Nevada County for 30 years and then he had a stroke. There are clubs open everywhere, and he supported opening up a club in Nevada County.

Mr. Chris Newell asked if there was anything in the proposed ordinance that would stop young people from going to the dispensary and asking someone to buy marijuana for them. Sheriff Royal replied it would be very difficult to stop that from happening.

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

Board discussion ensued.

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Supervisor Beason noted he was going to support the moratorium and suggest that Planning staff move forward into a partnership with County Counsel, the District Attorney, and the Sheriff, during the 45-day period. He believed planning is involved and this is a lot bigger issue than land use issues.

Chairman Weston asked what happens at the end of the 45-day moratorium. Ms. Stewart replied that the Board can choose to extend the moratorium. Mr. Tyler Barrington, Senior Planner, indicated the moratorium can be extended up to 10 months and 15 days. Chairman Weston noted that 10 months and 15 days on top of the 45 days comes up to one year. Ms. Stewart concurred. Chairman Weston assumed that at the end of the 45 days, Planning staff, the Sheriff, and the District Attorney will return with a status report. Ms. Stewart concurred and added that the Board at that time can decide whether to extend the moratorium or consider what material they bring forward to the Board. During the moratorium Planning will be working with the Sheriff and the District Attorney on a draft ordinance regulating the prospect of a dispensary or further moratorium. At this point they are seeking direction of the Board, and she believed that has been clearly given. Supervisor Spencer believed that during the moratorium staff would explore allowing dispensaries and the ordinances to make that happen or prohibit dispensaries, and present both sides to the Board. Ms. Stewart agreed to present both sides.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, to find the Urgency Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines and adopt Ordinance 2297, placing a temporary moratorium on the legal establishment and operation of medical marijuana dispensaries in the unincorporated area of Nevada County. On a roll call vote, the motion passed unanimously.

Following a short recess, Chairman Weston called the meeting to order.

County Executive Officer: Richard Haffey

52. Approval of Board of Supervisors Responses to the 2008/09 Nevada County Civil Grand Jury Report, "County Code Enforcement – A Continuing Concern."

ACTION TAKEN: Ms. Laura Matteson, Assistant County Executive Officer, introduced the agenda item, noting the responses are the Board's draft responses. This is the Board's opportunity to review and comment on those responses. There are four findings staff has been unable to comment on because the case that the Grand Jury references is one that has not been identified for staff.

Board discussion ensued.

Supervisor Owens was disturbed with the sentence, "The Board should also direct staff to develop a plan for the approval and implementation of the proposed Administrative Citation Ordinance." The response stated that the plan will be implemented within the year and this is already August. He asked if the reality was that something would come back to the Board of Supervisors before the end of this year. Mr. Steven DeCamp, Community Development Agency Director, replied that he believed there is a very real possibility that it will be back to the Board before the end of the year. Staff has made great strides in the last 30 to 45 days on the development of the Administrative Citation process.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Beason, and passed unanimously, to approve the responses.

53. Review and approval of the status and prioritization of the 2009 Board of Supervisors Objectives adopted in February 2009.

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Laura Matteson, Assistant County Executive Officer, commented that she received responses from different Department Heads on the different objectives that apply to their department and their responses are before the Board. This is the Board's opportunity to review those responses and the prioritization status of these items.

Board discussion ensued.

Supervisor Owens would like to keep the OHV impacts to the County on the list with no status change. It is a big issue and he believed a little work might need to be done on trying to get their arms around an appropriate approach to the problem. It is a very complex issue.

Chairman Weston asked how the Planning Department was doing with developing boundary MOU's with adjoining counties. Supervisor Owens replied that he has been lobbying one or two of the members of the Placer County Board of Supervisors to move that along. Ms. Jory Stewart, Planning Director, replied that part of the impetus for the boundary MOU was the Royal Gorge Development. If Royal Gorge were to come in with an application packet today, it would be five years before the public hearing process because of environmental impact report requirements. So, because staff resources are down and there has been a change in the economy and other priorities, this has not been at the top of Placer County's list. However, it is still on their radar screen and Planning staff still has quarterly meetings with the their CDA Director to discuss the status of the mutual boundaries with regards not only to Royal Gorge, but any other occurrences along that boundary. Staff is also in touch with Sierra and Yuba County, but not so much because of the lack of activity. At this point there has not been a need or a nucleus to move forward with the MOU. Supervisor Owens stated that he would still like to push for the MOU because there are other emerging reasons, particularly in the eastern county, why such an MOU might be a benefit to Nevada County and the residents of Truckee, in addition to those on the Summit. Ms. Stewart replied that staff can concentrate on those areas. Chairman Weston believed the MOU put together for LAFCo, even though it was generated by the interest of Royal Gorge, turned out to be more of a general MOU where the counties will talk to each other and keep each other informed, advise each other of certain conditions and time limits, and meet at least once a year. Ms. Stewart indicated she could consult with LAFCo and pattern something similar, so they agree on a procedure and modify it as necessary when staff receives more details on Royal Gorge.

Supervisor Beason suggested that one of the objectives the Board might want to think about putting on the list in January is regionalization or consolidation of services because he believes life has changed in local activities. Whether people would want to cooperate with the County or not, he did not know, but the opportunity with Grass Valley might be a good start.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Owens, and passed unanimously, to approve the continuation of the status and prioritization for 2009.

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ADJOURNMENT: There being no further business, Chairman Weston adjourned the meeting at 3:05 p.m.

End Tape #09-35



Hank Weston, Chairman

ATTEST:

CATHY R. THOMPSON
Clerk of the Board

By: Donna Landi
Deputy Clerk to the Board