



COUNTY OF NEVADA COUNTY EXECUTIVE OFFICE

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NEVADA COUNTY BOARD OF SUPERVISORS BOARD AGENDA MEMO

MEETING DATE: August 9, 2022

TO: Board of Supervisors

FROM: Alison Lehman, County Executive Officer

SUBJECT: (Introduce/ waive further reading/ adopt) Urgency Ordinance adding Article 9 to Chapter V of the Nevada County General Code imposing a one-half cent (0.5%) “Nevada County Wildfire Prevention, Emergency Services and Disaster Readiness Transactions and Use Tax” for critical emergency services and other general government use; and Resolution calling for an election to submit to the voters of the County the Ordinance, and consolidating the election with the November 8, 2022 General Election (4/5 affirmative vote required)

RECOMMENDATION:

- (1) Introduce, waive further reading, and adopt the attached Urgency Ordinance; and
- (2) Approve the attached Resolution calling for an election to submit to the voters of the County the Ordinance, and ordering consolidation of the election with the November 8, 2022, General Election.

FUNDING:

The County Registrar of Voters estimates that the cost to print the measure in the November 2022 General Election Voter Information Guide is approximately \$11,000 to be paid by the General Fund. A budget amendment will be included if needed in a consolidated budget amendment.

If the measure is approved by voters, funds would come from a one-half percent transaction and use tax (commonly referred to as a sales tax). Twelve million dollars is estimated to be generated annually through the sales tax for uses consistent with the expenditure plan.

The funds would be subject to a number of actions for the sake of accountability and transparency: a citizen oversight committee will report on revenue and expenditures; fund accounting with revenues, expenditures, and remaining funds to be clearly and transparently reported; inclusion in the County's audited Annual Comprehensive Financial Report; County contracting, purchasing, and budgeting practices; Technical Advisory Committee collaboration on annual funding priority recommendations; and all expenditures to be approved by the Board of Supervisors. This tax would apply to both residents and visitors, subject to various exemptions and exclusions for certain categories of expenses.

BACKGROUND:

As wildfires become more frequent and more destructive, heat events become increasingly common, and climate uncertainties mean more risk of droughts, floods, and extreme weather events, Nevada County must be well prepared for ongoing natural disasters.

Of paramount importance to the Nevada County Board of Supervisors and the citizens of Nevada County is the ability to provide countywide emergency services to save lives, reduce the threat of wildfires, and improve all-hazards disaster readiness and evacuation safety.

With the recent wildfires, winter storm and other emergency events, the community has expressed concern about their safety. Therefore, it is vital to the County of Nevada that the County be able to provide sustainable funding to support emergency services in the categories of planning, preparedness, prevention, mitigation, response, and recovery, in addition to other general government services.

The proposed Ordinance is an urgency measure which, if adopted by a 4/5ths vote, will become effective immediately. California Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance "for the immediate preservation of the public peace, health, or safety" and pursuant to Government Code section 25131 may be passed immediately upon introduction at a regular or special meeting.

Since 2019, Nevada County has had several major wildfires, power shut-offs, drought and heat events, and major storms. The 2021 Winter Snowstorm downed large trees,

which knocked over powerlines, crashed through roofs, and blocked roadways. Thousands of residents were without power, water, communications, food, medicine, and fuel for many days, even weeks.

In Nevada County, residents live with the peril of wildfire that does not respect jurisdictional boundaries. With 92% of County households located in high or very high fire severity zones, residents have stepped up to “be ready” – taking initiative to clear brush on their property, harden their home, pack “go bags”, sign up for emergency CodeRED alerts, and know their evacuation “Zone.”

But with the increasing impacts of climate change and decades long build-up of brush and trees, residents are requesting community wide solutions to better protect Nevada County residents, homes, and businesses, and securing reliable, stable funding to make them a reality.

At the January 2020 Board Workshop, staff presented a 5-point plan to protect lives that included creating safer evacuation routes, improving early warning systems to reach everyone, increasing the reach of defensible space programs, coordinating planning, preparedness, and prevention efforts with partners, and investing in critical infrastructure such as water storage and green waste disposal facilities. At the time, staff calculated that the funding gap between current spending and what was needed to implement those programs exceeded \$10 million annually. The Board directed staff to “Engage stakeholders in developing a public safety evacuation and hazardous vegetation reduction tax measure to submit to the voters in November 2020” – but two months later the pandemic struck. Staff tabled stakeholder engagement to provide full focus on our COVID-19 public health response.

In October 2021, staff contracted with a public opinion research firm to explore Nevada County voter’s support for a locally controlled revenue measure and to gauge community perspectives and priorities. A total of 999 respondents participated in the survey, with 67.3% indicating support for the measure (margin of error +/- 3.07%). In June 2022, the firm conducted follow-up research to see if voter support or priorities had shifted in the current environment. This current research showed a statistically insignificant downward change of 1.3%. In both studies, voters showed preference for the following priorities among others:

1. Prevent wildfires
2. Reduce flammable brush countywide
3. Improve emergency evacuation routes
4. Improve enforcement of transient camping and fire safety laws
5. Maintain emergency communications and early warning systems

6. Help low-income seniors and disabled residents maintain defensible space around their homes

Respondents also placed a high priority on making the County eligible for more state and federal funding to address wildfire prevention. At the January 2022 Board Workshop, the Board again directed staff to engage stakeholders and residents in a needs assessment and identify a sustainable funding strategy. The Board renewed its Emergency Services objective, which reads:

Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal, and fire-safe land stewardship.

Needs Assessment process:

Following the Board's January 2022 direction, staff engaged key stakeholders in a needs assessment process to identify the gap between what each entity was doing now and what they thought needed to be done to make our community safer.

These stakeholders included the City of Grass Valley, City of Nevada City, Town of Truckee, Nevada County Consolidated Fire District, Truckee Fire Protection District, Nevada County Sheriff's Office, and County departments including the Community Development Agency, Health and Human Services Agency, and the Office of Emergency Services.

Additionally, staff solicited ideas and priorities from fire protection leaders including Nevada County Fire Chiefs Association, Nevada City Fire Advisory Committee, Fire Safe Council Board, Nevada County Coalition of Firewise Communities, Firewise groups and homeowners' associations, as well as several nonprofit leaders representing social services and conservation.

As a result, staff received 62 project ideas estimated at \$36 Million per year. Staff then conducted a financial analysis of each project idea before incorporating it into the draft expenditure plan (see Attachment 1).

Community engagement:

During this same period, staff reached out to residents to hear about the challenges they face with respect to natural disasters and to solicit feedback on their emergency services priorities.

Firewise groups included Darkhorse, Greenhorn, Lake Vera/Round Mountain, Lake Wildwood, Upper Rough and Ready, Scott's Flat Pines Road, You Bet, and the larger Nevada County Coalition of Firewise Communities.

Homeowner and neighborhood groups included Ananda, Cascade Shores, Forest Springs Mobile Home Park, Friends of Banner Mountain, Lake of the Pines Association, Ponderosa Pines, and Rattlesnake Ridge.

Business groups included the Grass Valley Chamber of Commerce / Grass Valley Downtown Association, Nevada City Chamber of Commerce, and Economic Resource Council Executive Committee.

Other entities included the Nevada City Fire Advisory Committee, Firesafe Council Board, Tahoe Truckee Community Foundation staff, Grass Valley Rotary, Penn Valley MAC, Penn Valley Rotary, Nevada County Contractors' Association, and Yuba River Public Safety Cohort.

OES staff tabled at numerous community events where attendees were asked to take the "Ready Nevada County: Preparing for the Future" survey, including the Children's Health & Safety & Wildfire Preparedness Carnival, Earth Fest, Grass Valley Thursday Night Market, Home and Garden Show at the Nevada County Fairgrounds, Lake Wildwood Firewise Festival, Nevada City 4th of July Parade, Nevada City First Friday Art Walks, and Nevada City Summer Nights.

Staff solicited resident opinions at neighborhood meetings, while tabling at community events, and through a brief online feedback tool at www.ReadyNevadaCounty.org/Future. As of July 28, 2022, over 984 respondents indicated a strong preference for 1) Prevent wildfires, 2) Reduce flammable brush countywide, and 3) Improve emergency evacuation routes.

Over 550 submitted comments about their priorities, indicating a strong alignment with the proposed measure. Sample comments included (edited for brevity):

“I live on a dead-end road, only one way in and out. The fires go so fast you might not get an evacuation warning fast enough. I live 4 miles from town and have lived at this place over 50 years.”

“Facilitate access to funding for small scale neighborhood projects (20 -100 acres) for fuel abatement and evacuation route maintenance.”

“Help middle to lower-income people maintain their property and harden their homes. These are hard things to fund when you must choose between tree trimming and food or daycare.”

“The county needs to provide a FREE YEAR LONG program to take green waste, not just a few weekends. This would help greatly promote fuel reduction for every homeowner in the county.”

“I want the Sheriff’s Department to be proactive in patrolling the South Yuba River Canyon in the Purdon Crossing and Edwards Crossing areas for illegal camping and fire activities by campers and transients.”

CEO Roundtable:

In April 2022, CEO Alison Lehman convened the CEO Roundtable, which included first responders, senior county and municipal staff, and community leaders. This group was invited to advise on the development of prioritized, advisory spending guidelines for a locally controlled revenue measure that would be coordinated and equitable, subject to approval by the Board of Supervisors.

The CEO Roundtable assisted with the development of a list of emergency services needs and gaps that fell into the categories of Planning, Mitigation, Response, and Recovery. Staff compiled those countywide needs and gaps into a draft expenditure plan (see “Expenditure Plan” below, and Attachment 1, Sample Budget and Narrative) for review and discussion over four working sessions.

The CEO Roundtable included CAL FIRE Chief Brian Estes; Sheriff Shannan Moon and Captain Robert Jakobs; Nevada County Consolidated Fire District Chief Jim Turner; Truckee Fire Protection District Chief Bill Seline and Deputy Chief Kevin McKechnie; Grass Valley City Manager Tim Kiser and Fire Chief Mark Buttron; Nevada City City Manager Sean Grayson; Truckee Town Manager Jen Callaway, OES Coordinator Robert Womack, and Public Works Director Dan Wilkins; County Agency Directors Steve Monaghan, Trisha Tillotson, and Ryan Gruver; former Supervisors Hank Weston and Ted Owens; former FREED Executive Director Ana Acton; Bright Futures for Youth

Executive Director Jennifer Singer; and Truckee Donner Land Trust Executive Director John Svahn. Staff from the CEO's Office, CDA, HHSA, and OES provided support.

The CEO Roundtable focused on identifying and prioritizing what projects and programs would have the most impact to improve community safety, preparedness, and most importantly, save lives.

It should be noted that while issues related to regional equity and direct funding allocations to the municipalities were discussed in the sessions, efforts to find consensus took place in subsequent and ongoing direct talks with the city and town managers and are reflected in the sections pertaining to regional equity below.

The CEO Roundtable discussions formed the basis for the prospective measure's purpose, guiding principles, target funding allocations, and expenditure plan described below.

Measure's purpose:

The purpose of the "Nevada County Wildfire Prevention, Emergency Services and Disaster Preparedness" measure is to save lives, reduce the threat of wildfires, and improve all-hazards disaster readiness and evacuation safety.

Guiding principles:

1. Prioritize projects and programs with maximum impact and likelihood to reduce risk and save lives
2. Focus on projects that improve evacuation safety
3. Embed shared services as a force multiplier in every item
4. Support neighborhood stewardship and readiness, especially of seniors and people with disabilities
5. Ensure accountability, transparency, and regional equity

Expenditure plan:

The CEO Roundtable developed a draft expenditure plan based on an estimated \$12 Million in annual sales tax revenue (see Attachment 1 for Sample Budget and draft Budget Narrative).

The draft expenditure plan included target allocations to serve as benchmarks for annual budget planning:

- Planning / Preparedness / Prevention 10% (\$1,200,000)

- Mitigation 65% (\$7,800,000)
- Response 20% (\$2,400,000)
- Recovery 5% (\$600,000)

The targets may vary from year to year depending on project readiness, fluctuations in sales tax revenues, opportunities to leverage grants with matching funds, and the need to be flexible in the event of a major disaster. Fund balances may be carried over when necessary to fund large-scale, multi-year projects such as a major fuel break project. The Recovery fund should be allowed to build over time to support large-scale efforts when necessary.

Based on the principle of shared services, the annual expenditure plan should reflect a commitment to coordination and collaboration with countywide partners. This would include convening partners for necessary all-hazards planning; advocating and seeking federal, state, and regional funding; contributing matching funds to support prioritized projects and programs; and providing coordinated public outreach/education and PIO communications.

Eligible projects and programs with shared benefits in each category may include, but are not limited to, the following:

Planning, Preparedness, and Prevention includes required countywide and municipal emergency plan development with regular updates to guide evacuation and all-hazards programs and projects; public education and outreach to residents and visitors to foster self-reliance, emergency preparedness, and evacuation planning; support for Firewise communities and neighborhoods; coordinated outreach to reduce wildfire risk by navigating unhoused people to shelter and services; and training and advocacy.

Mitigation includes countywide hazardous vegetation reduction projects using science-based treatment and maintenance best practices to remove flammable brush and other fuels along roads, around municipalities and residential communities, near critical infrastructure, in recreation areas and open spaces with trails, parks, and camping areas; public safety capital improvements and infrastructure projects such as public safety buildings, fire suppression and water storage systems, and heavy equipment; green waste disposal facilities and programs; evacuation safety route improvements such as removing fuels removal and constructing turnouts, roadway/shoulder widening, signage, etc.; defensible space and home hardening programs including education, enforcement, and abatement; and grants for neighborhood projects and programs such as expanded chipping programs and training programs, and financial assistance to low-income

seniors, people with disabilities, and other residents with access and functional needs.

Response includes support for wildfire prevention and response capabilities; local hand crews; emergency services communications capabilities including early warning and alert systems; sheltering support and capability improvements for people and animals/livestock; matching funds, grants, and loans; and first responder evacuation logistics support, tools, and training.

Recovery includes recovery coordination; case management to help those impacted by disasters; a recovery fund to address survivors' immediate needs; and a cleanup/debris management program to support rebuilding efforts.

Accounting and Auditing:

Revenue and expenses related to the measure will be recorded in the accounting system distinct from other revenues and expenses to allow for clear tracking and reporting across all County departments and programs. Unspent revenue will be tracked annually and added to cumulative balances that will be clearly delineated from other County funds.

Measure funds will be subject to the Annual Comprehensive Financial Report audit performed annually by an independent auditor.

Contracting:

The County is committed to being good stewards of public funds, including following purchasing policies which require multiple county reviewers of contracts to ensure equity and best pricing. This includes soliciting bids for projects through the Request for Proposals (RFP) process which ensures contracting with qualified vendors in good standing. The County will follow best practices in contract approval including Purchasing Agent and Board of Supervisors' approval. The measure funds will be entirely managed by the County through the annual budget approval process, which includes detailed multi-department and public review, and approval by the Board of Supervisors.

RFPs are listed on a dedicated public County webpage, and contracts and other expenditure details will be published on a dedicated County webpage to ensure transparency and accountability

To further ensure accountability and transparency, the Board of Supervisors will appoint a Citizens Oversight Committee (see below).

Funding to cities and town:

Funds from the measure are intended to serve the entire County, both its unincorporated and incorporated parts. The plan anticipates direct allocations to the County's municipal partners, and/or other eligible entities, to support fuels reduction projects, defensible space programs, and other eligible uses in the categories of preparedness, mitigation, response, and recovery, with allocations memorialized in a Memorandum of Understanding (MOU), subject to Board approval, and revocable only by the participating entities.

Regional equity:

The County is committed to the principle of regional equity and recognizes the unique public safety needs in western and eastern county. If approved by voters, the fund would provide for regional equity between western and eastern county ("eastern county" is defined as longitudinally east of the I-80/Hwy 20 junction).

The County's commitment to regional equity would be memorialized in a Memorandum of Understanding (MOU) between the County of Nevada and the Town of Truckee and/or other eligible entities, contingent upon voter approval of the measure.

The purpose of the MOU would be to memorialize funding commitments to support programs and projects serving eastern county residents. The calculation would be based on an aggregate value that includes direct financial allocations to the Town of Truckee and/or other eligible entities, direct benefits delivered and/or based in eastern county, and indirect benefits from shared services.

County allocations of the fund to eastern county would equal 25% of the total annual revenue for direct programs and projects in eastern county, and for indirect programs and services such as countywide planning, shared grant writing, emergency communications, outreach and education programs, etc.

Memorandum of Understanding:

Contingent on Board approval, the County would enter into a Memorandum of Understanding (MOU) with a municipality, special district, or other eligible entity to memorialize direct funding allocations for programs and services in any of the four categories listed above.

Citizens Oversight Committee (COC):

To ensure accountability and transparency, the Board of Supervisors would appoint a **Citizens Oversight Committee (COC)**. The Citizens Oversight Committee's roles and responsibilities would include reporting annually to the Board of Supervisors and public on the receipt and expenditures of Measure revenue, reviewing revenue and expenditures for conformity to the text of the Measure, and reporting any inconsistencies. (Measure funds would be subject to the Annual Comprehensive Financial Report audit performed annually by an independent auditor.) The COC would not weigh in on spending priorities nor direct staff or officials.

The COC would consist of seven members. Each of the five County Supervisors would appoint one member from their district. The full Board would select the two at-large members. The Committee would serve without compensation.

The Board would adopt a resolution regarding the qualifications and terms of the members, duties of the committee, and bylaws related to the conduct of committee meetings and business. Meetings of the committee would be open to the public and held in compliance with the Ralph M. Brown Act, California's open meeting law.

Technical Advisory Committee (TAC):

The County will establish an eastern and a western Technical Advisory Committee (TAC) comprised of subject matter experts, which in concert with approved plans, will recommend funding priorities as part of the County's annual budget cycle. TAC recommendations will be based on expertise, adherence to approved plans, tactical needs arising from emergencies, and commitment to cooperation and collaboration. The two TACs would meet jointly and separately. OES staff would support both components.

The TAC membership would have broad representation from both eastern and western county, including city and town managers, fire and law enforcement representatives, senior county staff, nonprofit and community leaders, etc.

The initial thinking for the eastern county component of the TAC envisions a seven-member group including the Town Manager, Truckee Fire Protection District Chief, and five at-large members, with at least three of the five representing the unincorporated parts of the county. These five at-large seats would be selected by the County Supervisor, Town Manager, and Fire Chief.

The initial thinking for the western county component of the TAC envisions an 11–14-member group including the city managers, emergency services and public works staff,

fire and law enforcement first responders, and community leaders from both the unincorporated and incorporated parts of the County.

OES staff would draft a TAC charter to establish guidelines related to the conduct of committee meetings and business, membership qualifications and length of terms.

Ballot question:

Contingent on Board approval, this is the question that would appear on the November 8, 2022, ballot:

To maintain critical County of Nevada services with locally controlled funding that cannot be taken by the State, such as:

- wildfire prevention / emergency preparedness;
- reducing flammable brush countywide;
- improving evacuation routes to save lives;
- preventing illegal campfires;
- helping seniors / disabled residents maintain defensible space;
- enhancing emergency communications, early warning / 911 response; and
- for general government use;

shall the County of Nevada measure establishing a ½¢ sales tax, until ended by voters, providing \$12,000,000 annually, with citizen oversight/audits, be adopted?

Therefore, staff recommends the Board:

Introduce, waive further reading, and adopt the attached Urgency Ordinance; and approve the attached Resolution calling for and ordering an election to submit to the voters of the County the Ordinance, and ordering consolidation of the election with the November 8, 2022, General Election.

Item Initiated by: Caleb Dardick, Assistant County Executive Officer

Approved by: Alison Lehman, County Executive Officer