



**Special Meeting of
Nevada City Council**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

WEDNESDAY	JANUARY 5, 2022	4:30 P.M.
CLOSED SESSION —Pursuant to cited authority, the City Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented during the regular meeting.		
CLOSED SESSION PUBLIC COMMENT: Members of the public are entitled to comment on the closed session agenda before the Council proceeds into closed session.		
A. Public Employee Appointment (§54957) Title: City Manager		

WEDNESDAY	JANUARY 5, 2022	4:30 P.M.
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MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Duane Strawser, Mayor

**Erin Minett, Council Member
Daniela Fernández, Council Member**

**Douglas Fleming, Vice Mayor
Gary Petersen, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

In order to minimize the spread of COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some or all of the City of Nevada City, City Council Members may attend this meeting telephonically.

To watch City Council Meetings live you have the follow options:

- 1. Public Television Channel 17*
- 2. City's website: <https://nevadacityca.gov/pview.aspx?id=20797&catid=563>*

3. *Nevada City Public Meetings, YouTube Channel:*
<https://www.youtube.com/channel/UCXSQwrXtey12YII3IbyGMYQ>
4. *Granicus:* http://nevco.granicus.com/player/camera/2?publish_id=7&redirect=true

If you wish to comment during Public Comment time or on any item on the agenda, you have the following options:

1. *Please click the link below to join the webinar and use the “RAISE HAND” feature at the bottom of your screen:*
<https://us02web.zoom.us/j/89009138474>
Webinar ID: 890 0913 8474

2. *Email your comments to nevadacitypubliccomment@gmail.com*
Comments will be accepted until 7pm on the Monday prior to the meeting date. Comments will not be read during the City Council meeting (due to virtual participation option above), but will be forwarded to all Council Members prior to the City Council Meeting, so they have time to read them before to the meeting time. When sending an email it is extremely helpful to include the following:
 - a. *Full Name*
 - b. *Address (specific or general, ie: resident in unincorporated Nevada City)*
 - c. *The item number that you are commenting on.*

CALL TO ORDER

NISENAN TRIBE RECOGNITION: This City Council Meeting Convenes On The Ancestral Territories Of The Nevada City Rancheria Nisenan Tribe

PLEDGE OF ALLEGIANCE

ROLL CALL

_____	Mayor Strawser
_____	Vice-Mayor Fleming
_____	Councilmember Fernández
_____	Councilmember Minett
_____	Councilmember Petersen

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Deputy City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit (or lesser time if the Mayor determines it necessary due to the number of persons who may wish to speak on an item). The Mayor similarly has the discretion of limiting the total discussion time for an item as may be necessary.*

ADOPTION OF THE AGENDA (This is the time for agenda modifications)

PUBLIC COMMENT: Government Code Section 54954.3 provides that any member of the public may address the City Council on any matter NOT ON THE AGENDA that is within the subject matter jurisdiction of the city. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on a future agenda. Please note that comments from the public will also be taken on each agenda item. At the time it is heard. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit (or lesser time if the Mayor determines it necessary due to the number of persons who may wish to speak on an item). The Mayor similarly has the discretion of limiting the total discussion time for an item as may be necessary.

CONSENT AGENDA: All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council or staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda

- 1. Consideration of Resolution 2022-01: A Resolution of the City Council of the City of Nevada City, California, Ratifying Proclamation No. 2021-02 Declaring an Emergency Due to the December 27, 2021 Snow Storm**
Recommended Action: Adopt resolution

ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

ADJOURNMENT

THE MEETING WILL ADJOURN AT 9:30 P.M. UNLESS A DECISION IS MADE BY MOTION OF A COUNCILMEMBER TO EXTEND THE TIME.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at 530-265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

Certification of Posting of Agenda

I, Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk for the City of Nevada City, declares that the foregoing agenda for the January 5th, 2022 Special Meeting of the Nevada City City Council was posted January 4th, 2022 at the entrance of City Hall. The agenda, along with staff reports, is also posted on the City's website.

Signed January 4th, 2022, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk

CITY OF NEVADA CITY
CITY COUNCIL STAFF REPORT

SPECIAL MEETING OF: January 5, 2022

Agenda Item No. 01

Subject: Consideration of Resolution No. 2022-01: A Date: August 20, 2021
Resolution of the City Council of the City of Nevada City,
California, Ratifying Proclamation No. 2021-02 Declaring an
Emergency Due to the December 27, 2021 Snow Storm

From: Joan L. Phillipe, Interim City Manager



Reviewed & Approved: City Manager:
City Attorney:

Recommended Action: Adopt resolution

ISSUE STATEMENT AND DISCUSSION:

On December 30, 2021, I issued, acting in my capacity as Director of Civil Defense and Disaster for the city, a proclamation declaring the existence of a local emergency due to the impacts of the December 27, 2021 snow storm.

This region, while it does occasionally snow, experienced a snow storm on December 27, 2021 that was significantly more severe than what is normally seen in the area. The impacts to the city included a large number of fallen trees and limbs blocking city streets and sidewalks creating safety hazards. Power was lost throughout the region with thousands still without power, including in the city limits. The resolution is needed to assure that the means exist to address situations as they arise as well as to be able to submit for reimbursement of costs incurred in addressing the storm impacts.

FINANCIAL AND/OR POLICY IMPLICATIONS:

None with the recommendation. Ratification of the resolution allows for the city to submit requests for reimbursement of costs associated with the storm through state and federal programs. Staff is in the process of making damage assessments along with cost estimates.

ENVIRONMENTAL CONSIDERATIONS:

None

ATTACHMENTS:

Resolution No. 2022=01
Proclamation No. 2021-02

RESOLUTION NO. 2022-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEVADA CITY, CALIFORNIA, RATIFYING PROCLAMATION
NO. 2021-02 DECLARING AN EMERGENCY DUE TO THE
DECEMBER 27, 2021 SNOW STORM**

THE CITY COUNCIL OF NEVADA CITY DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Manager, acting in her role as the Director of Civil Defense and Disaster is authorized to declare the existence of an emergency pursuant to Government Code section 8630 and Nevada City Municipal Code section 2.44.050(A)(1) when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), and 8630 authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the city of Nevada City on December 27, 2021 was inundated by a snow storm that created excessive amounts of snow in an area that generally does not receive much snow; and

WHEREAS, the impacts of the storm resulted in a large number of fallen trees and limbs blocking city streets and sidewalks creating safety hazards and damage throughout the city; and

WHEREAS, the entire city experienced loss of power due to Pacific Gas & Electric (PG&E) lines being torn down by the fallen trees and limbs and the weight of snow as well as many power poles being downed; and

WHEREAS, the loss of power affected over 8,000 residential and commercial customers in the city limits; and

WHEREAS, PG&E is not able to provide a specific timeframe for restoration of power indicating that it may take as long as to January 10, 2022 before power is restored throughout the city; and

WHEREAS, the conditions presented by this storm have taxed the city's small staff to the limit and conditions created by the storm are beyond the control, capacity and resources of the city's resources, services, equipment and facilities of the city; and

WHEREAS, those same conditions constitute and warrant a proclamation of the existence of a local emergency; and

WHEREAS, on December 30, 2021, the City Manager for Nevada City, acting in her capacity as Director of Civil Defense and Disaster, issued Proclamation No. 2021-02 declaring the existence of an emergency. A true and correct copy of this Proclamation is attached hereto and incorporated by reference.

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Nevada City as follows:

- A. The City Manager's Proclamation of an Emergency No. 2021-02 dated December 30, 2021, and orders contained therein, are hereby ratified.
- B. As contemplated in the Emergency Services Act contained in Government Code Section 8550, et seq., including Section 8558(c), and Chapter 2.44 of the Nevada City Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by the impacts of the December 27, 2021 snow storm as detailed in the recitals set forth above.
- C. The area of the City which is endangered/imperiled is the entire City.
- D. The City Manager, acting in her capacity as Director of Civil Defense and Disaster, is authorized to perform all duties as outlined in section 2.44.050 of the Nevada City Municipal Code to protect life and property for the duration of the Emergency.
- E. During the existence of this emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City.
- F. The following orders shall remain in effect for the duration of this Emergency:
 - 1. The orders and/or recommendations of the Director of Civil Defense and Disaster are deemed mandatory.
 - 2. The Emergency Waiver Provisions in the Memorandums of Understanding (MOU) for Management and Supervisory Employees and Miscellaneous Employees is invoked suspending the provisions of the City's Personnel Rules and MOUs as they relate to the City's ability to respond to this emergency.
- G. A copy of this resolution and the emergency proclamation shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Nevada City; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster

Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

- H. This local emergency shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency at least once every sixty (60) days until the City Council terminates the emergency.

PASSED, APPROVED AND ADOPTED this 5th day of January 2022.

Duane Strawser, Mayor

ATTEST:

Gabrielle Christakes, Deputy City Clerk

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney

PROCLAMATION NO. 2021-02

A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF NEVADA CITY,
CALIFORNIA, ACTING AS THE DIRECTOR OF CIVIL DEFENSE AND DISASTER,
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DUE TO THE DECEMBER 27, 2021 SNOW STORM

WHEREAS, the City Manager, acting in her capacity as Director of Civil Defense and Disaster for Nevada City, is authorized by Section 2.44.050(A)(1) of the Nevada City Municipal Code to declare the existence or threatened existence of a local emergency or disaster when the City is affected or likely to be affected by a public calamity; and

WHEREAS, as Director of Civil Defense and Disaster all of the authorities contained in Section 2.44.050(A)(1) are being invoked and activated; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), and 8630 authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the city of Nevada City on December 27, 2021 was inundated by a snow storm that created excessive amounts of snow in an area that generally does not receive much snow; and

WHEREAS, the impacts of the storm resulted in a large number of fallen trees and limbs blocking city streets and sidewalks creating safety hazards and damage throughout the city; and

WHEREAS, the entire city experienced loss of power due to Pacific Gas & Electric (PG&E) lines being torn down by the fallen trees and limbs and the weight of snow as well as many power poles being downed; and

WHEREAS, the loss of power affected over 8,000 residential and commercial customers in the city limits; and

WHEREAS, PG&E is not able to provide a specific timeframe for restoration of power indicating that it may take as long as to January 10, 2022 before power is restored throughout the city; and

WHEREAS, the conditions presented by this storm have taxed the city's small staff to the limit and conditions created by the storm are beyond the control, capacity and resources of the city's resources, services, equipment and facilities of the city; and

WHEREAS, those same conditions constitute and warrant a proclamation of the existence of a local emergency; and

WHEREAS, the Director of Civil Defense and Disaster finds that a declaration of a local emergency will assist in a coordinated public safety response to the stated storm event emergency to protect lives and property of the citizens of Nevada City and constitutes an emergency situation as set forth in California Government Code sections 8558 and 8630;

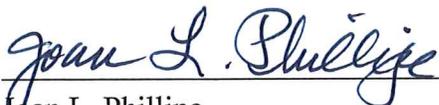
WHEREAS, Government Code Section 8630 authorizes the City Manager, in her capacity as Director of Civil Defense and Disaster, to declare the existence of a local emergency or disaster which shall go into immediate effect and remain in effect for 7 days until ratified by the City Council; and

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager, the Director of Civil Defense and Disaster for Nevada City, as follows:

- A. As contemplated in the Emergency Services Act contained in Government Code Section 8550 et. Seq., including Section 8558(c) and Section 2.44.050(A)(1) of the Nevada City Municipal Code, a local emergency exists based on the existence of conditions of disaster or extreme peril to the safety of persons and property caused by the December 27, 2021 snow storm as detailed above.
- B. The City Council shall review and ratify this proclamation within 7 days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- C. During the existence of this local emergency, the powers, functions and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions and orders of this City, including but not limited to Chapter 2.44 of the Nevada City Municipal Code.

- D. That the City of Nevada City orders that, within the boundaries of the City of Nevada City, the orders and/or recommendations of the Director of Civil Defense and Disaster be deemed mandatory.
- E. That the Emergency Waiver Provisions in the Memorandums of Understanding (MOU) for Management and Supervisory Employees and Miscellaneous Employees is hereby invoked suspending the provisions of the City's Personnel Rules and MOUs as they relate to the City's ability to respond to this emergency.
- F. That a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Nevada City; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

PROCLAIMED this 30th day of December 2021.

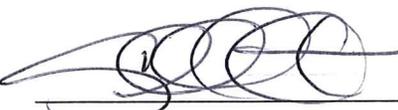


Joan L. Phillippe
City Manager
Director of Civil Defense and Disaster



Dean J. Pucci
City Attorney

ATTEST:



Gabrielle Christakes
Deputy City Clerk