

OFFICE OF THE COUNTY COUNSEL

COUNTY OF NEVADA

ALISON A. BARRATT-GREEN, COUNTY COUNSEL
AMANDA S. UHRHAMMER, ASSISTANT COUNTY COUNSEL
KATHRYN E. JACOBS, DEPUTY COUNTY COUNSEL
JAMIE L. HOGENSON, DEPUTY COUNTY COUNSEL
RHETTA K. VANDER PLOEG, DEPUTY COUNTY COUNSEL
SCOTT A. MCLERAN, DEPUTY COUNTY COUNSEL



ERIC ROOD ADMINISTRATIVE CENTER
950 MAIDU AVENUE, SUITE 240
NEVADA CITY, CA 95959
TELEPHONE (530) 265-1319
FACSIMILE (530) 265-9840
county.counsel@co.nevada.ca.us

January 6, 2016

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: January 12, 2016

SUBJECT: Resolution Calling an Election For, and Authorizing the Submission to the Voters of, an Ordinance Amending Subsections G-IV 5.4(C) and G-IV 5.4(E) of Article 5 of Chapter IV of the Nevada County General Code Regarding Restrictions on Marijuana Cultivation, and Consolidating the Election with the June 7, 2016, Statewide General Election

RECOMMENDATION: Adopt the proposed Resolution and, by motion, authorize members of the Board of Supervisors to prepare and file the primary argument in support of the proposed Ordinance and determine the signatories to the ballot argument.

FUNDING: The costs of a special election would be paid from the General Fund. Based on estimates previously provided by the Registrar of Voters, the cost of consolidating a countywide election on the proposed ballot measure with the statewide general election in June would be approximately \$72,000.

BACKGROUND: Elections Code section 9140 authorizes the Board of Supervisors to submit an ordinance to amend, repeal or enact any ordinance to the voters without waiting for the voters to do so through an initiative process. The ordinance may be voted on at a regular or special election. If a majority of votes cast are in favor of the ordinance, then the measure will become a valid and binding ordinance of the County as of the date the vote is declared by the Board of Supervisors and goes into effect ten (10) days after that date.

The Sheriff is recommending that the Board submit the attached Ordinance amending certain provisions of the County's existing Marijuana Cultivation regulations directly to the voters and that the proposed ballot measure be placed on the ballot for the June

2016 statewide election. If adopted by the voters, the proposed ordinance would have the force and effect of an initiative.

If the Board chooses to submit this Ordinance to the voters, it is recommended that the Board adopt the attached Resolution calling for the election and authorizing the submission of the proposed ordinance to the voters. The resolution requires a 4/5ths affirmative vote of the Board of Supervisors to place it on the ballot.

As part of the Resolution calling the election, the Board will need to provide direction regarding certain election procedures as described below.

1. Written Ballot Arguments

Elections Code section 9162(a) authorizes the Board of Supervisors, or any member or members of the Board, to file a written argument for or against any County measure. The written ballot argument may not exceed 300 words in length and may include up to five (5) authors. The Elections Official will print one argument for and one argument against the proposed Initiative, and the impartial analysis to be prepared by the County Counsel, with each sample ballot, based on the priority set forth in Elections Code section 9166. A written ballot argument for or against the measure which is submitted by the Board of Supervisors, or a member of the Board, will be given preference and priority over any other written arguments that may be submitted. The Board may discuss and consider whether the Board of Supervisors will authorize one or more members of the Board of Supervisors to write and file the primary argument in support of the ballot measure and determine the signatories to the ballot argument and, if so, adopt a motion selecting one or two Board members to prepare the written argument on behalf of the Board.

If the Board of Supervisors chooses not to write and file the primary argument in support of the ballot measure and multiple arguments are submitted, then the California Elections Code contains a hierarchy which allows the Elections officials to determine which argument will be included in the voter information pamphlet.

2. Fiscal Analysis

Elections Code section 9160(c), authorizes the Board of Supervisors to direct the County Auditor-Controller to review the proposed ballot measure, determine whether the substance of the ballot measure, if adopted, would affect the revenues or expenditures of the County, and prepare a fiscal impact statement estimating the amount of any increase or decrease in revenues or costs to the County if the proposed ballot measure is adopted. The County Auditor-Controller's fiscal impact statement may not exceed 500 words in length and would be printed with the Impartial Analysis and the written arguments for and against the measure. The Board may discuss and consider whether or not the County Auditor-Controller should be directed to prepare a fiscal

Honorable Board of Supervisors
January 6, 2016
Page 3 of 3

impact statement for the proposed ballot measure. Because this is not a tax or revenue oriented ballot measure, staff does not recommend that a fiscal impact statement be prepared at this time.

Very truly yours,



Alison A. Barratt-Green
County Counsel

ABG/ch

Attachments:

1. Resolution Calling Election for Ballot Measure, including Proposed Ordinance to be Submitted to Voters