



# RESOLUTION No. 20-383

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION MAKING AND RESCINDING APPOINTMENTS FOR HEARING OFFICERS TO CONDUCT ADMINISTRATIVE HEARINGS PURSUANT TO NEVADA COUNTY LAND USE AND DEVELOPMENT CODE SECTIONS L-II 3.30, L-II 5.21, L-II 5.22, AND L-II 5.23

WHEREAS, Nevada County Land Use and Development Code (LUDC) sections L-II 3.30 (Cannabis Cultivation), L-II 5.21 (Enforcement and Penalty for Violations), L-II 5.22 (Property Maintenance), and L-II 5.23 (Enforcement by Administrative Citation) delegates the authority to conduct administrative hearings under these provisions to hearing officers appointed by the Nevada County Board of Supervisors; and

WHEREAS, on May 14, 2019, the Nevada County Board of Supervisors passed and adopted Ordinance 2467, thereby repealing Article 5 of Chapter IV of the Nevada County General Code (Marijuana Cultivation), and adding Section L-II 3.30 of Article 3 of Chapter II (Cannabis Cultivation) to the LUDC; and

WHEREAS, pursuant to L-II 3.30 of Article 3 of Chapter II (Cannabis Cultivation) of the LUDC, the Nevada County Board of Supervisors delegated authority to conduct administrative hearings under this section to a Hearing Body, defined as a hearing officer or hearing body designated by the Board of Supervisors to conduct administrative hearings as provided in Section L-II 5.23 of the LUDC; and

WHEREAS, the Board of Supervisors desires to maintain a panel of attorneys who are well qualified and willing to serve in the capacity of hearing officers to conduct administrative hearings under L-II 3.30, L-II 5.21, L-II 5.22, and L-II 5.23 of the LUDC; and

WHEREAS, on September 16, 2014, pursuant to Resolutions 14-454, the Board of Supervisors appointed Rhetta Vander Ploeg, Esq., and Michael Cobden, Esq., to serve as hearing officers for the purpose of conducting administrative hearings pursuant to LUDC sections L-II 5.22 and 5.23; and

WHEREAS, Rhetta Vander Ploeg, Esq., and Michael Cobden, Esq., are no longer able to serve as hearing officers on behalf of the County; and

WHEREAS, David Ruderman, Esq., and Stephen Baker, Esq., remain hearing officers previously appointed by the Board of Supervisors; and

WHEREAS, Gary Bell, Esq., has been identified as an attorney who is well qualified and willing to serve as a hearing officer to conduct administrative hearings under L-II 3.30, L-II 5.21, L-II 5.22, and L-II 5.23 of the LUDC.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors for the County of Nevada, State of California, that the following individuals meet the qualifications and are hereby appointed as hearing officers to conduct administrative hearings under the provisions of L-II 3.30 (Cannabis Cultivation), L-II 5.21 (Enforcement and Penalty for Violations), L-II 5.22 (Property Maintenance), and L-II 5.23 (Enforcement by Administrative Citation), of the Nevada County Land Use and Development Code:

David J. Ruderman, Esq. – Colantuono, Highsmith, & Whatley, PC  
Stephen Baker, Esq. – Diamond Baker Mitchell, LLP  
Gary B. Bell, Esq. – Colantuono, Highsmith, & Whatley, PC

BE IT FURTHER RESOLVED that the appointments of Rhetta Vander Ploeg, Esq., and Michael Cobden, Esq., as hearing officers to conduct administrative hearings under the Nevada County Land Use and Development Code are hereby rescinded.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 25th day of August, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.  
Noes: None.  
Absent: None.  
Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Heidi Hall, Chair