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COUNTY OF NEVADA**

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**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

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**MEETING DATE:** August 25, 2020

**TO:** Board of Supervisors

**FROM:** Katharine L. Elliott, County Counsel

**SUBJECT:** 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.

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**RECOMMENDATION:** Approve the attached Resolution.

**FUNDING:** Not Applicable.

**BACKGROUND:**

Nevada County Land Use and Development Code (LUDC) includes provisions for the enforcement of violations of the LUDC pertaining to the use of land and structures. Authorized enforcing officers may issue responsible parties notices of violation, orders to abate, and/or administrative citations and civil penalties for violations of the LUDC. In turn, responsible parties may contest these enforcement activities by requesting an administrative hearing.

The Nevada County Board of Supervisors has delegated the authority to conduct administrative hearings under the LUDC to appointed hearing officers. The County continues to utilize qualified attorneys to serve as hearing officers to conduct administrative appeal hearings under the following 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).

On September 16, 2014, the Board of Supervisors passed and adopted Resolution 14-454, thereby appointing (1) Rhetta Vander Ploeg, Esq.; (2) Steven Baker, Esq.; (3) David Ruderman, Esq.; and (4) Michael Cobden, Esq., to serve as hearing officers over administrative appeal hearings under the LUDC. However, Rhetta Vander Ploeg and Michael Cobden are no longer able to serve as hearing officers, thereby necessitating the need to have the Board of Supervisors rescind their appointments. To ensure an adequate panel of attorneys to conduct these administrative hearings under the LUDC, an additional attorney, Gary Bell, Esq., is qualified and willing to serve as a neutral and independent hearing officer to conduct these administrative hearings on behalf of the County. Mr. Bell was selected based on his experience in interpreting public agency regulatory and/or enforcement issues, his experience with the process related to administrative functions, and his ability to act as a hearing officer in an independent and impartial manner.

Hearing officers will continue to be assigned to cases on a rotating basis, availability and, in appropriate cases, areas of special expertise. The County Counsel's Office provides training to new administrative hearing officers before they are assigned cases and provides an independent legal advisor to assist the hearing officers as needed.

**Item Initiated by:** Scott A. McLeran, Assistant County Counsel  
**Approved by:** Katharine L. Elliott, County Counsel