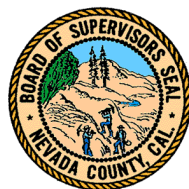


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

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Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, March 27, 2018	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

(Supervisor Miller recused himself from Agenda Item #24)

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Lee Ocker, Airport Manager.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: The following members of the public requested adoption of a local peace resolution: Ms. Paula Orloff, District I resident; Ms. Marin Lipowitz, District IV resident; Ms. Shirley Osgood, District III resident; Ms. Pamela Osgood, District III resident; Ms. Ingrid Hjord, District I resident; and Ms. Anita Wald-Tuttle, District III resident.

The following members of the public spoke in favor of the Board moving quickly to pass a revised Cannabis Ordinance: Ms. Diana Gamzon, District I resident and Nevada County Cannabis Alliance Executive Director; Ms. Shanti Emerson, District I resident; Mr. Mark Schaefer, District IV resident; and Mr. Jonathan Collier, District I resident.

Mr. Matthew Coulter, District I resident, provided comments regarding the Nation's military, and regarding maintenance of County bicycle lanes and roads.

Ms. Bonnie Chase, Nevada County resident, provided comments regarding the possibility of a future financial emergency, and requested the Board update the County Emergency Operations Plan to include an economic emergency response that takes into account food shortages.

SCHEDULED ITEM: 9:02 A.M.

1. [SR 18-0261](#) Child Abuse Prevention Month: Mapping the Five Protective Factors Project in Nevada County. (Ms. Lindsay Dunckel, Community Support Network-Child Abuse Prevention Council Board Member)
Presentation provided.

ACTION TAKEN: Dr. Lindsay Dunckel, Executive Director, First 5 Nevada County and a Steering Committee member of the Community Support Network of Nevada County provided a PowerPoint presentation regarding the Network's Five Protective Factors Project that identifies characteristics of communities that act to mitigate risks and promote positive well being in children. The factors include social and emotional competence, knowledge of parenting and child development, social connections, concrete support, and resilience, which also known to reduce child abuse. Dr. Dunckel described the work done by the Network to pinpoint and map the needs in Western Nevada County, and the corresponding services that are provided.

Board questioning and discussion ensued.

Chairman Scofield thanked Ms. Dunckel for the report.

CONSENT CALENDAR:Acting Behavioral Health Director: Phebe Bell

2. [SR 18-0233](#) Resolution approving an agreement between the County of Nevada and the Tahoe Truckee Unified School District (TTUSD) pertaining to TTUSD reimbursing the Behavioral Health Department for the provision of Mental Health Services at TTUSD campuses for students identified as having a mental health need, in the maximum amount of \$25,000, for the period September 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 18-108

Public Health Director: Jill Blake

3. [SR 18-0231](#) Resolution approving Amendment A01 to Agreement 16-10379 between the County of Nevada and the California Department of Public Health pertaining to the Nevada County Public Health Department, referred to as the Local Health Jurisdiction, serving as an Enrollment Site for administering the AIDS Drug Assistance Program, adding Pre-Exposure Prophylaxis Assistance Program enrollment services and extending the contract term an additional year, for a revised period of July 1, 2016 through June 30, 2020, in the maximum amount of \$0, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 18-109

Director of Social Services: Mike Dent

4. [SR 18-0191](#) Resolution proclaiming April 2018 as "Child Abuse and Neglect Prevention Month" in Nevada County.

Adopted.

Enactment No: RES 18-110

5. [SR 18-0243](#) Resolution approving acceptance of an allocation from the California Department of Social Services, which provides funding for the Emergency Child Care Bridge Program for Foster Children, in the maximum amount of \$33,463, for the period January 1, 2018 through June 30, 2018, and directing the Auditor-Controller to amend the Social Services Department's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 18-111

6. [SR 18-0240](#) Resolution approving Amendment 2 to the contract between the County of Nevada and Community Recovery Resources (CoRR) for the provision of substance abuse related treatment services for CalWORKs participants (Res. 17-394), adding the Bost House as an additional location for residential and detox treatment services, in the maximum amount of \$80,000, for the period July 1, 2017 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 18-112

Child Support Services Director: Tex Ritter

7. [SR 18-0248](#) Resolution authorizing and directing the Auditor-Controller to amend the Health and Human Services Agency Housing and Community Services Division's Fiscal Year 2017/18 budget related to the State Department of Community Services and Development funding of 2018 Community Services Block Grant Programs. (Housing) (4/5 affirmative vote required)

Adopted.

Enactment No: RES 18-113

Sheriff-Coroner/Public Administrator: Keith Royal

8. [SR 18-0239](#) Resolution authorizing the Nevada County Sheriff to submit an application to the State of California Department of Alcohol and Beverage Control Grant Assistance Program to aid in the prevention and illegal use of alcohol by minors, with a reimbursement amount not to exceed \$58,781, for the period July 1, 2018 to June 30, 2019.

Adopted.

Enactment No: RES 18-114

9. [SR 18-0232](#) Resolution approving an Agreement for Licensed Software, Services, and Maintenance between the County of Nevada and Executive Information Services (EIS) Inc. for California Law Enforcement Telecommunications System (CLETS) software system installation, licensing, and maintenance, authorizing receipt of the software system as a capital asset, in the amount not to exceed \$277,408 for a period of five years, with additional Information Systems costs in the amount of \$70,163 reimbursed by the Sheriff's Office, and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2017/18 budget. (4/5 affirmative vote required) (Pulled from consent by Supervisor Hall.)

Adopted.

Enactment No: RES 18-122

Director of Public Works: Trisha Tillotson

10. [SR 18-0237](#) Resolution approving the Notice of Acceptance and Completion for Cascade Crossing Subdivision - Phase 4, Final Map 13-002. (Dist. II)
Adopted.
Enactment No: RES 18-115
11. [SR 18-0247](#) Resolution authorizing the County Executive Officer to execute a Right of Way contract between the County of Nevada and the State of California Department of Transportation (Caltrans) for a temporary permit to enter County property located at 12627 State Highway 49 (APN 22-331-05), with payment to the County in the amount of \$500.
Adopted.
Enactment No: RES 18-116

Chief Information Officer: Stephen Monaghan

12. [SR 18-0234](#) Resolution approving Amendment 7 to the contract between the County of Nevada and EPIC Aviation, LLC for aviation fuel services and support at the Nevada County Airport (Res. 06-071), extending the contract through May 31, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Airport)
Adopted.
Enactment No: RES 18-117

Interim County Librarian: Yolande Wilburn

13. [SR 18-0205](#) Resolution accepting the 2018 funding commitment in the amount of \$51,450 from the Friends of the Nevada County Libraries for collection development and programming, for use during the period January 1, 2018 to December 31, 2018, and directing the Auditor-Controller to amend the Library's Fiscal Year 2017/18 budget to reflect the additional revenue and related expenses. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-118

Individual Board Member Item:

14. [SR 18-0251](#) Resolution amending Resolution 17-362 amending "Section 4. Membership" of Resolution 17-144 to remove alternate members and add two regular members (Ms. Nancy Peirce and Mr. Andrew Burton), to the Penn Valley Area Municipal Advisory Council.

Sponsors: Wm. 'Hank' Weston

Adopted.

Enactment No: RES 18-119

Clerk of the Board: Julie Patterson Hunter

15. [SR 18-0280](#) Resolution proclaiming June 23, 2018 as the annual "North San Juan Cherry Festival" Day.

Adopted.

Enactment No: RES 18-120

16. [SR 18-0256](#) Resolution amending Resolution 17-150 accepting the establishment of a Nevada County Poet Laureate Program, and accepting the nomination and designation of the Poet Laureate by Nevada County Arts Council, Ms. Molly Fisk.

Adopted.

Enactment No: RES 18-121

17. [SR 18-0241](#) Acknowledge Supervisor Scofield's appointment of Ms. Felicia Tracy as a District II representative to the Nevada County Historical Landmarks Commission.

Acknowledged.

18. [SR 18-0244](#) Reappointments of Ms. Pam Stone as the Equine Industry representative, and Mr. Brad Fowler as the Livestock Other Than Cattle and Equine Industry representative, to the Agricultural Advisory Commission, for unexpired four-year terms ending March 1, 2022.

Reappointed.

19. [SR 18-0264](#) Reappointments of Ms. Ann Guerra and Mr. Joe Heckel as Public Members to the Transit Services Commission, for two-year terms expiring March 31, 2020.

Reappointed.

20. [SR 18-0235](#) Acceptance of Board of Supervisors Summary Minutes for February 27, March 6, and March 13, 2018.

Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Agenda Item #9 pulled from consent by Supervisor Hall.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to approve the consent calendar less Agenda Item #9. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Sheriff-Coroner/Public Administrator: Keith Royal

9. [SR 18-0232](#) Resolution approving an Agreement for Licensed Software, Services, and Maintenance between the County of Nevada and Executive Information Services (EIS) Inc. for California Law Enforcement Telecommunications System (CLETS) software system installation, licensing, and maintenance, authorizing receipt of the software system as a capital asset, in the amount not to exceed \$277,408 for a period of five years, with additional Information Systems costs in the amount of \$70,163 reimbursed by the Sheriff's Office, and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2017/18 budget. (4/5 affirmative vote required) (Pulled from consent by Supervisor Hall.)

Adopted.

Enactment No: RES 18-122

ACTION TAKEN: Chairman Scofield introduced the agenda item and Sheriff Keith Royal reviewed the staff report regarding the request to update the California Law Enforcement Telecommunications System (CLETS).

Mr. Martin Polt, Deputy County Executive Officer/Chief Fiscal Officer, provided an overview of the funding of the system. He reported that the proposed Project was reviewed and approved through the Information Systems Steering Board (ISSB) process, and is recommended for approval.

Supervisor Hall pulled the item from consent to hear additional details regarding the funding source. She wanted to see better planning through the budget process in the future. Mr. Polt responded to her concerns.

Board questioning and discussion ensued.

Chairman Scofield provided an opportunity for public comment.

Mr. Matthew Coulter, District I resident, suggested this Project wait until the new Sheriff is elected.

Ms. Karen Jennings, District IV resident, provided comments in support of the Sheriff's Department.

There being no further public comment, Chairman Scofield closed the public comment period.

Board questioning and discussion continued.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Miller, to adopt Resolution 18-122. On a roll call vote the motion passed unanimously.

DEPARTMENT HEAD MATTERS:

Public Health Director: Jill Blake

21. [SR 18-0242](#) Resolution proclaiming April 2 through 8, 2018 as "Public Health Week" in Nevada County.

Adopted.

Enactment No: RES 18-123

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Jill Blake, Public Health Director, and Dr. Kenneth Cutler, Health Officer, provided a PowerPoint presentation regarding National Public Health Week whose theme this year is "Healthiest Nation in One Generation". Information given included public health programs and services available in Nevada County. Ms. Blake and Dr. Cutler requested the Board proclaim April 2 through 8, 2018 as Public Health Week in Nevada County.

The Board thanked Ms. Blake and Dr. Cutler for the work they and their staff do in the community.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Weston, to adopt Resolution 18-123. On a roll call vote the motion passed unanimously.

SCHEDULED ITEM: 10:30 A.M.

Planning Director: Brian Foss

24. [SR 18-0246](#) Public hearing to consider the appeal filed by Mr. Andrew Cassano, on behalf of Ms. Susan Rideout, Ms. Claudia Baker and Ms. Patricia Fraga, of the Nevada County Planning Director's January 19, 2018, Notice of Conditional Approval for a Boundary Line Adjustment to transfer 1.0 acres of property from a 19.62-acre parcel to a 0.67-acre parcel located at 15144/15200 Lake Lane, Nevada City, CA (APNs 38-500-01/02, 38-120-06). (Dist. I)

Resolution denying the appeal filed by Mr. Andrew Cassano with Nevada City Engineering, Inc., on behalf of Ms. Susan Rideout, Ms. Claudia Baker and Ms. Patricia Fraga, regarding the Planning Director's January 19, 2018 Notice of Conditional Approval for a Boundary Line Adjustment (PLN 17-0135; LLA 17-0024) between two parcels to transfer one acre of property located at 15144 Lake Lane (APN 38-200-01/02) and 15200 Lake Lake (APN 38-120-06) in Nevada City.

(Supervisor Miller - Absent)

Motion of Intent.

ACTION TAKEN: Following a short break, Chairman Scofield called the meeting back to order and introduced the agenda item. (Supervisor Anderson was absent during the introduction by the Chairman.)

Supervisor Miller announced that he needed to recuse himself on the item as he received a campaign contribution from the representative of the Appellants.

Chairman Scofield reviewed the public hearing process for the appeal and Mr. Brian Foss, Planning Director, and Ms. Sadie Caldas, Assistant Planner, reviewed the staff report and provided a PowerPoint presentation regarding the appeal of the Planning Director's decision on a boundary lot line adjustment and associated appeal filed by Mr. Andrew Cassano, Nevada City Engineering, on behalf of Ms. Susan Rideout, Ms. Claudia Baker and Ms. Patricia Fraga.

Mr. Foss reported that during the process, it was found that there were two structures at the location that are unpermitted and within a Nevada Irrigation District (NID) easement, which is prohibited by County Code. Mr. Foss noted that the lot line adjustment was approved, but conditioned to address the structures prior to the recordation of the lot line. He reported that staff did present an option to provide a timeframe to the property owners to address the illegal structures, and to allow the lot line adjustment to be recorded. Within the provided timeframe, if the structures were not removed or addressed in some other way, the issue would be referred to the Code Compliance Division in order for that process to begin and ensure those structures would be addressed at some point in the future. The offer was declined by Mr. Cassano who appealed the decision, requesting removal of Condition No. 3 that requires the structures to be permitted, and he requested the County remove Conditions of Approval with regard to lot line adjustments.

Mr. Foss reviewed the four main Appeal points, and responded with the sections of the Land Use and Development Code that provides direction for lot line adjustments. He reported that staff was in agreement with those standards, noting that they were not opening a Code case, but requesting the unpermitted structures be addressed as part of the overall Project. He reviewed the process for opening a Code case, including a citizen written complaint, observed health and safety violations, or referrals from other departments or agencies. In response to the appeal, staff reached out to other nearby jurisdictions and found that they may not have direct policies regarding lot line adjustments but they also do not ignore violations if they are found. Mr. Foss concluded his presentation, stressing that the Nevada County Zoning and Building Ordinances do allow the conditioning of lot line adjustments, and staff does review structures affected by lot line adjustments consistent with other permit types, and the review process and conditioning of the lot line adjustments allows the owner to address the issue without Code Compliance fines or holding up approval. Other options would include holding the application incomplete and not allowing the lot line adjustment to move forward until the violation is addressed, or immediately involving Code Compliance, which could result in fines. Mr. Foss believed conditioning the lot line adjustment provides the property owner the most flexibility and the longest timeframe to decide what to do with the structures. He concluded his report, requesting the Board adopt the Resolution denying the appeal, upholding Condition No. 3 that requires the unpermitted structures to be removed or permitted prior to recordation of the lot line adjustment.

Board questioning ensued

Chairman Scofield provided the Appellant the opportunity to present his appeal.

Mr. Andrew Cassano provided the Appellants' presentation, and shared photographs of the structures in question. He stressed that NID's easement on the property had nothing to do with Nevada County and should be taken under consideration by the property owner and NID. Mr. Cassano explained that the structures do not conflict with NID's access to the easement. He believed lot line adjustments should not initiate a Code Compliance review, and should not have conditions of approval. Mr. Cassano understood the purpose of the section of the Zoning Ordinance as it relates to lot line adjustments, but suggested the Building Ordinance needed to be revised to remove the language regarding lot line adjustments. He requested the Board provide flexibility in this case, and asked the Board to direct staff to remove the condition on the lot line adjustment.

Board questioning and discussion ensued.

Supervisor Weston asked if there were conflicts between the Zoning Ordinance and the language in the Building Ordinance and what it would take to bring them into alignment. Mr. Foss responded that staff's determination is that they are not in conflict; the County's Building Ordinance allows certain permits to be conditioned, including lot line adjustments. In review with County Counsel, this was not found to be in conflict with the Subdivision Map Act. He believed Mr. Cassano's comment that the "Condition is outside of State law" is his interpretation of the Subdivision Map Act language that limits the review of unpermitted structures, but given the language in the county's Building Ordinance, staff believed it to be within State law. He stressed that it is a difference of opinion in the interpretation.

Ms. Alison Barratt-Green, County Counsel, added that her office worked closely with the Planning Department on this issue. They have looked at the law, both in the Subdivision Map Act and in the County's ordinances, and she is comfortable that they are well within the law. She believed that what Mr. Cassano is arguing is a policy position that he would like to see changed.

Board questioning continued.

Chairman Scofield opened the public hearing for public comment.

The following members of the public provided comments: Mr. Matthew Coulter, District I resident; Mr. Ken Baker, District I resident and professional land surveyor; Ms. Teresa Dietrich, President, Nevada County Association of Realtors; Mr. Ron Dundas, District II resident with Dundas Geomatics; and Mr. Kirk Pharis, District III resident and Realtor.

There being no further public comment, Chairman Scofield closed the public comment portion of the public hearing, and provided Mr. Cassano the opportunity to present the Appellants' summation.

Mr. Cassano provided his final comments urging the Board to uphold his appeal and remove the conditions on the lot line adjustment, and review the Land Use Code for revisions. He pointed out that the buildings in question are both pole barns, which in today's Code are exempt from building permits if they are 100 feet or more from the property line. The building that is the subject of the Condition of Approval was never 100 feet away from the property line and there is no way they can make it be that way. Mr. Cassano believed that the NID easement was put in place after the structures were built and there was no review at that time. He found it mean-spirited to open a Code Compliance investigation when someone applies for a permit, and he did not feel it was good public policy and that it discouraged people from applying for permits.

Chairman Scofield provided an opportunity for the public to provide a rebuttal; no additional public comment was offered.

Mr. Foss provided staff's summation. He believed, from staff research, that the structures were built after 1963 when building permits were first required, but no permit applications were ever submitted. Staff was able to find the building permit from 1963 for the house that is on the property, this permit does not mention any other structures being on the property. If the Appellant could provide information that these structures were built before 1962, staff would review that information. Mr. Foss pointed out that staff has been enforcing this Condition on lot line adjustments since its inception in 2008, so this is not a brand new practice.

Supervisor Hall suggested staff could work with the property owner and NID to work out a solution. She did not want the County to be an outlier in this case, nor did she want the County to be excessively restrictive. However, she owns a home that was built in 1981 and she always made the assumption that if she started to make changes, anything that was not permitted in the past would need to come into compliance.

Supervisor Weston asked for clarification of the required permitting for the pole barn. Mr. Foss responded that currently this barn does not require a permit. However, after the lot line adjustment the structure will be within 100 feet of the property line, and will require a permit. He explained that 100 feet is an exemption in the Building Code specifically for pole barns.

Supervisor Anderson felt the Appellant could work with NID to determine whether the structures are a problem for NID. He asked if NID confirmed they have no issue with the structures, would it be of assistance. Mr. Foss responded that it could help with the placement of the structure within the easement, but would not address the lack of a building permit. He commented that if there was a relocation of the easement or a change in the language in the easement that allowed that structure to

remain, then that would potentially allow permits to be issued.

Chairman Scofield pointed out that this appeal has more to do with County policy than with this one Project. He believed that Nevada County has a lot of unpermitted projects that cause very difficult problems and was worried about setting a precedent.

Supervisor Weston asked about the option offered to the applicant to have the lot line adjustment approved, with the Condition that the unpermitted structures be taken care of within a given timeframe. Mr. Foss responded that this offer was still available. Supervisor Weston felt that this would change the way lot line adjustments with structures involved were handled in the future. Mr. Foss confirmed that it would change how they reviewed these projects, but it would be a timing change, not a change in permitting or code.

Supervisor Weston wanted to clarify that the offer was that the property owner could get the lot line adjustment approved with an advisory note, the lot line adjustment could be recorded, but they would have to start action within 60 days of recordation. Mr. Foss confirmed that this was the option discussed and it was still available to the property owner. He felt this was not a “de-coupling” of the issue, but more of a timing issue or changing of the timing of the requirement. The adjustment could be approved and recorded, then the property owner would have 60 days to address the unpermitted structure.

Board discussion ensued.

Supervisor Hall inquired as to how to move forward with a change to the proposed Resolution. Ms. Alison Barratt-Green, County Counsel, responded that it would require a Motion of Intent and staff would return with a revised Resolution with the Condition and requirement amended.

Supervisor Anderson wanted to clarify that the Board would not be changing the post project approval offer made by staff, the Board would simply be formalizing the current offer. Mr. Foss confirmed that was correct and that staff would probably follow this procedure in the future when they came across similar situations. Ms. Barratt-Green added that there were two options before the Board: one is to limit it to just this particular appeal and apply a Condition according to the post-project approval; the other option is to provide direction to staff to amend the Ordinances so this would be the practice going forward.

Board discussion continued regarding revising the Ordinance or renewing the initial offer provided by staff.

Supervisor Weston wanted to be sure that everyone was treated the same; he did not like separating out specific cases and wanted the policy to be consistent.

Supervisor Anderson did not agree with a change in current policy, and preferred it be applied on a case-by-case basis. He believed this would allow staff to act quickly if necessary and to deal with lot line issues, which may come up in the future. He felt that this was a situation that sets a precedent to be a little more lenient when the situation calls for it. Supervisor Anderson did not think the Board should develop a policy which may come back and impact health and safety issues in the future.

Board discussion ensued.

Chairman Scofield asked if they agreed to the compromise how would it affect Code Compliance in this case. Mr. Foss clarified that in this situation, there would not be a Code Compliance case unless after 60 days from approval of the lot line adjustment, there had been no movement by the property owner. He suggested the language in the Code, "may," provided the flexibility for staff to make decisions on a case-by-case basis. He suggested that the proposal provides the property owner with the best option.

Board questioning and discussion ensued regarding the language of a Motion of Intent.

MOTION: Motion of intent made by Supervisor Hall to direct staff to revise the Ordinance in such a way to codify the ability to make the suggested compromise in this case, to de-couple the lot line adjustment approval from the permitting issues with a timeline attached to the permitting issues. Motion failed for lack of a second motion.

Ms. Barratt-Green clarified that the motion of intent would be to deny the appeal, but amend the Condition to provide for this alternative Condition. She added that staff could prepare a revised Resolution to this affect. Mr. Foss asked if this would also be amending the language in the Ordinance. Ms. Barratt-Green heard that for this appeal, the Ordinance language would not have to be amended. The Board could simply act on the appeal.

Supervisor Hall wanted a revision made to the Ordinance and have it apply to the appeal. Ms. Barratt-Green explained that the Board did not need to amend the Ordinance in order to decide the appeal the way Supervisor Hall suggested. Ms. Barratt-Green suggested two separate actions be taken; one motion of intent on the appeal itself and a separate motion on the Board's direction. The Appellant would then abide by the amended Condition that the Board is placing on them. She recommended the Board act on the appeal itself first and then follow up with a motion of direction to staff.

Board discussion ensued.

MOTION: Motion of intent made by Supervisor Anderson, seconded by Supervisor Hall, to deny the appeal, but modify Condition 3 to be consistent with Slide 5 of the PowerPoint presentation, and allow the Applicant to move forward with the lot line adjustment with an advisory that if the permitting process on the structures has not started within sixty (60) days then the matter will be referred to Code Compliance. On a roll call vote the motion passed as follows: Supervisors Weston, Hall, Anderson, and Scofield, aye; Supervisor Miller, absent.

Motion made by Supervisor Hall to open a Board Order to revise the regulatory language in the code to change policy to reflect the action taken in this case so it will apply to future projects. Motion failed for lack of a second motion.

Board discussion ensued.

Ms. Barratt-Green suggested that rather than a motion, the Board could direct staff to come back with a proposal and further discussion on the pros and cons of the different approaches. The Board provided this direction to staff, although Supervisor Anderson noted his opposition to this; he was comfortable with the approach that is currently taken and did not think the Board needed to consider any changes.

DEPARTMENT HEAD MATTERS: (Continued)**Treasurer-Tax Collector: Tina Vernon; and**
Community Development Agency Director: Sean Powers

22. [SR 18-0262](#) Resolution approving a contract between the County of Nevada and The Lew Edwards Group for the provision of lead consultant ballot measure preparation and communication services, in the maximum amount of \$40,000, for the period March 1, 2018 through October 31, 2018, and directing the Auditor-Controller to amend the Treasurer-Tax Collector's 2017/18 budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 18-124

ACTION TAKEN: Following a short break, Chairman Scofield called the meeting back to order and introduced the agenda item.

Mr. Sean Powers, Community Development Agency Director, and Ms. Tina Vernon, Treasurer and Tax Collector, reviewed the staff report regarding two contracts proposing to research and prepare a ballot measure for a cannabis tax. The process of preparing a ballot measure includes extensive public opinion research, project management, public information, and the scientific development of the specific measure language. Staff is recommending hiring The Lew Edwards Group, an experienced consultant, to help with the research and preparation.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided comments regarding the proposed tax measure and associated contracts: Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance, provided comments of her own and on behalf of Mr. Mark Schaefer, District IV resident; and Mr. Wade Laughter, District I resident.

Supervisor Hall clarified that the tax would not be in place until the regulations were put in place.

There being no further public comment, Chairman Scofield closed the public comment period.

Board discussion ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to adopt Resolution 18-124. On a roll call vote the motion passed unanimously.

23. [SR 18-0263](#) Resolution approving a contract between the County of Nevada and Godbe Research pertaining to conducting a survey of Nevada County Voters in regards to a cannabis revenue measure, in the maximum amount of \$28,340, for the period March 1, 2018 through December 1, 2018, and directing the Auditor-Controller to amend the Treasurer-Tax Collector's 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-125

ACTION TAKEN: Chairman Scofield introduced the second agenda item regarding the tax ballot measure, and Board questioning ensued.

MOTION: Motion made by Supervisor Weston, to adopt the Resolution, for lack of a second the motion failed.

ACTION TAKEN: Supervisor Hall asked the purpose of another survey. Mr. Sean Powers, Community Development Agency Director, responded that this survey would be very specific regarding the language and design for the ballot measure.

Ms. Tina Vernon, Treasurer-Tax Collector, added that Godbe Research would be researching the feasibility of a tax measure, and explained that a live person would be calling voters to determine the public opinion.

Board discussion and questioning ensued.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided comments: Ms. Diana Gamzon, District I resident and Nevada County Cannabis Alliance Executive Director; and Mr. Wade Laughter, District I resident.

There being no further public comment Chairman Scofield closed the public comment period.

Chairman Scofield suggested that the process was not meant to be a hinderance to the process; he added that this is the normal way of bringing a ballot to the public. It is important for the Board to know what the "flavor" of the community is. Supervisor Anderson stressed that the process was important, and he agreed that the public's perspective is needed. He added that the County needs the revenues in order to enforce the Ordinance that the Board adopts.

Supervisor Hall made one final comment. She understood that staff's work was difficult and she did not want to micro-manage. However, she had concerns regarding how fast the process was moving and would like to see the survey questions.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Weston, to adopt Resolution 18-125. On a roll call vote the motion passed unanimously.

***CLOSED SESSION:**

[SR 18-0266](#) Pursuant to Government Code Section 54956.9(d)(4), County Counsel is requesting a closed session to determine whether litigation should be initiated by the County in one matter.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session into the record and the Board entered into closed session.

Following the closed session, Ms. Alison Barratt-Green, County Counsel, reported that the Board of Supervisors has given County Counsel direction to initiate a legal action; the action, the defendants, and other particulars shall be disclosed to any person upon inquiry, once the action has been formally commenced. In the meantime it is confidential and County Counsel cannot comment on the matter.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Not held.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 12:57 p.m.

Signature and Attestation

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board