

# OFFICE OF THE COUNTY COUNSEL

## COUNTY OF NEVADA

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August 22, 2016

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

**DATE OF MEETING:** September 13, 2016

**SUBJECT:** Resolution Rescinding and Making Appointments of Administrative Hearing Officers to Conduct Administrative Hearings Pursuant to Article 5 of the Nevada County General Code

**RECOMMENDATION:** Approve the attached Resolution.

**FUNDING:** Not applicable.

**BACKGROUND:** In May 2012, the Board of Supervisors added Article 5 to Chapter IV of the Nevada County General Code regarding the regulation of marijuana cultivation in unincorporated areas of Nevada County ("Regulations").

The Regulations include processes for issuing Notices to Abate and, beginning in January 2017, imposing administrative penalties for marijuana which is being grown in violation of the Regulations. The Regulations also provide a process for appealing a Notice to Abate and/or administrative penalties to a neutral and impartial administrative hearing officer appointed by the Board of Supervisors. The County Counsel's office periodically reviews the list of appointed hearing officers and proposes updates to add or delete administrative hearing officers as necessary.

Three of the County's current administrative hearing officers (Stewart Knox, Steve Castleberry, and Joshua Pack) are no longer available to serve in this capacity. We recommend that the Board rescind their appointments as administrative hearing officers. In order to ensure that the administrative appeals will be heard within the time limits prescribed in the Regulations, we recommend that the Board appoint an additional administrative hearing officer for this purpose.

Tom Naramore – Nevada County Information Systems Manager, is qualified and willing to serve as a neutral and independent hearing officer for purposes of hearing and deciding appeals under

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the Regulations. Mr. Naramore was selected based on his experience in interpreting public agency regulatory and/or enforcement issues, experience and familiarity with administrative processes, and his ability to act in an independent and impartial manner. We recommend that Mr. Naramore be appointed as an administrative hearing officer.

Hearing officers will continue to be assigned to cases on a rotation 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 to handle appeals and provides an independent legal advisor to assist the hearing officers as needed.

Respectfully Submitted,

Alison A. Barratt-Green  
County Counsel

ABG/ch

Attachments:

1. Proposed Resolution