

# 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 - Draft

| <u>Date</u>              | <u>Time</u> | <u>Location</u>   |
|--------------------------|-------------|---|
| Tuesday, January 9, 2018 | 9:00 AM     | Board Chambers, First Floor<br>Eric Rood Administrative Center<br>950 Maidu Avenue<br>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*

### STANDING ORDERS:

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

Pledge of Allegiance led by Mr. Steve Castleberry, District I resident and former Nevada County Director of Public Works.

Corrections and/or deletions to agenda.

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

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Moment of Silence in memory of the seventeenth anniversary of the January 10, 2001 tragic incident at the Behavioral Health Department, HEW Building and Lyons Restaurant. In memory of Laura Wilcox, Michael Markle, and Pearlie Mae Feldman.

ACTION TAKEN: Chairman Weston introduced the item and shared in a moment of silence in memory of Laura Wilcox, Michael Markle, and Pearlie-Mae Feldman.

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**PUBLIC COMMENT: 9:02 A.M.**

ACTION TAKEN: Ms. Linda Chaplin, District I resident, encouraged members of the public to attend and participate in Board meetings. She asked the County to consider implementing a noise and lighting control Ordinance for properties 5 acres or less.

Mr. Matthew Coulter, District III resident, provided comments regarding dirt on North Church Street that contains heavy toxins. He requested a light be placed in front of the Eric Rood Administrative Center.

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1. [SR 18-0014](#) Selection of Chair and Vice Chair for 2018.  
**Approved.**

**MOTION: Motion made by Supervisor Miller to nominate Supervisor Scofield as Chair, seconded by Supervisor Anderson. On a voice vote the motion passed unanimously.**

**MOTION: Motion made by Supervisor Weston to nominate Supervisor Anderson as Vice-Chair, seconded by Supervisor Miller. On a voice vote the motion passed unanimously.**

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2. [SR 18-0015](#) Recognition of Chairman Hank Weston.  
**Recognized.**

ACTION TAKEN: The Board members recognized Supervisor Weston for his Chairmanship in 2017 and thanked him for his service to the community.

Supervisor Weston thanked the staff and his colleagues on the Board.

Ms. Linda Chaplin, District 1 resident, thanked Supervisor Weston.

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**CONSENT CALENDAR:****Health and Human Services Agency Director: Michael Heggarty**

3. [SR 18-0008](#) Resolution confirming the appointment of Ms. Phebe Bell, MSW, Program Manager - Health and Human Services Truckee Office, as the Acting Director of the Nevada County Behavioral Health Department, and authorizing a letter to be signed by the Chair of the Board of Supervisors notifying the State of California Department of Health Care Services of the appointment.

**Adopted.**

Enactment No: RES 18-001

4. [SR 18-0037](#) Resolution approving a contract between the County of Nevada and Foothill House of Hospitality, dba Hospitality House pertaining to the provision of an additional fifteen shelter beds per night for the time period of November 15, 2017 through April 15, 2018, in the maximum amount of \$37,206, for the period November 15, 2017 through May 31, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required) (Pulled from consent by Mr. Matthew Coulter)

**Adopted.**

Enactment No: RES 18-020

5. [SR 18-0024](#) Resolution approving a revision to the allocation of 1991 Health and Welfare Realignment funds.

**Adopted.**

Enactment No: RES 18-002

**Acting Behavioral Health Director: Phebe Bell**

6. [SR 18-0035](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Auburn Counseling Services, Inc., dba Communicare for the provision of Phone Triage Services for the Nevada County Behavioral Health Department, Regional Telephone Triage services for Placer County's Adult System of Care and Children's System of Care, New Directions Program services, as well as Patients' Rights and Quality Assurance services (Res. 17-370), establishing a Quality Assurance/Utilization Review Program for Behavioral Health's substance use treatment services, amending the maximum contract price from \$892,534 to \$930,688, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 18-003

7. [SR 18-0018](#) Resolution approving renewal Continuum of Care Program Grant Agreement CA0978L9T151602 between the County of Nevada and the United States Department of Housing and Urban Development, awarding the Behavioral Health Department grant funds for rental assistance and administrative costs for the Winters' Haven Project, in the amount of \$38,840, for the performance period of December 1, 2017 through November 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 18-004

8. [SR 18-0019](#) Resolution approving renewal Continuum of Care Program Grant Agreement CA1093L9T151605 between the County of Nevada and the United States Department of Housing and Urban Development, awarding the Behavioral Health Department grant funds for development of long-term community housing for homeless persons with disabilities as part of the Summer's Haven Housing Project, in the amount of \$110,841, for the performance period of December 1, 2017 through November 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 18-005

9. [SR 18-0034](#) Resolution approving Standard Agreement 17-94647 between the County of Nevada and the California Department of Health Care Services for the administration of crisis services for Nevada County residents affected by the Lobo and McCourtney fires, in the maximum amount of \$38,388.22, for the period October 12, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 18-006

Public Health Director: Jill Blake

10. [SR 18-0025](#) Resolution approving Agreement 17-10710 between the County of Nevada and the California Department of Public Health for funding to implement the County's Local Oral Health Program, in the maximum amount of \$795,345, for the period January 1, 2018 through June 30, 2022, authorizing the Director of the Public Health Department to sign the Agreement, and directing the Auditor-Controller to amend Public Health Department's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 18-007

Director of Social Services: Mike Dent

- 11a.** [SR 18-0036](#) Resolution ratifying the amended Bylaws of the Nevada County Adult and Family Services Commission.  
**Adopted.**  
Enactment No: RES 18-008
- 11b.** [SR 18-0046](#) Resolution ratifying the reclassification of the current Adult and Family Services Commission (AFSC) members in accordance with the Nevada County AFSC amended Bylaws.  
**Adopted.**  
Enactment No: RES 18-009
- 12.** [SR 18-0013](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Nevada-Sierra Connecting Point Public Authority (In-Home Supportive Services) for services related to maintaining The Community Resource Directory of 211 Nevada County ([www.211connectingpoint.org](http://www.211connectingpoint.org)) database, providing CalFresh Outreach and application assistance for clients, as well as managing and staffing the Nevada County 211 Call Center (Res. 17-313), adding additional Coordinated Care/Homeless Management Information System services/data collection and reporting requirements, increasing the maximum contract price from \$167,003 to \$180,000, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.  
**Adopted.**  
Enactment No: RES 18-010

Clerk-Recorder/Registrar of Voters: Gregory Diaz

- 13.** [SR 18-0032](#) Resolution accepting the State of California, Secretary of State's grant award known as, "HAVA Polling Place Accessibility Training Program" under Section 261 of the Help America Vote Act (HAVA), providing to assist in implementing accessibility to polling places/vote centers in Nevada County, authorizing the Nevada County Clerk-Recorder/Registrar of Voters to execute Agreement 17G26128, in the maximum amount of \$20,000, for the period December 1, 2017 through June 30, 2019, and directing the Auditor-Controller to amend the Elections Department's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 18-011

Public Defender: Keri Klein

14. [SR 18-0040](#) Resolution adopting a revised fee schedule for the Public Defender's Office to remove fees pertaining to juvenile indigent defense.

**Adopted.**

Enactment No: RES 18-012

Environmental Health Director: Amy Irani

15. [SR 18-0023](#) Resolution accepting a grant from the California Environmental Protection Agency for Fiscal Year 2017/2018, in the amount of \$100,000 to support the Nevada County Environmental Health Department's responsibilities for the continued enhancement and development of the Certified Unified Program Agency.

**Adopted.**

Enactment No: RES 18-013

Director of Public Works: Trisha Tillotson

16. [SR 18-0017](#) Resolution authorizing Environmental Clearance for the 2018 Road Rehabilitation Project, and authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office.

**Adopted.**

Enactment No: RES 18-014

17. [SR 18-0020](#) Resolution approving bid documents for the Combie Road Rule 20A Utility Relocation Project No. 337008, instructing the Purchasing Division to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works, authorizing the Public Works Director to incorporate any final changes into the bid documents before advertising for bids, and authorizing the Chair of the Board of Supervisors to sign the bid documents. (Dist. II)

**Adopted.**

Enactment No: RES 18-015

Interim Human Resources Director: Alison Lehman

- 18a. [SR 18-0043](#) Resolution formalizing the presentation of Nevada County Employee Service Awards to eligible employees, and repealing Resolution 03-536.

**Adopted.**

Enactment No: RES 18-016

- 18b. [SR 18-0047](#) Resolution formalizing the presentation of Nevada County Employee Recognition Awards to eligible employees, and rescinding Resolution 06-065.

**Adopted.**

Enactment No: RES 18-017

Chief Information Officer: Stephen Monaghan

19. [SR 18-0029](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)

**Adopted.**

Enactment No: RES 18-018

20. [SR 18-0016](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Impact Construction Services, Inc., for the purchase and installation of a modular building for the Nevada County Crisis Stabilization Unit at the Sierra Nevada Memorial-Miners Hospital Campus (Res. 15-192), with contract costs totaling \$437,462.01, and directing the Clerk of the Board to record this Notice in accordance with Civil Code Section 9208. (Facilities Management)

**Adopted.**

Enactment No: RES 18-019

Clerk of the Board: Julie Patterson Hunter

21. [SR 18-0002](#) Selection of Supervisor Dan Miller to serve as delegate and Supervisor Ed Scofield to serve as alternate to the Rural County Representatives of California, the Golden State Finance Authority, and the Rural Counties' Environmental Services Joint Powers Authority for 2018.

**Appointed.**

22. [SR 18-0039](#) Reappointment of Ms. Ann Guerra as an At-Large member to the Nevada County Transportation Commission for a four-year term ending January 1, 2022.

**Reappointed.**

23. [SR 18-0006](#) Appointment of Ms. Judith Bell to the Nevada-Sierra Connecting Point Public Authority Governing Board (In-Home Supportive Services) as a public representative for an unexpired three-year term ending June 30, 2019, and appointment of Ms. Susan Healy-Harmon to the Nevada-Sierra Connecting Point Public Authority Governing Board (In-Home Supportive Services) as a public representative for a three-year term ending June 30, 2021.  
**Appointed.**
24. [SR 18-0042](#) Resolution making findings, accepting the appeal filed by Johanna Finney, Cynthia Pierce, Alex Giron, Lisa Reinhardt, Shawn Blue, Ryan McVay, Krsna Bryant, Govida Bryant, Matt King, Dorothy Sullivan and Don Rivenes from the decision of the Zoning Administrator adopting Mitigated Negative Declaration (EIS17-0022) and approving Conditional Use Permit (CUP17-0015) for the construction and installation of an unmanned 130-foot mono-pine telecommunications tower and equipment facility (PLN17-0073) located at 19406 Burning Bush Road, Nevada City (APN 34-090-03), and scheduling the appeal for a public hearing on February 13, 2018 at 10:30 a.m. (Dist. V) (Pulled from consent by Mr. Matthew Coulter)  
**Adopted.**  
Enactment No: RES 18-021
25. [SR 18-0003](#) Acceptance of Board of Supervisors Summary Minutes for December 19, 2017.  
**Accepted.**

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Agenda Item #4 and #24 pulled from consent by Mr. Matthew Coulter, District I resident.

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hall, to approve the consent calendar less Agenda Items #4 and #24. On a roll call vote, the motion passed unanimously.**

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**ITEMS PULLED FROM THE CONSENT CALENDAR:**

4. [SR 18-0037](#) Resolution approving a contract between the County of Nevada and Foothill House of Hospitality, dba Hospitality House pertaining to the provision of an additional fifteen shelter beds per night for the time period of November 15, 2017 through April 15, 2018, in the maximum amount of \$37,206, for the period November 15, 2017 through May 31, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required) (Pulled from consent by Mr. Matthew Coulter)  
Enactment No: RES 18-020

**ACTION TAKEN:** Chairman Scofield introduced the agenda item, and Mr. Matthew Coulter explained that he removed it from consent to ask for clarification of the total contract amount. He was concerned that some of the homeless population cannot get into Hospitality House and are camping outside creating damage to the environment and are a fire danger, and he wanted to see this issue addressed. Mr. Michael Heggarty, Health and Human Services Agency Director, responded to the budgeting issue and to Mr. Coulter's concerns regarding unsheltered people.

**MOTION: Motion made by Supervisor Weston, seconded by Supervisor Hall, to adopt Resolution 18-020. On a roll call vote the motion passed unanimously.**

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24. [SR 18-0042](#) Resolution making findings, accepting the appeal filed by Johanna Finney, Cynthia Pierce, Alex Giron, Lisa Reinhardt, Shawn Blue, Ryan McVay, Krsna Bryant, Govida Bryant, Matt King, Dorothy Sullivan and Don Rivenes from the decision of the Zoning Administrator adopting Mitigated Negative Declaration (EIS17-0022) and approving Conditional Use Permit (CUP17-0015) for the construction and installation of an unmanned 130-foot mono-pine telecommunications tower and equipment facility (PLN17-0073) located at 19406 Burning Bush Road, Nevada City (APN 34-090-03), and scheduling the appeal for a public hearing on February 13, 2018 at 10:30 a.m. (Dist. V) (Pulled from consent by Mr. Matthew Coulter)  
Enactment No: RES 18-021

**ACTION TAKEN:** Chairman Scofield introduced the agenda item and advised Mr. Coulter that the item was only for acceptance of the appeal.

Mr. Matthew Colter, District I resident, requested the item be pulled from consent because Verizon has not implemented the promised restoration on other previously installed cell towers. He commented on cell tower-related health issues.

**MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to adopt Resolution 18-021. On a roll call vote the motion passed unanimously.**

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**DEPARTMENT HEAD MATTERS:**

**Director of Public Works: Trisha Tillotson**

26. [SR 18-0028](#) (Introduce/Waive further reading) An Ordinance adding Subsection J to Section G-IV 3.A.8 of Article 3.A of Chapter IV of the Nevada County General Code adding a Parking Prohibition on Via Vista [No vehicle parking between the hours of 8:00 a.m. and 4:00 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive]. (Dist. I)  
**First reading held.**

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Trisha Tillotson, Director of Public Works, reviewed the staff report regarding parking on Via Vista in Nevada City. The reason for the Ordinance is that Nevada Joint Union High School District students are parking along both sides of the road making it difficult for Waste Management to pick up garbage, for mail to be delivered, and for residents to get in and out of their driveways.

Board questioning and discussion ensued.

Supervisor Miller asked if Public Works has contacted Mr. Kelly Rhoden, Principal, Nevada Union High School, to discuss the issue. Ms. Tillotson responded that they had been in contact and that the school just does not have enough staff to enforce the current two-hour parking limit.

Mr. Matthew Coulter, District I resident, commented on the traffic dangers in the area surrounding the school, particularly during drop off and pick-up times. He also asked how many parking spaces will be lost to students and who will be responsible for enforcement? Ms. Tillotson responded that the new regulation only effects ten parking spots and that it will be easier to enforce "No Parking" during school hours rather than "Two-Hour Parking".

Board questioning ensued.

**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller, to introduce and waive further reading of the Ordinance. On a roll call vote the motion passed unanimously.**

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**Clerk of the Board: Julie Patterson Hunter**

27. [SR 18-0005](#) Review and adoption of the Board of Supervisors Meeting Schedule for 2018.  
**Adopted.**

ACTION TAKEN: Chairman Scofield introduced the item and Ms. Julie Patterson Hunter reviewed the 2018 calendar. She asked the Board to consider the calendar as presented.

Chairman Scofield provided an opportunity for public comment.

Mr. Matthew Coulter, District 1 resident, commented on conflicts with other meeting calendars.

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

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

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**\*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.

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*Chairman Scofield called for a short break.*

**SCHEDULED ITEM: 10:30 A.M.****Health and Human Services Agency Director: Michael Heggarty**

28. [SR 18-0044](#) Presentation on progress toward the 2017 Board Objective related to Homelessness and proposed short- and long-term plans to address the issue.  
**Presentation provided.**

ACTION TAKEN: Following a short break Chairman Scofield called the meeting back to order and introduced the item. Mr. Michael Heggarty, Health and Human Services Agency Director and Mr. Brendan Phillips, Housing Resources Program Manager presented the item.

Mr. Heggarty reviewed the background regarding homelessness within the County. He reported that as of January 2017, 371 sheltered and unsheltered individuals were identified as homeless in Nevada County. Last February, the Board identified homelessness as a Board priority. Subsequently, the Board provided staffing, leadership, guidance and direction to establish a Homeless Process Improvement Group. This group was made up of members who are community advocates, community providers, and also included staff from both the County and the Cities. In addition the Board provided direction and staffing for a Public Agency Coordinating Council comprised of elected officials from the County, Town and Cities. This group was attempting to build a consensus for future direction and to establish community standards. In June 2017, the Board directed the Health & Human Services Agency (HHSA) to create a more specific plan for the Board to consider for future funding. Mr. Heggarty reviewed the work done by staff to address the Board's direction; 1) renewed permanent supportive housing programs; 2) reintroduced Interfaith Summit and Introduction of "Family Circle"; 3) expanding funding to Hospitality House; 4) expanded funding for additional homeless outreach case managers to be added in Tahoe/Truckee area; 5) coordinated a soft entry launch program. Additionally, service gaps were identified, grants were submitted for over \$1.6 million, 24/7 homeless services day center planning with multiple service providers, and intensive outreach and engagement with community stakeholders. Total budget for Fiscal Year 2017/18 is \$500,000, which is renewable and sustainable for Fiscal Year 2018/19. Funds are targeted primarily towards direct housing using the Housing First model, a homeless day center, and coordinated entry and coordinating services.

Mr. Heggarty concluded his report and Board discussion and questioning ensued.

Supervisor Hall requested that staff continue to track results and report back to the Board with updates.

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Supervisor Scofield provided an opportunity for public comment.

The following members of the public provided comments regarding homelessness in Nevada County:

Ms. Nancy Baglietto, Executive Director of Foothill House of Hospitality "Hospitality House".

Ms. Janice O'Brien, Sierra Roots President; Mr. Matthew Coulter, District I resident; Mr. Paul Zieff, Sierra Roots Board member and District I resident; and Ms. Janella Kirkman, Spirit Peer Empowerment Center Executive Director.

There being no further comments, Chairman Scofield closed the public comment period. He thanked staff and members of the community for their work on this issue.

Recess for lunch at 11:35 a.m.

**AFTERNOON SESSION: 1:30 P.M.**

*Chairman Scofield called the meeting to order at 1:30 p.m.*

**JOINT MEETING BETWEEN THE BOARD OF SUPERVISORS  
AND THE COMMUNITY ADVISORY GROUP (CAG)**

**Community Development Agency Director: Sean Powers**

29. [SR 18-0041](#) Resolution determining the Cannabis Community Advisory Group's (CAG) process for gathering input for the County's long-term cannabis cultivation regulations as complete, and dissolving the CAG.

**Adopted.**

Enactment No: RES 18-022

ACTION TAKEN: Chairman Scofield welcomed the public to the afternoon meeting, and reviewed the process the Board would follow, starting with a presentation and report from staff and MIG, Inc. (MIG). Mr. Sean Powers, Community Development Agency Director, introduced Ms. Mali Dyck, Interim Deputy County Executive Officer, and Mr. Daniel Iacofano, MIG, Inc. representative.

Mr. Daniel Iacofano, thanked the members of the Community Advisory Group (CAG) for their time, and provided a PowerPoint presentation reporting on the (CAG) process. He reviewed the CAG's 34 final recommendations for the Board members, and explained the process CAG used to complete their assignment and come to their recommendations.

The scope of the recommendations includes; personal outdoor cultivation, non-remuneration, commercial cultivation, other commercial activities, permitting, and inspections, monitoring and enforcement. Mr. Iacofano reviewed the level of agreement on each of the CAG's recommendations. He reported that a "Strong" level of agreement was reached on 23 topics, a "Strong to Moderate" level of agreement was reached on 31 topics, and then there were 3 topics where no agreement was reached. Mr. Iacofano concluded his report.

Board questioning ensued.

Chairman Scofield opened the floor to members of the CAG.

The CAG members identified themselves and provided comments on the CAG process and final recommendations:

Mr. Tom Cross: Wanted to see a Blue Ribbon Committee to continue with and to expedite the process and recommended that there be a short period when a few people were allowed to go through the entire permitting process before it was opened up to all, in order to work out any issues.

Mr. James Drew: Wanted set-backs to be consistent for all agricultural products grown in the County.

Mr. Mike Mastrodonato: Shared concerns regarding the CAG process for creating the final list of recommendations.

Mr. Don Bessee: Shared concerns regarding the CAG's process for creating the final list of recommendations. He felt the recommendations do not reflect the true feedback from the CAG members because the final survey was confusing and not specific enough.

Mr. Lee French: Requested that whatever is put in place, the need for a good enforcement system is addressed and that it would be funded to be sure the Ordinance is complied with. He agreed that the recommendations did not accurately reflect the true feelings of all members of the CAG.

Ms. Debra Weistar: Saw flaws in the process, but believed it resulted in positive results. She

agreed with the need for a Blue Ribbon Committee to carry on through to the end of the process and with the need for a pilot program choosing a few growers to test the new Ordinance and regulations.

Ms. Pamela Swartz: Suggested the County begin looking towards other states to see what their process has been. She spoke to setbacks, parcel size, grow size, infrastructure, future markets, cooperatives, and continuation of a Blue Ribbon Committee.

Mr. Forrest Hurd: Recommended the Board look at the difference between Medical Cannabis grows and commercial grows and recommended concessions for non-remuneration activity in order to provide for vulnerable members of the community. He has strong concerns regarding volatile extraction or home honey oil labs and encouraged the Board to look at professional options for this activity.

Mr. Rich Johansen: Agreed with Tom Cross' comments regarding the Blue Ribbon Committee and Forrest Hurd's comments regarding non-remuneration. He wanted to see neighbors, patients and the environment to be protected. He believed it was a good form of medicine but wanted to see strong County regulations around grows, processing, production and distribution with rigorous enforcement. He spoke to the difficulties faced by small farmers and growers.

Ms. Rosemary Metrailler: Believed growers wanted to come out of the darkness and come into compliance. She felt strongly that the Board needs to get going on the issue. Farming as a business in the State is going to be very competitive. She wanted farmers to have regulations they can understand and meet soon. She spoke to setbacks and smaller sized parcel limitations. She asked the Board to look at nuances that are particular to Nevada County.

Mr. Jonathon Collier: Spoke to the improvement that has been brought forward through the CAG process. He believed neither side will be fully happy with the recommendations, but felt the recommendations reflect a moderation between the two sides that hasn't existed before. He agreed with a Blue Ribbon Committee process, possibly involving specialized expertise. Mr. Collier commented on grow sizes per acreage, setbacks, bus stops which are not used during the summer and are not populated with children for most of the day during the grow season. He wanted to see the process made possible for growers, and suggested medical non-remuneration and commercial regulations be separate, and urged approval of commercial grows.

Mr. Sean Powers responded to Chair Scofield's question regarding the absence of some of the CAG members that 5 members were unable to attend the Board meeting. However, all 16 members attended the CAG meetings throughout the process.

Board questioning and discussion ensued.

Supervisor Weston asked about the Blue Ribbon Committee process. Ms. Alison Barratt-Green, County Counsel, responded that if a committee were appointed it would be subject to the Brown Act, but consultants working with staff would not come under the Brown Act depending how it was structured. Therefore, if staff were directed to create a technical advisory team to assist them and staff selected the team, it would not be a Brown Act issue.

Supervisor Miller asked about Zones R1 and RA regulation recommendations being undetermined. Why ask follow-up questions if you can't agree if it is allowed? Mr. Powers responded that staff was trying to get a range of considerations.

Supervisor Miller asked whether CAG members were discussing large commercial grows or small commercial grows. Mr Collier responded that they were in favor of medium licenses which provide for the largest commercial grows; 1 acre outdoor and 1/2 acre of indoor mixed lighting. The CAG members were not in favor of grows in this category.

Supervisor Weston was in support of non-remuneration, which he believed would be taken care of by the dispensaries that are planned in Nevada City.

Supervisor Hall agreed that technical advice would be good, and did not want to move forward with a committee that would come under the Brown Act. She would like the technical group to include legal advisors as well. Supervisor Hall believed the recommendations from the CAG to be a good place to start. She looked to staff to provide a range of options that the Board could review, and was ready to move forward aggressively. She wanted the ordinance to be clear and easy to understand and also that the enforcement would be clear and easily enforceable.

Supervisor Anderson was not certain of the purpose of a Blue Ribbon Committee. He was concerned regarding size of parcels, and the impacts of grows to neighbors on smaller parcels, primarily odors. He thought a consultant team could look into this further to provide recommendations to the Board. He suggested staff review the Sonoma County recommendations to see if they are appropriate to Nevada County.

Chairman Scofield provided an opportunity for public comment.

The following public members commented on the CAG process, the County Cannabis Ordinance, and provided regulation suggestions:

Mr. Gary Baker, District II resident; Ms. Corlene Mapes, District I resident; Mr. Rich Mapes, District I resident; Mr. Paul Millet, District II resident; Ms. Diana Gamzon, Nevada County Cannabis Alliance Executive Director and District I resident; Mr. Wade Laughter, District I



resident; Ms. Song Kowbell, District IV resident; Mr. John Foley, District II resident; Mr. Steve DeSena, District I resident; Mr. Frank Pfaffinger, District I resident; Ms. Linda Chaplin, District I resident; Mr. Frank McCarthy, District 1 resident; Mr. Dave Jenkins, District 1 resident; Mr. Aja Salvatore, District 4 resident; Mr. David Cooper, District IV resident and cannabis farmer; Mr. Jon Oleson, District IV resident; Mr. Michael McCauley, District IV resident; Mr. Daniel Robetti, District IV resident; Ms. Shelly Salvatore, District 1 resident; Mr. Mark Johnson, Nevada County resident; Mr. Chris Bryant, District V resident; Mr. Basil McMahan, District II resident; Ms. Mary Alice Ritti, District 3 resident; Scott, Nevada County Resident; Mr. Matthew Coulter, District I resident; Abe, District IV resident; Ms. Geraldine Gallupe, District II resident; Ms. Debbie Porter, District II resident; Ms. Lucille Allen, Grass Valley resident; Mr. Stuart Allen, Nevada County resident; Ms. Laura Donaldson (Indigo Herbals), District I resident; Mr. Dave Brandfass, District II resident; Mr. Brad Fowler, District II resident; Mr. Victor Patton, District III resident; and Mr. Douglas Potter, Nevada County resident.

Chairman Scofield closed the public comment period.

Supervisor Weston asked about the process moving forward. He wanted to have more information brought forward at the February 13th meeting regarding temporary licensing, penalties, and taxes.

Chairman Scofield wanted to move forward with the process quickly. He provided direction to staff about some of the areas that still need clarification; is the Board moving ahead with a cultivation only Ordinance, is commercial cultivation going to be allowed, will the Ordinance restrict to medical cultivation or also allow adult use cultivation, and we need to clarify in what zones cultivation will be permitted and what would the maximum grow be. He agreed with Supervisor Weston that some type of temporary license would be a helpful step going forward.

Supervisor Miller wanted to clarify what level of compliance a grower would need to achieve prior to temporary licensing. Also, what issues are involved with a person becoming compliant? Mr. Powers responded that people are already submitting applications to the State to be able to grow commercially in Nevada County. Minimally staff would want to look at the property planned for the grow; and staff is developing the standards they would require in order to grant that temporary license. There would be a three step process during the grow season that staff would use to be sure a grower was remaining compliant throughout the grow season.

Supervisor Hall asked about a California Environmental Quality Act (CEQA) analysis. Mr. Powers responded that it will depend how much the current ordinance will be changed. The items that might trigger a CEQA requirement could be cultivation expansion, permitting process and whether or not Nevada County allows commercial grows. He reported that he and Ms. Dyck are very involved with the California Association of Counties (CSAC). They are putting together

a clearinghouse of information, and are looking at how all of the counties are handling this issue.

Supervisor Anderson returned to the issue of impacts to neighboring residents. Nevada County predominant land use is rural residential. The Board is perhaps making zoning decisions that embody a vision for the County which is not the reality as people see it now. One of the issues is that the recommendations from the CAG would open commercial grows in four zones, some affecting parcels that are 2 acres and up. This could create a huge change within the County. As a previous Planner, he felt that this impact should be looked at carefully, and would weigh these concerns as the process moves forward.

**MOTION: Motion made by Supervisor Weston, seconded by Supervisor Hall, to adopt Resolution 18-022. On a roll call vote the motion passed unanimously.**

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**ADJOURNMENT:**

ACTION TAKEN: Chairman Weston adjourned the meeting at 4:36 P.M.

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Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board