

From: [Michael & Judith Hill-Weld](#)
To: [BOS Public Comment](#)
Subject: oppose phony fire tax
Date: Friday, August 5, 2022 4:13:32 PM

Dist 1

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I strongly oppose the proposed fire tax. Not because I don't support funding fire prevention measures, but because it is obviously a special tax and should be voted on as such.

The tax is proposed to be voted on as a general fund revenue source when, it is clear that it is a special purpose tax. It should be voted on as such requiring 66% approval to be enacted.

The board is clearly looking at a means of avoiding the state laws requiring that this type of tax receive approval of 66% of votes cast. That's an abuse of the state laws and the board should be embarrassed to even consider such a shell game.

I urge you to not support this scheme to avoid complying with state law. Vote for a special tax as provided under state law.

Thank you,
Michael Hill-Weld

August 5th, 2022

To the Nevada County Board of Supervisors:

According to the California Constitution, urgency ordinances “are those necessary for the ***immediate*** preservation of public peace, health, or safety.” Since the resolution of this ordinance cannot be determined until the November election, what *immediate* need does it address?

According to the California Constitution, “a statement of facts constituting the necessity shall be set forth in the ordinance.”

“With the recent wildfire and snow events the community has expressed concern about their safety” is a statement, not a fact.

County Staff has been non-responsive to inquiries regarding the urgency ordinance and evidently is drawing on segments from an unpublished and unavailable push poll to establish the basis for an urgency ordinance. There are no listed urgency findings to support the proposed urgency ordinance, rendering it invalid (see Ordinance No. 4396 for a correctly formatted urgency ordinance authored by Mendocino County, attached.) ^[1]

The California Constitution states, “The urgency ordinance may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.”

Yet, if this urgency ordinance were to pass, the duties of the Board of Supervisor will certainly be expanded by vesting the Supervisors with new powers to appoint and manage a Citizens Oversight Committee and two Technical Advisory Committees.

In terms of special privilege and vested interest, District 5 will be granted powers greater than that of the other Districts by allowing for autonomy of control over the Eastern Technical Advisory Committee.

This determination of urgency is clearly untimely, insufficient, and violates the Constitution of the State of California.^[2] As a result, it is invalid, and the potential adoption of this ordinance creates the potential for litigation which is not in the best interest of the citizens of Nevada County.

Any legislation passed with the aid of an urgency clause that is deemed invalid would invalidate the legislation itself.^[3]

Fiscal emergencies based solely on budget constraints do not constitute a declaration of urgency or emergency.^[4]

I urge the Board of Supervisors to reject this hastily written ordinance as it violates the California State Constitution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mac Young', with a long, sweeping horizontal line extending to the right.

Mac Young

Auburn, California

[1] Cal. Const. aft. IV, section 8(d)

[2] Amwest Surety Ins. Co. v. Wislon (1995) 11 Cal.4th 1243, 1253-54.

[3] People v. Camba (1996) 50 Cal. App 4th 857, 863.

[4] California Med. Assn. v. Brian (1973) 30 Cal. App. 3d 637, 657

From: [Mac Young](#)
To: PublicInformationOfficer@co.nevada.ca.us
Subject: Ballot measure on half-cent sales tax
Date: Thursday, July 28, 2022 4:35:33 PM

Cannot identify Dist

Hi Taylor,

Can you provide me with information regarding the proposed sales tax ballot measure?

I would like to see information regarding the work group membership, the polling data cited by The Union including the polling construction, as well as a digital copy of the presentation that was distributed at the chamber / downtown association meeting that was held today. I was unable to attend --- I would like to see some concrete information on this issue.

I assume the legal language for the proposal has already been constructed. Will this be circulated prior to being added as an agenda item to the biweekly Board of Supervisors meeting?

Thanks in advance,
Mac Young

ORDINANCE NO. 4396

**AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF
SUPERVISORS PROHIBITING PRICE GOUGING FOLLOWING THE REDWOOD
COMPLEX FIRE**

WHEREAS, on October 9, 2017, fires started within the County of Mendocino that later became known as the Redwood Complex Fire; and

WHEREAS, on October 9, 2017, by delegation, a local emergency was declared for Mendocino County, which was ratified by the Board of Supervisors at its meeting on October 10, 2017; and

WHEREAS, on October 9, 2017, Governor Edmund G. Brown, Jr., declared a state of emergency for Butte, Lake, Napa, Orange, Mendocino, Nevada, Sonoma and Yuba counties; and

WHEREAS, on October 10, 2017, President Donald J. Trump issued a major disaster declaration for the State of California as a result of the devastation caused by the fires in Butte, Lake, Mendocino, Napa, Nevada, Sonoma and Yuba counties; and

WHEREAS, on October 13, 2017, the health officer of the County of Mendocino declared a local health emergency, pursuant to Health and Safety Code section 101080, which was ratified by the Board of Supervisors at its meeting on October 17, 2017; and

WHEREAS, on October 18, 2017, Governor Edmund G. Brown, Jr., issued Executive Order B-43-17 to assist in streamlining recovery efforts in communities throughout the State that have been impacted by wildfires during October 2017; and

WHEREAS, as of the drafting of this ordinance, the Redwood Complex Fire had burned over 35,000 acres and destroyed or damaged several hundred homes and minor structures; and

WHEREAS, adequate, affordable housing presents an issue of public health and safety to those who have been displaced by the Redwood Complex Fire; and

WHEREAS, California Penal Code section 396, the anti-price gouging statute, becomes effective immediately after either the President of the United States or the Governor of California proclaims a state of emergency or a local official or board declares a local emergency; and

WHEREAS, on October 18, 2017, Governor Edmund G. Brown, Jr., declared that the provisions of section 396 will remain in effect until April 18, 2018 to protect the survivors in the affected counties; and

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS
ORDAINS AS FOLLOWS:

Section 1. The above recitals are incorporated herein by this reference.

Section 2. Urgency Findings. The Board of Supervisors hereby finds that the adoption of this ordinance is for the immediate preservation of the public peace, health and safety. The Redwood Complex Fire has destroyed hundreds of residences and accessory buildings in Redwood Valley and the surrounding areas of the County. Due to the extraordinary losses of the Redwood Complex Fire, on October 18, 2017, Governor Edmund G. Brown, Jr., declared that the provisions of Penal Code section 396, relating to price gouging, will remain in effect until April 18, 2018 to protect the survivors in the affected counties. The greater penalties are created by this Ordinance are needed to protect residents impacted by the Redwood Complex Fire.

Section 3. Authority. Penal Code section 396 permits a local jurisdiction to adopt an ordinance to prohibit the same or similar conduct and to impose a more severe penalty than that imposed pursuant to state law.

Section 4. Purposes and Prohibitions.

(A) Penal Code section 396 states that public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited. Section 396 generally prohibits charging a price that exceeds, by more than 10%, the price of an item immediately before the declaration of emergency. This law applies to, but is not limited to: food, emergency supplies, emergency cleanup services, goods, storage services, building materials, construction services and housing (defined as any rental housing with an initial lease term of no longer than one year.)

(C) A violation of Penal Code section 396 is subject to criminal prosecution as a misdemeanor punishable by imprisonment in the County jail for a period not to exceed one year, or by a fine of up to ten thousand dollars (\$10,000), or both. Additionally, a violation may be subject to a civil enforcement action as an unlawful business practice and an act of unfair competition which includes penalties of up to five thousand dollars (\$5,000) per violation, injunctive relief, and mandatory restitution. Both the Attorney General and the County District Attorney may enforce Penal Code section 396.

(D) The purpose of this Ordinance is to impose a more severe penalty than

dwelling unit. In such instances, only the actual cost increase may be added to the prior housing price. For purposes of this ordinance, "prior housing price" shall be the rental price for the dwelling unit during the thirty-day period immediately preceding the State of Emergency.

(F) The prohibitions of this ordinance shall remain in effect until April 18, 2018.

Section 5. Penalties.

A violation of this ordinance is a misdemeanor punishable by imprisonment in the County jail for a period not to exceed one year, or by a fine of up to twenty thousand dollars (\$20,000), or both. Additionally, a violation may be subject to a civil enforcement action as an unlawful business practice and an act of unfair competition which includes penalties of up to five thousand dollars (\$5,000) per violation, injunctive relief, and mandatory restitution.

Section 6. CEQA. The Board of Supervisors hereby finds that this ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") pursuant to CEQA Guidelines (14 Cal. Code Regs. section 15000 et seq.) sections 15060(c)(3) and 15378(b)(4), as the adoption of this ordinance has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Section 7. Effective Date. This ordinance is an urgency ordinance adopted pursuant to Government Code Section 25123 and shall become effective immediately upon its adoption if adopted by at least four-fifths of the Board of Supervisors.

Section 8. Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

From: [John & Eileen](#)
To: [BOS Public Comment](#)
Subject: Wildfire Prevention, Emergency Services and Disaster Readiness Measure comments
Date: Friday, August 5, 2022 9:11:07 PM
Attachments: [Nevada County Board of SupervisorsAugust 5.docx](#)

Dist 3

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Attached are comments

Nevada County Board of Supervisors

August 5, 2022

Subject: Wildfire Prevention, Emergency Services and Disaster Readiness Measure

While this measure is laudable in its attempt to address a need here in Nevada County, the article that was submitted to The Union newspaper seems omit the needed amount of voter approval necessary for the measure to pass. If it is only 50% as reported earlier, then you can count me out. If you don't think it can garner 65% of the vote as the roads or library tax then it should not pass. This is a special tax and should be treated as such.

Thanks for the chance to comment.

John Rodrigues

From: [Lock Richards](#)
To: [BOS Public Comment](#)
Subject: Fwd: Wildfire Tax Increase Proposal
Date: Saturday, August 6, 2022 10:07:11 AM

Cannot identify Dist

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Dear BOS,

While I support seriously needed efforts to combat today's wildfire threat, I am also concerned about never-ending tax and other cost of living increases. Rather than another tax increase, has any consideration been given to examining current government budgets (at every level) and redirecting current funds from other programs or areas that may no longer be as critical as the wildfire threat?

We all have to make tough decisions relative to our personal budgets and we must often go without things we would really like to have. Governments, on the other hand, don't seem to make such tough choices anymore, but rather just choose to add another tax or fee on top of all the other taxes and fees - which are slowly but steadily destroying the middle class and their ability to make it economically.

Has there been a serious effort on behalf of the BOS to look for existing funds in the budget and perhaps make some tough choices to reallocate such monies from existing programs or areas that are not as crucial as the existential wildfire threat (as an alternative to another additional tax)? Such continually increasing financial burdens on the people are simply unsustainable.

Thank you.
L. Richards

From: [Teri Personeni](#)
To: [bdofsupervisors](#)
Subject: increased sales tax
Date: Saturday, August 6, 2022 2:28:08 PM

Dist 4

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Please do not add any more taxes!!!

We are financially stressed enough at this time. Our State is taxing us more, fuel taxes have increased, since our water supply is compromised our food is costing more. Since the Covid shutdowns, so many businesses have closed or limited their employees, many citizens don't even have a job.

Those of us who have retired are trying to rearrange our budgets in order to pay our utilities and buy food.

This project may have merit, but the citizens need to grow up. I cannot afford to train this community over and over about fire safety. It is common sense and those who don't have any need to lose something to learn. Harsh? Yes!! We are tax poor!

Teri Personeni



Supervisory District 4

From: [Kurt Greiner](#)
To: [BOS Public Comment](#)
Subject: Proposed sales tax increase
Date: Sunday, August 7, 2022 3:43:53 PM

Dist 3

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I am strongly against the proposed sales tax increase as written. There is no guarantee that the money would be used as is claimed by it's proponents - it says the money "could" be used for Fire Prevention purposes, and proposes a powerless Citizens Advisory Committee to advise a Board of Supervisors that can then act as they see fit.

At a time when many people are cynical and suspicious about Government and Politicians this is exactly the kind of proposal that fuels that distrust, using our wildfire problem as cover for yet another regressive tax. The people that proposed this should be ashamed of this clumsy attempt to raise our sales tax even higher than neighboring counties using a dishonest tactic.

Kurt Greiner
Grass Valley, CA