



**RESOLUTION No. 16-082**

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**RESOLUTION CLARIFYING THE INTENT OF THE BOARD OF SUPERVISORS WITH RESPECT TO THE COUNTY-INITIATED BALLOT MEASURE REGARDING RESTRICTIONS ON MARIJUANA CULTIVATION, PROVIDING DIRECTION REGARDING THE SUBMISSION OF WRITTEN ARGUMENTS FOR AND AGAINST THE BALLOT MEASURE, AND PROVIDING DIRECTION REGARDING PREPARATION OF A FISCAL IMPACT STATEMENT**

WHEREAS, on January 12, 2016, the Board of Supervisors adopted Resolution No. 16-038 calling an election for, and Authorizing the Submission to the voters of, an ordinance amending the Nevada County General Code Regarding Restrictions on Marijuana Cultivation (“Ballot Measure”), and consolidating the election on the ballot measure with the June 7, 2016, statewide general election; and,

WHEREAS, the proposed Ballot Measure contains regulations related to marijuana cultivation, including a ban on outdoor marijuana cultivation within the unincorporated area of the County; and,

WHEREAS, in placing the proposed Ballot Measure on the June 7, 2016 election, it was the intent of the Board of Supervisors to give all constituents a full and fair opportunity to vote and express their opinion on an important and controversial communitywide issue; and,

WHEREAS, there has been significant community confusion regarding the effect of the proposed Ballot Measure should the voters choose not to adopt it; and,

WHEREAS, Elections Code section 9162(a) authorizes the Board of Supervisors, or any member or members of the Board, to file a written argument for or against any County measure; and,

WHEREAS, Elections Code section 9160(c) authorizes the Board of Supervisors to direct the County Auditor-Controller to prepare a fiscal impact statement; and,

WHEREAS, the Board of Supervisors desires to clarify its intention to abide by the will of the voters with respect to the Ballot Measure, regardless of the outcome, and to provide direction with respect to the provisions of Elections Code sections 9162(a) and 9160(c).

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors finds and determines as follows:

1. In placing the proposed Ballot Measure on the June 7, 2016 ballot, it is the intent of the Board of Supervisors to provide all registered Nevada County voters with a full and fair forum in which to vote and express their opinions regarding marijuana cultivation in Nevada County and whether outdoor marijuana cultivation should be allowed.

2. If the Ballot Measure is approved by a majority of the registered voters voting on the measure, it is the intent of the Board of Supervisors to approve the Ballot Measure at the next available meeting after the results of the election have been certified by the County Elections Official.
3. If the Ballot Measure is not approved by a majority of the registered voters voting on the measure, it is the intent of the Board of Supervisors to reject the Ballot Measure, to repeal the ban on outdoor cultivation of marijuana and to consider and adopt other outdoor regulations at the next available meeting after the results of the election have been certified by the County Elections Official.
4. Pursuant to Elections Code section 9162(a), the Board of Supervisors hereby appoints the Chair and Vice Chair of the Board of Supervisors as a subcommittee to write and publish the primary argument for, and in rebuttal to the primary argument against the ballot measure, if any, and to determine the signatories for the primary ballot argument and rebuttal, consistent with the requirements of Elections Code section 9162, et seq.
5. Pursuant to Elections Code section 9160(c), the Board of Supervisors does not direct the Auditor-Controller to prepare an impartial analysis of the proposed Ballot Measure.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of February, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller,  
Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By:



Dan Miller, Chair

2/9/2016 cc:

Counsel\*  
Sheriff\*  
Elections\*