

COUNTY OF NEVADA

STATE OF CALIFORNIA

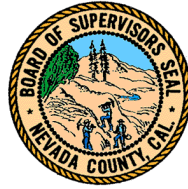
Nate Beason, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District (Chair)

Wm. "Hank" Weston, 4th District (Vice-Chair)

Richard Anderson, 5th District



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

Date	Time	Location
Tuesday, July 26, 2016	9:30 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:30 AM

Rollcall

The following Supervisors present:

Nathan H. Beason, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District

Hank Weston, 4th District

Richard Anderson, 5th District

STANDING ORDERS:

Chairman Miller called the meeting to order at 9:30 A.M.

Pledge of Allegiance led by Mr. Tom Coburn, Facilities Program Manager.

Corrections and/or deletions to agenda.

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

PUBLIC COMMENT: 9:31 A.M.

ACTION TAKEN: Mr. Wendell Travis, District IV resident, provided comments regarding civil liberties. He urged the Board to observe Constitution Day.

Ms. Linda Chaplin, District I resident, shared her concerns regarding the closure of the Emigrant Trail to members of the public. She requested the Board provide the public with an update on the status of the Trail Survey and any developments that have taken place in the last five years. Chairman Miller suggested Supervisor Anderson look into the status due to his support of trails. Supervisor Anderson agreed to speak with staff.

There being no further public comment Chairman Miller closed public comment.

CONSENT CALENDAR:

Health and Human Services Agency Director: Michael Heggarty

1. [SR 16-0642](#) Resolution approving a renewal Memorandum of Understanding (MOU) between the County of Nevada and the County of Placer pertaining to Nevada County providing consultative/program management services for development of collaborative and regional health and human services in Eastern County, in the maximum amount of \$111,537, for the period July 1, 2016 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the MOU.

Adopted.

Enactment No: RES 16-366

Behavioral Health Director: Rebecca Slade

2. [SR 16-0624](#) Resolution approving Amendment A05 to renewal Standard Agreement 14-90076 between the County of Nevada and California Department of Health Care Services (DHCS) which provides funding for substance use disorder services (Res. 14-507), modifying the terms and conditions, and increasing the total maximum amount from \$3,123,131 to \$3,123,695, for the period July 1, 2014 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-367

3. [SR 16-0625](#) Resolution approving a renewal contact between the County of Nevada and Auburn Counseling Services, Inc., dba Communicare for the provision of phone triage services and Regional Telephone Triage Services for Placer County's Adult System of Care, and patients' rights and quality assurance services, in the maximum amount of \$888,726, for the period July 1, 2016 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 16-368

4. [SR 16-0628](#) Resolution approving a renewal contract between the County of Nevada and Turning Point Community Programs, Inc. for the provision of Adult Assertive Community Treatment (AACT) Program Services as a component of the County's Mental Health Services Act (MHSA) Community Services and Supports (CSS) Plan, Supported Independent Living Program Services, and Integrated Health Care Services as part of the Integration Services Team (IST), in the maximum amount of \$2,511,104, for the period July 1, 2016 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 16-369

Public Health Director: Jill Blake

5. [SR 16-0634](#) Resolution approving Amendment A01 to Standard Agreement 14-10066 between the County of Nevada and California Department of Public Health, Childhood Lead Poisoning Prevention Branch (CLPPB), for the provision of lead poisoning prevention activities (Res. 14-170), increasing the total maximum amount from \$141,696 to \$189,001, for the period July 1, 2014 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-370

6. [SR 16-0643](#) Resolution approving renewal Agreement 15-11066 between the County of Nevada and California Department of Public Health, Office of AIDS (CDPH/OA), pertaining to funding the HIV Care Program (HCP) Core Medical and Support Services and Minority AIDS Initiative (MAI) Outreach and Treatment Services, in the maximum amount of \$133,959, for the period April 1, 2016 through March 31, 2019, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-371

Director of Social Services: Mike Dent

7. [SR 16-0639](#) Resolution approving a Memorandum of Understanding (MOU) between the County of Nevada and California Department of Social Services (CDSS) for the purpose of authorizing the Nevada County Department of Social Services' staff access to TALX Corporation's on-line employment verification service, at no cost to the County, upon approval by CDSS through September 30, 2017.

Adopted.

Enactment No: RES 16-372

8. [SR 16-0640](#) Resolution approving Standard Agreement 16F-5544 between the County of Nevada and the State Department of Community Services and Development (CSD) for 2016 Community Services Block Grant (CSBG) Targeted Initiative Funding, in the maximum amount of \$17,000, for the period June 15, 2016 through December 31, 2016, authorizing the Chair of the Board of Supervisors to execute the Agreement, and authorizing and directing the Auditor- Controller to amend the Health and Human Services Agency - Housing Division's budget for Fiscal Year 2016/17. (Housing Division) (4/5 affirmative vote required)

Adopted.

Enactment No: RES 16-373

Child Support Services Director: Tex Ritter

9. [SR 16-0649](#) Resolution approving the Amended and Restated Joint Exercise of Powers Agreement (JPA) between Sutter, Nevada, Yuba and Colusa Counties, and the Cities of Live Oak, Yuba and Colusa, for the purpose of creating a Regional Housing Authority (Res. 11-205), and authorizing the Chair of the Board of Supervisors to execute the JPA. (Housing Division)

Adopted.

Enactment No: RES 16-374

Sheriff-Coroner/Public Administrator: Keith Royal

10. [SR 16-0606](#) Resolution approving a renewal agreement between the County of Nevada and County of Amador pertaining to the housing of Amador County inmates in the Wayne Brown Correctional Facility, with payment to Nevada County in the amount of \$70 per inmate, per day, for the period of one year beginning with the date of the last signature, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 16-375

Director of Public Works: Steven Castleberry

- 11a. [SR 16-0595](#) Resolution awarding and approving a contract between the County of Nevada and Dokken Engineering for professional engineering services for the Hirschdale at Truckee River Bridge Rehabilitation and Seismic Retrofit Project (Res. 16-123), in an amount not to exceed \$504,400, for the period July 26, 2016 through December 31, 2020, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Department of Public Works Fiscal Year 2016/17 budget. (Dist. V) (4/5 Affirmative vote required)

Adopted.

Enactment No: RES 16-376

- 11b. [SR 16-0673](#) Resolution awarding and approving a contract between the County of Nevada and Dokken Engineering for professional engineering services for the Hirschdale Road at Hinton Overhead UPRR Bridge Rehabilitation Project (Res. 16-123), in an amount not to exceed \$267,902, for the period July 26, 2016 through December 31, 2020, and authorizing the Chair of the Board of Supervisors to execute the contract. (Dist. V)

Adopted.

Enactment No: RES 16-377

12. [SR 16-0630](#) Resolution approving and directing the Department of Public Works to solicit Request for Qualifications from qualified traffic and/or civil engineering firms to develop a Feasibility Analysis for future La Barr Meadows Drive Corridor Safety Improvements. (Dist. III)

Adopted.

Enactment No: RES 16-378

13. [SR 16-0601](#) Resolution approving Program Supplement Number F057 to Administering Agency-State Agreement for Federal Aid Projects Number 03-5917F15, in the amount of \$267,740, for preliminary engineering on the Hirschdale Bridge at UPRR Crossing Rehabilitation Project - 5917(097), and authorizing the Chair of the Board of Supervisors to execute the original two documents. (Dist. V)
Adopted.
Enactment No: RES 16-379
14. [SR 16-0650](#) Resolution approving and authorizing the Auditor-Controller to place delinquent solid waste parcel charge assessments onto the 2016/17 secured property tax roll. (Dist. V) (Sanitation)
Adopted.
Enactment No: RES 16-380
15. [SR 16-0651](#) Resolution approving Amendment 3 to the agreement between the County of Nevada and Paratransit Services for the provision of specialized paratransit services in Western Nevada County (Res. 13-168), increasing the fixed vehicle service hourly rate to \$35.88 and the fixed monthly rate to \$56,692, for the period July 1, 2016 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Transit)
Adopted.
Enactment No: RES 16-381

Chief Information Officer: Stephen Monaghan

16. [SR 16-0645](#) Resolution approving Amendment 1 to the agreement between the County of Nevada and Climatec LLC to install energy efficiency improvements at various Nevada County facilities and to oversee a program of energy conservation measures and solar energy generation (Res. 16-176), providing for an extension of the contingency period through August 31, 2016 in order for the County to secure financing for the projects, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)
Adopted.
Enactment No: RES 16-382

17. [SR 16-0646](#) Resolution approving Amendment 1 to the agreement between the County of Nevada and SunPower Corporation, Systems to engineer, procure, and construct five Solar Energy Generation Systems (Res. 16-177), providing for an extension of the contingency period through August 31, 2016 in order for the County to secure financing and obtain Planning approvals for the projects, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)

Adopted.

Enactment No: RES 16-383

18. [SR 16-0638](#) Resolution approving revised construction documents and directing the Purchasing Agent to solicit bids for the Bost House Renovation Project. (Facilities) (Pulled from consent by Supervisor Beason.)

Enactment No: RES 16-385

19. [SR 16-0637](#) Resolution approving construction documents and authorizing the Purchasing Agent to solicit bids for the Electric Vehicle Charging Stations Project. (Facilities)

Adopted.

Enactment No: RES 16-384

Clerk of the Board: Julie Patterson Hunter

20. [SR 16-0669](#) Acceptance of Board of Supervisors Summary Minutes for June 28, 2016.
Accepted.

ACTION TAKEN: Chairman Miller introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to approve the consent calendar less Agenda Item #18. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Chief Information Officer: Stephen Monaghan

18. [SR 16-0638](#) Resolution approving revised construction documents and directing the Purchasing Agent to solicit bids for the Bost House Renovation Project. (Facilities) (Pulled from consent by Supervisor Beason.)
Adopted.
Enactment No: RES 16-385

ACTION TAKEN: Mr. Stephen Monaghan, Chief Information Officer, reported that they did not receive any bids for the Project. The contractor's feedback was that the project is very large and they could not get sub-contractors lined up due to their current busy schedules. They are restructuring the bid documents, and lowering the bid amount.

Supervisor Beason wanted more clarification why this bid was being resubmitted. Mr. Tom Coburn, Facilities Program Manager, responded that they had readjusted and widened the scope of the Project and have contacted the Contractor's Association to request them to turn in bids.

Supervisor Beason expressed concern for the omission of exterior ADA requirements. Mr. Coburn responded that the type of facility and zoning for this project is residential and does not require the exterior ADA. Facilities reviewed the clients who would be using the facility and determined that there are other facilities within the County that are ADA compliant and would be able to serve those clients. Therefore, the County is in compliance because alternatives are offered. Also, in the future, we can add the exterior ADA items can be added.

Supervisor Beason asked what happened to the CDBG \$100,000 grant money that will not be used due to the changes in the bid documents, and if it goes back into the grant or is it redistributed. Mr. Coburn responded that there should not be any funding leftover when the Project is complete.

Supervisor Beason mentioned that there is a lot of interest in Bost House and he wants to see the facility continue to be of service the public.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Scofield, to adopt Resolution 16-385. On a roll call vote the motion passed unanimously.

***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: Updates were provided by members of the Board.

SCHEDULED ITEM: 10:00 A.M. Stephen Monaghan, Chief Information Officer

21. [SR 16-0644](#) Public hearing to consider an Ordinance amending Article 2; replacing Articles 2.A and 2.B; and repealing Article 2.C to Chapter II of the Nevada County General Code pertaining to implementation of the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”).

(Introduce/Waive further reading/Adopt) An Ordinance amending Article 2; replacing Articles 2.A. and 2.B; and repealing Article 2.C to Chapter II of the Nevada County General Code, pertaining to implementation of the Digital Infrastructure and Video Competition Act of 2006.

Adopted.

Enactment No: ORD-2415

ACTION TAKEN: Chairman Miller called the meeting to order and introduced the agenda item, reading the title of the Ordinance into the record.

Mr. Stephen Monaghan, Chief Information Officer, introduced Ms. Mary Ross, Purchasing Agent/IGS Chief Fiscal Officer, and reviewed the staff report. He commented that both of our cable providers, Comcast and Suddenlink, are moving to a State mandated Franchise Agreement. To facilitate this Agreement the current Ordinance needed updating.

Ms. Ross presented a PowerPoint presentation with information regarding the history and current franchise agreements, as well as, the financial and community infrastructure benefits they bring to the County. Ms. Ross provided a summary regarding the proposed Ordinance. The Cable Television Franchises provide for Franchise fees plus educational and governmental programming.

In June 2006, the County entered into Franchise Agreements with Comcast and Suddenlink. In August 2006, the State of California adopted the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). Franchises were then required to come under the Act after their Agreements terminated. The Nevada County Franchise Agreements ended last month. When the new Agreements go into effect, there will be no change to the County's Franchise fees. Franchise fees will continue at 5% of gross income.

The Agreements include a PEG fee usually from 1-3%. The PEG fee benefits the County and the Cities of Grass Valley and Nevada City; the County retains a portion of the fees related to maintaining and operating the broadcast channel. Truckee has its own Franchise Agreements with the two providers. The PEG fee will be rounded to 1.4% as established by the proposed Ordinance. Looking ahead, PEG fees will increase from \$44,000 to \$100,000 per year. In the past, 35% of the PEG fees have been paid to the community television stations in Grass Valley and Truckee. The remaining 25% were held back according to the original agreement. The funds were used to fund a loan to construct high-speed data networks in the County. This loan was paid in full a few months before the Agreements ended. Our General Services Department is presently awaiting spending plans from the stations for the expenditure of the 25% of the funds. When they have them they will come back to the Board with proposed agreements to approve the transfer of funds.

Board questioning and discussion ensued.

In response to questions by Supervisor Anderson, Ms. Ross clarified that this does not affect Eastern County or Truckee Tahoe Community Television.

Chairman Miller opened the public hearing for public comment. There being no public comment, Chairman Miller closed public comment.

Supervisor Beason was concerned about the complaints he has received regarding Comcast customer service. He worries that the funds might tempt us to not represent our constituents as we should. Ms. Ross asked him to refer the complaints to her.

Ms. Ross requested the Board adopt the Cable Franchise Ordinance to implement DIVCA.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Scofield, to adopt Ordinance 2415. On a roll call vote the motion passed unanimously.

***CLOSED SESSION:**

[SR 16-0675](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Global Discoveries, Ltd. v. Nevada County, et al., Nevada County Superior Court, Case No. CU16-081645.

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. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

Recess for lunch: Meeting recessed at 11:28 A.M.

AFTERNOON SESSION: 1:30 P.M.**DEPARTMENT HEAD MATTER:****County Counsel: Alison Barratt-Green**

22. [SR 16-0661](#) (Introduce/Waive further reading/Adopt) An Urgency Ordinance adding Subsections G-IV 5.2.W, G-IV 5.4.C.4, G-IV 5.4.E.4, G-IV 5.4.H.14, G-IV 5.4.L, G-IV 5.10.C, G-IV 5.10.D, G-IV 5.10.E, G-IV 5.10.F, and G-IV 5.15.D to Article 5 of Chapter IV, and amending Subsections G-IV 5.2.V, G-IV 5.3.F, G-IV 5.4.C, G-IV 5.4.C.3, G-IV 5.4.E.1, G-IV 5.4.E.2, G-IV 5.4.F, G-IV 5.4.H, G-IV 5.4.H.9, G-IV 5.4, G-IV 5.7.F, G-IV 5.7.G, G-IV 5.8.B., G-IV 5.9.A., G-IV 5.9.B, G-IV 5.9.C, G-IV 5.9.E, G-IV 5.9.F, G-IV 5.10.A, G-IV 5.11, G-IV 5.12.A, G-IV 5.13, G-IV 5.14, G-IV 5.15.C, G-IV 5.16, G-IV 5.17, G-IV 5.18 of Article 5 of Chapter IV, of the Nevada County General Code, regarding Marijuana Cultivation Regulations. (4/5 affirmative vote required)

Adopted.

Enactment No: ORD-2416

ACTION TAKEN: Chairman Miller introduced the agenda item and read the title of the Ordinance into the record.

Chairman Miller provided an overview of the afternoon's procedures, noting that he would end the public comment period at 4:00 p.m., providing time to give those with differing views a fair opportunity to provide their comments. He requested everyone be civil and respectful of each other's views.

Ms. Alison Barratt-Green, County Counsel and Ms. Amanda Urhammer, Assistant County Counsel, provided a PowerPoint presentation regarding the Interim Urgency Ordinance repealing the Outdoor Cultivation Ban, adopting Interim Cultivation Regulations and amending Enforcement Provisions. She stressed that the regulations are interim due to the short time period and the County is committed to put into place permanent regulations. She clarified that the discussions during the meetings held with stakeholders were mainly about the Interim Ordinance and reviewed the general themes discussed. Ms. Barratt-Green provided an overview and history of State legislation and the Ordinances that have been passed by the Board of Supervisors regarding Medical Marijuana. She explained that the Ordinance discussed today is a civil nuisance Ordinance not a criminal Ordinance.

Ms. Urhammer reported that there were considerations to keep in mind during the writing of the proposed Urgency Ordinance, including the need for a 4/5 affirmative vote, the entire community and the fact that they have not met with all segments of the community, the State regulations that roll out in January 2018, and the implications of California Environmental Quality Act (CEQA). She reviewed the regulations within the Urgency Ordinance as proposed by the Subcommittee. Parameters include the attempt to keep cultivation out of residential areas and located on parcels zoned rural and agricultural.

Ms. Urhammer reviewed the enforcement provisions included in the Urgency Ordinance, including fines per plant per day, and she reviewed the updated appeal process. She commented that the abatement process will remain the same. Definition of 'Enforcing Officer' is amended to include Environmental Health, Code Compliance and the Building Official. She provided comparisons between Ordinance 2349 (currently in place), Measure S (as proposed earlier by proponents of Medical Marijuana) and the proposed Interim Urgency Ordinance.

Ms. Urhammer provided an overview of MMRSA, stressing that local jurisdictions will retain the ability to regulate.

Ms. Barratt-Green explained that the County must comply with CEQA when adopting regulations. She reviewed the requirements, noting that the CEQA review process takes time and money, which could take 90 days or more.

Ms. Barratt-Green recommended the Board introduce, waive further reading and adopt the Interim Urgency Ordinance. She stressed that the Board's Subcommittee has approved and recommends the proposed Urgency Ordinance.

Secondly, she recommended the Board authorize the Subcommittee to work with staff to develop a process for soliciting additional stakeholder input from all segments of our community in order to develop permanent, long-term regulations.

Keith Royal, Sheriff/Coroner/Public Administrator, invited the County's Police Chiefs to provide a brief overview of what each city is putting into place.

Police Chief Alex Gammelgard, City of Grass Valley provided an overview of their current regulations. Grass Valley has looked at cultivation, dispensaries and deliveries and the Council has voted to prohibit cultivation, dispensaries, as well as deliveries within the City of Grass Valley. He noted that discussion continue with members of the community to work toward long-term regulations and implementation of MMRSA.

Police Captain Rob Leftwich, Town of Truckee, reported that their regulations are similar to the City of Grass Valley with respect to dispensaries and deliveries. Due to the weather conditions within the Town, they have not experienced the same cultivation issues as Western County.

Police Chief Tim Foley, City of Nevada City, reported that Nevada City's primary concern was the impact on neighbors. As a result of this concern, Nevada City prohibited outdoor cultivation and provided for limited indoor grows up to 25 square feet. They are looking forward to other possibilities including keeping the ban on dispensaries in place and are keeping an eye on changes at the State level. The Council is open to discussion depending on future State regulation.

Sheriff Royal thanked all of the City representatives for coming to the meeting today. He explained that there is no fine structure within the current Ordinance only provisions to cover the administrative costs. He suggested that this results in growers being willing to take their chances on being found in violation. He stressed that without an incentive in place, there is no reason for the growers to remain in compliance. He reviewed regulations that neighboring counties have in place, including misdemeanor crime punished by fine or jail time, administrative and enforcement costs, and fines per day per violation (a violation is a single plant). Sheriff Royal reviewed the penalties and fines proposed within the Interim Urgency Ordinance, and concluded his presentation, urging the Board to approve the Ordinance as presented.

Chairman Miller opened Public Comment.

The following guest speakers provided comments in support of the proposed Interim Urgency Ordinance:

Mr. Don Bessee, District II resident and Executive Director of Smart Approaches to Marijuana; Mr. Linda Erdmann, District IV resident and President of Nevada County Republican Women Federated; Mr. Anthony Halby, District I resident and President of the Nevada County Law Enforcement and Fire Protection Council; Mr. Bill Drown, District 3 resident; Attorney James Henderson, District V resident and President of a California Non-Profit Organization; Ms. Lori Hart, District IV resident and representative of the Nevada County Branch of the Protect Placer Coalition Against Commercial Marijuana; Ms. Holly Hermansen, District V resident and Superintendent of Schools; Ms. Debbie Porter, District II resident and President of the Golden Oaks Home Owners Association; Ms. Fran Freedle, District IV resident; Mr. Jeff Heilmann, District I resident; Mr. Robert Ingram District III resident; Mr. Joe Ramey, District I resident; Mr. Norton Lehner, District II resident; Ms. Terry McLaughlin, District I resident; Mr. Kevin Bell, District II resident; Mr. Paul Mollett, District II resident; Mr. Lee French, District II resident; Ms. Nancy Mitchell, District II resident; Mr. Joe Griggs, District I resident.

The following members of the public provided comments in opposition to the proposed Interim Urgency Ordinance:

Ms. Patricia Smith, District IV resident and Chair for Americans for Safe Access (ASA); Mr. Forrest Hurd, District IV resident; Mr. Harry Bennett, District I resident and Director of a large cannabis collective, Mr. Mark Shafer, District 4 resident; Mr. Hezekiah Allen, Executive Director of the California Growers Association; Ms. Shelby Lucero, representative of BudTracker Corp.; Ms. Betty Lou Webb, District I resident; Ms. Lorraine Webb, District I resident; Song Kowbell, District IV resident; Mr. Michael Taylor, District I resident; Mr. Mark Johnson, District IV resident; Mr. Terry Lamphier, District III resident; Ms. Heather Burke, Attorney, District I resident; Mr. Tom Daley, District I resident; Mr. John Nash, District III resident; Ms. Calita Todd, District I resident; Ms. Lauren Wagner, District IV resident; Mr. Timmy Tucker, District III resident; Mr. Brad Peceimer, District II and District IV resident; Ms. Shari Phillips, County resident; Mr. Aja Salvatore, District IV resident; Ms. Jacqueline Ellis, District IV resident; Mr. Josh Fisher, District IV resident; Mr. James Devini, District IV resident; Mr. Soleil Webb, District I resident; Mr. Tim, County resident; Ms. Mary Alice Ritti, District III resident; Mr. Jezra Lickter, District II resident; Ms. Mina Wagner, District I resident; Ms. Kay Myers, District IV resident; Mr. Frank McCarthy, District IV resident; Mr. Bob Miller, District III resident.

Chairman Miller closed the public comment period.

Chairman Miller asked staff to respond to questions asked by members of the public.

Ms. Barratt-Green explained that CEQA has been required for Ordinances.

She advised members of the public that emails and letters are made public and are available in the Clerk's office and are also on the back table in the Chambers during the meeting. The public may request copies and pay a charge for the copies.

Chairman Miller explained that the Interim Urgency Ordinance requires a 4/5 vote. If it is not passed, the ban stay will remain in place. The Supervisors commitment was to lift the ban as quickly as possible, and then work together with stakeholders on both sides to come together to draft the permanent Ordinance that will address everyone's concerns.

Supervisor Weston explained that the number one issue was to lift the ban and that this is just an interim ordinance. They are also committed to bring together stakeholders for input and then come together on consensus for the permanent ordinance which may take six months or more. He listened to members of the public and suggested the current indoor grows of 12 plants should be protected. Based on comments it seems that square footage and plant count made the regulations 'fuzzy' there is the option for the Board to drop the square footage and go directly to plant count, keeping the term 'contiguous grow area.' He commented that the Interim Urgency Ordinance seems to go back to the set-backs in Ordinance 2349. It gets down to whether they want to lift the ban or not. He wants to lift the ban and if acceptable tweaks could be made today to the Interim Urgency Ordinance he is good with that.

Chairman Miller clarified the differences in set-backs between Ordinance 2349 and what is being proposed now.

Supervisor Beason received emails and phone calls on both sides. He apologized for not getting back to everyone; he gives priority to those who live in his District. They had a two-fold task: repeal the outdoor ban and to go forward after the Interim Urgency Ordinance was in place and craft a more long-term Ordinance. People do not want an outdoor ban and they also want some sort of nuisance regulation. In order to repeal the outdoor ban quickly, an Urgency Ordinance was needed. He knew that the Interim Urgency Ordinance was not perfect and that no one would be completely satisfied. They are hoping to include a broader spectrum of members of the community from both sides of the issue. He asked Counsel based on the Interim Urgency Ordinance how many parcels are estimated to be able to cultivate. Ms. Barratt-Green suggested 60%.

Supervisor Scofield believed it has been a difficult process. He listened to both sides, and read all of the emails. Both sides need representation; he stands with law enforcement. He does not want Nevada County to be a commercial grow County. He believed there are a number of reasons that Measure W did not pass. He thinks the defeat gives flexibility and although he is willing to review some of the changes suggested by Supervisors Beason and Weston he basically supports the Interim Urgency Ordinance.

Supervisor Weston responded to misunderstandings regarding the CEQA process.

Supervisor Anderson does not have the pressures in Truckee with regard to Marijuana grows that the other Supervisors face, which means he is able to make proposals that perhaps his colleagues have a more difficult time making, given the level of concern from their constituents. He thanked Supervisors Beason and Weston for doing their best to represent the needs of their constituents on both sides of the issue. His first bias is the prevention of impacts between land uses; he takes the impacts seriously that residents are experiencing. Protection of our homes, 'our sanctuary' is one of his main concerns. His bias is towards that aspect of regulation. His other bias is to protect the environment. He has concerns for wells and water. He thought the Ordinance could have had stronger regulations near forest and timber management areas. He hoped the process of crafting a permanent Ordinance would happen as soon as possible. He asked staff if collectives would be allowed. Ms. Barratt-Green responded that collectives are allowed. There are no regulations limiting the number of prescriptions per parcel. She believes there are a lot of misconceptions. He was concerned that local access for those truly in need is not an issue. He was surprised that under the Interim Urgency Ordinance the number of plants that can be grown is increasing in certain areas. He struggles with the banning entirely of grows within other areas, although it makes sense to protect residents in those areas. He thought Heather Burke's concern regarding the cumbersome process of appeals was interesting and asked Ms. Barratt-Green to address this concern. She responded that the process is the same although people now have five County business days rather than five calendar days. Changes were made to the period of time when the hearing has to be held. Issues came up in the past regarding frequent requests for continuances; the change is that a request for continuance must be made for good cause. She noted that it is similar to what is found in court. Supervisor Anderson believes that penalties should be put in place. The goal is to move forward and create a long-term Ordinance.

Chairman Miller suggested consistency with local city/town jurisdictions and surrounding counties. By creating the Interim Urgency Ordinance the Board is attempting to put a framework in place to remove the ban and then get stakeholders together to craft a permanent Ordinance. He thought the setbacks were excessive in some cases and lowering them was important to him. He questioned the supervisors regarding their opinions concerning the number of plants in Agricultural, Forest and TPZ (Timberland Production Zone) zones. He

thought limiting those zones to only indoor grows seems unfair. He also suggested changes to 3-5 acre parcels, possibly 3 – 5 plants with 300 square foot grow area.

Supervisor Beason responded to the concerns.

Board discussion ensued.

Supervisor Anderson raised the idea of going back to 2349 standards for the Interim Urgency Ordinance and then move forward with crafting better controls through the longer term planning process. Chairman Miller was more comfortable with the Interim Urgency Ordinance with maybe a few tweaks in TPZ and Forest Reserve zones for the 3 – 5 acre parcels. Parcels that are 2 – 3 acres would continue to only allow indoor grows.

Ms. Urhammer provided a parcel map onscreen based on parcel sizes and zoning, and explained that the parcels highlighted in green would have the ability to grow. Counsel provided an overview of the varied zones.

Board discussion ensued.

Supervisor Scofield made a motion to approve the Ordinance as proposed, including the new setbacks. Seconded by Supervisor Beason.

Supervisor Weston asked about the constituents who planted 12 plants indoors as approved by the Ordinance that is in place, which now will be out of compliance with the Interim Urgency Ordinance. How will the Sheriff enforce?

Board questioning ensued.

Ms. Barratt-Green spoke with the Sheriff who suggested an option not to enforce the indoor ban for 60 days to provide people time to come into compliance.

Supervisor Anderson suggested that if indoor grows were allowed per Urgency Ordinance 2405 it would allow some grows in the areas which are proposed to have growing banned entirely under the new Interim Urgency Ordinance which may help people currently in their grow season.

Chairman Miller wanted to clarify that Supervisor Anderson was suggesting a delay in enforcement in all zones on all indoor grows. Supervisor Anderson clarified that he was suggesting using the Measure W standard along with the proposed Interim Urgency Ordinance. He stated that his preference would be to go back to Ordinance 2349.

Supervisor Scofield commented he felt that in certain residential areas he did not believe there should be any growing and he is not in favor of returning to Ordinance 2349 today. He felt it was so complicated the Sheriff could not enforce it plus the appeal process did not work.

Supervisor Weston also expressed no interest in returning to Ordinance 2349.

Board discussion ensued.

Supervisor Weston proposed a slight adjustment to RA Rural areas 2-5 acres 6 plants outdoors, 5-10 acres 12 plants, 10-20 16 plants, 20 acres is 25 plants. Then drop the square footage requirement although any grow still has to be in a contiguous grow area, 100 square feet indoors on R1, R2 R3 and RA Residential. No outdoor grows on RA Residential, R1, R2, and R3 anything less than 5 acres.

Board discussion ensued regarding the setback requirements.

Sheriff Royal responded to the Board's questions regarding square footage. He said this caused confusing issues with Ordinance 2349. He was in support of plant count.

Ms. Barratt-Green reviewed what the Board's suggestions for changes were and asked for clarification. In R1, R2, R3 and RA Residential you are considering 100 contiguous square feet indoor.

Supervisors Miller and Scofield commented that they felt there should be no grows at all for R1, R2 and R3.

Supervisor Weston proposed that 6 plants could be grown on 2 – 5 RA Rural. (RAR) Also, he suggested that the regulations do not combine square footage and plant count, based on the grow being contiguous and on the numbers proposed. Plant count is easier for the Sheriff to enforce.

Supervisor Anderson asked Counsel if the square footage and/or plant count is increased over what was in Ordinance 2349 is there a CEQA issue? Ms. Barratt-Green responded that there is a concern.

Board discussion ensued.

Supervisor Anderson suggested we have language in the long-term Ordinance excluding grows on lands owned by governmental agencies.

Supervisor Weston commented that under Ordinance 2349 over 20+ acres could have grows within 1000 square feet with no plant count. What is being proposed is 25 plants within 1000 square feet.

Board discussion ensued.

Chairman Miller asked Counsel if the requirement was changed from 300 square feet on the RAR 6 outdoor plants and with the 300 square feet grow area to 500 square feet contiguous grow area would that trigger CEQA? Ms. Barratt-Green responded that she would have to do the analysis, anything over 2349 was not analyzed.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Beason, to pass the Interim Urgency Ordinance as proposed. On a roll call vote the motion failed. (Scofield-Aye; Beason, Weston, Anderson, Miller - No; Abstain - none.)

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson to adopt Ordinance 2416 with the following amendments: (a) modifying Section G-IV 5.4.F.1 to adjust setbacks as recommended by the Board Subcommittee and presented by County Counsel; (b) modifying Section G-IV 5.4.E.2(b), for Rural, 2 to 5 acre parcels, to allow up to six (6) plants Outdoors with a maximum grow area of 300 contiguous square feet and no Indoor cultivation; and (c) continuing to allow twelve (12) plants Indoors as provided in Ordinance 2405 for an additional 90 day period.

ADJOURNMENT:

ACTION TAKEN: Chairman Miller adjourned the meeting at 7:08 P.M.

Signature and Attestation

Dan Miller, Chairman

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board