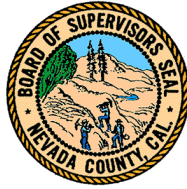


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
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

Date	Time	Location
Tuesday, July 10, 2018	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:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

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

Pledge of allegiance led by Mr. Steve Monaghan, Chief Information Officer.

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: The following members of the public provided comment: Mr. Matthew Coulter, District I resident.

CONSENT CALENDAR:**Behavioral Health Director: Phebe Bell**

1. [SR 18-0610](#) Resolution approving a renewal contract between the County of Nevada and Joseph Marzano, M.D. for the provision of direct clinical and other psychiatric services for adult clients of the Nevada County Behavioral Health Department, in the maximum amount of \$39,160, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract. (Pulled from consent by Mr. Matthew Coulter, District I resident.)

Adopted.

Enactment No: RES 18-359

2. [SR 18-0612](#) Resolution approving a renewal contract between the County of Nevada and Charis Youth Center for the provision of specialized mental health residential treatment services for seriously emotionally disturbed youth and young adults ages 13 to 21, in the maximum amount of \$50,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-333

Public Health Director: Jill Blake

3. [SR 18-0597](#) Resolution approving Amendment A01 to Agreement 16-10852 between the County of Nevada and the California Department of Public Health, Office of AIDS, pertaining to supplemental funding for administration of the HIV Care Program (Res. 17-006), increasing the maximum amount from \$124,000 to \$382,550, extending the contract term for two years for a revised term of November 30, 2016 through September 29, 2020, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 18-334

4. [SR 18-0605](#) Resolution approving Amendment A03 to Agreement 15-10096 between the County of Nevada and the California Department of Public Health for the Women, Infants, and Children (WIC) Supplemental Nutrition Program (Res. 15-444), pertaining to shifting funds between budget lines of the State agency approved budgets for Federal Fiscal Years 2017/18 and 2018/19, in the maximum amount of \$2,683,081, for the period October 1, 2015 through September 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 18-335

Director of Social Services: Tex Ritter

5. [SR 18-0608](#) Resolution approving a renewal agreement between the County of Nevada and The Regents of the University of California, Davis University Extension, for the provision of consultation and program implementation services for the Nevada County Child Protective Services Department, in the maximum amount of \$30,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 18-336

6. [SR 18-0600](#) Resolution approving a renewal contract between the County of Nevada and Sierra Forever Families for the provision of Resource Family Approval and Adoption Services, in the maximum amount of \$138,750, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-337

7. [SR 18-0578](#) Resolution approving a renewal Memorandum of Understanding (MOU) between the Nevada County District Attorney's Office (DA) and the Health and Human Services Agency - Department of Social Services (DSS) for the DA to receive revenue from DSS for services related to Welfare Fraud Control, in the maximum amount of \$150,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the MOU.

Adopted.

Enactment No: RES 18-338

8. [SR 18-0601](#) Resolution approving a renewal contract between the County of Nevada and Sierra Nevada Memorial Hospital Foundation for the provision of Early Detection Depression Screening and Fall Prevention Services for Nevada County seniors as a component of the County's Prevention and Early Intervention Program, in the maximum amount of \$189,704, for the period July 1, 2018 through June 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-339

9. [SR 18-0604](#) Resolution approving a renewal contract between the County of Nevada and The Salvation Army for the provision of CalFresh outreach and emergency shelter services at the Booth Family Center for referred CalWORKs families, in the maximum amount of \$200,964, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-340

10. [SR 18-0495](#) Resolution approving a renewal contract between the County of Nevada and Nevada-Sierra Connecting Point Public Authority (In-Home Supportive Services) for the provision of services related to the administration of employment services through their Employment Services Program for Nevada County CalWORKs participants, in the maximum amount of \$1,059,537, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-341

Sheriff-Coroner/Public Administrator: Keith Royal

11. [SR 18-0591](#) Resolution approving an amendment to the agreement for public safety dispatch services between the County of Nevada, the City of Grass Valley, the Town of Truckee, the City of Nevada City (Res. 12-437), extending the term of agreement for one year, from July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors, the County Executive Officer, and the Nevada County Sheriff to execute the amendment.

Adopted.

Enactment No: RES 18-342

Clerk-Recorder/Registrar of Voters: Gregory Diaz

12. [SR 18-0626](#) Resolution adopting the certified statement of the Nevada County Clerk-Recorder/Registrar of Voters of the results of the June 5, 2018 Statewide Direct Primary Election held in the County of Nevada.

Adopted.

Enactment No: RES 18-343

Director of Public Works: Trisha Tillotson

13. [SR 18-0628](#) Resolution approving applications to the United States Department of Agriculture (USDA) for Community Facilities financing to help support the costs of the Green Waste Recycling Project, and authorizing the Community Development Agency's Chief Fiscal/Administrative Officer to be a registered user to create and modify USDA applications, and the Director of the Department of Public Works to be a registered user to sign and submit applications to USDA.

(Pulled from consent by Mr. Matthew Coulter, District I resident.)

Adopted.

Enactment No: RES 18-360

14. [SR 18-0629](#) Resolution approving applications to the United States Department of Agriculture (USDA) for Community Facilities financing to help support the cost of the North San Juan Fire Flow Project, and authorizing the Community Development Agency's Chief Fiscal/Administrative Officer to be a registered user to create and modify USDA applications, and the Director of the Department of Public Works to be a registered user to sign and submit applications to USDA. (Dist. IV)

Adopted.

Enactment No: RES 18-344

15. [SR 18-0599](#) Resolution approving Environmental Clearance for the 2018 Road Rehabilitation Project, and authorizing the Nevada County 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 18-345

16. [SR 18-0573](#) Resolution approving and awarding a contract between the County of Nevada and Blackburn Consulting for on-call materials testing and inspection services for various projects (Res. 18-054), in an amount not to exceed \$40,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-346
17. [SR 18-0574](#) Resolution approving and awarding a contract between the County of Nevada and Geocon Consultants, Inc. for on-call materials testing and inspection services for various projects (Res. 18-054), in an amount not to exceed \$40,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-347
18. [SR 18-0575](#) Resolution approving and awarding a contract between the County of Nevada and Holdrege & Kull Consulting Engineers and Geologists, Inc. for on-call materials testing and inspection services for various projects (Res. 18-054), in an amount not to exceed \$40,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-348
19. [SR 18-0576](#) Resolution approving and awarding a contract between the County of Nevada and Construction Materials Engineers, Inc. for on-call materials testing and inspection services for various projects (Res. 18-054), in an amount not to exceed \$40,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-349
20. [SR 18-0596](#) Resolution rejecting all bids received for the Hobart Mills Snow Removal Contract, opened on May 23, 2018. (Dist. V)
Adopted.
Enactment No: RES 18-350

21. [SR 18-0598](#) Resolution approving an agreement between the Town of Truckee and the County of Nevada for snow removal services in the Glenshire/Hirschdale area of Eastern County, in the maximum amount of \$50,000, for the period of one year with four automatic renewals, and authorizing the Chair of the Board of Supervisors to execute the agreement. (Dist. V)

Adopted.

Enactment No: RES 18-351

22. [SR 18-0569](#) Resolution requesting the Nevada County Transportation Commission allocate \$1,956,707 from Local Transportation funds and \$726,990 from State Transit Assistance funds for operation of the Gold Country Stage Transit Services and Paratransit Services, and allocate \$154,235 from Community Transit Services funds for operational support of paratransit services provided by Paratransit Services for Fiscal Year 2018/19. (Transit Services)

Adopted.

Enactment No: RES 18-352

Chief Information Officer: Stephen Monaghan

23. [SR 18-0623](#) Resolution continuing the declaration of a local emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Emergency Services)

Adopted.

Enactment No: RES 18-353

24. [SR 18-0606](#) Resolution authorizing the Nevada County Office of Emergency Services to enter into a Memorandum of Understanding (MOU) with the South Yuba River Citizens League to provide four satellite communication devices for ensuring public safety and reporting emergency events in the South Yuba River corridor, for the period July 10, 2018 through July 10, 2019, and authorizing the Director of Emergency Services to execute the MOU. (Emergency Services)

Adopted.

Enactment No: RES 18-354

25. [SR 18-0614](#) Resolution approving Amendment 2 to the Agreement between the County of Nevada and Climatec, LLC entitled Non-Solar Installation Agreement to provide an energy conservation and a Solar Energy Generation Program, and to implement energy conservation measures at various County facilities (Res. 16-176), modifying the scope of work and reducing the contract price by \$23,606 to a total contract price of \$2,361,991, effective July 10, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
Adopted.
Enactment No: RES 18-355
26. [SR 18-0616](#) Resolution approving Amendment 2 to the contract between the County of Nevada and R&B Com, Inc. for computer installation and upgrade services (PESL3488), increasing the contract amount by \$15,000 for a maximum contract price of \$40,000, effective July 10, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
Adopted.
Enactment No: RES 18-356

County Counsel: Alison Barratt-Green

27. [SR 18-0567](#) Resolution approving a contract between the County of Nevada and Donahue Davies, LLP, for legal services related to the case entitled Clark vs. County of Nevada, et al., in the maximum contract amount of \$0, for the period June 26, 2018 through June 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-357

Clerk of the Board: Julie Patterson Hunter

28. [SR 18-0602](#) Approval of the Board of Supervisors' Responses to the Fiscal Year 2017/18 Nevada County Civil Grand Jury Report, dated May 11, 2018, entitled "Detention Facility Inspection Report."
Approved.
29. [SR 18-0603](#) Approval of Board of Supervisors' Responses to the Fiscal Year 2017/18 Nevada County Civil Grand Jury Report, dated June 6, 2018, entitled "Will the Public Suffer Because of Unfunded Pension Liabilities."
Approved.

30. [SR 18-0592](#) Resolution approving the reappointments of Mr. Gerald Bushore and Mr. Michael Hurst to the Nevada Cemetery District, for four-year terms expiring July 1, 2022.
Adopted.
Enactment No: RES 18-358
31. [SR 18-0587](#) Reappointments of Ms. Justine Riley, Ms. Sandra Boone, Ms. Jolene Hardin, Ms. Lauren Garrison, and Ms. Anne Wolf to the Child Care and Development Planning Council, for two-year terms expiring June 30, 2020.
Reappointed.
32. [SR 18-0593](#) Acceptance of Board of Supervisors Summary Minutes for June 12, 2018.
Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Agenda Items #1 and #13 pulled from consent by Mr. Matthew Coulter, District I resident.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to approve the Consent Agenda less Agenda Items #1 and #13. On a roll call vote the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Behavioral Health Director: Phebe Bell

1. [SR 18-0610](#) Resolution approving a renewal contract between the County of Nevada and Joseph Marzano, M.D. for the provision of direct clinical and other psychiatric services for adult clients of the Nevada County Behavioral Health Department, in the maximum amount of \$39,160, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract. (Pulled from consent by Mr. Matthew Coulter, District I resident.)
Adopted.
Enactment No: RES 18-359

ACTION TAKEN: Mr. Matthew Coulter, District I resident, requested clarification of the agenda item and shared concerns regarding the County's homeless population.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hall, to adopt Resolution 18-359. On a roll call vote the motion passed unanimously.

Director of Public Works: Trisha Tillotson

13. [SR 18-0628](#) Resolution approving applications to the United States Department of Agriculture (USDA) for Community Facilities financing to help support the costs of the Green Waste Recycling Project, and authorizing the Community Development Agency's Chief Fiscal/Administrative Officer to be a registered user to create and modify USDA applications, and the Director of the Department of Public Works to be a registered user to sign and submit applications to USDA.

(Pulled from consent by Mr. Matthew Coulter, District I resident.)

Adopted.

Enactment No: RES 18-360

ACTION TAKEN: Mr. Matthew Coulter, County resident, shared concerns regarding trash and green waste recycling and fire safety.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hall, to adopt Resolution 18-360. On a roll call vote the motion passed unanimously.

Chairman Scofield recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.

Call the meeting to order:

ACTION TAKEN: Meeting called to order. All Directors present.

Consent:

- 33a. [SR 18-0538](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Koch & Koch, Inc. for the Penn Valley Dual Sewer Force Main Project - County Contract No. 877140 (Res. SD16-013), with contract costs totaling \$7,201,919.38, and directing the Clerk of the Board to record this Notice in accordance with Civil Code Section 9208. (Dist. IV)

Adopted.

Enactment No: SD18-006

- 33b. [SR 18-0624](#)** Resolution approving an application to the United States Department of Agriculture (USDA) for Community Facilities financing to help support the costs of the Cascade Shores Community Leach Field Project, and authorizing the Community Development Agency's Chief Fiscal/Administrative Officer to be a registered user to create and modify USDA applications, and the Director of the Department of Public Works to be a registered user to sign and submit an application to USDA. (Dist. I)

Adopted.

Enactment No: SD18-007

- 33c. [SR 18-0586](#)** Reappointment of Mr. Edward Wydra, Lake Wildwood - Zone 1 property owner, to the Nevada County Sanitation District No. 1 Advisory Committee, for a two-year term expiring June 30, 2020.

Reappointed.

ACTION TAKEN: Chairman Scofield introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

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

#####

Public comment:

ACTION TAKEN: Chairman Scofield provided an opportunity for public comment. There being no public comment, Chairman Scofield closed the public comment period.

#####

Adjournment:

ACTION TAKEN: Chairman Scofield adjourned the meeting.

#####

Chairman Scofield adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

DEPARTMENT HEAD MATTER:*Chief Information Officer: Stephen Monaghan**

34. [SR 18-0617](#) Resolution adopting the Nevada County Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan, and authorizing the Director of Emergency Services to submit the adopted Plan to the California Governors Office of Emergency Services and Federal Emergency Management Agency, Region IX for final approval. (Emergency Services)

Adopted.

Enactment No: RES 18-361

ACTION TAKEN: Mr. Steve Monaghan, Chief Information Officer, and Mr. John Gulserian, Office of Emergency Services Program Manager, provided a PowerPoint presentation regarding the County's Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan.

Board questioning and discussion ensued.

Supervisor Weston referred to recommendations he submitted that he felt were critical, and requested to see that those recommendations had been incorporated in the plan. He also requested staff include a focus on private road vegetation mitigation for fire safety in the use of any grant monies received.

Chairman Scofield provided an opportunity for public comment.

The following member of the public provided comment: Mr. Matthew Coulter, District I resident.

There being no further public comment, Chairman Scofield closed the opportunity for members of the public to provide comments.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Weston, to adopt Resolution 18-361. On a roll call vote the motion passed unanimously.

***CLOSED SESSIONS:**

- [SR 18-0585](#) Pursuant to Government Code Section 54957(b)(1), the Board of Supervisors will hold a closed session to consider the employment of the County Executive Officer.
- [SR 18-0637](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation cases:
Lau, et al. v. County of Nevada, et al.
(Nevada County Superior Court, Case No. CU18-082845)
Saigh, et al. v. County of Nevada, et al.
(Nevada County Superior Court, Case No. CU18-082850)
- [SR 18-0638](#) Pursuant to Government Code Section 54956.8, the Board of Supervisors desires to hold a closed session regarding real property negotiations. The negotiators for the County are Sean Powers, Community Development Agency Director and Daniel Chatigny, Community Development Agency Chief Fiscal/Administrative Officer. The negotiator for the property owner, Baldwin Ranch Limited Partnership c/o Ed Fralick, is unknown at this time. Items under negotiation concern the price and terms of payment, and the property interest to be obtained, for a portion of property located at 12984 Combie Road, Auburn, California (APN 11-181-03).

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the titles of the closed sessions into the record and the Board entered into closed session.

Following the closed sessions, Ms. Barratt-Green reported that nothing occurred in closed sessions No. 1 and No. 3 that is required to be reported out by law; and closed session No. 2 is being postponed until after the 10:30 A.M. Scheduled Item.

SCHEDULED ITEM: 10:30 A.M.

(Video-Conferencing from the District V Board of Supervisors Conference Room, east (left) side of the Sheriff's Substation at 10879A Donner Pass Road, Truckee, CA.)

Treasurer-Tax Collector: Tina Vernon

35a. [SR 18-0627](#) Public hearing to consider a proposed ordinance/ballot measure to establish a cannabis business tax on all commercial cannabis activity in the unincorporated areas of Nevada County. The proposed ordinance would impose an initial tax rate of 2.5% on gross receipts with annual CPI adjustments beginning on July 1, 2021, an option for future discretionary adjustments by the Board of Supervisors and a maximum tax rate of 10%. It is being recommended that the proposed ordinance/ballot measure be adopted by the Nevada County Board of Supervisors and submitted to the voters for placement on the next regularly scheduled County and Statewide General Election on November 6, 2018.

(Introduce/Waive further reading) An Ordinance adding Article 8 to Chapter 5 of the General Code of the County of Nevada establishing a Cannabis Business Tax. (4/5 affirmative vote required)

First reading held.

ACTION TAKEN: Chairman Scofield introduced the public hearing and read the title of the proposed Ordinance into the record.

Ms. Tina Vernon, and Mr. Brian Godbe of Godbe Research, provided a PowerPoint presentation regarding the proposal for a Cannabis Business Tax Measure, explaining that California State Proposition 64 allows agencies to authorize taxes on commercial cannabis businesses.

Mr. Godbe provided an overview of the survey of local voters conducted by Godbe Research, with the purpose of gauging the public's support for implementing a tax on cannabis cultivation businesses. He reviewed the key findings: up to 61% support the measure; 69% support medical cannabis businesses within the County; 60% support recreational cannabis businesses within the County; and approx 57% support a cannabis tax business measure.

Mr. Godbe presented the survey list of funding priorities for essential services using the potential taxes collected including: crime prevention and investigation; enforcement of cannabis licensing and operations; public safety; environmental regulations and enforcement; substance abuse educational programs; and services directly related to cannabis use.

Mr. Godbe concluded his presentation and Ms. Vernon continued with her portion of the presentation.

Ms. Vernon reported on the uses of the proposed cannabis business tax and the mitigation measures to address potential impacts. She reviewed the County's goals, the Cannabis Industry's goals, and the types of tax options available to the County. Staff is recommending that the gross receipts methodology be adopted.

Ms. Vernon reported that annual County expenses are estimated to be over \$1 million per year, not including one-time start up costs to date of over \$560,000. Staff is expecting 175-350 permits to be pulled in the first year. Staff is recommending a tax rate of 2.5% on gross receipts which would generate tax income of between \$1.3 and \$2.6 million dollars, which would not apply to compassionate use programs and personal grows. If the Ordinance was passed today, and the measure is passed by the voters in November, it would go into effect January 1, 2019.

Ms. Vernon reviewed staff's recommendations:

- 1) General tax on commercial cannabis businesses.
- 2) Initial tax rate of 2.5% of gross receipts for the first 2-1/2 years, with flexibility that allows the Board to alter the method and/or rate after this initial period based on changes the State might make.
- 3) Impose penalties of up to 25% with interest at 1.5% per month.
- 4) Require businesses to register with the Tax Collector and report quarterly, and will provide for an appeal process and a process for failure to report.

She reviewed the California Cannabis Authority Joint Powers Agreement (JPA). Ms. Vernon may approach the Board in the future to request the Board join the JPA.

Board questioning and discussion ensued.

In order to pass in November, the measure would need a majority of voters (50.1% required to implement the tax).

Chairman Scofield opened the public comment portion of the public hearing.

The following members of the public provided comments: Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance; Mr. Jim Turner, Fire Chief, Nevada County Consolidated Fire District speaking on behalf of the Western County Fire Chiefs; Mr. Basil McMahon, District II resident; Ms. Debra Weistar, District IV resident, and former Community Advisory Group (CAG) member; Mr. Jon Krekorian, District II resident; Mr. Matthew Coulter, District I resident; and Mr. Forrest Hurd, District IV resident.

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

Ms. Vernon responded to questions and suggestions provided by members of the public.

She reviewed the penalties charged by other counties and requested the Board provide direction, and Board discussion continued regarding the various options for penalties as proposed by Staff. Consistency with penalties imposed by other industries was preferred by the Board. The Supervisors came to an agreement that the penalty should be in line with other similar County penalties which are 10% plus 1.5% per month.

Ms. Vernon reviewed the square footage based tax. Board discussion ensued and the Supervisors agreed to use the proposed alternative language provided in today's presentation which would allow the Treasurer-Tax Collector to take into account reductions in square footage at the discretion of the cultivator.

Ms. Vernon reviewed the Gross Weight Definition and provided language that could be added to Article 8.4 in the proposed Ordinance if directed by the Board.

Board discussion ensued.

Motion made by Supervisor Miller, seconded by Chairman Scofield, to retain the current rate schedule of up to \$8.00 per ounce as written in the proposed Ordinance. On a voice vote the motion passed 3-2 (Hall, Anderson - No.)

Ms. Alison Barratt-Green provided clarification of nursery and canopy definitions in the proposed Ordinance. She stated that the definitions used are similar to many other County Ordinances and that only a few changes have been made for the purposes of administering a tax. Staff would need to go back and complete more research prior to making changes to definitions.

Board questioning and discussion ensued.

Supervisor Anderson requested the wording on "watershed", be corrected to "watersheds".

Ms. Barratt-Green responded to concerns regarding compassion care cultivation (non-remunerative cultivation) on page 5 of the Ordinance under Definition "S". She reviewed that it states "activities must be permitted under applicable State law" and with the understanding that there may be situations where the State laws are not applicable, she suggested adding the word "applicable" again further down in the same paragraph of this Definition, where it states "must comply with all 'applicable' State and Local ...".

Supervisor Weston expressed concerns regarding how the tax would impact the Fire Districts. Mr. Jim Turner, Fire Chief, Nevada County Consolidated Fire District clarified that the impacts would have to be determined at a later time once they had more factual information. He added that they are looking for options regarding help with funding for related impacts. Supervisor Weston felt that if the Fire Districts are going to be impacted, they should at least be part of the initial inspection process and funding for their time should be part of the regulation fee. Mr. Sean Powers, Community Development Agency Director responded that the Fire Chiefs had been included in discussions regarding fire impacts of the temporary permits and would continue to be included. He commented that if there need to be changes in the fee schedule going forward to cover fire personnel regular routing services they will work with the Fire Chiefs to make the changes.

Board questioning and discussion ensued regarding the possible outcome of the tax measure.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller, to adopt Resolution 18-362.

Motion withdrawn by Supervisor Hall so that the Board can vote on the first reading of the Ordinance.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to introduce and waive further reading of the Ordinance, amended as follows:

Amendments:

Page 5 Definition "S" Non-Remuneration Cultivation" or "Compassion Care Cultivation" - add word applicable before the words state and Local

Pages 9-10 Section G-V 8.11 change penalty to 10% for both original penalty and secondary penalty

Page 8 Section G-V 8.6 A.2 delete sentence "The tax will not be adjusted or pro-rated for any reduction in the square footage authorized but not utilized for cultivation." and replacing it with the square footage "reductions" potential language proposed in the presentation.

On a roll call vote the motion passed unanimously.

- 35b. [SR 18-0649](#) Resolution of the Board of Supervisors of the County of Nevada calling for an Election for, and authorizing the submission to the voters of a Measure to establish a Cannabis Business License Tax in the Unincorporated area of Nevada County, and consolidating the Election with the Statewide General Election called for November 6, 2018. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-362

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Weston, to adopt Resolution 18-362. On a roll call vote the motion passed unanimously.

***CLOSED SESSION:**

- [SR 18-0637](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation cases:
Lau, et al. v. County of Nevada, et al.
(Nevada County Superior Court, Case No. CU18-082845)
Saigh, et al. v. County of Nevada, et al.
(Nevada County Superior Court, Case No. CU18-082850)

ACTION TAKEN: Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

***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.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 1:05 P.M.

Signature and Attestation

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board