



**COUNTY OF NEVADA  
COUNTY EXECUTIVE OFFICE**

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**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

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**MEETING DATE:** August 16, 2016  
**TO:** Board of Supervisors  
**FROM:** County Executive Office  
**SUBJECT:** Board of Supervisors Responses to the 2015-16 Nevada County Civil Grand Jury Report, dated May 24th, 2016 entitled *Environmental Impact of Marijuana Cultivation in Nevada County*.

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**RECOMMENDATION:** Approve Board of Supervisors' responses to Findings and Recommendations in 2015-16 Nevada County Civil Grand Jury Report, entitled *Environmental Impact of Marijuana Cultivation in Nevada County*.

**FUNDING:** None

**BACKGROUND:** As required by the California Penal Code, Section 933 (b), the Board of Supervisors must submit comments to the presiding judge of the Grand Jury on the findings and recommendations included in the Civil Grand Jury Report pertaining to matters under the control of the Board.

For each Grand Jury finding, the Board must indicate either:

1. Agreement with the finding
2. Disagreement either wholly or partially with the finding. In this case, the portion of the finding that is disputed and the reasons for doing so must be specified.

Responses to Grand Jury recommendations must indicate one of the following actions:

1. The recommendation has been implemented.
2. The recommendation has not yet been implemented, but will be by a certain date.
3. The recommendation requires further analysis to be completed within six months.
4. The recommendation will not be implemented for reasons as explained.

We have prepared draft responses to each of the findings and recommendations requiring a response for the Board's consideration. Following Board approval of the responses, they will be submitted to the presiding judge of the superior court as required by the California Penal Code. The Grand Jury requests responses be submitted to the presiding judge by September 14, 2016.

**Item Initiated and Approved by:** Alison Lehman, Assistant County Executive Officer

NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2015-16 Nevada County Civil Grand Jury Report

Marijuana Cultivation - Environmental Impacts

DATED August 16, 2016

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, the Nevada County Sheriff's Office or testimony from the Board of Supervisors and county staff members.

**A. RESPONSES TO FINDINGS**

**None required**

**B. RESPONSES TO RECOMMENDATIONS**

**R1.** Empanel an interdepartmental working group to coordinate all information pertaining to environmental dangers and public safety issues caused by marijuana cultivations.

**This recommendation is partially implemented.**

Nevada County recognizes that some marijuana cultivators use eco-friendly, sustainable and safe agriculture practices but there are also some cultivators who are not conforming to these practices. Nevada County also recognizes the potential danger to public safety with cultivation that is best address by the Nevada County Sheriff's Office. This recommendation is partially implemented and continues to evolve as part of the Board of Supervisors' process to address cultivation ordinances in a comprehensive manner.

The Board of Supervisors agrees that marijuana cultivation in Nevada County has the potential for profound degradation of our environment and overall quality of life, including potential health and safety hazards to our residents. The Board will continue to utilize all appropriate county resources in this effort and will continue to integrate to the maximum extent possible agencies that have environmentally-oriented missions and enforcement authority.

The Board recognizes the need to implement policies that are compatible with the California Environmental Quality Act (CEQA). CEQA will continue be a key element in developing long-term policies on marijuana cultivation. Other than criminal statutes, the county's marijuana cultivation policies are based on land use policy and on conformance with CEQA. The Board of Supervisors is mindful of the potential legal difficulties that could ensue from any policies that are not crafted without careful consideration of environmental law, in terms of individual cases as well as the cumulative effects of cultivation in Nevada County.

The Nevada County Board of Supervisors is working on a long term policy to address cultivation ordinances, rules and regulations. Interdepartmental cooperation is constant and ongoing regarding cultivation as the County continues to work on this issue. Environmental issues surrounding cultivation are being reported by the Nevada County Sheriff's Office to the appropriate agencies. The Nevada County Sheriff's Office and Community Development Agency are working together, sharing resources, and exchanging information on cultivation sites.

The interdepartmental working group will continue to implement policies as they are adopted by the Nevada County Board of Supervisors. The county is continuing to develop countywide policies and procedures defining the responsibilities of each department as the Board develops the long term policy for cultivation. The County Sheriff's office will continue to be the lead agency in those circumstances where there is potential for endangerment of county personnel or public safety in general, as is the case with marijuana cultivation complaint.

**R2.** Develop policies and procedures defining the responsibilities of each department as it pertains to environmental issues surrounding marijuana cultivation.

**This recommendation is partially implemented.**

Nevada County policy is that enforcement of ordinances pertaining to marijuana cultivation is the responsibility of the Nevada County Sheriff's Office. This policy is built around employee safety and potential criminal activity that may occur with cultivation. Other departments refer complaints to the Sheriff's Office which is appropriately equipped to handle such referrals. The Sheriff's Office has the training and resources to safely address field interaction with cultivators. If the Nevada County Sheriff's Office receives a public complaint, they investigate and if the cultivation is non-compliant, takes appropriate action with citations and/or abatement. The Sheriff's Office regularly requests and receives assistance from other departments as necessary if they witness other issues including land use and environmental concerns.

The Sheriff's Office has the training and resources to address safely interactions with cultivators in the field. The Sheriff's Department regularly requests and receives assistance from other departments, as necessary, when they observe other potential issues, including land use policy violations and damage to environmental quality. The Nevada County Sheriff's Office makes regular referrals to Code Compliance when they witness other non-cultivation violations regarding building, safety, and environmental damage. The cooperation between Sheriff's Office and Code Compliance is working well with recurring interdepartmental cooperation. If County staff witnesses an immediate health and safety issue that may cause imminent danger to public safety, they will respond and notify the proper public agency.

According to the Nevada County Sheriff's Office, there is no shortage of complaints regarding cultivation and any member of the public can call the tip line and make an anonymous complaint. If the public or any organization has any information regarding

illegal drug or narcotic activity, or information regarding environmental damage created by marijuana cultivation, they should contact the confidential Narcotic Tip Hotline at (530) 265-1699.

**R3.** Document and track interdepartmental referrals pertaining to marijuana cultivation violations.

**This recommendation is implemented.**

The Nevada County Sheriff's Office is the centralized referral system for referrals pertaining to marijuana cultivation violations. If another department, including Code Compliance, receives a direct complaint regarding marijuana cultivation, they will transfer the complainant to the Nevada County Sheriff's Office. The Sheriff's Office takes the complaint and documents the complaint as appropriate.

Documenting and tracking interdepartmental referrals Countywide pertaining to marijuana cultivation creates confidentiality and privacy issues with the complaint process and should be received and processed by one department, specifically the Nevada County Sheriff's Office. Requiring other county departments to report or track referrals pertaining to marijuana cultivation as this would be redundant with a centralized reporting system in the Nevada County Sheriff's Office and would make the complaint process more cumbersome by requiring complainants to provide repetitive information to multiple departments even when the department is not in a position to respond to the issue.

**R4.** Enforce the legal application of existing land use ordinances.

**This recommendation is implemented.**

The County enforces existing and adopted land use ordinance code through Code Compliance with support of multiple County departments.