RESOLUTION No. 20-524

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AND ADOPTING A COUNTY-WIDE CONFLICT OF INTEREST CODE EFFECTIVE JANUARY 14, 2021

WHEREAS, every local agency is required to adopt and promulgate a Conflict of Interest Code in accordance with Article 3 of Chapter 7 of Title 9 of the California Government Code, commencing with section 87300; and

WHEREAS, the Nevada County Conflict of Interest Code is currently codified by Ordinance at Articles 22 and 23 of Chapter II of Title I of the County's Administrative Code; and

WHEREAS, no later than July 1 of each year, the Nevada County Board of Supervisors is required to review its Conflict of Interest Code and make any amendments necessitated by changed circumstances; and

WHEREAS, bi-annual amendments to the County's Conflict of Interest Code are currently made by way of amendment to the County's Conflict of Interest Ordinance, which occur over a period of two separate meetings of the Board of Supervisors, while also requiring the expenditure of County funds to update to the County's Administrative Code through the County's code service contractor; and

WHEREAS, it has been determined that County time and cost savings will be achieved by removing the Conflict of Interest Codes from the Administrative Code and adopting a County-Wide Conflict of Interest Code by way of Resolution, which will enable future amendments to the Conflict of Interest Code to be made and codified at one Board meeting; and

WHEREAS, on November 17, 2020, the Nevada County Board of Supervisors introduced and waived further reading of an Ordinance that would repeal the current Conflict of Interest Code in Articles 22 and 23 of Chapter II of Title I of the Administrative Code of the County of Nevada, which is also before the Board today for consideration of approval; and

WHEREAS, the attached proposed County-Wide Conflict of Interest Code provides one comprehensive Code that meets the requirements of Article 3 of Chapter 7 of Title 9 of the California Government Code, commencing with section 87300; and

WHEREAS, the County desires to implement this County-Wide Conflict of Interest Code immediately upon the effective date of the Ordinance repealing the current Conflict of Interest Codes in Articles 22 and 23 of Chapter II of Title I of the Administrative Code of the County of Nevada, which is January 14, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that the County-Wide Conflict of Interest Policy is hereby approved and adopted in substantially the same form attached hereto, and shall become effective on January 14, 2021.

BE IT FUTHER RESOLVED that the County-Wide Conflict of Interest Code, and all amendments thereto, shall be maintained by the Clerk of the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 15th day of December, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____

Heidi Hall
Heidi Hall, Chair

12/15/2020 cc: CoCo*
COB*

CONFLICT OF INTEREST CODE
COUNTY OF NEVADA

Article I: Purpose

Public officials, members, and employees of the County of Nevada ("County") are expected to carry out their duties and responsibilities in the best interests of the County and under circumstances where they are free from conflicting loyalties. The purpose of this Code is to protect the integrity of the County and its employees, provide guidelines to employees, and meet the requirement of State law.

This code shall be comprised of, and incorporates herein, Government Code section 1090, *et seq.*, and the Political Reform Act, Government Code sections 81000-91015, other laws in California governing conflicts of interest, together with Appendix A specifying designated positions, the specific types of disclosure statements required for each position, and the procedures for filing.

Article II: Application

Except as otherwise provided herein, or in applicable memoranda of understanding, these policies and procedures shall apply to all public officials, members, employees, or consultants of the County ("County employees").

Article III: Policy

(1) It is the policy of the County that full disclosure shall be made of those interests and activities that may bring the County employee into conflict with the mission and purposes of the County. Such disclosure is to be made to avoid the appearance of impropriety on the part of County employees through full disclosure, and to reveal the extent of the economic and business interest of those employees who make significant economic and business decisions on behalf of the County.

(2) County personnel shall not engage in any employment, activity, or enterprise for compensation that is inconsistent, incompatible, in conflict with, or hostile to, their duties as a County employee, or with the duties, functions or responsibilities of the County. Full disclosure shall be made in writing to the Department Head or to the Human Resources Director where those outside activities of the County employee are, or could appear to be, inconsistent with, incompatible to, or in conflict with his or her duties to the County.

Article IV: Guidelines

Activities that May Present a Conflict. It is not practical to list all of the circumstances that could give rise to a conflict of interest or potential conflict of interest. County employees must avoid placing themselves in a position in which personal interest (financial or non-financial) may come into conflict with their duty to the public, as well as avoiding even an appearance of impropriety. This policy requires County employees to use common sense and good judgment for the protection of the County's interests. The

following is a non-exhaustive list of the types of activities that may present a conflict and must be disclosed.

1. **Adverse Interest**. Participation by a County employee or his or her Family Member[1] in decisions or negotiations related to a contract, transaction or other matter between County and: (i) the County employee; (ii) an entity in which the County employee or a Family Member of such person has financial or business interest; or (iii) an entity with which the County employee has an agency relationship.

2. **Competing Interests**. Participation by a County employee, either directly or indirectly, with County in the purchase or sale of County property or County property rights, interests, or services.

3. **Use of Resources**. Use of the County's resources (for example, staff, contracts, vendor lists, or equipment) for personal purposes of the County employee or a Family Member of such person.

4. **Inside Information**. Disclosure or exploitation by a County employee of information pertaining to the County's business for the personal profit or advantage of such person or a Family Member of such person or a person/entity with whom the County employee has an agency relationship.

5. **Outside Enterprises**. A County employee's outside employment, activity or enterprise may be considered a conflict if:

   (a) It involves the use, for private gain or advantage, of his/her County time, facilities, equipment, uniform or supplies, or the prestige or influence of his/her County employment.

   (b) It involves the receipt or acceptance by the County employee of any money or other consideration from anyone other than the County for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her usual County employment or a part of this/her duties as a County employee.

   (c) It involves the performance of an act in other than his or her capacity as a County employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the County.

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[1] Family Member includes a spouse or registered domestic partner, parents, minor or dependent children.

(d) It involves time demands on the employee involving any outside employment activity or enterprise that would render the performance of his or her County duties as inefficient.

6. **Extra Compensation (Gifts, Entertainment, Discounts, Etc.)**. A County employee must not accept, permit, or receive extra compensation (compensation over and above that fixed by contract or by law) for services rendered, in whole or in part, or a contract entered into, for a payment beyond the contract price, or for his or her performance of official duties, even if exceptional performance was rendered or if the job was far more difficult to render than anticipated.

   County employees must not accept gifts of cash or gifts that directly or indirectly imply an appearance of a transaction having some benefit or monetary value in return for rendering official County duties. This may include, but is not limited to, personal gifts, free or discounted transportation, lodging, tickets to sporting or entertainment events, or expensive meals, etc.

7. **Bribery**. Offering, giving, receiving, soliciting, or even the mere proposal of bribery is prohibited. Bribery is defined as anything of value or advantage, currently or in the future, or any promise or undertaking to give anything, asked, given, or accepted, with a corrupt intent to influence the actions of a public official, including any County employee.

8. **Conflict of Interest Regarding Tax Sales.** Pursuant to Government Code section 1126, it shall be considered a conflict of interest for any employee, spouse of an employee, or dependent children of an employee of the Nevada County Tax Collector's office, and for any of the professional staff of the County Counsel's, the Board of Supervisors', and the County Executive Officer's offices to bid on or purchase real property which is sold by the Tax Collector at a tax sale or to acquire any financial interest in the property within one year following the tax sale. "Financial interest" is defined as any interest worth one thousand dollars ($1,000.00) or more. Any such sale to any of the parties set forth above shall be considered void, and the employee shall be subject to the disciplinary procedures which apply to prohibited activities set forth in the Personnel Code of Nevada County.

9. **Conflict of Interest Regarding Surplus Property.** Pursuant to Government Code section 1126, it shall be considered a conflict of interest for any employee, spouse of an employee, or dependent children of an employee of the Purchasing Unit of the Information and General Services Department or for the professional staff of the County Counsel's, the Board of Supervisors' and the County Executive Officer's offices, to bid on or purchase any property which is declared surplus and sold at auction. Any such sale to any of the parties set forth above shall be considered void, and the employee shall be subject to the disciplinary procedures which apply to prohibited activities set forth in the Personnel Code of Nevada County

10. **Conflict of Interest Regarding Sheriff's Sales.** Pursuant to Government Code section 1126, it shall be considered a conflict of interest for any employee, spouse of an employee or dependent child of an employee of the Nevada County Sheriff's Office, and for any of the professional staff of the County Counsel's, the Board of Supervisors' and the County Administrator's offices to bid on or purchase real or personal property which is sold by the Sheriff's Office, or to acquire any financial interest in the real or personal property within one year after the Sheriff's sale. "Financial interest" is defined as any interest worth one thousand dollars ($1,000.00) or more. Any such sale to any of the parties set forth above shall be considered void, and the employee shall be subject to the disciplinary procedures which apply to prohibited activities set forth in the Nevada County Personnel Code.

The situations described above may be acceptable if they benefit the County and if the County has considered the conflict in an objective and informed manner, which is determined on a case by case basis. However, when managed poorly, conflicts of interest may result in legal liability, loss of public confidence and a damaged reputation. The County has, therefore, adopted this code to avoid even the appearance of impropriety.

Article V: Disclosure & Disqualification Procedure

(1) A County employee who may have an actual or potential conflict of interest must, at the earliest reasonable time, advise, in writing, his or her Department Head or to the Human Resources Director of the possible conflict of interest.

(2) Questions regarding possible conflict of interest or outside employment, activity or enterprise should also be brought to the attention of his or her Department Head or to the Human Resources Director at the earliest possible time.

(3) County personnel shall disqualify himself or herself from making, participating in the making, or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows, or is reasonably foreseeable, that he or she has a conflict of interest or appearance of a conflict.

(4) Following disclosure of an actual or potential conflict of interest, the County employee will have the opportunity to disclose the existence of any financial interest and any material facts to the County regarding the proposed transaction or arrangement. The County shall then determine whether an actual conflict of interest exists. Consideration of alternatives to the proposed transaction or arrangement to avoid the conflict of interest may be made.

(5) If the County determines that the County employee is in violation of this code, the County employee shall be so informed in writing of the possible violation of this policy.

(6) Failure to disclose or discuss information of the type indicated above may lead to disciplinary action up to and including dismissal. Such disciplinary action shall be

undertaken in accordance with County disciplinary policies and applicable collective bargaining agreements.

(7) The County is committed to the fair treatment of all County employees and recognizes the responsibility under state and federal law to protect from punishment and harassment any person who reports a potential ethics issue, whether or not the allegation is found to have merit. The County shall not take any action or threaten any action against any employee as a reprisal for making a disclosure under this Code unless the disclosure was made, or the information was disclosed, with knowledge that it was false or with willful disregard for its truth.

Article VI: Disclosure of Financial Interests

The Political Reform Act, Government Code sections 81000-91015, requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation, found in Title 2, California Code of Regulations, section 18730, which contains the terms of a standard Conflict of Interest Code. This code can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments of the Political Reform Act. The terms of the standard Conflict of Interest Code in Title 2, California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission have been incorporated by reference by Resolution of the Board of Supervisors of Nevada County, along with attached Appendix A, in which members and employees are designated and disclosure categories are set forth. Such terms and amendments and Appendix are incorporated in the Conflict of Interest Code of the County of Nevada.

Designated Positions. The positions listed in Appendix A are designated positions. Persons holding those positions are deemed to participate in the making of decisions which may foreseeably have a material effect on a financial interest.

Economic Disclosure Statements. Designated employees shall file statements of economic interest with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall make and retain a copy and forward the original of these statements to the place of filing as indicated on Appendix C attached.

Article VII: Filing of Disclosure Statements; Enforcement; Fine

The County Executive Officer, or his or her designee, shall provide Conflict of Interest forms to designated employees of the County, after which such completed forms shall be returned to the Human Resources Department for filing purposes. This procedure shall be subject to change upon written direction of the County Executive Officer, or his or her designee.

The Clerk of the Board of Supervisors shall provide a Conflict of Interest form to each member of a committee, commission, agency, or authority where the County's Conflict of Interest Ordinance requires each of these members to file a Conflict of Interest form. The Clerk of the Board of Supervisors shall provide a Conflict of Interest form to each member

of the special districts operating within the County's boundaries. All such forms shall be completed and returned to the Clerk of the Board of Supervisors for filing purposes.

The County Elections Official shall provide a Conflict of Interest form to those elected officials who are required by State law, including but not limited to Government Code section 87200, et seq., to file a Conflict of Interest form. All such forms shall be completed and returned to the Elections Official for filing purposes.

In accordance with Government Code section 91013, any person who files a Conflict of Interest Statement after its due date may be liable in the amount of $10 per day from the day of the due date until the day the Statement is filed. The amount of the fine shall not exceed $100.

The filing officer may waive the fine if he or she impartially determines that the late filing was not willful, and enforcement would not further the purposes of the Political Reform Act. No liability shall be waived if a Statement is not filed within 30 days of its due date.

Appendix A

DISCLOSURE CATEGORIES (Adopted in accordance with Government Code section 87300, et seq., and Cal. Code Regs. Title 2, section 18730, et seq.)

CATEGORY I:

All sources of income, interests in real property, and investments and financial interests in business entities located or doing business in Nevada County.

CATEGORY II:

All sources of income, and investments and financial interests in business entities located or doing business in Nevada County.

CATEGORY III:

Investments in, sources of income from, and financial interests in business entities located or doing business in Nevada County which are of the type the County would contract with for services, supplies, books, machinery or equipment (employees with broad and general purchasing or contracting duties).

CATEGORY IV:

Investments in, sources of income from and financial interests in business entities located or doing business in Nevada County which are of the type the designated employee's Department would contract with for services, supplies, books, machinery or equipment (employees who contract or purchase on behalf of their department for a limited type of goods).

CATEGORY V:

Investments in, sources of income from, and financial interests in business entities located or doing business in Nevada County which provide agricultural business-related services, supplies, materials, machinery or equipment; and interests in agricultural real property located within Nevada County.

CATEGORY VI:

Investments in, sources of income from, and financial interests in business entities located or doing business in Nevada County which provide services, supplies, materials, machinery or equipment of the type utilized by or doing business with or at the Nevada County Airport; interests in services provided by or property leased from the airport; and real property located adjacent to or which may be materially affected by its proximity to airport facilities.

CATEGORY VII:

Investments in, sources of income from, and business interests in business entities located or doing business in Nevada County which provide solid waste disposal and/or recycling-related services, supplies, materials, machinery or equipment; and interests in real property which may be materially affected by its proximity to the McCourtney Road Landfill and Transfer Station or any County transfer station located within Nevada County.

CATEGORY VIII:

Investments in, sources of income from, and financial interests in business entities located or doing business in Nevada County which provide goods and/or services relating to health and human services, and all interests in real property where any such services are provided or which may be materially affected by decisions made by the designated employee, or his/her department, or a governing council.

CATEGORY IX:

Investments in, sources of income from, and financial interests in business entities located or doing business in the designated area of responsibility for any Municipal Advisory Council which provide business-related services, supplies, materials, machinery or equipment; and interests in real property located within that designated area of responsibility.

DISCLOSURE REQUIREMENTS FOR DESIGNATED EMPLOYEES ANDCOMMITTEES/COMMISSIONS

CATEGORY I: Those designated employees, appointed officials and contractors who are within the Category I disclosure requirements are the following:

APPRAISER I, II, and III
ASSESSMENT ASSISTANTS I/II
ASSESSOR
ASSISTANT ASSESSOR
ASSISTANT CLERK-RECORDER
ASSISTANT COUNTY COUNSEL
ASSISTANT COUNTY EXECUTIVE OFFICER
ASSISTANT DISTRICT ATTORNEY
ASSISTANT PUBLIC DEFENDER
ASSISTANT TREASURER-TAX COLLECTOR
ATTORNEY I, II, and III—CIVIL
ATTORNEY I, II, and III—CRIMINAL (DISTRICT ATTORNEY & CHILD SUPPORT/COLLECTIONS)
AUDITOR APPRAISER I/II
AUDITOR-CONTROLLER
BOARD OF SUPERVISORS, MEMBERS OF (Govt. Code § 87200)
BOARD OF SUPERVISORS SENIOR MANAGEMENT ANALYST
BOARD OF SUPERVISORS ADMINISTRATIVE ANALYST I/II
BUYER
CHIEF APPRAISER

CHIEF FISCAL ADMINISTRATIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS
CLERK-RECORDER/REGISTRAR OF VOTERS
CODE COMPLIANCE OFFICER I/II
CODE COMPLIANCE OFFICER SENIOR
COUNTY COUNSEL (Govt. Code § 87200)
COUNTY EXECUTIVE OFFICER (Govt. Code § 87200)
DEPUTY COUNTY EXECUTIVE OFFICER
DIRECTOR OF BEHAVIORAL HEALTH
DIRECTOR OF BUILDING DEPARTMENT
DIRECTOR OF CHILD SUPPORT SERVICES
DIRECTOR OF COMMUNITY DEVELOPMENT AGENCY
DIRECTOR OF ENVIRONMENTAL HEALTH
DIRECTOR OF FACILITIES MANAGEMENT
DIRECTOR OF HEALTH AND HUMAN SERVICES AGENCY
DIRECTOR OF PLANNING
DIRECTOR OF PUBLIC HEALTH
DIRECTOR OF PUBLIC WORKS
DIRECTOR OF SOCIAL SERVICES
DISTRICT ATTORNEY (Govt. Code § 87200)
HEARING OFFICERS (for Administrative Appeals)
MANAGING ACCOUNTANT AUDITOR
PRINCIPAL PLANNER
PRINCIPAL CIVIL ENGINEER
PROGRAM MANAGER
PUBLIC DEFENDER
PUBLIC HEALTH OFFICER
RISK MANAGER
ROAD SERVICES MANAGER
SENIOR ADMINISTRATIVE ANALYST (ASSESSOR'S OFFICE)
SENIOR ADMINISTRATIVE ANALYST (IGS)
SENIOR APPRAISER
SENIOR AUDITOR APPRAISER
SHERIFF/CORONER/PUBLIC ADMINISTRATOR
TRANSIT SERVICES MANAGER
TREASURER-TAX COLLECTOR (Govt. Code § 87200)

UNDERSHERIFF
VETERANS SERVICES OFFICER

Those designated committees and commissions, the members of which are within the Category I disclosure requirements, are the following. A member who files a 700 form as a member of one board does not have to file additional 700 forms for memberships on any of the other following boards, committees and commissions:

ASSESSMENT APPEALS BOARD
BUILDING AND ACCESSIBILITY STANDARDS BOARD OF APPEALS
COUNTYWIDE OVERSIGHT BOARD FOR THE COUNTY OF NEVADA
FISH AND WILDLIFE COMMISSION
FIRST 5 NEVADA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION
HISTORICAL LANDMARKS COMMISSION
NEVADA COUNTY DEFERRED COMPENSATION PLAN COMMITTEE
NEVADA COUNTY FINANCE AUTHORITY
PLANNING COMMISSION (Govt. Code § 87200)
SEWAGE DISPOSAL TECHNICAL ADVISORY GROUP

CATEGORY II:

Those designated employees who are within the Category II disclosure requirements are the following:

ADMINISTRATIVE SERVICES OFFICER
ASSISTANT AUDITOR/CONTROLLER
CHIEF INFORMATION OFFICER
CHIEF PROBATION OFFICER
COUNTY LIBRARIAN
DIRECTOR OF HUMAN RESOURCES
EMERGENCY SERVICES PROGRAM MANAGER
FACILITIES PROJECT MANAGER
INFORMATION SYSTEMS MANAGER I/II
PROJECT COORDINATOR
PUBLIC WORKS PROJECT MANAGER

Those designated committees and commissions, the members of which are within the Category II disclosure requirements, are the following:

[None at this time.]

CATEGORY III:

Those designated employees who are within the Category III disclosure requirements are the following:

[None at this time.]

Those designated committees and commissions, the members of which are within the Category III disclosure requirements, are the following:

[None at this time.]

CATEGORY IV:

Those designated employees who are within the Category IV disclosure requirements are the following:

WASTEWATER OPERATIONS MANAGER

Those designated committees and commissions, the members of which are within the Category IV disclosure requirements, are the following:

[None at this time.]

CATEGORY V:

Those designated employees who are within the Category V disclosure requirements are the following:

AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS & MEASURES

FARM ADVISOR

Those designated committees and commissions, the members of which are within the Category V disclosure requirements, are the following:

AGRICULTURAL ADVISORY COMMISSION

CATEGORY VI:

Those designated employees who are within the Category VI disclosure requirements are the following:

AIRPORT MANAGER

Those designated committees and commissions, the members of which are within the Category VI disclosure requirements, are the following:

NEVADA COUNTY AIRPORT COMMISSION

CATEGORY VII:

Those designated employees who are within the Category VII disclosure requirements are the following:

[None at this time.]

Those designated committees and commissions, the members of which are within the Category VII disclosure requirements, are the following:

NEVADA COUNTY SOLID AND HAZARDOUS WASTE COMMISSION

LOCAL ENFORCEMENT AGENCY HEARING OFFICER

NEVADA-SIERRA CONNECTING POINT PUBLIC AUTHORITY GOVERNING BOARD

CATEGORY VIII:

Those designated employees who are within the Category VIII disclosure requirements are the following:

BEHAVIORAL HEALTH MEDICAL DIRECTOR

BEHAVIORAL HEALTH STAFF PSYCHIATRIST

CHILDREN'S MEDICAL SERVICES PROGRAM COORDINATOR

DIRECTOR OF PUBLIC HEALTH NURSING

Those designated committees and commissions, the members of which are within the Category VIII disclosure requirements, are the following:

ADULT AND FAMILY SERVICES COMMISSION

CHILD CARE COORDINATING COUNCIL

CATEGORY IX:

Those designated employees who are within the Category IX disclosure requirements are the following:

[None at this time.]

Those designated committees and commissions, the members of which are within the Category IX disclosure requirements, are the following:

PENN VALLEY AREA MUNICIPAL ADVISORY COUNCIL

CONSULTANTS:

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category (Category I) in the code subject to the following limitation:

The County Executive Officer, or his/her designee, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The County Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as a disclosure form required by this Conflict of Interest Code.