

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



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Chair Dan Miller, 3rd District
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Richard Anderson, 5th District

Julie Patterson Hunter,
Clerk of the Board

June 14, 2016

The Honorable Thomas Anderson
Presiding Judge of the Nevada County Grand Jury
Nevada County Courthouse
201 Church Street
Nevada City, CA 95959

Re: Board of Supervisors' Responses to the 2015-16 Nevada County Civil Grand Jury Report,
The Value of Transparency in the Nevada County Board of Supervisors

Dear Judge Anderson:

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the 2015-16 Nevada County Civil Grand Jury Report, dated April 26, 2016 entitled *The Value of Transparency in the Nevada County Board of Supervisors*

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on June 14, 2016. The Responses are based on either personal knowledge, examination of official County records, and/or information received from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2015-16 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

Dan Miller, Chairman
Nevada County Board of Supervisors

cc: Douglas M. Wight, Foreman, Grand Jury
Rick Haffey, County Executive Officer

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NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2015-16 Nevada County Civil Grand Jury Report

The Value of Transparency in the Nevada County Board of Supervisors

Dated April 26, 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 and County Counsel, and/or testimony from the Board of Supervisors and county staff members.

RESPONSES TO FINDINGS

- F1. The Supervisors receive two hours of ethics training on a bi-annual basis.**

Agree.

- F2. The citizens of Nevada County expect and deserve that their elected officials serve the public's interests, not private or political interests.**

Agree.

- F3. While legal requirements are specific, ethical decisions are personal and have significant influence on perceptions of the public when evaluating Supervisor actions and transparency.**

Agree.

- F4. The Supervisors are ethical people who conduct their business with good intent.**

Agree.

- F5. Most of the Supervisors believe ethics refers to the Form 700 filings required from elected officials each year by the FPPC.**

Disagree. The annual Form 700 filing is required by the California Government Code Section 87200 as a means for judicial, elected and appointed officials to publicly disclose certain economic interests. The Board understands that ethics laws extend beyond the Form 700 to encompass a comprehensive and complex array of issues ranging from Open Meetings Law (the "Brown Act"), public contracting, due process, perquisites and other official acts to codes of conduct when we are off-duty as well.

- F6. While a lack of public recusal by a Supervisor on an issue pending before the Board may be legal in the strict sense of law, it may give the public the perception of unethical behavior.**

Agree.

- F7. The Order and Decorum lacks sufficient guidance to Supervisors in assisting them in their personal decision making on questions of recusal.**

Partially agree. Because the Board members receive focused ethics training that meets the legal requirements of AB 1234, the Order and Decorum is not intended for that purpose. Instead, it is designed to provide general guidance on the conduct of meetings. However, item #13 of the Order and Decorum does seek to address the matter of abstention and recusal. As indicated in Responses R2 and R3 below, the Board will consider revisions to this document during its annual workshop in January 2017.

RESPONSES TO RECOMMENDATIONS

- R1. Seek additional training and information to understand the difference between legal requirements and ethical considerations.**

The recommendation is being implemented. These matters are covered comprehensively in the Ethics training the Supervisors receive that meets the requirements of AB 1234, and in the New Supervisor orientation every Supervisor receives through the California State Association of Counties. This training must meet requirements of State law and therefore is provided separately by a qualified legal expert. In addition, the Board members are regularly advised by County Counsel as issues arise, and members are encouraged to seek assistance from County Counsel if there is ever a question on how to proceed.

- R2. Develop and implement guidelines to assist the Nevada County Board of Supervisors in its decisions as to whether recusal is appropriate on a particular issue.**

The recommendation has not yet been implemented, but will be implemented by March 1, 2017. Although such guidelines are covered comprehensively in the AB 1234 Ethics training and in the New Supervisor orientation every Supervisor receives through the California State Association of Counties, the Board will consider revisions to strengthen and clarify the Order and Decorum document at its annual workshop in January 2017. Whatever amendments are agreed to at the workshop will be implemented at a subsequent Board meeting in February, 2017.

- R3. Augment the *Order and Decorum* document, particularly in the area of public transparency of relationships between a Supervisor and parties with business before the Nevada County Board of Supervisors.**

The recommendation has not yet been implemented but will be implemented by March 1, 2017. The Board will consider revisions to strengthen and clarify the Order and Decorum document at its annual workshop in January 2017. Whatever amendments are agreed to at the workshop will be implemented at a subsequent Board meeting in February, 2017.

- R4. Increase personal awareness of the need for public transparency between the Supervisors and parties with business before the Nevada County Board of Supervisors.**

The recommendation has been implemented. These matters are covered in the Ethics training the Supervisors receive that meets the requirements of AB 1234, and in the New Supervisor orientation through the California State Association of Counties. Supervisors are made aware of and provided additional training opportunities as they may arise. Supervisors and County staff are encouraged to seek assistance from County Counsel if there is ever a question on how to proceed.