



Information and General Services Department

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: January 25, 2022

TO: Board of Supervisors

FROM: **Steve Monaghan – IGS-Emergency Services**

SUBJECT: An Urgency Ordinance repealing and replacing Section A-III 3.4 of Article 3 of Chapter III of the Nevada County Administrative Code regarding acts prohibited during emergencies and punishment of violations (4/5 affirmative vote required)

RECOMMENDATION: Adopt the attached Urgency Ordinance repealing and replacing Section A-III 3.4 of Article 3 of Chapter III of the Nevada County Administrative Code regarding acts prohibited during emergencies and punishment of violations.

FUNDING: No impact to the General Fund would occur.

BACKGROUND:

Government Code sections 8630 through 8634, inclusive, authorize the Board of Supervisors during a local emergency to promulgate orders and regulations necessary to provide for the protection of life and property.

During emergencies and major natural or manmade disasters including, but not limited to, earthquakes, floods, fires, storms, or civil disturbances, there may be a temporary spike in demand for food, repair or reconstruction services, emergency or medical supplies, hotels, motels, housing, gasoline, propane, and other goods and services that are vital and necessary for health, safety, and welfare. Under such circumstances, there is a heightened risk to consumers that prices for such goods and services may be significantly increased, thereby restricting access to goods and services that are vital and necessary for health, safety, and welfare. In addition, there is a greater need during emergencies to ensure residents are provided reliable and trustworthy information from official sources about emergency services. Therefore, the County of Nevada has an interest in ensuring that county residents are protected against overpricing of vital and necessary goods and services, and from malicious or negligent misinformation and/or obstruction of

emergency services, during a state of emergency as proclaimed by the President of the United States or the Governor of California, or during a local emergency as declared pursuant to law.

Beginning on the date a state of war emergency, state of emergency, or local emergency is declared or proclaimed, the attached Urgency Ordinance prohibits various acts during an emergency, including overpricing of emergency and medical goods and services (which will terminate no more than one hundred eighty (180) days after the declaration of emergency), obstructing emergency services work, displaying false emergency services identification, and tampering with emergency signs.

Subject to certain exceptions, individuals and businesses will be prohibited from selling emergency and medical goods and services for an amount which is ten (10) or more percent greater than the price charged by a person, contractor, business, or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, contractor, business, or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;

In addition, for a period of 30 days following a proclamation or declaration, the attached Urgency Ordinance will prohibit an owner or operator of a hotel or motel to increase the hotel's or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than 10 percent, unless an owner or operator of a hotel or motel can prove that the increase in price is due to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.

The District Attorney has reviewed and approved this proposed Urgency Ordinance. In addition to criminal enforcement by the District Attorney, the District Attorney, or the County Counsel with agreement of the District Attorney, may bring a civil action pursuant to California Business and Professions Code section 17206 to enforce this subsection.

ATTACHMENT: Exhibit A, Proposed Urgency Ordinance repealing and replacing Section A-III 3.4 of Article 3 of Chapter III of the Nevada County Administrative Code regarding acts prohibited during emergencies and punishment of violations.

Item Initiated By: Elise Strickler, Administrative Services Officer, Information and General Services Agency

Approved by: Steve Monaghan, Chief Information Officer, Information and General Services Agency

Submitted: January 10, 2022

