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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 15, 2020

TO: Board of Supervisors

FROM: **Katharine L. Elliott, County Counsel**

SUBJECT: Waive further reading and adopt an Ordinance repealing Articles 22 and 23 of Chapter II of Title 1 of the Administrative Code of the County of Nevada regarding the County's Conflict of Interest Code and the Conflict of Interest Code for the Nevada County Board of Supervisors

RECOMMENDATION: Waive further reading and adopt the proposed Ordinance. (Introduced November 17, 2020)

FUNDING: N/A

BACKGROUND:

The Administrative Code of the County of Nevada includes two Conflict of Interest sections. The first section, Article 22, last amended on December 11, 2018, pursuant to Ordinance No. 2458, is applicable to all designated employees of the County of Nevada, as required by Government Code section 87300, and in conformity with the Political Reform Act. The second section, Article 22, passed and adopted on May 11, 1976, pursuant to Ordinance No. 748, is the Conflict of Interest Code pertaining to financial disclosure and disqualification requirements applicable to members of the Nevada County Board of Supervisors.

Pursuant to Government Code section 87306, counties and other agencies are required to amend their conflict of interest codes when necessitated by changed circumstances, including the creation of new employee positions and changes in the duties assigned to existing positions which must by law be included in the conflict of interest code. Additionally, Government Code section 87306.5 requires that no later than July 1 of each even-numbered year, the County review its Conflict of Interest Code and, if a change in the code is necessitated due to changed circumstances, submit an amended Conflict of Interest Code to the Board of Supervisors for review.

As the Conflict of Interest Codes set forth in Articles 22 and 23 of the Administrative Code were enacted by County Ordinances, necessary amendments to these Codes must currently be brought back to this Board by way of amendment to the applicable Ordinance. By repealing Articles 22 and 23 of the Administrative Code and adopting a County-wide Conflict of Interest Code by way of Resolution, the process for amending the Conflict of Interest Code will be streamlined by combining both Conflict of Interest Codes into one county-wide Code. This will avoid the additional time otherwise required to introduce and adopt the amended Ordinances at separate meetings, and will result in cost savings to the County by no longer having to pay the County's code servicing contractor to make revisions to these Conflict of Interest provisions, as they will no longer be codified in our Administrative Code. There is no requirement for the Conflict of Interest Code to be codified.

Therefore, it is recommended that the Board adopt this proposed Ordinance to repeal Articles 22 and 23 of Chapter II of Title 1 of the Administrative Code. In order to ensure that there is no break between repeal of this Ordinance, which would be effective 30-days after passage, and the Board's approval of the Resolution adopting the county-wide Conflict of Interest Code, it is recommended that the adoption of this Ordinance be conditioned upon the Board's approval of a Resolution adopting the County-wide Conflict of Interest Code, also presented to the Board today.

Item initiated and approved by: Katharine L. Elliott, County Counsel

Submittal Date:

Revision Date: