



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: February 28, 2023
TO: Board of Supervisors
FROM: Katharine L. Elliott, County Counsel
SUBJECT: (Introduce/Waive further reading) Ordinance amending, adding and repealing non-substantive sections of the Nevada County Administrative Code

RECOMMENDATION: Introduce and waive further reading of the proposed Ordinance.

FUNDING: The revision will have no fiscal effect.

BACKGROUND:

The Codes of the County of Nevada were last fully updated in 2006 by Ordinance No. 2192. In an effort to create uniformity in internal referencing; language usage; updated pronouns; Agency and Departmental organization; as well as to verify accuracy of citation and comport with California State Statute, County Counsel's Office has been working with county Agencies and Departments and proposes the following revisions.

Through this through review of all County Codes, revisions that are substantive in nature, or which may require companion Resolutions, are not being brought forward at this time.

The following revisions serve the following functions:

- Updated language to reflect established practices within the department;
- Corrections to comply with current California Statute; and
- Editorial corrections to create uniformity within the County Codes.

Therefore, it is recommended that the Board adopt this proposed Ordinance to:

Revise:

Administrative Code

1. CHAPTER I “General Provisions”

a. Article 1 “Scope” Sections A-I 1.1 – 1.11

- Sec. A-I 1.1 “Authority of Counties”: Revised from a notation in current code and Sec. G-I 1.0.
- Sec. A-I 1.1 A “How Code Designated and Cited”: Citation of California statute revised, edited removal of “Administrative” in code reference.
- Sec. A-I 1.2 “Definitions and Rules of Construction”: Citation of California statute revised, provisions added to allow for electronic signature.
- Sec. A-I 1.3 “Provisions Considered as Continuations of Existing Ordinances”: No revisions.
- Sec. A-I 1.4.A “Subsequent Amendments to State or Federal Law”: Moved from
- Sec. G-V 9.13.
- Sec. A-I 1.5 “Severability of Parts of Code”: Language revised to reflect language in current Ordinance usage.
- Sec. A-I 1.7 “General Penalty; Continuing Violations”: Specific penalties removed, and reference to California Penal Code for penalty added.
- Sec. A-I 1.8 “County Boundaries”: New section. Revised from a notation in current code.
- Sec. A-I 1.9 “Designation of County Seat”: New section. Revised from a notation in current code.
- Sec. A-I 1.10 “Credit Cards Accepted”: New section. Moved from Sec. A-II 24.19 in current code.
- Sec. A-I 1.11 “Location and Hours of County Offices”: New section. Moved from A-II 1.7 in current code.

2. CHAPTER II “Administration”

a. Article 1 “In General” Sections A-II 1.1 – 1.11

- Sec. A-II 1.1 “Adoption of State Law Relating to Law Libraries”: Repealed and moved and moved to Sec. A-II 12.9, as a Special District. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- Sec. A-II 1.3 “Consolidation of Offices of Clerk and Recorder”: Repealed and moved to “Elected County Officers” 28.3 (B).
- Sec. A-II 1.5 “Consolidation of Offices of Sheriff, Coroner and Public Administrator”: Repealed and moved to A-II 28.5 (B) “Elected County Officers”.
- Sec. A-II 1.7 “Location and Hours of County Offices”: Repealed and moved to A-I.
- Sec. A-II 1.9 “Adoption of State Law Relative to Qualifications of County Auditor”: Repealed and moved to A-II 28.2 (A) “Elected County Officers.
- Sec. A-II 1.11 “Miscellaneous Delegations”: Repealed, no longer a county practice.

b. Article 4 “Donner Summit Public Utility District” Sections A-II 4.1 – 4.5

- Secs. A-II 4.1 – 4.5: Repealed.

c. Article 7 “Elections” Section A-II 7.1

- Secs. A-II 7.1 “Elections”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.

d. Article 10 “Delinquency Prevention Commission” Sections A-II 10.10.1 – 10.3

- Secs. A-II 10.1 – 10.3: Repealed. Renamed Juvenile Justice and Delinquency Prevention Commission and incorporated into A-II 12.

e. Article 11 “Partnership Healthplan of California Commission” Sections A-II 11. 1 – 11.6

- Sec. A-II 11.1 “Purpose” revisions Citation of California statute revised.

- Secs. A-II 11.2 – 11.6: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- f. Article 12 “Committees Established by Resolution”: Revised from a “Editor’s Note” into a listing of “Boards, Committees, Commissions, Councils and Special Districts Established by Resolution”.
- Sec. A-II 12.1: Revised from a “Editor’s Note” into a listing of Boards, Committees, Commissions and Councils.
 - Secs. A-II 12.2 – 12.9: Added.
- g. Article 13 “Travel Expenses and Compensation of Committees and Commissions” Sections A-II 13.1 – 13. 11
- Secs. A-II 13.1 – 13.11: Revised to reflect current practices. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- h. Article 14 “County Vehicles” Sections A-11 14.1 – 14.10
- Secs. A-II 14.1 – 14.10: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- i. Article 15 “Public Defender” Sections A-II 15. 1 – 15.3
- Secs. A-II 15.1 – 15.3: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised. Renamed section titles. Substantive change, Gov’t Code §27703 allows for appointment by Board of Supervisors.
- j. Article 17 “County Executive Officer (County Administrator)” Sections A-II 17.1 – 17.14
- Secs. A-II 17.1 – 17.14: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
 - Sec. A-II 17.1 “Position Created”: Citation of California statute revised, added position as a “Confidential Employee”.
 - Sec. A-II 17.2 “Appointment and Removal – Residence”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-II 17.5 “General Administration”: Editorial changes; Conformity of format for dates of prior Ordinance revisions.

- Sec. A-II 17.6 “Budgetary Matters”: Editorial changes.
 - Sec. A-II 17.7 “Departmental Supervision - Appointment and Removal”: Editorial changes; Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-II 17.11 “Donations to the County of Nevada”: Editorial changes; Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
 - Sec. A-II 17.12 “Contracting Authority”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
 - Sec. A-II 17.13 “Ex Officio District Administrator for Nevada County Sanitation District No. 1”: Citation of California statute revised.
 - Sec. A-II 17.14 “Settlement Authority”: Conformity of format for dates of prior Ordinance revisions.
- k. Article 19 “Clerk of the Board of Supervisors” Sections A-II 19.1 – 19.6
- Sec. A-II 19.1 “Office Established”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-II 19.2 “Deputies Authorized”: Pronoun revisions.
 - Sec. A-II 19.3 “Duties Established”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-II 19.6 “Transcription Fees”: Repealed and moved to Sec. A-II 24.21 “Fees”.
- l. Article 20 “Correctional Peace Officer Standards and Training” Secs. A-II 20.1 – 20.4. Repealed and moved to A-II 25.6.1 – 25.6.4.
- m. Article 24 “Fees” Sections A-II 24.1 – 24. 24.20
- Secs. A-II 24 – 24.21: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
 - Sec. A-II 24 “Consolidated Fee Schedule”: Added. Includes a description and reference to the County of Nevada’s consolidated fee schedule.

- Sec. A-II 24.2 “Election Department Fees”: Conformity of format for dates of prior Ordinance revisions. Added A (12).
 - Sec. A-II 24.3 “Reserved”: Replaced with G-IV 9.1 “Concealed Firearm License Fee”.
 - Sec. A-II 24. 4 “Reserved”: Replaced with G-IV 10.1 “Fingerprinting Fee Required”.
 - Sec. A-II 24. 5 “Reserved”: Replaced with G-III 2.1 “Fees for Transportation of Trees, Shrubs and Boughs”.
 - Sec. A-II 24.19 “Credit Cards Accepted”: Repealed. Moved to Sec. A-I 1.10.
 - Sec. A-II 24.21 “Transcription Fees”: Added, moved from A-II 19.6 “Transcription Fees”.
- n. Article 25 was “Reserved” now replaced with “County Offices and Departments” Sections A-II 25.1 – 25.10
- Secs. A-II 25.1 – 25.10: newly added.
 - Sec. A-II 25.6.1 “Qualifying for State Aid”: Added, moved from A-II 20.1.
 - Sec. A- II 25.6.2 “Compliance with CPOST standards”: Added, moved from A-II 20.2.
 - Sec. A-II 25.6.3 “Compliance with Corrections Standards and Authority Standards”: Added, moved from A-II 20.3.
 - Sec. A-II 25.6.4 “Adherence to Standards”: Added, moved from A-II 20.4.
- o. Article 26 “Amendment to Pers Contract” Sections A-II 26.1 - 26.2
- Secs. A-II 26.1 – 26.2: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- p. Article 28 “Elected County Officers” Sections A-II 28.1 – 28.6
- Sec. A-II 28.1 – 28.6: newly added.
 - Sec. A-II 28.2(A) “Position of County Auditor-Controller”: Editorial changes. Moved from A-II 1.9. (B) and (C) added.
 - Sec. A-II 28.3 “County Clerk–Recorder and Elections Official”, (A) “Position of County Clerk-Recorder” and (C) “Election” added.

- Sec. A-II 28.3 (B) “Consolidation of Offices of Clerk and Recorder”: Editorial changes, moved from A-II 1.3.
 - Sec. A-II 28.5 (B) “Consolidation of Offices of Sheriff, Coroner and Public Administrator: Editorial changes, moved from A-II 1.5.
 - Sec. A-II 28.6 (B) “Consolidation of Offices of Treasurer and Tax Collector” moved from A-II 37.1.
 - Sec. A-II 28.6 (C) “Eligibility for Office of County Treasurer and Tax Collector” moved from A-II 37.2.
- q. Article 33 “Information and General Services Department” Sections A-II 33.1 – 33.5
- Secs. A-II 33.1 – 33.5: Revised to reflect current departmental practices. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
 - Sec. A-II 33.5 “Director of Emergency Services” Reserved and moved to A-II 33.4 (D).
- r. Article 35 “Human Resources Department” Sections A-II 35.1 – 35.4
- Secs. A-II 35.1 – 35.4: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- s. Article 36 “Motor Vehicles in Lieu of Fees” Sections A-II 36.1 – 36.5
- Secs. A-II 36.1 – 36.5: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- t. Article 37 “Treasurer and Tax Collector: the following sections have been amended:
- Sec. A-II 37.1 “Consolidation of the Offices of Treasurer and Tac Collector”: Repealed and moved to “Elected County Officers” A-II 28.6.2.
 - Sec. A-II 37.2 “Eligibility for Office of County Treasurer and Tax Collector”: Repealed and moved to “Elected County Officers” A-II 28.6.3.
- u. Article 38 “First 5 Nevada County Children and Families First Commission” Sections A-II 38.1 – 38.12
- Secs. A-II 38.1 – 38.12: Repealed and moved into Sec. A-II Article 12.4, “Boards, Commissions, Committees and Councils”.

v. Article 42 “Community Development Agency” Sections A-II 42.1 – 42.10.7

- Secs. A-II 42.1 – 42.10.7: Revised to reflect current Agency structure. Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- Sec. A-II 42.6.4 “County Land Surveyor” repealed.
- Sec. A-II 42.6.5 “Record of Survey” repealed.
- Sec. A-II 42.8 “Housing and Community Services Established” repealed.
- Sec. A-II 42.8.1 “Responsibilities and Duties” repealed.
- Sec. A-II 42.9.2 “Agricultural Department and Duties and Responsibilities” added.
- Sec. A-II 42.9.3 “Agricultural Commissioner and Sealer of Weights and Measures” added.
- Sec. A-II 42.9.4 “The Agricultural Advisory Commission” added.
- Sec. A-II 42.10.6 “County Surveyor” added.
- Sec. A-II 42.10.7 “Record of Survey” added.

w. Article 43 “Payment of Salaries to Elected Officials, Officers and Employees”
Section A-II 43.1

- Sec. A-II 43.1 “Payment of Salaries to Elected Officials, Officers and Employees”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.

3. CHAPTER III “Emergency Services”

a. Article 1 “In General” Sections A-III 1.1- 1.6

- Sec. A-III 1.1 “Definitions”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-III 1.2 “Purposes of Chapter”: Repealed, “Purpose” provisions are being removed from county codes. The purposes, or findings, will remain in the original ordinances for historical reference.
- Sec. A-III 1.3 “Expenditures Deemed for Protection of Inhabitants and Property”: Conformity of format for dates of prior Ordinance revisions.

- Sec. A-III 1.4 “Succession of Members of the Board of Supervisors in a Declared Emergency”: Internal reference of County of Nevada Ordinance section removed. Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 1.5 “Succession as Director of Emergency Services”: Succession order is changed from A. Assistant Director of Emergency Services, B. Nevada County Sheriff, C. Director of Community Development Agency to A. Assistant Director of Emergency Services or their designee, B. Nevada County Executive Officer or their designee, C. Director of Community Development Agency or their designee. Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 1.6 “Conformance to Federal and State Emergency Services Policies”: Conformity of format for dates of prior Ordinance revisions.
- b. Article 2 “Emergency Services Council; Director; Assistant Director” Sections A-III 2.1 – 2.8
- Sec. A-III 2.1 “Nevada County – Operational Area; Emergency Services Council – Created”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 2.2 “Composition; Appointment of Members; Officers”: “Local Area” changed to “Operational Area”. Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 2.3 “Meetings”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 2.4 “Powers and Duties of Emergency Services Council”: Revised to allow for current practice.
 - Sec. A-III 2.5 “Director of Emergency Services – Office Created; Designated”: Title updated from “Chief Information Officer (CIO)” to “Director of Information and General Services Agency”. Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 2.6 “Powers and Duties of Director of Emergency Services Generally”: Conformity of format for dates of prior Ordinance revisions.
 - Sec. A-III 2.7 “Powers in Event of Proclamation of Disaster”: Includes new provision for Disaster Service Workers which may be issued an oath and called into service. Conformity of format for dates of prior Ordinance

revisions.

- Sec. A-III 2.8 “Duties of Assistant Director”: Conformity of format for dates of prior Ordinance revisions.

c. Article 3 “Organization” Sections A-III 3.1 – 3.5

- Sec. A-III 3.1 “Emergency Services Organization”: Internal reference of County of Nevada Ordinance section removed. Conformity of format for dates of prior Ordinance revisions.
- Sec. A-III 3.2 “Resolution Establishing Organization and Prescribing Duties”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-III 3.3 “Responsibilities and Activities”: Revoked, this was a departmental delegation of duties that is outdated and more appropriately established by policies.
- Sec. A-III 3.4 “Unlawful Acts”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-III 3.5 “Emergency Operating Center”: Retitled “Emergency Operations Center”. Adds authority of “Acting” Director of Emergency Services. Conformity of format for dates of prior Ordinance revisions.

4. CHAPTER IV “Purchases”

a. Article 1 “Purchases” Sections A-IV 1.1 – 1.8

- Sec. A-IV 1.1 “Purchasing Agent – Office Established”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- Sec. A-IV 1.2 “Consolidation of Information and General Services and Office of Purchasing Agent”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-IV 1.3 “Purchasing Agent – Duties”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- Sec. A-IV 1.4 “Emergency Purchases”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-IV 1.5 “Purchasing Policies, Rules, Regulations and Procedures”:

Conformity of format for dates of prior Ordinance revisions.

- Sec. A-IV 1.6 “Delegation of Purchasing Agent Authority”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-IV 1.7 “Local Vendor Preference”: Conformity of format for dates of prior Ordinance revisions. Citation of California statute revised.
- Sec. A-IV 1.8 “Acceptance of Gratuities Prohibited; Removal or Other Disciplinary Action Against Officer”: Replace “Etc.” with “Irresponsible Bidder” in title. Conformity of format for dates of prior Ordinance revisions.

5. CHAPTER V “Parcel Charges”

a. Article 1 “Parcel Charges and Procedure for Collection in County Service Areas” Sections A-V 1.1 – 1.6

- Sec. A-V 1.2 “Responsibility of the Director of Public Works”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-V 1.3 “Hearing for Filing Objections or Protests”: Citation of California statute revised.

6. CHAPTER VI “Underground Utility Districts” Sections A-VI 1.1 – 1.14

- Article 1 “Underground Utility Districts” the following sections have been amended:
- Secs. A-V 1.1 – A-V 1.14: Repealed.

7. CHAPTER VII “Administration Fees”

a. Article 1 “Property Tax Administration” Sections A-VII 1.1 – 1.5

- Sec. A-VII 1.1 “Property Tax Administration Fee”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-VII 1.2 “Definitions”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-VII 1.3 “Calculation and Charging of Property Tax Administration Fee”: Conformity of format for dates of prior Ordinance revisions.

- Sec. A-VII 1.4 “Responsibility and Duties”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-VII 1.5 “Severability”: Repeal, contained in A-I “General Provisions”.

b. Article 2 “Criminal Justice Administration” Sections A-VII 2.1 – 2.5

- Sec. A-VII 2.1 “Authority”: Citation of California statute revised.
- Sec. A-VII 2.2 “Definitions”: Citation of California statute revised.
- Sec. A-VII 2.3 “Criminal Justice Administration Fee”: Citation of California statute revised.
- Sec. A-VII 2.4 “Effective Date”: Conformity of format for dates of prior Ordinance revisions.
- Sec. A-VII 2.5 “Severability”: Repealed.

8. **CHAPTER VIII “Special Claims Procedure”**

a. Article 1 “Claims Against the County” Sections A-VIII 1.1 – 1.4

- Sec. A-VIII 1.1 “Generally”: Citation of California statute revised.
- Sec. A-VIII 1.2 “Presentation of Claims”: Citation of California statute revised.
- Sec. A-VIII 1.3 “Time for Presentation of Claims”: Internal reference of County of Nevada Ordinance section removed.
- Sec. A-VIII 1.4 “Claim Procedures”: Citation of California statute revised.