

OFFICE OF THE COUNTY COUNSEL
COUNTY OF NEVADA

KATHARINE L. ELLIOTT, COUNTY COUNSEL
SCOTT A. MCLERAN, ASSISTANT COUNTY COUNSEL
JAMIE L. HOGENSON, DEPUTY COUNTY COUNSEL
DOUGLAS M. JOHNSON, DEPUTY COUNTY COUNSEL
RHETTA K. VANDER PLOEG, DEPUTY COUNTY COUNSEL
JENNIFER R. WALTERS, DEPUTY COUNTY COUNSEL



ERIC ROOD ADMINISTRATIVE CENTER
950 MAIDU AVENUE, SUITE 240
NEVADA CITY, CA 95959
TELEPHONE (530) 265-1319
FACSIMILE (530) 265-9840
county.counsel@co.nevada.ca.us

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 15, 2020

TO: Board of Supervisors

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

SUBJECT: Resolution approving and adopting a County-wide Conflict of Interest Code effective January 14, 2021

RECOMMENDATION: Adopt the Resolution.

FUNDING: N/A

BACKGROUND:

Section 87300 of the California Government Code requires counties and other local agencies to adopt and promulgate conflict of interest codes. Currently, the County of Nevada's Conflict of Interest Code is codified in two sections of the County's Administrative Code. The first section, Article 22, includes the Conflict of Interest provisions applicable to all designated County employees of the County of Nevada. The second section, Article 22, includes the Conflict of Interest Code provisions pertaining to financial disclosure and disqualification requirements of the 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.

Due to the fact that the County's Conflict of Interest Codes set forth in Articles 22 and 23 of the Administrative Code were enacted by County Ordinance, necessary bi-annual amendments to the Conflict of Interest Code are currently required to be brought back to this Board by way of amendment to the enacting Ordinance. This process requires two Board meetings to introduce and waive further reading of the amendments to the Conflict of Interest Ordinance, followed by passage of the Ordinance at the next Board meeting,

and finally codification, which includes the cost of paying the County's code services contractor to incorporate these amendments into the Administrative Code.

It has been determined that County staff time and cost savings are achievable by removing the Conflict of Interest Code from the Administrative Code and adopting a County-Wide Conflict of Interest Code by way of Resolution. This will allow for one Conflict of Interest Code applicable to all employees, while also enabling future amendments to the Conflict of Interest Code to be made by way of Resolution at one Board meeting with immediate effect. In furtherance of this proposed change, this Board also has before it today a proposed Ordinance to repeal Articles 22 and 23 of the Administrative Code.

Therefore, it is recommended that upon the Board's adoption of the proposed Ordinance to repeal Articles 22 and 23 of Chapter II of Title 1 of the Administrative Code, it approve this Resolution adopting the County-wide Conflict of Interest Code, with an effective date of January 14, 2020, which is 30 days after the passage of the Ordinance repealing Articles 22 and 23, thereby avoiding any disruption between the active dates of the two Codes.

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

Submittal Date:
Revision Date: