

~~[Bracketed and strikethrough]~~ material is that portion being deleted.
Underlined and italicized material is that portion being added.

BILL NO. 2-20-24-1

SUMMARY – An ordinance to amend sections of Chapter 2.42 of the Clark County Code governing the ethical standards for County Officials and employees.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 2.42 OF THE CLARK COUNTY CODE GOVERNING THE ETHICAL STANDARDS FOR COUNTY OFFICIALS AND EMPLOYEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, as active participants in the delivery of important governmental services, public servants are routinely called upon to make decisions;

WHEREAS, such decisions may be varied and different, the choices that are made must yield good results while maintaining public interest values along the way;

WHEREAS, as public servants make these difficult decisions, there is an obligation to the citizens of Clark County to maintain the highest ethical standards.

NOW, THEREFORE, THE CLARK COUNTY BOARD OF COMMISSIONERS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 2.42.010 of the Clark County is amended to read as follows:

In the construction of this chapter the following definitions shall apply, unless the context clearly requires otherwise:

(1) “Board” or “Board of County Commissioners” means the Clark County Board of County Commissioners.

(2) “Commissioner” means a member of the Clark County Board of County Commissioners.

(3) “County Commission employee” means a county employee assigned to a Commissioner’s office.

~~[(3)]~~ (4) “County employee” means a non-elected person who performs public duties for, and whose compensation is paid by, Clark County whether on a full-time or part-time basis. The term “county employee” includes “county management employee and County Commission employee.”

~~[(4)]~~ (5) “County management employee” means any Category I and II employee receiving compensation and benefits under the Clark County management compensation plan.

~~[(5)]~~ (6) “County official” includes:

- a. Commissioners;
- b. Members of the Clark County Planning Commission;
- c. Those county management employees who were appointed by the ~~[(b)]~~ Board of ~~[(e)]~~ County ~~[(e)]~~ Commissioners or whose appointments must, by statute or ordinance, be ratified by the ~~[(b)]~~ Board of ~~[(e)]~~ County ~~[(e)]~~ Commissioners.

~~[(6)]~~ (7) “Household” means an association of persons who live in the same home or dwelling and who share its expenses. In addition, “household” includes:

- a. The spouse or domestic partner of a county official or county employee;
- b. A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from a county official or county employee; and
- c. A person who lived in the home or dwelling of a county official or county employee during the past six months.

~~[(7)]~~ [(8)] “Planning ~~[e]~~ Commission” means the Clark County Planning Commission appointed pursuant to Chapter 3.12 of the Clark County Code.

~~[(8)]~~ [(9)] “Senior management employee” means the county manager a~~[n]~~ ~~[assistant]~~ deputy county manager, the chief financial officer, ~~[or]~~ the chief administrative officer, a chief of staff, or other County management employees designated by the county manager.

~~[(9)]~~ [(10)] “Willful violation” means a violation where the county official or county employee:

- a. Knew or reasonably should have known that the conduct violated this chapter;
- b. Acted intentionally and knowingly in violation of this chapter.
- c. Was in a situation where this chapter imposed a duty to act, and the county official or county employee intentionally and knowingly failed to act in the manner required by this chapter.

SECTION TWO. Section 2.42.020 of the Clark County is amended to read as follows:

(1) Commissioners currently serve as “citizen commissioners” and some have other occupations and business interests, particular philosophies and perspectives that are necessarily influenced by the life experiences of the individual commissioner. Commissioners are expected

to contribute those philosophies and perspectives to the debate over issues which the commissioners are confronted.

(2) Before acting on any matter, a [e] C Commissioner must disclose to the [b] B Board any potential conflict of interest. In deciding whether to disclose and abstain, the [e] C Commissioner may seek the advice of the Clark County District Attorney's Office. However, the decision of whether to disclose and abstain remains the responsibility of the [e] C Commissioner.

(3) (a) If a [e] C Commissioner discloses on one or more items of conflict, the [e] C Commissioner must complete and submit a disclosure statement to the county manager's office using the prescribed disclosure statement form along with a copy of the meeting agenda containing the item involving the conflict of interest within seven calendar days after the date of the meeting at which the disclosure occurred.

(b) The prescribed disclosure statement shall include, at a minimum, the following:

(i) The Commissioner's name;

(ii) The date of the meeting at which the disclosure occurred;

(iii) The agenda item number, a brief description of the matter sufficient to inform the public of the nature and extent of the conflict of interest, including any financial interest, causing the disclosure.

(4) Before acting on any matter, a member of the [p] P Planning [e] C Commission must disclose to the [p] P Planning [e] C Commission any potential conflict of interest. In deciding whether to disclose and abstain, the member may seek the advice of the Clark County District Attorney's

Office. However, the decision of whether to disclose and abstain is the responsibility of the member.

(5) If a county employee discloses a potential conflict of interest, the county employee's supervisor shall designate a person to act in the employee's place on the item of conflict. The county employee's supervisor may remove the employee from the item of conflict even if the employee believes abstention is not required. If the county employee with the potential conflict of interest is the county manager, then the [~~assistant county manager~~] senior management employee with supervisory responsibilities in that area shall act in the manager's place on the item of conflict. A memorandum shall be kept on file at the employee's department detailing the conflict of interest.

(6) If a county official or county employee abstains on an item of conflict, he or she shall not participate in any way on the item, whether by voting, discussion, persuasion, or otherwise.

SECTION THREE. Chapter 2.42 of the Clark County Code is hereby amended by adding a new section to read as follows:

Section 2.42.025- Incompatible Activities. (1) The county manager's office shall, by January 1 of each year, provide a statement of incompatible activities to the Commissioners, senior management employees, County Commission employees, and other staff identified by the county manager's office.

(2) The annual statement of incompatible activities shall include those activities that are inconsistent, incompatible, or in conflict with the duties of the Commissioners and designated employees. This list shall include, but need not be limited to, activities that involve:

a. The use of time, facilities, equipment, and supplies of the county;

b. The use of a Commissioner's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the Commissioner or the employee, any business entity or person in which the Commissioner or the designated employee has a significant pecuniary interest;

c. The receipt or acceptance by a Commissioner or an employee of any money or other thing of value from anyone other than the county for the performance of an act that the Commissioner or employee would be required to render in the regular course of his, her, or their service or employment with the county;

d. The performance of an act in a capacity other than as a Commissioner or employee of the county that is within the control, inspection, review, audit, or enforcement of the Board or the employee's department;

e. Excessive time demands that would cause the Commissioner or employee to be absent from his, her, or their assignments on a regular basis, or otherwise require a time commitment that is demonstrated to interfere with the Commissioner or employee's performance of their duties; and

f. Engagement with an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit, or enforcement of the Board;

(3) Those subject to this subsection shall certify their compliance with the annual statement of incompatible activities annually by February 1. The certification shall be done on a form prescribed by the county manager's office.

SECTION FOUR. Section 2.42.040 of the Clark County Code is amended to read as follows:

- (1) For a period of twelve months following termination of service or period of employment with Clark County, no [e] Commissioner, spouse or domestic partner of a [e] Commissioner, member of a [e] Commissioner's household, county official, [or] county management employee, or County Commission employee shall represent or counsel for compensation a private person or business entity before the ~~b~~ Board or any agency or department of Clark County government.
- (2) In addition to other penalties provided by law or by applicable internal county policies and procedures, if a former [e] Commissioner, spouse or domestic partner of a former [e] Commissioner, member of a former c[e] Commissioner's household, former county official, [or] former county management employee, or former County Commission employee is found to have committed a willful violation of the prohibition of this section, his, [or] her, or their cooling-off period shall be recommended for extension by six months for each such violation. An investigation of the alleged violation shall be conducted in accordance with this chapter. A decision to extend the cooling-off period shall be made by the ~~b~~ Board at a public meeting held in compliance with the provisions of NRS Chapter 241.
- (3) For a period of twelve months following termination of service on the ~~b~~ Board, no former [e] Commissioner shall solicit or accept employment from any public or quasi-public entity if the [e] Commissioner, at any time during his, [or] her, or their term of service, served as the ~~b~~ Board's representative on the governing board of the entity. For purposes of this subsection, public or quasi-public entities include, but are not limited to, the following: the Southern Nevada Water Authority, the Clark County Regional Flood Control District, the Regional

Transportation Commission of Southern Nevada, the Las Vegas Convention and Visitors Authority, and the Southern Nevada Health District.

(4) For a period of twelve months following termination of service on the ~~b~~] Board, no former ~~e~~] Commissioner shall solicit or accept employment from any public or quasi-public entity for which the ~~b~~] Board serves as the governing board of directors or governing board of trustees. For purposes of this paragraph (b), public or quasi-public entities include, but are not limited to, the following: the University Medical Center of Southern Nevada, the Clark County Water Reclamation District, the Las Vegas Valley Water District, the Big Bend Water District, the Kyle Canyon Water District, the Mt. Charleston Fire Protection District, the Moapa Valley Fire Protection District, and the Coyote Springs Water Resources District.

(5) The provisions of subsections 3 and 4 do not apply to a ~~e~~] Commissioner who was employed by a public or quasi-public entity prior to serving as a ~~e~~] Commissioner.

(6) While serving as a county employee and for a period of one year after leaving service with the county, a county employee shall not solicit or accept a position with an individual or company who has been awarded a contract with the county exceeding fifty thousand dollars, if that employee held a position which allowed that county employee to affect or influence the awarding of the contract.

(7) All professional services contracts under fifty thousand dollars involving a former county official or former county management employee who is a sole proprietor, or who owns a controlling interest in the firm providing the service, must be approved by the ~~b~~] Board if the contract is being considered within the twelve-month period immediately following the termination of the county official's or county management employee's service or period of

employment with Clark County. The agenda item relating to a professional service contract subject to this provision shall explain why the former county official or former county management employee is the best choice to perform the service and must comply with existing fiscal directives.

(8) For purposes of this section, a [e] Commissioner's service to Clark County terminates upon resignation or removal or at end of his, [e] her, or their term of office whether such term ends due to a decision of the [e] Commissioner to not to seek reelection, resignation, due to loss of reelection, or due to term limits.

(9) No [e] Commissioner, spouse or domestic partner of a [e] Commissioner, member of a [e] Commissioner's household, county official or county employee shall accept compensation from any private person or business entity to represent or counsel that person or business entity on any issue pending before Clark County. In addition, no [e] Commissioner shall, during his, [e] her, or their term of office, accept compensation from any private person or business entity to represent, counsel or act as a paid consultant for that person or business entity on any issue pending before an agency of the Nevada state executive department or legislative department, before the Nevada State Legislature, or any committee or subcommittee thereof, or before an agency or body of any Nevada county, city, or other local government as defined in NRS 354.474 or any body created pursuant to NRS Chapter 277 or subject to NRS Chapter 241, which is located within the geographical boundaries of Clark County.

SECTION FIVE. Section 2.42.050 of the Clark County Code is amended to read as follows:

2.42.050- [H]Third degree of consanguinity or affinity.[H]

Any relative within the third degree of consanguinity or affinity, including those so related by adoption, marriage, or domestic partnership of:

(1) A member of the [~~Clark County Commission~~] Board, [~~any county or township elected officer,~~] or senior management employee is not eligible for employment within Clark County;

(2) A county or township elected official acting as an employing authority, is not eligible for employment positions within that official's department's chain of command; or

(3) A county official acting as an employing authority, is not eligible for employment positions within that official's department of chain of command.

This section does not apply to those current employees who were employed with the county or the relevant department prior to their relative taking office or receiving the appointment as an employing official. On a case-by-case basis, part-time positions may be approved for relatives of the Board or senior management as long as such part-time positions are not within that official's or senior management's chain of command. These part-time position requests must be approved by the county manager after consultation with the Clark County District Attorney's Office.

SECTION SIX. Section 2.42.060 of the Clark County Code is amended to read as follows:

(1) A newly-elected [~~e~~] Commissioner or a newly-appointed Commissioner appointed pursuant to NRS 244.040 shall participate in an ethics training program presented by the Nevada Ethics Commission as soon as practicable after his, [~~or~~] her, or their initial election or

appointment. Thereafter, the [e] Commissioner shall participate in a program [~~at least once during each term of office~~] annually.

(2) A newly-appointed member of the [p] Planning [e] Commission shall participate in the Nevada Ethics Commission's ethics training as soon as practicable after his, ~~or~~ her, or their initial appointment. Thereafter, if a member is reappointed to the [p] Planning [e] Commission, he or she shall participate in such a program [~~at least once during each term as a planning commissioner~~] annually.

(3) [~~Unless an exemption is granted by the county manager,~~] County management employees and County Commission employees shall participate in the Nevada Ethics Commission's ethics training program as soon as practicable after becoming a county management employee or a County Commission employee. Thereafter, [~~the~~] county management employees and County Commission employees shall participate in such a program [~~at least once every four years~~] annually.

(4) The county manager's office is authorized to establish and implement additional programs to educate persons subject to this chapter about their duties and responsibilities hereunder. The county manager's office shall offer an ethics education seminar for county officials, county management employees, and County Commission employees on as many occasions as necessary to accommodate the requirements of this chapter, which during an election year may include updates regarding political activities.

(5) [~~A newly-appointed member of a town advisory board or citizens advisory council~~] Any member of a board, commission, committee, or task force of the County shall participate in the Nevada Ethics Commission's ethics training program or a similar program as soon as

practicable after initial appointment or election. Thereafter, each member of a board, commission, committee, or task force of the County shall participate in the Nevada Ethics Commission's ethics training program or a similar program every two years. Members of the Planning Commission shall follow the training requirements provided for Section 2.42.060 (2).

~~[(6)]~~ (8) The county manager's office shall notify ~~[e]~~ Commissioners, other elected county officials, members of the ~~[p]~~ Planning ~~[e]~~ Commission, ~~[town advisory boards, citizens advisory councils]~~ members of other boards, commissions, committees, or task forces, ~~[and]~~ county management employees ~~[,]~~ and County Commission employees of the schedule for the ethics training program presented by the Nevada Ethics Commission or other comparable programs.

SECTION SEVEN. Section 2.42.070 of the Clark County Code is amended to read as follows:

(1) The county manager's office shall be responsible for maintaining on a page on the county's intranet and ~~[i]~~ Internet websites with information on ethics for county officials, employees, and the general public. The website pages should include links to Clark County Code provisions, the Nevada in Ethics in Government Law, the Personnel Policy on Ethical Standards, ~~[and]~~ the Nevada Commission on Ethics website, and applicable copies of statement of incompatible activities. ~~[and]~~ In addition, it shall include any other information the county manager's office believes would be helpful in assisting ~~[that]~~ county officials and county employees adhere to all applicable ethical standards, including any changes in state law, county ordinance, or county policy. In addition, at least once a year, the county manager's office shall remind county management employees, County Commission employees, and

county officials of their responsibilities concerning ethical standards and direct them to review the information on the ethics page of the county's intranet or [i] Internet page.

(2) The county manager's office shall maintain a record of all conflict disclosures and abstentions by [e] Commissioners, specifying as to each person all disclosures made and whether such disclosures resulted in abstention. All conflict disclosures and abstentions by Commissioners shall be kept for six years.

(3) The county manager may adopt such additional administrative guidelines and policies as are necessary or desirable to ensure that county employees have sufficient guidance and personnel rules in order to carry out the county's mission, obligations, and services in an ethical manner.

SECTION EIGHT. Section 2.42.090 of the Clark County Code is amended to read as follows:

(1) In addition to other sanctions [~~specifically provided in the county ethics policy and these~~] provided by law, the following sanctions are available for willful violations of the provisions of this [~~policy~~] chapter committed by a county official, County Commission employee, or county management employee:

- a. If the county manager determines that a violation was committed by a [e] County Commission employee or county management employee, the county manager may impose appropriate discipline, up to and including termination of employment;
- b. If the [b] Board determines that a violation was committed by an appointed member of the [p] Planning [e] Commission or the county manager, the [b] Board may impose

appropriate discipline, up to and including removal from the Planning [e] Commission or termination of employment for the county manager; and

c. If the [b] Board determines that a violation was committed by a [e] Commissioner, spouse or domestic partner of a [e] Commissioner, or a member of a [e] Commissioner's household, the [b] Board may determine an appropriate remedy, including reprimand or censure, and/or may refer the violation to the office of the district attorney or the Nevada Commission on Ethics.

(2) If the [b] Board determines that a [e] Commissioner voted on a contract, zoning matter, or ordinance without making a proper disclosure as required by Section 2.42.020, or that a [e] Commissioner, spouse or domestic partner of a commissioner, or a member of a [e] Commissioner's household violated a provision of Section 2.42.040, the action is voidable by the [b] Board if the determination is made no later than forty-five days after the initial vote of the [b] Board. In determining whether to void an action, the interests of innocent third parties who could be damaged must be taken into account. The [b] Board must give notice of its intent to void an action under this subsection 2 no later than fifteen days after the [b] Board has determined that the [e] Commissioner voted without making a proper disclosure. Agendas of the [b] Board must contain a notice that actions of the [b] Board may be voidable under this subsection. The provisions of this subsection are applicable unless such action would be prohibited by state law.

(3) Action by the [b] Board taken pursuant to this section must be taken through a recorded vote at a public meeting held in compliance with NRS [~~chapter~~] Chapter 241.

SECTION NINE. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION TEN. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION ELEVEN. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
TICK SEGERBLOM, CHAIR

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.