RESOLUTION ADOPTING
THE CLARK COUNTY COMMISSION'S ETHICS IN GOVERNMENT POLICY

WHEREAS, public officials and public employees are subject to the "Nevada Ethics in Government Law", codified as Chapter 281A of the Nevada Revised Statutes; and

WHEREAS, the ethical standards established in the Nevada Ethics in Government Law may be supplemented by additional ethical standards suitable for the particular ethical problems encountered by counties so long as the additional standards are no less restrictive than the statutory ethical standards; and

WHEREAS, it is the intent of the Clark County Board of County Commissioners, through adoption of this ethics in government policy, to establish additional ethical standards specific to Clark County; and

WHEREAS, it is the further intent of the Board of County Commissioners that this policy replace the resolutions on ethics dated January 4, 2004, and February 17, 2004.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of County Commissioners adopts the following as the Clark County Commission's Ethics in Government Policy.

Section 1. Citation of Policy. This policy may be cited as the "Clark County Commission's Ethics in Government Policy" hereinafter referred to as the "County Ethics Policy" or "Policy".

Section 2. Definitions. The following definitions are specifically applicable to the County Ethics Policy.

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 employee" means a non-elected person who performs public duties for, and whose compensation is paid by, Clark County. The term "county employee" includes "county management employee".

4. "County management employee" means any employee receiving compensation and benefits under the Clark County management compensation plan.

5. "County official" includes:

(a) Commissioners;

(b) Members of the Clark County Planning Commission; and

(c) Those county management employees who are appointed by the Board of County Commissioners or whose appointments must, by statute or ordinance, be ratified by the Board of County Commissioners.

6. "Planning Commission" means the Clark County Planning Commission appointed pursuant to chapter 3.12 of the Clark County Code.

7. "Willful violation" means a violation where the county official or county employee:

(a) Knew or reasonably should have known that his conduct violated the County Ethics Policy;

(b) Acted intentionally and knowingly in violation of the County Ethics Policy; or

(c) Was in a situation where the County Ethics Policy imposed a duty to act and the county official or county employee intentionally and knowingly failed to act in the manner required by the County Ethics Policy.

Section 3. Nevada Ethics in Government Law – Interplay with County Ethics Policy. (1) County officials who are public officers, as defined in NRS 281A.160, and county employees who are public employees, as defined in NRS 281A.150, are subject to the Nevada Ethics in Government Law, chapter 281A of the Nevada Revised Statutes. County officials and county employees, as defined in this Policy, are subject to the additional ethical standards established in this Policy. The additional ethical standards in some cases establish a more restrictive standard than state law while in other cases the standards address areas not covered by state law.

(2) Although this Policy does not apply to any advisory board, committee, task force, or other body appointed by or convened by request of the Board of County Commissioners or the County Manager to advise on a specific matter, the members of those bodies are nonetheless expected to act in an ethical manner in the course of their advisory service to Clark County.

Section 4. Additional Ethical Standards.

1. Commissioner use of governmental time, property or equipment. A Commissioner shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency that is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a county employee, while on duty, to perform personal services or assist in a private or business activity except:

(1) In unusual and infrequent situations where the county employee's service is reasonably necessary to permit the Commissioner or county employee to perform his official duties; or

(2) Where such service has otherwise been established as policy.

2. Improper acquisition of land or other property. No county official or county employee shall improperly use his office or position to acquire land or other property for himself or another person, whether or not the land or property is paid for or for the personal benefit of himself or another person.

3. Interest in corporations, partnerships and other bodies. If a county official or county employee holds shares or has any other interest in a corporation, partnership or other body, directly or through another person, that could result in the official's or employee's personal interests conflicting with his official duties, the official or employee shall make such disclosure to the Board or to his supervisor. If a potential conflict exists to such a degree that it materially impacts the ability of an employee to perform his official duties, that employee may be directed to divest himself of the potential conflict. If the employee refuses or is unable to divest himself, his employment may be terminated.

4. Acceptance of compensation for representation. No 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.

5. Perception of impropriety.

(a) No county official shall, directly or indirectly, request, exact, receive, or agree to receive a gift, loan, favor, promise, or other thing of value for himself or another person, if a reasonable person would clearly see it as influencing him in the discharge of official duties.

(b) Except as may be more strictly prohibited by county personnel policies and procedures or negotiated agreements applicable to county employees, no county official or county employee shall accept a gift in excess of the threshold value for reporting set forth in NRS 281A.620, and multiple gifts in the same calendar year from the same donor must be aggregated as a single gift in determining the monetary limit on gifts. For the purposes of this provision, political campaign contributions, meals, and tickets to non-profit fund raising events and functions sponsored by public institutions will not be considered as gifts.

6. Ex parte communications during request for proposal process.

(a) Ex parte communications regarding any proposal for a county contract, agreement or award shall be prohibited from the time of the release of the request for proposal until the item is posted on an agenda for the selection of a proponent or for the award of a contract except for communications with county employees involved in, and designated as contacts on, the request for proposal. Ex parte communications are prohibited between:

(1) A Commissioner and a proponent or any of its representatives;

(2) Any county employee not designated as a contact on the proposal and a proponent or any of its representatives;

(3) A Commissioner and a county employee, whether or not the county employee is designated as a contact on the proposal; and

(4) A Commissioner and a member of any independent selection committee.

(b) The department head shall be the official contact person for any Commissioner.

(c) Failure of a proponent, or any of its representatives, to comply with the provisions of this subsection 6 may result in the proponent's proposal being rejected by the Board.

(d) Any request for proposal subject to this subsection 6 shall specify the county employees designated as contacts for the proposal.

(e) County departments and agencies shall show the ranking of the short-listed proponents on agenda items seeking a selection of a proponent or an award of a contract or request for proposal.

Section 5. Disclosures of Conflicts of Interests and Abstentions. (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 with which the Commissioners are confronted.

(2) Before acting on any matter, a Commissioner must disclose to the Board any potential conflict of interest. In deciding whether to disclose and abstain, the Commissioner may seek the advice of the County Counsel at a public meeting. However, the decision of whether to disclose and abstain remains the responsibility of the county official.

(3) If a Commissioner discloses on one or more items of conflict, the Commissioner must complete and submit a disclosure statement to the County Manager's Office using the prescribed disclosure statement form. For purposes of determining whether a conflict exists and completing disclosure statement forms, the term "household" means an association of persons who live in the same home or dwelling and who share its expenses. "Household" includes:

(a) The spouse or domestic partner of a Commissioner;

(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from a Commissioner; and

(c) A person who lived in the home or dwelling of a Commissioner for 6 months or more in the year immediately preceding the year in which the Commissioner files the statement of financial disclosure pursuant to NRS 281A.

(4) Before acting on any matter, a member of the Planning Commission must disclose to the Planning 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 at a public meeting. 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 with supervisory responsibilities in that area shall act in the Manager's place on the item of conflict.

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

Section 6. Cooling-off Periods.

1. For a period of twelve (12) months following termination of service or period of employment with Clark County, no county official and no county management employee shall represent or counsel for compensation a private person or business entity before the 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 county official or former county management employee is found to have committed a willful violation of the prohibition of subsection 1, his cooling-off period shall be recommended for extension by six (6) months for each such violation. An investigation of the alleged violation shall be conducted in accordance with section 9 of the Clark County Commission's Ethics in Government Policy. A decision to extend the cooling-off period shall be made by the Board at a public meeting held in compliance with the provisions of Chapter 241 of the Nevada Revised Statutes.

3. (a) For a period of twelve (12) months following termination of service on the Board, no former Commissioner shall solicit or accept employment from any public or quasi-public entity if the Commissioner, at any time during his term

of service, served as the Board's representative on the governing board of the entity. For purposes of this paragraph (a), 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, the Clean Water Coalition, and the Southern Nevada Health District.

(b) For a period of twelve (12) months following termination of service on the Board, no former Commissioner shall solicit or accept employment from any public or quasi-public entity for which the 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, and the Coyote Springs Water Resources District.

4. All professional services contracts under $25,000 involving a former county official who is a sole proprietor, or who owns a controlling interest in the firm providing the service, must be approved by the Board if the contract is being considered within the twelve (12) month period immediately following the termination of the county official's service or period of employment with Clark County. The agenda item relating to a professional service contract subject to this provision cannot be placed on the consent agenda and must explain why the former county official is the best choice to perform the service and must comply with existing Fiscal Directives.

5. For purposes of this section 6, a Commissioner's service to Clark County terminates upon resignation or removal or at end of his term of office whether such term ends due to a decision of the Commissioner not to seek reelection, due to loss of reelection, or due to term limits.

Section 7. Training.

1. A newly-elected Commissioner shall participate in the Nevada Attorney General's Office's annual ethics training program or a similar program presented by the Nevada Ethics Commission as soon as practicable after his initial election. Thereafter, the Commissioner shall participate in a program at least once during each term of office.

2. A newly-appointed member of the Planning Commission shall participate in the Nevada Attorney General's Office's annual ethics training program or a similar program presented by the Nevada Ethics Commission as soon as practicable after his initial appointment. Thereafter, if a member is reappointed to the Planning Commission, he shall participate in such a program at least once during each term as a Planning Commissioner.

3. Unless an exemption is granted by the County Manager, county management employees shall participate in the Nevada Attorney General's Office's annual ethics training program or a similar program presented by the Nevada Ethics Commission as soon as practicable after becoming a management employee. Thereafter, the county management employee shall participate in such a program at least once every four years.

4. County officials and county management employees shall be encouraged to attend a refresher program after any legislative session in which substantive changes are made in the Nevada Ethics in Government Law.

5. A newly-appointed member of a Town Advisory Board or Citizens Advisory Council shall be encouraged to participate in the Nevada Attorney General's Office's annual ethics training program or a similar program presented by the Nevada Ethics Commission as soon as practicable after his initial appointment.

6. The County Manager's Office shall annually notify Commissioners, other elected county officials, members of the Planning Commission, Town Advisory Boards, Citizens Advisory Councils, and county management employees of the schedule for the annual ethics training program presented by the Nevada Attorney General Office or a similar program presented by the Nevada Ethics Commission. If the Attorney General's Office or the Nevada Ethics Commission ends their ethics training programs or a county official or county management employee cannot attend either of these training programs, the county official or county management employee may attend another training program so long as the program includes, but is not limited to a discussion of applicable laws, ordinances, regulations, policies, and procedures relating to ethics in layperson-friendly language, the manner for obtaining advice on ethics issues, the procedures for reporting alleged ethics violations, and possible sanctions for ethics violations.

7. The County Manager's Office shall maintain a record of county officials and county management employees who attend the ethics training program each year and post the record annually on the ethics pages on the County's internet website in accordance with Section 8 of this Policy.

8. The County Manager's Office shall take appropriate steps to assist county officials and county management employees in meeting the requirements of this section.

Section 8. Responsibilities of County Manager's Office.

1. The County Manager's Office shall be responsible for having a page on both the County's intranet and internet websites with information on ethics for county officials and county employees as well as the general public. The website pages should include links to Clark County Code provisions, the County's Ethics Policy, the Nevada Ethics in Government Law, the Personnel

Policy on Ethical Standards, and the Nevada Commission on Ethics website and shall include any other information the County Manager's Office believes would be helpful in ensuring that county officials and county employees are adhering to all ethical standards applicable to them. In addition, at least once a year, the County Manager's Office shall remind county employees of their responsibilities concerning ethical standards and direct them to review the information on the ethics page of the County's intranet page.

2. The County Manager's Office shall be responsible for ensuring that county officials and county employees are notified of any changes made to Nevada Ethics in Government Law at the end of each session of the Nevada Legislature.

3. On the ethics pages required to be created and maintained by this section, the County Manager's Office shall maintain a report of all conflict disclosures and abstentions by Commissioners, specifying as to each person all of his disclosures and whether such disclosures resulted in abstention. The report shall be updated on a regularly scheduled basis. The report shall be based upon the disclosure statements required to be submitted by Commissioners pursuant to section 5 of the County Ethics Policy.

4. On the ethics pages required to be created and maintained by this section, the County Manager's Office shall maintain a list of the county officials and county management employees who attend an ethics training program during each calendar year. The list shall be updated annually.

Section 9. Complaints -- Determination of Violations.

1. A complaint alleging a violation of any provision of the County Ethics Policy shall be made with the County Manager's Office. If the complaint includes sufficient information to allow for an investigation, the County Manager's Office shall refer the complaint to the County Counsel in the Office of the District Attorney. County Counsel shall be responsible for overseeing the investigation of the complaint and presenting the findings to the County Manager or the Board in a timely manner.

2. In conducting the investigation, the County Counsel shall ensure that the alleged violator is provided notice of the complaint, is afforded due process protections, and is given an opportunity to respond to the complaint.

3. If the alleged violator is a county employee, the findings shall be presented to the County Manager. The County Manager shall determine whether a violation has occurred and the appropriate sanction or remedy.

4. If the alleged violator is a Commissioner, an appointed member of the Planning Commission, or the County Manager, the findings shall be presented to the Board. When the findings show just and sufficient cause to believe that a violation occurred, the Board shall be responsible for determining that a

violation has occurred and the appropriate sanction or remedy. Such a decision shall be made at a public hearing held in compliance with the provisions of Chapter 241 of the Nevada Revised Statutes. It is within the discretion of the Commission to provide the alleged violator with an opportunity to be heard on the matter prior to making a decision.

Section 10. Sanctions/Remedies for Violations.

1. In addition to other sanctions specifically provided in the County Ethics Policy and those provided by law, the following sanctions are available for willful violations of the provisions of this Policy:

(a) If the County Manager determines that a violation was committed by a county employee, the County Manager may impose appropriate discipline, up to and including termination of employment;

(b) If the Board determines that a violation was committed by an appointed member of the Planning Commission or the County Manager, the Board may impose appropriate discipline, up to and including removal from the Commission or termination of employment for the County Manager; and

(c) If the Board determines that a violation was committed by a Commissioner, the Board may determine an appropriate remedy, including reprimand or censure, and/or may refer the violation to the Office of the District Attorney.

2. If the Board determines that a Commissioner voted on a contract, zoning matter, or ordinance without making a proper disclosure as required by section 5 of the County Ethics Policy, the action is voidable by the Board if the determination is made no later than forty-five (45) days after the initial vote of the Board. In determining whether to void an action, the interests of innocent third parties who could be damaged must be taken into account. The Board must give notice of its intent to void an action under this subsection 2 no later than fifteen (15) days after the Board has determined that the Commissioner voted without making a proper disclosure. Agendas of the Board must contain a notice that actions of the Board may be voidable under this subsection 2. The provisions of this subsection 2 are applicable unless such action would be prohibited by state law.

3. Action by the Board taken pursuant to this section 10 must be taken through a recorded vote at a public meeting held in compliance with chapter 241 of the Nevada Revised Statutes.

Section 11. References to Prior Ethics Resolution. The reference to the resolution on ethics dated January 4, 2004, in Clark County Code section 2.39.060 and any other reference to the County's Resolution on Ethics in any other code section, any resolution, or any other document shall be deemed to be a reference to the County Ethics Policy adopted in this resolution.

PASSED, ADOPTED, AND APPROVED this 7th day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
RORY REID, Chairman

ATTEST:

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DIANA ALBA, County Clerk