

# RISE UP Tri-partite Board

2300 Meadow Ln.  
Gardnerville, NV 89410

<http://www.douglascountynv.gov/>

Regular

~ Agenda ~

Caren Witt, LMSW, Social Services Manager  
775-782-9825

Tuesday, February 23, 2021

8:30 AM

Douglas County Social Services

<https://zoom.us/j/5281748616>

## RISE UP

("Revitalizing Independence and Self-Empowerment by Uprooting Poverty")

A G E N D A	
1.	<b>Call Meeting to Order</b>
2.	<b>Introductions</b>
3.	<b>Public Comment (No Action)</b>
4.	<b>For possible action. Approval of the proposed agenda.</b>
5.	<b>For possible action. Discussion and possible action to approve minutes from the December 8, 2020 RISE UP Tripartite Advisory Board meeting.</b>
6.	<b>For discussion and possible action. Introduction of board member candidate for the RISE UP Tripartite Community/Business Representative. Discussion regarding the purpose and history of the RISE UP Tripartite Advisory Board and requirements for board members. Possible candidate selection for Community/Business representative board vacancy.</b>
7.	<b>For discussion. Orientation for new board members including Bylaws, Board standards and expectations, overview of programs, and required signed acknowledgements.</b>
8.	<b>For discussion. Current FY CSBG funding, carryover funding, and CSBG CARES Act funding. Explanation of budget and ROMA cycle.</b>
9.	<b>Discussion to recognize Tripartite Advisory Board training which occurred since the December 8, 2020 RISE UP meeting and during today's RISE UP meeting.</b>
10.	<b>For possible action. Discussion and possible action to schedule the next RISE UP meeting and plan future agenda items.</b>
11.	<b>Public Comment (No Action)</b>
12.	<b>Adjournment</b>
Note:	We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Douglas County Social Services at least 24-hours in advance by calling 775-782-9825.
Notice of this meeting was posted at least 3 business days prior to this meeting. Posting date on or before: Thursday February 18, 2021 Please note that Agenda items may be taken out of order, may be combined for consideration, or may be removed from the Agenda or delayed for discussion at any time.	

# RISE UP Tri-partite Board

Regular

~ Minutes ~

1133 Spruce St.  
Gardnerville, NV 89410

<http://www.douglascountynv.gov/>

Caren Witt  
775-782-9825

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Tuesday, December 8, 2020

8:00 AM

Douglas County Social Services

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## I. Call Meeting to Order

The meeting was called to order to by the Chairman of the RISE UP board, Stephen Walsh, the Public Administrator for Douglas County at 8:17 AM.

## II. Introductions

Present for the meeting was Steve Walsh, the chairman for the RISE UP board and Public Administrator for Douglas County; Gerry Wright, the Community member representative; Jodi Qualls, Interim Manager; and Michelle Sscott, the candidate for the low income representative.

## III. Public Comment

Gerry advised that this will be his last meeting and that he will provide a letter of resignation from the board. He is relocating from the area.

## IV. For possible action. Approval of the proposed agenda.

Gerry moved to accept the agenda, Steve seconded the motion.

## V. For possible action. Discussion and possible action to approve minutes from the September 23, 2020 RISE UP Tripartite Advisory Board meeting.

Gerry moved to approve the minutes and Steve seconded the motion.

## VI. For discussion and possible action. Introduction of board member candidate for the RISE UP Tripartite Representaitve for Low Income Populations. Discussion regarding the purpose and history of the RISE UP Tripartite Advisory Board and requirements for board members. Possible candidate selection for the Low Income Population representative board vacancy.

Jodi gave an overview of the CSBG funding and Board requirements. Jodi then asked Michelle to give an introduction to the board. Michelle advised that she was trained in Getting Ahead, is a CERT member and would really like to help the community. She conducts a lot of outreach within the community for mental health and believes that everyone deserves a chance in life. Steve asked her what she does professionally and she stated she is currently applying for

Minutes Acceptance: Minutes of Dec 8, 2020 8:00 AM (Minutes Approval)

employment with the State of Nevada and works with NAMI frequently on the warm line. Gerry asked why she is virtual and not in the meeting to which Michelle replied that she has a compromised immune system. Jodi then asked Michelle if she is still interested in filling the position on the board for the low income representative and she advised that she was. Gerry then made a motion to accept Michelle as a board member and Steve seconded the motion. Michelle was welcomed onto the board.

## **VII. For discussion. Update on the CSBG budget carryover status**

Jodi advised that she is still awaiting an exact number for the carryover funding from the CSBG grant for 19/20. Gerry inquired about amounts and was worried about the future of funding to help the residents of Douglas County amidst COVID. Jodi provided an overview of funding streams for the office and that CSBG is not the sole source of funding to help those who have been affected with COVID.

## **VIII. Discussion to recognize Tripartite Advisory Board training which occurred since the September 23, 2020 RISE UP meeting and during today's RISE UP meeting.**

No training was discussed, but each board member will receive 1 hour for this meeting.

## **IX. For possible action. Discussion and possible action to schedule the next RISE UP meeting and for future agenda items.**

Future agenda items are a Carryover update, add Michelle and orient her to the board, and invite candidates for Community Representative. Gerry took this moment to give the recommendation of Ken Miller to the board. Steve passed off Ken's business card to Jodi to reach out to Ken for more information. Jodi advised that she will reach out to all the candidates for the next meeting.

## **X. Public Comment**

Steve thanked Gerry for all of his devotion and that we will miss him greatly. Michelle inquired on whether we could vote early for the representative at the next meeting in order to do orientation for both at the same time.

## **XI. Adjournment**

A motion for adjournment was made by Gerry at 8:56 AM and seconded by Steve.

# Douglas County Social Services

## Tripartite Advisory Board Charter

### ARTICLE 1

#### Purpose

Douglas County Social Services (DCSS) has been designated as a Community Action Agency (CAA) by the State of Nevada's Department of Health and Human Services (DHHS). As a community action agency, DCSS has pledged to address the needs of low-income and at-risk families and individuals and to work to alleviate the conditions and causes of poverty in Douglas County. DCSS receives federal Community Services Block Grant (CSBG) funding from DHHS to assist families in poverty and partner with other organizations in the community on strategies to reduce poverty.

One of the requirements for serving as a CAA is the formation of a Tripartite Advisory Board (TAB) to provide input on the agency's efforts to reduce poverty at both the family and community levels. This Board works to support Douglas County Social Services' Mission of "Strengthening our Community by providing support, education, and personal case planning to promote and encourage self-sufficiency." This Board is known as the RISE UP Board, standing for Revitalizing Independence and Self-Empowerment by Uprooting Poverty.

### ARTICLE 2

#### Tripartite Advisory Board Composition, Structure and Roles

- a. Membership and Selection Process: The DCSS TAB shall consist of three members. There will be one member from each of the three sectors as required in the CSBG Act, as follows:
  - 1/3 of the TAB members must be low-income persons who reside in Douglas County. In the CSBG Tripartite Board Standards that this sector consist of low-income individuals selected by a democratic process. The democratic selection process for the low-income representative includes:
    - Soliciting interest throughout the community by way of flyers/notices and an application process. If more than one applicant is presented, all candidates will be asked to provide proof of support from the low-income population of Douglas County to include letters of support, petition, etc.
    - The current members of the TAB will appoint the new member by an official motion at a regular or special meeting of the TAB.
  - 1/3 of the TAB members must be local elected officials or their designated representatives. The process for replacement of this position includes:
    - Notification by the Manager or Board Chair to all locally elected officials requesting their participation on the Board. Members will be

selected by the Board based on presented knowledge and understanding of poverty in our community. If they are a designated representative, an appointment letter from the elected official must be obtained.

- 1/3 of the TAB comprised of other representatives: clergy, businesses or business organizations, community organizations, schools, human service providers, etc. The process for replacement of this position includes:
  - Notification by the Manager or Board Chair to the Partnership of Community Resources General Meeting partners and the Douglas County Business Council requesting participation or recommendations for the Board. Members will be selected by the Board based on presented knowledge and understanding of poverty in our community.
  
- b. Vacancy: Whenever a vacancy occurs, the remaining members will promptly begin the recruitment process in consultation with the DCSS Manager. All three sectors of the Board must be represented equally. An identified replacement Board member will complete the term of the exiting member. Once the partial term is completed, a new term may begin with the same member.
  
- c. Removal from Board position: Removal by the Board of a member from his/her position may occur if four (4) meetings are missed consecutively. Or if an absence from a scheduled meeting significantly delays the ability of the Board to act on required tasks by not having a quorum present. Other reasons for removal may include criminal behavior or unbecoming conduct. If this presents, the issue will be placed on an agenda for open discussion and consideration of action.
  
- d. Process for representatives of groups that consider themselves to be under-represented to petition for adequate representation: Any person from a group which may consider themselves to be under-represented may petition the TAB in writing or by attendance at a regular TAB meeting to request that:
  - TAB members, human services organizations, governmental, and/or business entities be contacted by phone, e-mail or sent letters requesting recommendations of individuals to serve as a representative in the under-represented sector.
  - The TAB members will select one of these individuals to serve on the TAB.
  - If the low-income sector is the one petitioning for adequate representation, the democratic selection process outlined in Article 2.a. above may be used.
  
- e. Tripartite Advisory Board Officers Terms and Committees: They shall select a chairperson. The term of office for a board member is recommended to be three (3) years. Due to limited options for new board members, terms may be extended. A term shall commence at the conclusion of the first meeting at which the chairperson is selected. The chairperson may serve up to three (3) consecutive or non-consecutive terms. The TAB may recruit ex-officio advisory

members to assist with special projects as determined necessary. By simple majority vote, the TAB may elect a new chairperson at any regular meeting.

- f. Meetings: The TAB will hold one regular meeting quarterly, at a minimum. Special meetings may be called as determined necessary by the TAB chair and DCSS Manager. Meeting agendas will be developed in advance of the meeting and posted in accordance with State of Nevada Open Meeting Law. The TAB members will vote on all action items on the agenda. Meeting minutes will summarize the items discussed at the meeting as well as any advisory recommendations made by the TAB. The TAB shall follow applicable Douglas County's Rules and Procedures established when conducting TAB meetings.
- g. Role of the Tripartite Advisory Board: The TAB will provide recommendations to DCSS on all social services programs administered by the Social Services Division. Recommendations may encompass, but not necessarily be limited to: agency strategic planning, grant applications and budgets, agency performance, program procedures and goals, evaluating the needs of low-income families.
- h. Conflicts of Interest: TAB members will disclose any conflicts of interest between their role as a TAB member and their personal or professional lives. A separate Conflict of Interest document is signed by each Board member.
- i. Code of Ethics: The TAB shall abide by all ethical requirements of Nevada law, including but not limited to Nevada Revised Statute (NRS) Chapter 281A.
- j. Amendment of Bylaws: These By-Laws will be reviewed by the Board every January for consideration of updating or otherwise changing the content according to CSBG organizational standards changes or other agency influences.

**Attachments:**

Conflict of Interest Policy

Douglas County "*Board Norms and Procedures for Commissioners Meetings and Related Functions and Activities*"

State of Nevada *CSBG Tripartite Board Standards* (Revised April 2015)

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at a regular meeting of the RISEUP Tri-Partite Board.

Signed: \_\_\_\_\_  
RISE UP Chair

## Easy Rules for Ethics

Douglas County District Attorney's Office  
prepared by Robert Morris  
February 8, 2008

The purpose of these updated rules is to give public officials a fairly simple procedure to follow when they must determine whether they have conflict (an interest), whether they must disclose the interest and participate and vote on the item, whether they must disclose and participate but not vote, or whether they must disclose and abstain completely. The statutes on ethics contain definitions and requirements that defy simplification so copies of the relevant sections are supplied. The legislature states "*the law concerning ethics in government is not to require a member of the legislature to abstain on issues which might affect his interests, provided those interests are properly disclosed and that the benefit or detriment accruing to him is no greater than that accruing to any other member of the general business, profession, occupation or group.*"

### Easy Rules for Ethics

1. **You**, alone, are responsible for making a timely decision on whether to disclose an interest and whether to vote or abstain.
2. You should **participate and vote** if you have no commitment to others or no "interest" (which is defined as a benefit or detriment accruing to you as a result of your decision in the matter.)
3. If you have an "interest" in the item or a commitment to others:
  - (a) Well before the item is heard, privately give all the surrounding facts to and **ask for advice** from the body's legal counsel, then follow the advice.
  - (b) When required by this law, **you must make a sufficient disclosure**, whether you vote or abstain, at the beginning of the item **to the chair and members of the body** by:
    - i) **describing your "interest" or commitment**, and
    - ii) **its potential effect on you and others.**
  - (c) You must **abstain from voting** when required by this law and move to the audience for the item.

**Code of Ethics simplified.** (Read attached NRS 281A.400 for full text)

As a public officer or employee:

1. Do not seek or accept a gift, service, favor or economic opportunity that would tend to improperly influence a reasonable person to depart from the impartial discharge of duties.
2. Do not use your position to secure or grant unwarranted privileges for yourself, your family, or your business.

3. Do not participate for the government in the negotiation of a contract with a private business that you have a significant pecuniary interest.
4. Do not accept any compensation from any private source for the performance of your duty as a public officer.
5. Do not use information that is not generally available for your or other's pecuniary interest.
6. Do not suppress information that might unfavorably affect your pecuniary interest.
7. Do not use government equipment for your personal or financial interest. (There are limited uses allowed.)
8. Do not attempt to gain personal benefit by influencing subordinates.
9. Do not use your official position to seek other employment or contracts.

### **The Nevada Revised Statutes requirements that complicate the easy rules:**

#### **Standards on voting and disclosure. (Read attached NRS 281A.420 for full text)**

There are separate requirements in NRS for when a public officer may vote and when a disclosure must be made. The disclosure requirements apply in more situations but are not really clear because of the way the section is written. There are overlapping or similar requirements for both the voting and disclosure sections which add a little confusion. The voting and disclosure standards are broken into the two sections that follow.

#### **Voting:**

1. You have a **duty to vote** if you have no "interest", which is a benefit or detriment accruing to you as a result of your decision in the matter.
2. You have a **duty to vote** on a matter if your "interest" is the same as others in a group. (NRS 281A.420 (1) says in part "a public officer may vote upon a matter if the benefit or detriment accruing to you as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of a general business, profession, occupation or group.")
3. You may participate but must **not vote** or **advocate** the passage or failure of a matter (NRS 281A.420(2)) if the independence of judgment of a reasonable person in your position would be, in addition to the code on ethical standards, **materially affected** by:
  - (a) Your acceptance of a gift or loan connected to the matter,
  - (b) Your pecuniary interest in the matter, or
  - (c) Your commitment in a private capacity to the interest of others.

There is a presumption that the independence of judgment of a reasonable person would **not be materially** affected if your interest is the same as others in a general business, profession,



occupation or group. (This creates an exception to this rule; the statute's language follows in the next paragraph. If you meet the requirements of the exception it means you can **participate and vote**).

The exception to this rule uses the same standard as section 2 above (basically, if your interest is no different than others in a group). NRS 281A.420 (2) states in part: "It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or another person whose interest to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group."

This exception seems to work best when you have a pecuniary interest similar to others in an identifiable group. An example would be a public officer, who is a realtor with no interest in the project, voting on a subdivision creating saleable lots. The person's interest is the same as other realtors as the benefit or detriment to the public officer is no greater than that accruing to any other realtor. While the exception language includes a commitment in a private capacity to the interests of others, to be able to vote one must find that their commitment must have the same benefit or detriment as others in the group. If the realtor has a business relationship with the subdivision owner or a broker for the subdivision, the person should abstain from voting.

The commission on ethics seems to think that a full disclosure makes this determination and decision whether to abstain easier to make. Notice that this rule does allow you to participate but prohibits advocacy and voting, which makes a distinction that is very hard to draw. If you disclose and abstain from voting, it may be easier not to participate in the hearing because almost any comment could be considered as advocating for or against the matter.

"**A commitment in a private capacity to the interests of others**" is defined in NRS 281A.420 (8) to mean a person:

- (a) Who is a member of his household;
- (b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;
- (c) Who employs him or a member of his household;
- (d) With whom he has a substantial and continuing business relationship; or
- (e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

The commission on ethics in Opinion 99-56 discussed the change in the ethics law in 1999, which added this definition, saying that the practical result is to require more disclosure about the effects of one's private commitment and fewer instances of mandatory abstention. This is because **disclosure** is required whenever a public officer's actions "which would reasonably be affected by his commitment in a private capacity to the interests of others" (NRS 281A.420 (4) (b)), while a reasonable person's independence must be materially affected by . . ." that private commitment before **abstention** from voting is required (NRS 281A.420 (2) (c)).

**Disclosure:**

1. When you vote on a matter that you have no “interest” in, **no disclosure** is required.
2. When you vote on a matter because your “interest” is the same as others in a group, **disclosure** of sufficient information about the interest and the effect on the person is required by NRS 281A.420 (4).

The commission on ethics issued Opinion no. 00-12 saying that disclosure is not required when the facts of a case show the interest is just too remote. But the commission then cautions that a public officer must always carefully evaluate what effect, if any, his private business interests may have on his independence of judgment. The concern seems to be when the personal economic interests of a public official are affected by the business which is before the body. “Even a situation which presents a potential for wrong doing rather than actual wrongdoing might give rise to an obligation to disclose or abstain.” The commission’s argument is that if your vote puts you in a position to potentially profit, you may want to make a disclosure and maybe abstain. The opinion does not address whether disclosure is required for NRS 281.501(1) situations where the benefit or detriment is not greater than that accruing to other members of a general business, profession, occupation, or group.

The commission on ethics in Opinion no.03-34 discusses disclosures and adds that a person that discloses her interests and informs the public about the potential effect of her action as required by NRS 281A.420 (4) must also disclose the reason she believes that the independence of judgment of a reasonable person in her situation would not be materially affected under the circumstance and why her abstention is not required.

3. You must make a **disclosure** when you vote on a matter because you have a pecuniary interest or a commitment to the private interests of others but they are the same as others in a group. The presumption about the independence of judgment only applies to voting not disclosure.
4. You must make a **disclosure** before abstaining. When you abstain on a matter because you have a pecuniary interest or a commitment to the private interests of others that would affect the independent judgment of a reasonable person, make a **disclosure**.
5. You are not required to make a **disclosure** of any campaign contributions that you reported under NRS 294A.120 (Candidate contribution reports) or NRS 294A.125 (Contributions before year of election) in a timely manner.
6. A member’s abstention based on this ethics law reduces the quorum by one under NRS 281A.420 (5). This applies to the planning commission. The 2001 Legislature added NRS 241.0355, which says a public body that is required to be composed of elected officials only, may not take action by vote unless a majority of all the members of the public body vote in favor of the action and says an abstention may not count as a vote in favor of an action. The 2003 Legislature added NRS 241.0355 (2), which says in a county over 40,000 the provisions of NRS 281A.420 do not apply to a public body required to be composed of elected officials (the board) unless before abstaining from the vote, the member of the public body receives and disclose the opinion, in writing, of the legal counsel for the body that the ethics law requires the abstention. This means the board may use an abstention to reduce voting requirements when there is a

written opinion specifying the factual circumstance and analysis leading to that conclusion.

**A disclosure:**

1. Is made at the time the matter is considered. The commission on ethics interprets this to mean at the beginning of the item;
2. Is made to the chairman and the members of the body;
3. **Contains sufficient information** to describe the gift, loan, commitment or interest to the private interest of others to inform the public; and
4. **Describes the potential effect** of a vote on the action or an abstention:
  - (a) On the person who provided the gift or loan;
  - (b) On the person to whom you have a commitment; or
  - (c) **On your interest.**

**Violations of the ethics law:**

1. The commission may impose a civil penalty of up to \$5000 for a first willful violation. If you establish by sufficient evidence that you asked for advice from the body's legal counsel or relied on the commission's manual, that the advice was not contrary to the ethic's commission's published opinions and you relied on it in good faith, and you were unable, through not fault of your own, to obtain an opinion from the commission, the law in NRS 281A.480 (5) states that any action you take is not willful. The district attorney's office will represent public officials in matters involving request for opinions from the ethics commission involving the public official in their official duty.
2. The civil penalty sanctions against public officers in the NRS 281A.480 generally apply to willful violations.

**Advisory Opinions:** (Read NRS 281A.480 for full text)

A public officer or employee may request guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer or employee and the ethics commission ([ethics.state.nv.us](http://ethics.state.nv.us)) must render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts as soon as practicable or within 45 days. The district attorney's office is willing to help prepare a request for an opinion.

**NRS 281A.400 General requirements; exceptions.** A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

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

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

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

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

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

↪ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature 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 state 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 which 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 legislative employee, while on duty, to perform personal services or assist in a private activity, except:

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

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

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

(Added to NRS by 1977, 1105; A 1987, 2094; 1991, 1595; 1993, 2243; 1997, 3324; 1999, 2736; 2003, 3388)—  
(Substituted in revision for NRS 281.481)

**NRS 281A.420 Additional standards: Voting by public officers; disclosures required of public officers and employees; effect of abstention from voting on quorum; Legislators authorized to file written disclosure.**

1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His pecuniary interest; or
- (c) His commitment in a private capacity to the interests of others.

↪ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

↪ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

- (a) Regarding which he has accepted a gift or loan;
- (b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or
- (c) In which he has a pecuniary interest,

↪ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 or any contributions to a legal defense fund that the public officer reported pursuant to NRS 294A.286 in a timely manner.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written

statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

- (a) Prohibit a member of the legislative branch from requesting or introducing a legislative measure; or
- (b) Require a member of the legislative branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

- (a) Who is a member of his household;
- (b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;
- (c) Who employs him or a member of his household;
- (d) With whom he has a substantial and continuing business relationship; or
- (e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

(Added to NRS by 1977, 1106; A 1987, 2095; 1991, 1597; 1995, 1083; 1997, 3326; 1999, 2738; 2003, 818, 1735, 3389; 2007, 3372)—(Substituted in revision for NRS 281.501)

**NRS 281A.480 Commission authorized to impose civil penalties; filing by Commission of report or proceeding concerning willful violation committed by public officer; circumstance in which violation not deemed willful; effect of chapter upon criminal law; judicial review; burden of proof.**

1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation of this chapter;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter, by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

5. An action taken by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that he satisfied all of the following requirements:

(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281A.290;

(b) He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) He took action that was not contrary to a prior published opinion issued by the Commission.

6. In addition to other penalties provided by law, a public employee who willfully violates a provision of this chapter is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes

may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

(Added to NRS by 1977, 1108; A 1987, 2097; 1991, 1600; 1993, 2244; 1995, 2446; 1997, 258, 3330, 3333; 1999, 2564, 2743; 2001, 199; 2003, 3394; 2005, 1577, 2281; 2007, 639)—(Substituted in revision for NRS 281.551)

### Conflict of Interest Policy

The standard of behavior at Douglas County Social Services is that all staff, volunteers, and board members scrupulously avoid conflicts of interest between the interest of Douglas County Social Services on one hand, and personal, professional, and business interests on the other. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest.

I understand that the purpose of this policy is to protect the integrity of Douglas County Social Services decision-making process, to enable our constituents to have confidence in our integrity, and to protect the integrity and reputations of volunteers, staff and board members. Upon or before election, hiring or appointment, I will make a full, written disclosure of interests, relationships, and holdings that could potentially result in a conflict of interest. This written disclosure will be kept of file and I will update it as appropriate.

In the course of meetings or activities, I will disclose any interests in a transaction or decision where I (including my business or other nonprofit affiliation), my family and/or my significant other, employer, or close associates will receive a benefit or gain. After disclosure I understand that I will be asked to leave the room for the discussion and will not be permitted to vote on the question.

I understand that this policy is meant to supplement good judgment, and I will respect its spirit as well as its wording.

Signed:

Date:

Printed Name:

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## Douglas County Social Services

### Tri-Partite Advisory Board

#### Whistleblower Policy

In keeping with the policy of maintaining the highest standards of conduct and ethics, Douglas County Social Services Tri-Partite Advisory Board will investigate complaints of suspected fraudulent or dishonest use of misuse of its resources or property by staff, board members, consultants, volunteers, or clients. To maintain the highest standards of service, Douglas County Social Services Tri-Partite Advisory Board will also investigate complaints concerning its programs and services.

Staff, board members, consultants, volunteers, clients, and community members are encouraged to report suspected fraudulent or dishonest conduct or problems with services provided, pursuant to the procedures set forth below. This policy supplements, and does not replace, any procedures required by law, regulation, or funding source requirements.

**Reporting** A person's concern about possible fraudulent or dishonest use or misuse of resources or property, or program operation, should be reported to the Douglas County Social Services Manager (if a client or community member), the Director of Community Services (if an employee or volunteer), the Chair of the Tri-Partite Advisory Board (if a Board member). If for any reason a person finds it difficult to report his or her concerns to such a person, she/he may report the concerns directly to the Board of Commissioners or County Manager. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

**Investigation** All relevant matters, including suspected but unproved matters, will be promptly reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings may be communicated to the reporting person and his or her supervisor, if appropriate. Investigations may be conducted by independent persons such as auditors and/or attorneys. Investigators will endeavor to maintain appropriate confidentiality, but confidentiality is not guaranteed.

**No Retaliation** No director, officer, employee, volunteer, or client who in good faith reports suspected fraudulent or dishonest use or misuse of its resources or property or complaints concerning the services it provides and programs Douglas County Social Services runs shall suffer harassment, retaliation, or adverse employment or other consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization. The policy is in addition to any

non-retaliation requirements contained in the Douglas County Social Services personnel policies are required by law.

This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors. Individuals making complaints must be cautious to avoid baseless allegations; employees who intentionally make false allegations are subject to disciplinary action in accordance with Douglas County Social Services personnel policies.

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