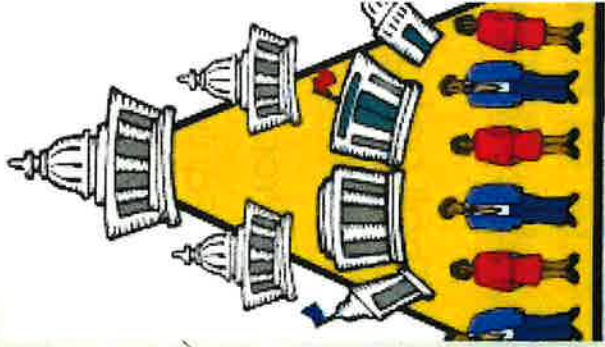


Code of Ethical Standards for Public Officer or Employee



- Shall not use official position to benefit personal pecuniary interests or contracts for self or others to whom there is a commitment in a private capacity

Selling Goods or Services to Public Agency

Prohibits board members from selling goods or services to public agency.

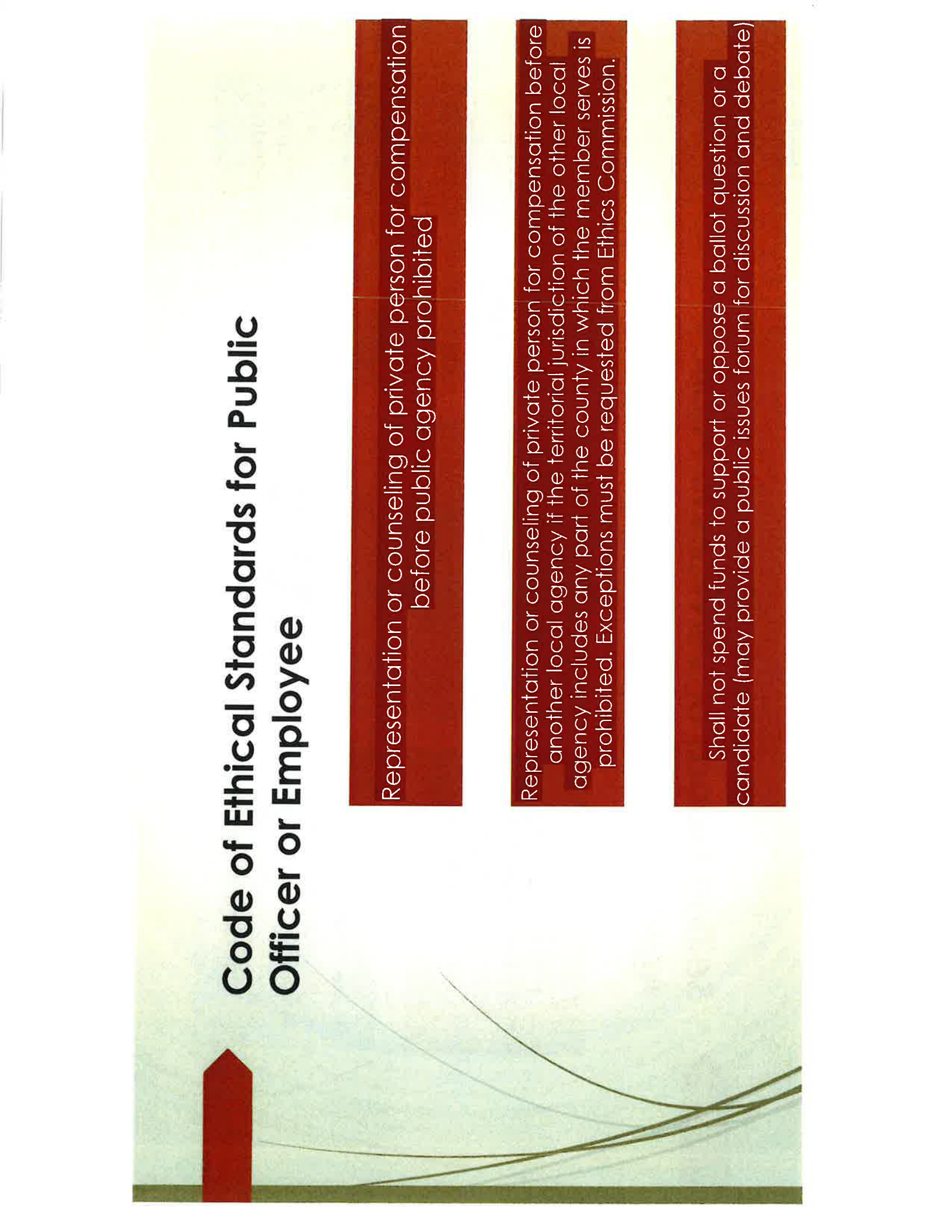
Member discloses significant pecuniary interest, does not vote upon or advocate the approval and

Exception: Sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed

Is approved in accordance with all other applicable provisions of law.

Meeting has a clear and conspicuous statement that it is considering purchasing such goods or services

May request Ethics Commission to waive this prohibition under certain circumstances.



Code of Ethical Standards for Public Officer or Employee

Representation or counseling of private person for compensation before public agency prohibited

Representation or counseling of private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves is prohibited. Exceptions must be requested from Ethics Commission.

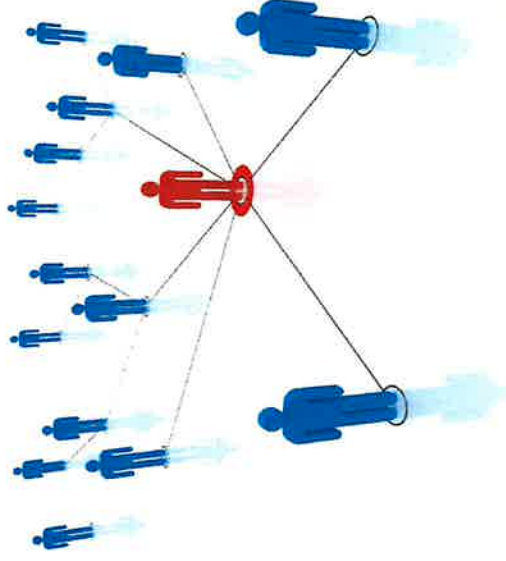
Shall not spend funds to support or oppose a ballot question or a candidate (may provide a public issues forum for discussion and debate)

Disclosure Requirements

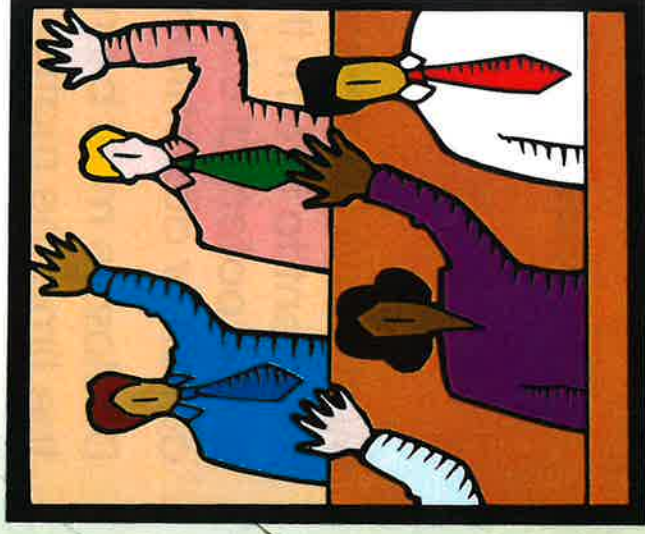
Must provide information sufficient to inform the public of the potential effect of the action or abstention

Disclosure must be made at the time the matter is considered

Must make the disclosure in public



Voting by Public Officers



- Shall NOT :
- Approve
- Disapprove
- Vote
- Abstain
- Act
- Advocate passage or failure (but may participate in the consideration)...
- On any matter in which the independence of judgment of a reasonable person would be materially affected by his
 - acceptance of a gift or loan
 - significant pecuniary interest
 - commitment in private capacity to the interests of others (household members, relatives, employer or business or similar relationships)

Abstention

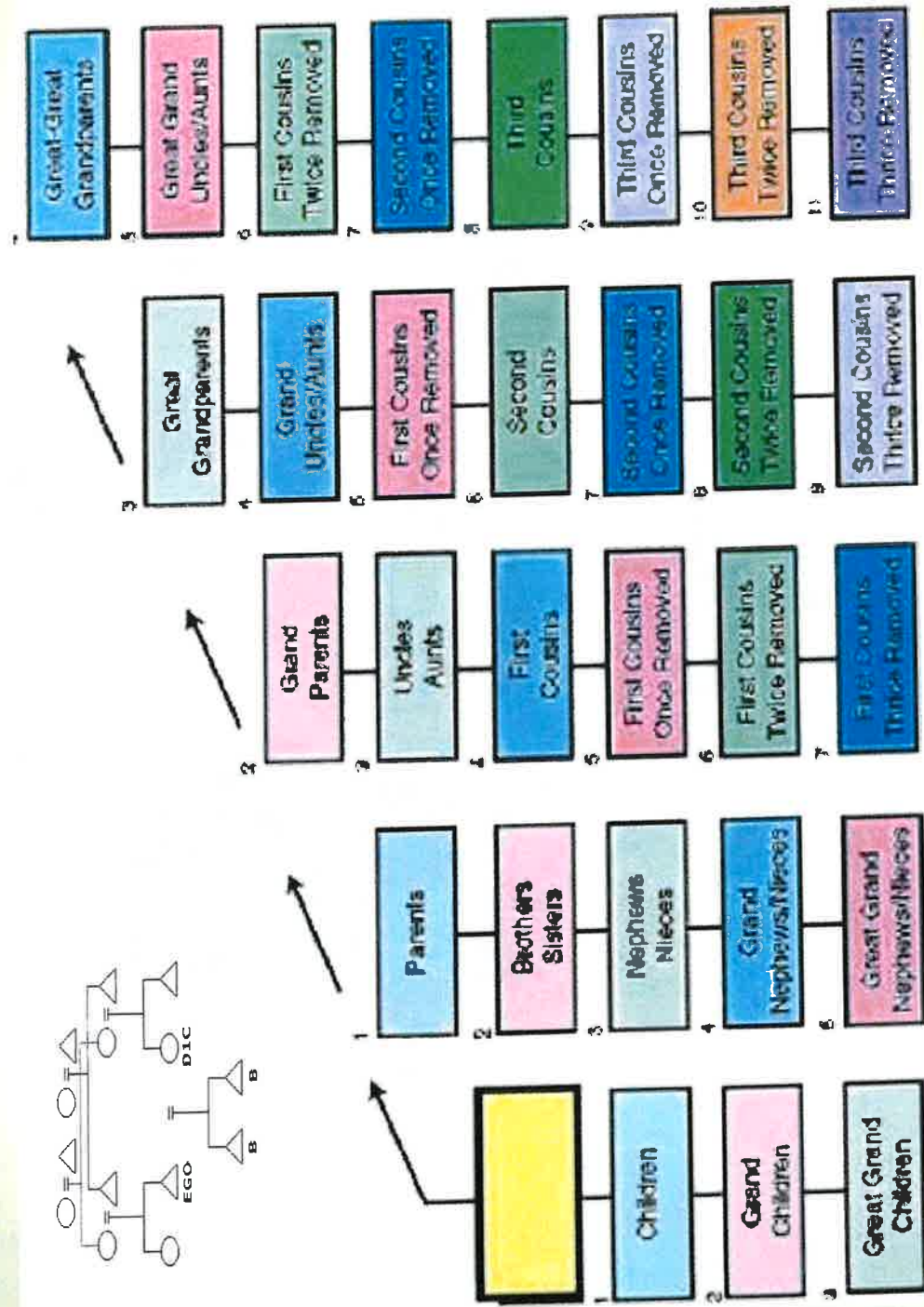


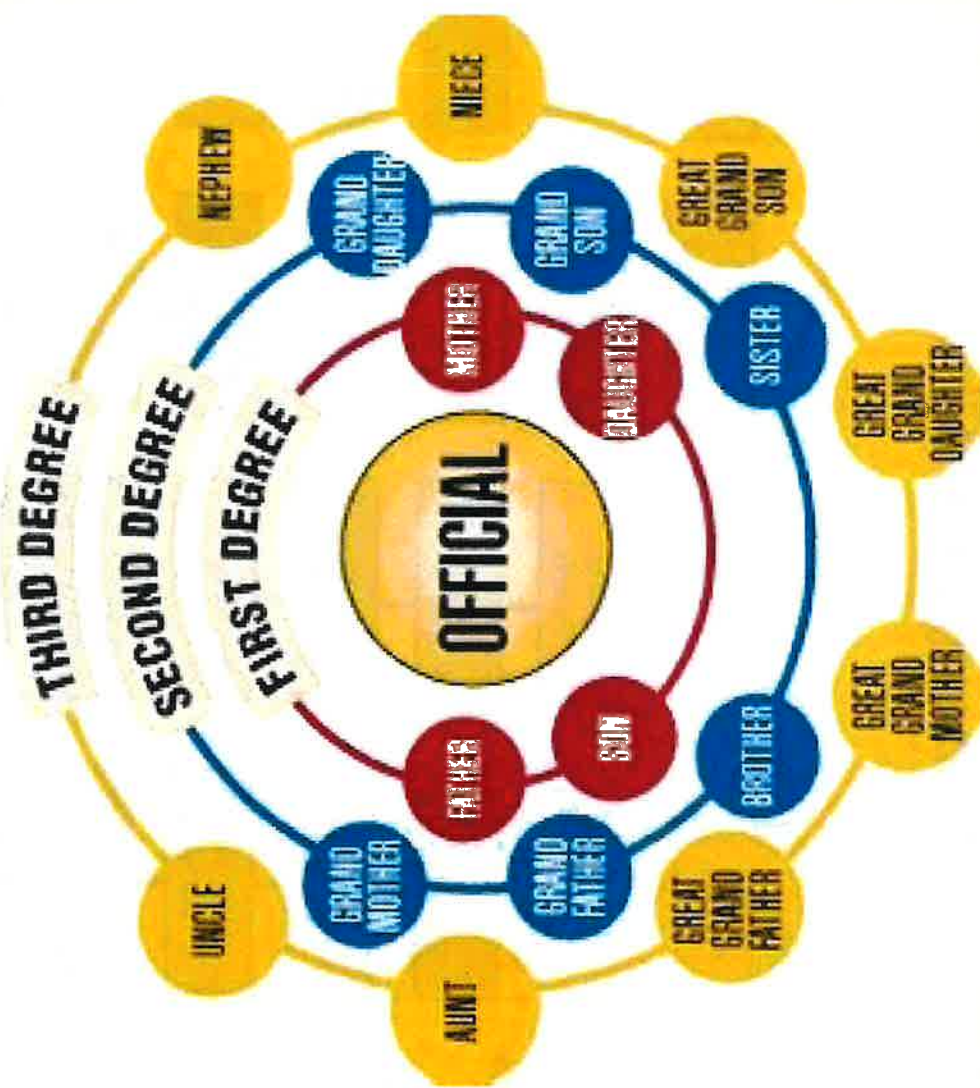
- Requires abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected

Commitment in a Private Capacity Defined

- Commitment, interest or relationship to a party includes:
 - Spouse or domestic partner
 - Member of the household
 - Related by blood, marriage, adoption, domestic partnership within 3rd degree of consanguinity
 - Employer of you, your spouse, domestic partner, household member
 - With whom you have a substantial and continuing business relationship
 - Anyone with whom you have any other commitment that is a substantially similar relationship to those listed above

Consanguinity Chart





Pecuniary Interest Defined

■ Beneficial or detrimental interest involved in, measured in or related to money, including:

- Economic value
- Payments or money owed by law, regulation, contract or agreement



Voting by Public Officers

- MAY VOTE if the benefit or detriment to public officer is not greater than that accruing to any other member of the general business, profession, occupation or group affected by the matter before the board



Independent Judgment

1

Judgment NOT affected if the benefit or detriment accruing to him/her is no greater than to any other member of the group, business, profession or occupation - MAY VOTE AFTER DISCLOSURE

2

IF Judgment WOULD BE affected, the individual shall NOT vote or advocate passage or failure, but may participate in consideration of the matter IF FULL DISCLOSURE IS MADE

3

DISCLOSURE must provide sufficient information to inform the public of the potential effect of the conflict of interest

Role of Ethics Commission

Investigation of
alleged violations

Inform the Attorney
General or district
attorney of all cases
of noncompliance
with ethics law

Conduct hearings
on requests for an
opinion and render
decisions

Recommend
legislation to
strengthen law

Publish ethics law
manual

Consequences of Ethics Law Violations

- ▀ Reviews, conducts hearing and makes determination of violation or no violation
- ▀ May issue letter of caution or instruction or a public admonition, reprimand or censure
- ▀ May issue a deferral agreement pending additional training or corrective action such as public apology

expression
disapproval
See
reprimand
object
legislative
official
Brutus
give
sure
tax
reprehension
of
unanimous
Censure
proposal
noun
Antonyms
senses
abuse
condemnation
structure
adverse
Result
news
spokes
re
A.M.
in
unintentional



Consequences of Ethics Law Violations



May impose civil fines

- \$5,000 for first willful violation
- \$10,000 for second willful violation
- \$25,000 for third willful violation

- \$5,000 for person who interferes with investigation

If a financial gain occurred, an additional penalty of up to 2 times the gain

May report willful violations for initiating impeachment proceedings

May report willful violations to court for removal from office

Violation not willful if obtained legal counsel advice and if not contrary to prior Ethics Commission opinions

Ethics Management As Cultural Change

➤ **PLUS** Ethical Decision Making Filters

➤ **P**=Policy **L**=Legal **U**=Universal **S**=Self

➤ **Universal Principles and Values**

- **E** - Empathy - understanding the thoughts and needs of others
- **P** - Patience - taking the time to understand before we act
- **I** - Integrity - honesty and truth in all situations
- **C** - Courage - doing what is right even when it is difficult

➤ The Ethics Resource Center: www.ethics.org

Six Steps to Ethical Decision Making

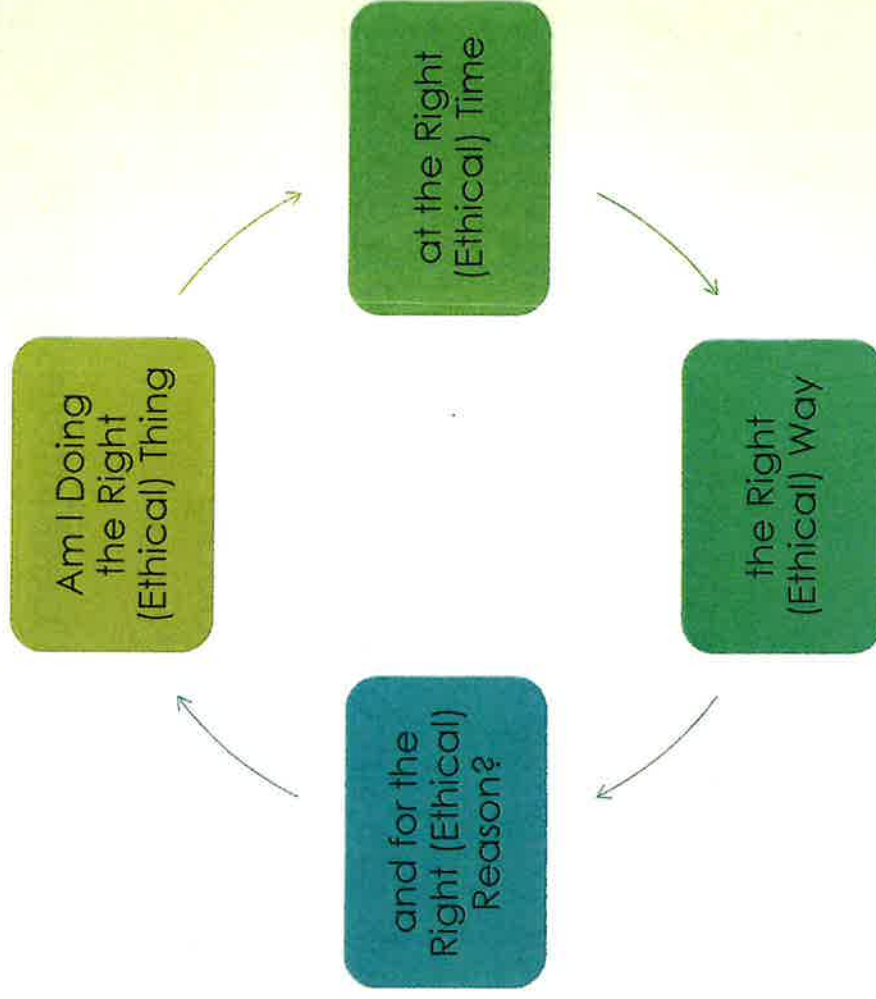




Ethics Simplified

- ▶ Follow the law and ethical standards
- ▶ Authority to act comes from official board action
- ▶ Personal goals are subordinate to board's goals
- ▶ Act collectively, not individually
- ▶ Focus on the highest and best interests of all whom you serve

The Leadership Test





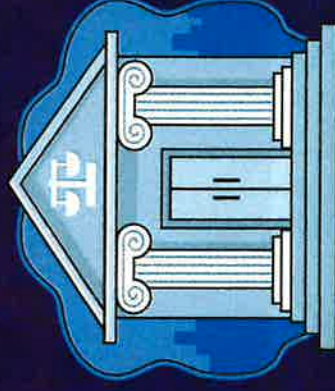
Mission Critical

"A board must ultimately be judged...by how effectively **(and ethically)** it achieves the mission of the institution."

– Cyril Hooley

OPEN MEETING LAW

NRS Chapter 241



HISTORICAL CONCEPT

- *“A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives”.*

– James Madison, Fourth President



LEGISLATIVE INTENT



- ▣ All public bodies exist to aid in the conduct of the people's business.
- ▣ Deliberations must be conducted openly
- ▣ Actions must be taken openly
- ▣ Must notify the public and persons subject to administrative action

PUBLIC BODY DEFINED

- “Public body” is an entity, with at least two members and is created by:
 - State Constitution
 - NRS or NAC
 - City charter or ordinance
 - Executive order issued by the Governor
 - Resolution by body created by statute
 - Ordinance of a local government
 - Resolution of a political subdivision of the State
 - Board, commission, committee that is appointed by the Governor



WHAT IS A “PUBLIC BODY?”

- Any administrative, advisory, executive or legislative body of a local government
 - which expends or disburses or is supported by tax revenue
 - which advises or makes recommendations to such an entity
 - includes any board, commission, committee, subcommittee or other subsidiary
- A collegial body that has more than one person and whose members share voting powers.
- Must perform a government function
- Does not apply to agency staff meetings where reports go to a superior and decisions are not reached by vote or consensus, except when staff is delegated authority to act on behalf of the public body

WHAT ABOUT SAFETY COMMITTEES?



- When delegated authority to act on behalf of the public body in formulation, preparation and promulgation of plans or policies or to make decisions on behalf of the public body (such as, claims settlements), the committee is subject to the Open Meeting Law

AB70 (2019) CHANGES TO “PUBLIC BODY”

“Public Body” includes a subcommittee or working group of at least 2 persons appointed by public body IF:

- a majority of the membership are members or staff members of the public body that appointed them
- the subcommittee or working group is authorized to make recommendations to the public body for action



MEETING DEFINITION: GATHERINGS OF A PUBLIC BODY

- When a quorum of the public body is present whether in person or by electronic means to deliberate toward a decision or to take action on a matter
- Any series of gatherings at which
 - Less than a quorum is present whether in person or by electronic means
 - The members attending one or more of the gatherings collectively constitute a quorum
 - The series of gatherings was held with the **specific intent** to avoid the Open Meeting Law
- Meetings of public body that are quasi-judicial in nature are subject to open meeting law.
- **AB 70 Must make reasonable efforts to ensure facilities are large enough to accommodate anticipated attendance.**

AB 70 (2019) TELECONFERENCE OR VIDEOCONFERENCE MEETINGS

- Teleconference or videoconference meetings may be held IF:
 - a quorum actually is present
 - There is a physical location designated for public participation (required of elected boards 2021)
- Chair must make sure public can hear or observe each member and each member can participate in the meeting



ELECTRONIC SERIAL COMMUNICATIONS

- If a member of the board participates on social media, emails, faxes or calls a quorum of the board on a board issue, is this a violation?
- YES!!
- Why? Because it was no longer a private discussion, but a deliberation that must be done in open session.

