

Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Ord. No. _____

AN ORDINANCE ADDING ARTICLES
2.04.040 AND 2.04.050 TO CHAPTER 2 OF
THE PLACER COUNTY CODE AND
AMENDING CHAPTER 8, ARTICLES
8.12.010, 8.12.020 AND 8.12.030 OF THE
PLACER COUNTY CODE

First Reading: 11-23-2010

The following ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on _____, 2010, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Kirk Uhler, Chair
Board of Supervisors

Attest:

Ann Holman
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
does hereby ordain as follows:

Section 1: Sections 2.04.040 and 2.04.050 are added to Chapter 2 of the Placer County Code and shall read as follows:

2.04.040 *Expense Reimbursement for elected officials.*

In compliance with Assembly Bill 1234, all Elected Officials, including Board of Supervisors, shall comply with those provisions set out in the Placer Administrative Manual – Meals, Lodging, Travel, and Transportation, as well as the County Credit Card Policy.

2.04.050 *Ethics training for elected officials.*

In compliance with Assembly Bill 1234, all Elected Officials, including the Board of Supervisors, shall comply with the Biennial Ethics Training requirements as outlined in this section.

- 1) Each Elected Official shall receive at least two hours of training in general ethics principles and “Ethics Laws” relevant to his or her public service every two years.
 - a) “Ethics Laws” include, but are not limited to the following:
 - (1) Laws relating to personal financial gain by public servants, including, but not limited to laws prohibiting bribery and conflict-of-interest laws.
 - (2) Laws relating to claiming pre-requisites of office, including, but not limited to gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
 - (3) Government transparency laws, including, but not limited to financial interest disclosure requirements and open government laws.
 - (4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
- 2) Each Elected Official in county service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive ethics training before January 1, 2007. Thereafter, each Elected Official shall receive ethics training at least once every two years.
- 3) Each Elected Official who commences service with the County on or after January 1, 2006, shall receive ethics training no later than one year from the first day of service with the County. Thereafter, each Elected Official shall receive ethics training at least once every two years.
- 4) Each Elected Official who serves more than one local agency shall satisfy the requirements of this policy once every two years without regard to the number of local agencies with which he or she serves.

- 5) The County Executive Officer shall maintain records indicating both of the following:
 - a) The dates that the Elected Officials satisfied the requirements of this article.
 - b) The entity that provided the training.
- 6) Notwithstanding any other provision of law, the County shall maintain these records for at least five years after the Elected Official receives the training. These records are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

Section 2: Sections 8.12.010, 8.12.020 and 8.12.030 of Chapter 8 of the Placer County Code are amended and shall read as follows:

8.12.010 Purpose.

- A. The Ceeounty of Placer is dedicated to providing a healthy, comfortable, and productive environment for the public and its employees. To that end, this article contains rules about smoking on Ceeounty-owned or Ceeounty-leased property.
- B. Its intent is to protect air quality and contribute to public health, safety, and well being by ~~striking a reasonable balance between the needs of smokers and nonsmokers by striking a reasonable balance between the needs of smokers and nonsmokers.~~
- C. It requires thoughtfulness, consideration, and cooperation between smokers and nonsmokers. All persons share the responsibility for adhering to, and enforcing, these requirements.
- D. The provisions of this section shall be broadly construed to protect the rights of the nonsmoker.
- E. This section provides as follows: Smoking is prohibited except in designated smoking areas. (Ord. 5006-B (part), 1999: prior code § 2.60(a))[M1]

8.12.020 Designation of smoking areas.

- A. Buildings. ~~Except as provided in subsection C of this section and Section 8.12.030, s~~Except as provided in subsection C of this section and Section 8.12.030, sSmoking is prohibited in any Ceeounty-owned or Ceeounty-leased building. ~~Such prohibition includes, but is not limited to, offices, meeting rooms, lobbies, break areas, and restrooms. Such prohibition includes, but is not limited to, offices, meeting rooms, lobbies, break areas, and restrooms.~~

—There shall be posted at the main entrance to each such building a sign providing notice that smoking is prohibited pursuant to California Government Code Section 7596-7598, and such signage shall indicate that this prohibition also exists within a defined distance from main entrances, exits and operable windows[M2].

- B. Vehicles. Smoking is prohibited in any Ceeounty-owned or Ceeounty-leased vehicle, and prohibited in any privately-owned vehicle -when occupied by two or more persons if one or more persons therein object.
- C. Smoking is permitted only in these areas:

1. — those areas:

1. — Outdoor areas surrounding County-owned or County-leased buildings, unless otherwise prohibited by state law or local ordinance and a sign describing the prohibition is posted by the state, county, or city agency or other appropriate entity. ~~Designated for smoking~~
~~Designated for smoking by administrative rule adopted by the board of supervisors, and~~

2. — ~~Where one or more signs are prominently posted designating such area as a smoking area. (Prior code § 2.60(b)) by the board of supervisors, and~~

2. — ~~Where one or more signs are prominently posted designating such area as a smoking area. (Prior code § 2.60(b))~~

8.12.030 Exceptions—Areas not covered by this Policy.

~~Memorial Halls and Fairgrounds. County memorial halls and all buildings at the county fairgrounds in Roseville are exempted from this rule and policy. (Prior Code § 2.60(e))~~ Memorial Halls and Fairgrounds. County memorial halls and all buildings at the county fairgrounds in Roseville are exempted from this rule and policy. (Prior code § 2.60(e)) None

Section 3: These ordinance additions and amendments shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

Ord Intro

Reso 2010-312-314+
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MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
DATE: November 23, 2010
SUBJECT: Placer Administrative Manual

ACTION REQUESTED

1. Introduction of an ordinance (Attachment A):
 - a. Adding Article 2.040.040 Expense Reimbursement for Elected Officials, and Article 2.040.050 Ethics Training for Elected Officials to Placer County Code
 - b. Amending Chapter 8, Articles 8.12.010, 8.12.020 and 8.12.030 of the Placer County Code, Smoking in County-owned or County-leased buildings.
2. Approve resolutions (3) adopting:
 - a. Placer County Meals, Lodging, Travel and Transportation Policy (Attachment B)
 - b. Placer County Code of Ethics (Attachment C)
 - c. Placer County Purchasing Policy Manual (Attachment D).
3. Adopt a Resolution deleting specific Chapters of the Administrative Rules and transferring two Chapters not substantively amended to the Placer Administrative Manual (Attachment E).

BACKGROUND

At its September 7, 2010 meeting, the Board of Supervisors: (1) authorized the County Executive Officer to develop and implement the Placer County Placer Administrative Manual ("PAM"), a comprehensive, consolidated Countywide policies and procedures manual, (2) took first actions to delete some Administrative Rules, and (3) adopted new policies.

The primary objectives with the completion of the PAM project will be increased standardization of business practices and processes and enhanced operational efficiencies countywide. Major components of this project include, deleting the current Administrative Rules and consolidating updated or replacement Administrative Rule provisions into the PAM or County Code. As needed, existing County policies and new policies will also be developed.

It is intended that technical procedures and guidelines contained in the PAM will be implemented through the County Executive Office, while documents with broader policy implications will be adopted by the Board of Supervisors by resolution.

A coordinated workgroup comprised of Administrative Services, Auditor-Controller's Office, Personnel, CEO Risk Management, County Counsel, and CEO Administration, jointly known as the PAM Committee ("Committee") meet regularly to implement the project. Subject matter experts are included as needed.

Today your Board is requested to take next actions that will complete the deletion of Administrative Rules and further construct the PAM with approval of five amendments to County Code, adoption of three new policies, and deletion of specific Chapters of the Administrative Rules. Attachment E summarizes how replacement provisions are occurring with the deletion of the Administrative Rules.

Amendments to Code

Introduction of an ordinance (Attachment A):

- a. Adding Article 2.040.040 Expense Reimbursement for Elected Officials, and Article 2.040.050 Ethics Training for Elected Officials to Placer County Code. Committee recommends amending County Code to include provisions related to expense reimbursements and statutory ethics training for elected officials in order to comply with recent legislation (AB 1234). These provisions currently exist in Chapter 3 of the Administrative Rules
- b. Amending Chapter 8, Articles 8.12.010, 8.12.020 and 8.12.030, Smoking in County-owned or County-leased buildings, of the Placer County Code. The PAM Committee and Facility Services recommend amending County Code to comply with California Government Code sections prohibiting smoking in County-owned and County-leased buildings.

Adoption of Policies

Placer County Meals, Lodging, Travel and Transportation Policy

Meals, Lodging, Travel and Transportation Policy in Attachment B is proposed to replace the existing Administrative Rule: Chapter 2, Meals, Lodging, Travel and Transportation which prescribes the policies, procedures and rules related to meals and expense reimbursement, meeting attendance, travel and related expenses, and expense and reimbursement rates. The Policy includes: (a) updates to some provisions, (b) deletions of vehicle provisions contained in the Vehicle Policy adopted in September, (c) specific provisions transferred with technical amendments from Administrative Rule Chapter 3, BOS Expense Reimbursement, and (d) recommendations from the travel and transportation cost saving subcommittee and internal audit reports.

Code of Ethics Policy

Code of Ethics Policy in Attachment C is proposed to replace the existing Administrative Rule Chapter 16, Code of Ethics, which prescribes the policy and guidelines for the ethical conduct of officials and county employees. The revised policy has been slightly amended to add an existing provision in code regarding professional and courteous behavior in the workplace.

Purchasing Policy Manual

The current Purchasing Policy Manual prescribes the policy and rules for procurement of goods and services for County business. The revised policy (Attachment D) includes several technical and procedural changes, as well as enhanced provisions related to requests for proposals, biddable specifications, requests for qualifications, violations, receipt of goods and services, and bid protests.

Specific Chapters of the Administrative Rules deleted by resolution

The following Chapters of the Administrative Rules can be deleted in that the Chapter is otherwise provided for as described in Attachment E. The effective date for the deletion will be immediate with the exception of Chapter 3 which will coincide with the effective date of the above ordinance additions (2.040.040 and 2.04.050).

1. Chapter 2, Meals, Lodging, Travel & Transportation (transferred as amended to the PAM by resolution)
2. Chapter 3, Board of Supervisors Expense Reimbursement and Elected Officials Ethics Policy, transferred without substantive amendments:
 - a. Expense Reimbursement language (Sections I, II & III (1&2)) to the Meals, Lodging, Travel & Transportation Policy in the PAM and to County Code by ordinance (Article 2.040.040),
 - b. Elected Officials Ethics Training Policy language (Sections I, II, & III (3) to County Code by ordinance (Article 2.040.050)
3. Chapter 4, County Offices (transferred as amended to the PAM by policy directive)
4. Chapter 5, Legal Advertising (transferred as amended to the PAM by policy directive).
5. Chapter 7, Use of Employees vs. Independent Contractors (transferred without substantive amendments to the PAM by policy directive and topic covered in state law)
6. Chapter 12, Use of County Facilities (transferred without substantive amendment to the PAM by resolution)
7. Chapter 13, Paper Recycling Policy (replaced with Resource Policy and separate Reuse and Recycling Policy in PAM by policy directive)
8. Chapter 15, Board of Supervisors' Procedures (transferred without substantive amendment to the PAM by resolution)
9. Chapter 16, Code of Ethics (transferred as amended to the PAM by resolution)

FISCAL IMPACT

There is no adverse fiscal impact anticipated with these actions. It is expected that productivity enhancements/organizational efficiencies will result countywide from the uniform administration of policies and procedures.

Attachments

- A. Ordinance amending: Placer County Code, Article 2.040.040 Expense Reimbursement for Elected Officials, Article 2.040.050 Ethics Training for Elected Officials, and Articles 8.12.010, 8.12.020 and 8.12.030, Smoking in County-owned or County-leased buildings
- B. Resolution and Meals, Lodging, Travel & Transportation Policy
- C. Resolution and Code of Ethics Policy
- D. Resolution and Placer County Purchasing Policy Manual
- E. Resolution deleting specific Chapters of the Administrative Rules, Exhibit 1-Summary of Changes/Deletions and transferring specific Chapters not amended to the PAM

Copies of Chapters of the Administrative Rules proposed to be deleted are on file with Clerk of the Board along with copies of Chapters transferred without amendment to the PAM, and copies of the strikeout versions showing revisions to Policies.

