

## NEVADA COUNTY CHARTER

We, the sovereign people of Nevada County, do hereby ordain and establish for its government this Charter, to assert and secure the benefits of home rule and governance by our own citizens and to improve efficiency and provide for a responsive, responsible, cooperative and empowered county government.

The people of Nevada County possess an inherent and inalienable right to govern their own county for their own health, safety, and welfare and the for stewardship of the County's resources and commons. The County of Nevada is to play its role of interposition under the guiding principles of, in this order; the protection of the rights of self (privacy and health); the right to stewardship of our properties, our commons and our natural resources; the protection of our local economy.

Silence in the Charter on a given subject does not relegate the county from defining other inalienable rights in the future.

### ARTICLE I: NAME AND RIGHTS OF THE COUNTY

Sec. 1. The County of Nevada, State of California, is a body corporate and politic, and as such has all the powers specified by the Constitution and laws of the State of California, and by this Charter, and by such other powers as are necessarily implied.

Sec. 2. The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents and officers acting under their authority or by authority of law or authority of this Charter.

Sec. 3. The corporate name shall be "County of Nevada," which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they now are until otherwise changed by law.

Sec. 4. This charter does not abridge or modify the rights of citizens to propose initiatives and referenda (including amendments to this charter) as provided for in the general laws of the State of California.

Sec. 5. Except as expressly set forth in this charter, the general law set forth in the Constitution of the State of California and the laws of the State of California shall govern the operations of the County of Nevada.

Sec. 6. Ordinances of the County of Nevada adopted by the voters prior to the enactment of this charter shall remain in full force and effect and may only be modified or repealed by a vote of the people.

### ARTICLE II: NEVADA COUNTY OFFICERS - SUPERVISORS

Sec. 1. The Board of Supervisors is comprised of five full-time members elected by their respective districts. Pursuant to the California Government Code, the Board enacts legislation governing Nevada County and determines overall policies and personnel for County departments and various special districts, adopts the annual budget, and fixes salaries.

Sec. 2. If a vacancy occurs,

In the first three years of the term of office, the vacancy shall be filled by a vote of the electors of that district at a special election 50-60 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election held throughout the county, the election to fill the vacancy may be consolidated with that regularly scheduled election. The person receiving the highest number of votes in that election shall fill the vacancy.

Or, if the vacancy occurs within the final year of the term, the Board of Supervisors is hereby authorized to appoint a person to fill the vacancy by unanimous decision. If the Board of Supervisors does not make such an appointment within 60 days of the vacancy, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his/her successor.

Sec. 3. Supervisors shall serve four-year terms. Every two years, elections will take place for one half of the Board of Supervisors seats, the other seats being elected two years hence.

Sec. 4. The Board hears appeals from decisions of the Planning Commission, considers General Plan amendments, and sits as the Board of Equalization to provide tax payers with a system for appealing the valuation placed on their property by the Assessor.

Sec. 5. The Board of Supervisors selects and appoints the County Chief Executive Officer (CEO) who serves is responsible for day-to-day administration of County affairs.

Sec. 6. The Board of Supervisors, in conjunction with the Nevada County Bank Commission, will determine the use and application of the profits of the Bank of Nevada County.

### ARTICLE III: NEVADA COUNTY OFFICERS - OTHER THAN SUPERVISORS

Sec. 1. Except as expressly set forth in this charter, the following officers shall be elected every four years and perform duties as provided by general law.

- Tax Collector/Treasurer/Chair of Nevada County Bank Commission (consolidated)
- Sheriff/Coroner (consolidated)
- District Attorney
- Superior Court Judges
- Assessor/Clerk-Recorder (consolidated)
- Auditor/Controller (consolidated)

Sec. 2. If a vacancy occurs in an elective office other than the Board of Supervisors, the Board of Supervisors shall fill such vacancy, and the appointee shall hold office until the next general election.

Sec. 3. The Treasurer is responsible for the collection, custody, investment, and disbursements of the funds of the County, School Districts, Special Districts, and Trust Funds. All monies collected by the aforementioned entities shall be deposited in the Bank of Nevada County, which is the County of Nevada doing business as the Bank of Nevada County, or as otherwise established in accordance with constitutional and statutory provisions. The funds shall be pooled and used for investment purposes, while segregating the individual account transactions for interest apportionment purposes. The guiding principles of the investment policy are always in this order: (1) Safety, (2) Liquidity as appropriate to meet projected expenditures, (3) Economic Benefit to Nevada County, (4) Yield, (5) Ethical Investing. Investments shall be placed with the objective of obtaining a respectable rate of return, not attempting to maximize yield at the expense of safety, liquidity, availability, and benefit to the County or ethical investing.

Sec. 4. The Treasurer shall be the chair of the Nevada County Bank Commission governing the Bank of Nevada County.

#### ARTICLE IV: BUSINESS PRACTICES

Sec. 1. With regard to selecting businesses for purchases and contracts by any and all Nevada County governmental entities, the Board of Supervisors and the Chief Executive Officer are instructed to develop and implement a system of measuring, prioritizing and considering the economic value to Nevada County of the following:

- The number and total compensation of employees who are residents of Nevada County
- The value of the company's purchases within Nevada County over the three most recent years
- The amount paid in taxes and fees by the company to Nevada County over the three most recent years

#### ARTICLE V: COUNTY OF NEVADA, RIGHTS OF RESIDENTS:

Sec. 1. Pursuant to the inherent rights of the citizens of Nevada County to govern our own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the California Constitution's recognition that "All people are by nature free and independent and have inalienable rights", Nevada County establishes these rights for its citizens within its Charter.

Sec. 2. ***The Right to Local Self-Government*** – The people residing in The County of Nevada have the right and authority to make binding decisions on issues that directly affect the County, its residents and environment. The County of Nevada is to play its role of interposition under the guiding principles of, in this order; the protection of the rights of self (privacy and health); the

right to stewardship of our properties, our commons and our natural resources; the protection of our local economy.

Sec. 3. ***The people as Sovereign*** – The County of Nevada shall be the governing authority responsible to and governed by, the residents of the County. Use of the “County of Nevada” municipal corporation by the sovereign people of the County to make law shall not be construed to limit or surrender their sovereign authority or immunities of the people to a municipal corporation, which is subordinate to us in all respects at all times. We the people, at all times, retain an inalienable and indefeasible right to self-governance in the community where we reside.

Sec. 4. ***The Right to Govern Corporate Activities*** – Corporations are subordinate to the People and shall not assert rights or privileges that interfere with local self government; the people residing in Nevada County possess the right to limit or revoke privileges afforded to corporations that have been determined by the County to have infringed upon those rights.

Sec. 5. ***The Right to Self*** – We the people possess a right to the integrity of our bodies, our property and our personal information; to be free from unwanted invasions of our bodies by any means, including trespass by manufactured chemicals and toxins; to be free from unwarranted surveillance and collection of our personal information.

Sec. 6. ***The Right to Stewardship*** – We the people possess the right to stewardship of our properties and the commons; and are possessors of the knowledge to maintain conditions optimal to preserve our natural communities, preserving local species access to natural habitats and respecting all future generations.

Sec. 7. ***The Right to a Healthy Environment*** – We the people possess a right to a healthy environment, including the right to unpolluted air, water, soil, flora, and fauna, and the right to protect our natural resources (such as the watershed).

Sec. 8. ***The Right to Water*** – We the people possess a right to sustainably access, use, consume, and preserve water drawn from natural water cycles and sources.

Sec. 9. ***The Right to Farm*** – We the people possess a right to establish agriculture and food policies and protect against activities including but not limited to soil depletion, use of genetically modified organisms, and the over spray of pesticides.

Sec. 10. ***The Right to Sustainable Energy*** – We the people possess a right to establish sustainable energy production and use policies; we possess the right to prohibit unsustainable energy practices and to choose from available sustainable energy options without infringement or coercion whatsoever.

#### ARTICLE VI: BANK OF NEVADA COUNTY:

Sec. 1. We the people of Nevada County instruct our county officers to establish a Bank of Nevada County (hereafter referred to as the Bank of Nevada County Bank, BNC or “the bank”), wholly owned by the County of Nevada, for the purposes of meeting, maintaining and expanding

the access to credit for financial activities within our County , investing in our businesses and citizens and providing for the economic security of our County independent of the whims of the national and international financial markets.

Sec. 2. The officers and governance of the Bank of Nevada County are instructed to be guided by the following in all decisions and activities relating to the bank:

The bank shall be operated professionally and consistent with maintaining the safety of Nevada County funds.

- The bank shall maintain the supply of credit within Nevada County during economic downturns.
- The bank shall make low-interest business loans for operations, expansion and start-up.
- The bank shall give priority to small businesses and to co-ops and employee owned businesses.
- The bank shall quickly provide consumer and business credit for disaster relief.
- The bank shall provide low-interest student loans for classes (college and technical courses) attended within Nevada County.
- The bank shall provide Nevada County governmental entities with low-interest loan options to issuing bonds.
- The bank shall develop loan programs designed to prevent foreclosure and housing vacancies and encourage “green investment” such as energy efficiency and renewable energy.
- All consumer and business loans shall be made in partnership with local and regional private banks. The private bank share shall be no less than 30% of each loan. The private bank may not securitize, sell or otherwise remove itself from liability for losses relating to each loan. Loans shall be structured such that any losses are incurred first by the private bank up to the amount of its share of that loan.

Sec. 3. The Bank of Nevada County shall be governed by the Nevada County Bank Commission, which will have the authority to define the focus of BNC loan programs and the responsibility to authorize all loans in excess of \$250,000. The Bank Commission shall select and appoint the President and officers of the BNC and determine their salaries. The Board of Supervisors shall confirm those appointments and salaries.

Sec. 4. The Nevada County Bank Commission will be comprised of the County Treasurer, the Nevada County CEO and one member of the Board of Supervisors. The first year of operation of the BNC, the member of the Board of Supervisors shall be the Supervisor of District 1, the second year the Supervisor of District 2, and so on, after which the cycle repeats.

Alternative Text for Section 4:

The Nevada County Bank Commission will be comprised of the County Treasurer, the Nevada County CEO, one delegate from each of the Advisory Boards and one member of the Board of Supervisors. The first year of operation of the NCPB, the member of the Board of

Supervisors shall be the Supervisor of District 1, the second year the Supervisor of District 2, and so on until, after which the cycle repeats.

Sec. 5. In addition to the Nevada County Bank Commission, the officers of the BNC will be advised by two advisory boards, the Citizens Advisory Board and the Business Advisory Board. Both boards will meet monthly with the BNC officers and the Nevada County Bank Commission to review policies, procedures, decisions, activities, etc.. Both boards will have advisory capacity only.

Sec. 6. The Business Advisory Board shall consist of one delegate from each of the Chambers of Commerce in the County, the Contractor's Association, the Board of Realtors, the Grange, the Nevada County Farm Bureau, the Nevada County Agriculture Commissioner, and the Nevada County Economic Resource Council.

Sec. 7. The Citizens Advisory Board shall consist of two members of the general public from each supervisorial district who are residents of that district, to be elected at the same election as that district's supervisor and seated effective July 1st of that year. Until such time as all members are seated by election, each Supervisor will appoint 2 residents from his or her district as members of the Citizens Advisory Board.

Alternative Text Sec. 7:

The Citizens Advisory Board shall consist of one delegate from each of selected organizations representing significant numbers of County residents and workers. The Board of Supervisors will establish a criteria for the selection of these groups.

## ARTICLE VII: ELECTIONS

Sec. 1. Nevada County shall implement Instant Runoff Voting (IRV) in the elections of all candidates for county offices.

Sec. 2. The Board of Supervisors will pass an ordinance specifying campaign finance limits for each County elected office. The initial campaign finance limits shall be \$3000 per office per election in total (excluding filing fees and candidate statement fees) and \$100 per individual or organization to any candidate per election. Campaign finance limits will be reviewed and, if appropriate, revised prior to each election, such revision to take place no later than 180 days before the election. Further, the Board of Supervisors may disallow funding from outside the County and may institute public financing of campaigns.

Sec. 7. Charter amendment or repeal:

Once ratified, an amendment or repeal of this charter may be proposed by the Board of Supervisors or by a petition signed by at least 10% of the electors who voted at the last gubernatorial election. Thus qualified, the amendment or repeal shall be placed before the voters at the next general or special countywide election. Alternatives may be voted on at the same election. If a majority of the voters voting in the election vote in favor of the amendment or

repeal, it is deemed ratified and takes effect when filed by the Secretary of State. If the provisions of two or more measures that are approved at the same election conflict, the measure receiving the highest number of affirmative votes shall prevail.

#### **ARTICLE VIII: SEVERABILITY.**

Sec. 1 In the event that any one or more of the articles or provisions of this Charter contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other articles or provisions of this Charter, and this Charter shall be construed as if such invalid, illegal or unenforceable article or provision had never been contained herein.