

Mem #19

**City of Carson City  
Agenda Report**

**Date Submitted:** 3-10-09

**Agenda Date Requested:** 3-19-09  
**Time Requested:** 5 minutes

**To:** Carson City Board of Supervisors

**From:** District Attorney's Office

**Subject Title:** ACTION TO ADOPT BILL NO. 104 ON SECOND READING, ORD. NO. \_\_\_\_\_, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 9 HEALTH AND WELFARE, BY ADDING CHAPTER 9.14, FUND FOR GENETIC MARKER TESTING, ADDING SECTION 9.14.010 CREATION OF FUND FOR GENETIC MARKER TESTING, WHICH CREATES A FUND IN THE COUNTY TREASURY FOR GENETIC MARKER TESTING FEES, ADDING SECTION 9.14.020 DEPOSIT OF MONEY INTO FUND FOR GENETIC MARKER TESTING, WHICH REQUIRES THE TREASURER TO DEPOSIT MONEY COLLECTED FOR GENETIC MARKER TESTING INTO THE FUND, ADDING SECTION 9.14.030 USE AND DISTRIBUTION OF MONEY IN FUND FOR GENETIC MARKER TESTING, WHICH DEFINES HOW THE MONEY IS USED AND DISTRIBUTED IN THE FUND AND OTHER MATTERS PROPERLY RELATED THERETO.

**Staff Summary:** Nevada Revised Statute (NRS) 176.0913 requires certain criminal offenders to provide biological specimens for an analysis to determine the genetic markers of the specimens. NRS 176.0915 requires a court to impose a fee of up to \$150.00 for conducting the analysis. The money must be deposited with the county treasurer, and the Board of Supervisors is required to adopt an ordinance creating the fund in which the money will be deposited.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance (Second Reading)  
 Formal Action/Motion  Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I MOVE TO ADOPT BILL NO. 104 ON SECOND READING, ORD. NO. \_\_\_\_\_ AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 9 HEALTH AND WELFARE, BY ADDING CHAPTER 9.14, FUND FOR GENETIC MARKER TESTING, ADDING SECTION 9.14.010 CREATION OF FUND FOR GENETIC MARKER TESTING, WHICH CREATES A FUND IN THE COUNTY TREASURY FOR GENETIC MARKER TESTING FEES, ADDING SECTION 9.14.020 DEPOSIT OF MONEY INTO FUND FOR GENETIC MARKER TESTING, WHICH REQUIRES THE TREASURER TO DEPOSIT MONEY COLLECTED FOR GENETIC MARKER TESTING INTO THE FUND, ADDING SECTION 9.14.030 USE AND DISTRIBUTION OF MONEY IN FUND FOR GENETIC

**MARKER TESTING, WHICH DEFINES HOW THE MONEY IS USED AND DISTRIBUTED IN THE FUND AND OTHER MATTERS PROPERLY RELATED THERETO.**

**Explanation for Recommended Board Action:** Nevada Revised Statute (NRS) 176.0913 requires certain criminal offenders to provide biological specimens for an analysis to determine the genetic markers of the specimens. NRS 176.0915 requires a court to impose a fee of up to \$150.00 for conducting the analysis. The money must be deposited with the county treasurer, and the Board of Supervisors is required to adopt an ordinance creating the fund in which the money will be deposited.

**Applicable Statute, Code, Policy, Rule or Regulation:** NRS Chapter 176

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Supporting Material:** NRS 176.0913, 176.0915, Proposed Ordinance

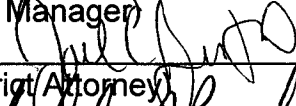
**Prepared By:** Melanie Bruketta, Chief Deputy D.A.

**REVIEWED BY:**

  
\_\_\_\_\_

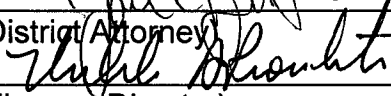
(City Manager)

Date: 3/10/09

  
\_\_\_\_\_

(District Attorney)

Date: 3/10/2009

  
\_\_\_\_\_

(Finance Director)

Date: 3/10/2009

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

1 ORDINANCE NO. \_\_\_\_\_

2 BILL NO. 104

3 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE  
4 TITLE 9 HEALTH AND WELFARE, BY ADDING CHAPTER 9.14,  
5 FUND FOR GENETIC MARKER TESTING, ADDING SECTION  
6 9.14.010 CREATION OF FUND FOR GENETIC MARKER  
7 TESTING, WHICH CREATES A FUND IN THE COUNTY  
8 TREASURY FOR GENETIC MARKER TESTING, ADDING  
9 SECTION 9.14.020 DEPOSIT OF MONEY INTO FUND FOR  
10 GENETIC MARKER TESTING, WHICH REQUIRES THE  
11 TREASURER TO DEPOSIT MONEY COLLECTED FOR GENETIC  
12 MARKER TESTING INTO THE FUND, ADDING SECTION  
13 9.14.030 USE AND DISTRIBUTION OF MONEY IN FUND FOR  
14 GENETIC MARKER TESTING, WHICH DEFINES HOW THE  
15 MONEY IS USED AND DISTRIBUTED IN THE FUND AND  
16 OTHER MATTERS PROPERLY RELATED THERETO.

17 THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

18 SECTION I:

19 That Chapter 9.14, Fund for Genetic Marker Testing of the Carson City Municipal Code  
20 is hereby added as follows:

21 **Title 9, HEALTH AND WELFARE**

22 Chapter:

23 Chapter 9.01 CARSON CITY BOARD OF HEALTH

24 Chapter 9.04 HEALTH DIVISION PERMITS AND FEE SCHEDULE

25 Chapter 9.05 FOOD ESTABLISHMENTS

26 Chapter 9.06 AIR POLLUTION REGULATIONS

27 Chapter 9.07 LICENSING OF POOL OPERATORS

28 Chapter 9.08 HUMAN SERVICES AND EMPLOYEE HEALTH DEPARTMENT

Chapter 9.09 AID TO VICTIMS OF SEXUAL ASSAULT

Chapter 9.10 CARNIVALS AND AMUSEMENT RIDES

Chapter 9.11 IMITATION CONTROLLED SUBSTANCES

Chapter 9.12 FAIR HOUSING

Chapter 9.13 CARSON CITY CORONER

Chapter 9.14 FUND FOR GENETIC MARKER TESTING

1 SECTION II:

2 That Section 9.14.010 of the Carson City Municipal Code is hereby added as follows:  
3 9.14.010 Creation of Fund For Genetic Marker Testing

4 There is hereby created a revenue account and an expenditure account in the Carson City  
5 general fund to be designated as the fund for genetic marker testing.

6 SECTION III:

7 That Section 9.14.020 of the Carson City Municipal Code is hereby added as follows:

8 9.14.020 Deposit of money into fund For Genetic Marker Testing

9 The county treasurer shall deposit money that is collected pursuant to Nevada Revised  
10 Statutes 176.0915, as may be amended, in the fund for genetic marker testing. The money  
11 must be accounted for separately within the fund.

12 SECTION IV:

13 That Section 9.14.030 of the Carson City Municipal Code is hereby added as follows:

14 9.14.030 Use And Distribution of Money in Fund For Genetic Marker Testing

15 1. Each month, the county treasurer shall use the money deposited in the fund for genetic  
16 marker testing to pay the actual amount charged to the county for obtaining biological  
17 specimens from a defendant pursuant to Nevada Revised Statutes 176.0913.

18 2. If money remains in the fund after the county treasurer makes the payments required by  
19 subsection (1) of this section, the county treasurer shall pay the remaining money each month  
20 to the forensic laboratory that is designated by the Board of Supervisors pursuant to NRS  
21 176.0917 to conduct or oversee genetic marker testing for Carson City. A forensic laboratory  
22 that receives money pursuant to this subsection shall use the money to:

23 (a) Maintain and purchase equipment and supplies relating to genetic marker testing,  
24 including, but not limited to, equipment and supplies required by the Federal Bureau of  
25 Investigation for participation in CODIS; and

26 (b) Pay for the training and continuing education, including, but not limited to, the  
27 reasonable travel expenses, of employees of the forensic laboratory who conduct or oversee  
28 genetic marker testing.

1 SECTION VI:

2 That no other provisions of Title 9 are affected by this ordinance.

3 PROPOSED on \_\_\_\_\_ (month) \_\_\_\_\_(day), 2009

4 PROPOSED by Supervisor \_\_\_\_\_.

5 PASSED \_\_\_\_\_(month) \_\_\_\_\_(day), 2009.

6 VOTE:

AYES:

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_

12 NAYES:

13 \_\_\_\_\_  
14 \_\_\_\_\_

15 ABSENT:

16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19 ATTEST:

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 ALAN GLOVER, Clerk/Recorder

23 \_\_\_\_\_  
24 ROBERT L. CROWELL, Mayor

25 This ordinance shall be in force and effect from and after the \_\_\_\_\_day of the month of  
26 \_\_\_\_\_ of the year 2009.