

City of Carson City
Agenda Report

Item #9

Date Submitted: July 7, 2008

Agenda Dates Requested: July 17, 2008
Time Requested: 5 minutes

To: Mayor and Supervisors

From: D.A.

Subject Title: Action to adopt on second reading Bill No. 127. Ordinance No. ____, "An Ordinance Amending Carson City Municipal Code Title 4 Licenses and Business Regulations, Adding Chapter 4.03 National Background Checks, Section 4.03.010 National Fingerprint-Background Check for Business License Applicants to Require Certain Applicants to Submit to a National Fingerprint-Background Check with the Federal Bureau of Investigation and other Matters Properly Related Thereto."

Staff Summary: The Federal Bureau of Investigation ("FBI") has informed Carson City that, after August 29, 2008, the FBI will no longer accept fingerprint cards submitted for national, criminal-background checks for business license applicants unless there is an underlying local ordinance authorizing the practice. Nevada Revised Statute ("NRS") 239B.010 (1) (a) authorizes political subdivisions of the state to request of and receive from the FBI information on the background and personal history of persons seeking licenses. However, the FBI requires a more specific authorization that allows the fingerprint-background-check practice at the *ordinance level*. In particular, the FBI requires that such an ordinance express: (1) the specific business, profession, or occupation to which an application for a license applies, for which applicants must be fingerprinted; (2) specific authorization for the submission of the fingerprints for a national, criminal-background check; and (3) a reference to the authorizing state statute, NRS 239B.010 (1) (a). The proposed ordinance fulfills the requirements set forth by the FBI, so that Carson City may continue to submit fingerprint cards to the FBI for a national, criminal-background check of certain business-license applicants. In particular, the business license applicants affected by the ordinance are: (1) applicants seeking an alcoholic beverage license; (2) applicants seeking a pawnbroker's license, pawnshop license, second-hand dealer's license, or an antique dealer's license; and (3) applicants seeking a solicitor's license.

Type of Action Requested: (check one)

() Resolution

() Formal Action/Motion

(xx) Ordinance (1st Reading)

() Other (Specify)

Does this action require a Business Impact Statement: () Yes (xx) No

Recommended Board Action: I move to adopt on second reading Bill No. 127, Ordinance No. _____, "An Ordinance Amending Carson City Municipal Code Title 4 Licenses and Business Regulations, Adding Chapter 4.03 National Background Checks, Section 4.03.010 National Fingerprint-Background Check for Business License Applicants to Require Certain Applicants to Submit to a National Fingerprint-Background Check with the Federal Bureau of Investigation and other Matters Properly Related Thereto."

Explanation for Recommended Board Action: This ordinance will allow Carson City to continue to submit fingerprint cards to the FBI for a national, criminal-background check of certain business license applicants.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 239B.010 (1) (a)

Fiscal Impact: n/a

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: n/a

Supporting Material: (1) Draft (Version 4, dated 6/19/08) Amended Carson City Municipal Code, Title 4 Administration And Personnel, Chapter 4.03 National Background Checks, Section 4.03.010 National Fingerprint-Background Check For Certain Business License Applicants; (2) Open Letter to Nevada Municipal Agencies From Captain Philip K. O'Neill, Division Chief of the Nevada Department of Public Safety, dated November 20, 2007, explaining the need for Nevada Municipalities to promulgate ordinances authorizing FBI criminal-background, fingerprint checks.

Prepared By: Melanie Burkett Date: 7-8-08
William Geddes, Deputy D.A.

Reviewed By: _____ Date: _____
William Geddes, Deputy D.A.

: [Signature] Date: 7/8/08
Larry Werner, City Manager

: Melanie Burkett Date: 7-8-08
(District Attorney)

: Nancy Paulsa Date: 7-8-08
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 127

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE
TITLE 4 LICENSES AND BUSINESS REGULATIONS, ADDING
CHAPTER 4.03 NATIONAL BACKGROUND CHECKS, SECTION
4.03.010 NATIONAL FINGERPRINT-BACKGROUND CHECK FOR
BUSINESS LICENSE APPLICANTS TO REQUIRE CERTAIN
APPLICANTS TO SUBMIT TO A NATIONAL FINGERPRINT-
BACKGROUND CHECK WITH THE FEDERAL BUREAU OF
INVESTIGATION AND OTHER MATTERS PROPERLY RELATED
THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DOES ORDAIN:

SECTION I:

That Title 4 of the Carson City Municipal Code is hereby amended as follows:

Title 4 LICENSES AND BUSINESS REGULATIONS

Chapter 4.03 NATIONAL BACKGROUND CHECKS

Chapter 4.04 BUSINESS LICENSES

Chapter 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF
TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES

Chapter 4.08 ROOM RENTAL TAX

Chapter 4.13 LIQUOR BOARD AND LIQUOR LICENSING AND SALES

Chapter 4.14 GAMING LICENSES AND REGULATIONS

Chapter 4.16 SOLICITORS AND CANVASSERS

Chapter 4.25 TRANSIENT FACILITY CHILD-TENDING AGENCIES

Chapter 4.27 BICYCLES*

Chapter 4.28 ASSEMBLIES

Chapter 4.29 MASSAGE ESTABLISHMENTS*

Chapter 4.30 INVASIVE BODY DECORATION ESTABLISHMENTS

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1 SECTION II:

2 That Chapter 4.03 of the Carson City Municipal Code is hereby added as follows:

3 Chapter 4.03 NATIONAL BACKGROUND CHECKS

4 4.03.010 National Fingerprint-Background Check for Certain License Applicants

5 SECTION III:

6 That Section 4.03.010 of the Carson City Municipal Code is hereby added as
7 follows:

8 4.03.010 National Fingerprint-Background Check For Certain License Applicants.

9 1. Before obtaining a business license with the City of Carson City, every license
10 applicant who seeks a business license for a business, profession, or occupation specified in
11 Subsection 2 shall submit to a national background check. Carson City and its authorized
12 agents, including the Central Repository for Nevada Records of Criminal History
13 ("CRNRCH"), are authorized to submit to the Federal Bureau of Investigation ("FBI") the
14 license applicant's fingerprints, and Carson City and its authorized agents, including the
15 CRNRCH, are further authorized to submit and receive from the FBI information on the
16 national background check, including any criminal background and personal history of the
17 license applicant. [Reference NRS 239B.010 (1) (a).]

18 2. License applicants for the following business, professions, occupations, or
19 business activities are subject to the employment-background check specified in Subsection
20 1:

21 a. Applicants seeking an alcoholic beverage license;

22 b. Applicants seeking a pawnbroker's license, pawnshop license, second-
23 hand dealer's license, or an antique dealer's license; and

24 c. Applicants seeking a solicitor's license.

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1 SECTION IV:

2 That no other provisions of Chapter 4.03 are affected by this ordinance.

3
4 PROPOSED this _____ day of _____, 2008.

5 PROPOSED by Supervisor _____.

6 PASSED on the _____ day of _____, 2008.

7 VOTE:

AYES:

8 _____
9 _____
10 _____
11 _____
12 _____

13 NAYES:

14 _____
15 _____

16 ABSENT:

17 _____
18 _____

19 ATTEST:

20
21
22 _____
23 ALAN GLOVER, Clerk/Recorder

24 _____
25 MARV TEIXEIRA, Mayor

26 This ordinance shall be in force and effect from and after the day of the month of _____
27 of the year 2008.
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