



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: November 15, 2018

Staff Contact: Ken Furlong, Carson City Sheriff

Agenda Title: For Possible Action: To introduce, on first reading, Bill No. ____, an ordinance revising provisions governing national background checks for certain business license applicants. (Sheriff Ken Furlong, kfurlong@carson.org)

Staff Summary: This ordinance revises Chapter 4.03 of Title 4 of the Carson City Municipal Code (CCMC) to make revisions to existing provisions establishing fingerprinting requirements to conduct a national background check for certain business license applicants. For compliance with federal Public Law 92-544 and as required by the Compliance Unit of the Nevada Criminal Justice Information System (NCJIS), certain amendments to the existing provisions of CCMC relating to fingerprinting for background checks were necessary for continued access to criminal history record information. Based on correspondence from the NCJIS Compliance Unit, the proposed ordinance as currently drafted would qualify for such access.

Agenda Action: Ordinance - First Reading

Time Requested: 5 mins

Proposed Motion

I move to introduce, on first reading, Bill No. ____, an ordinance revising provisions governing national background checks for certain business license applicants.

Board's Strategic Goal

Safety

Previous Action

N/A

Background/Issues & Analysis

The authority for the FBI to conduct a criminal record check for employment purposes is based on federal Public Law 92-544. Pursuant to Public Law 92-544, the FBI may only exchange identification records with officials of state and local governments for purposes of licensing and employment if authorized by a state statute which has been approved by the federal government. This proposed ordinance revises Chapter 4.03 of Title 4 of the Carson City Municipal Code (CCMC) to make revisions to existing provisions establishing fingerprinting requirements to conduct a national background check for certain business license applicants for compliance with federal Public Law 92-544 and for compliance with the state statutory process for allowing an agency of a political subdivision, such as the Carson City Sheriff's Office, to request and receive from the FBI information on the background and personal history of any person pursuant to Nevada Revised Statutes (NRS) 239B.010. Currently, CCMC 4.03.010 authorizes the Sheriff's Office and the Central Repository for Nevada Records of Criminal History to submit fingerprints to the FBI. However, NRS 239B.010 actually requires fingerprints to be forwarded to the Central Repository, which in turn submits them to the FBI for receipt of a report. This proposed ordinance makes that conforming change. This proposed ordinance also amends the list of business license applicants to include additional applicants, in accordance with NRS, who may be required to

be fingerprinted for a background check. Finally, this proposed ordinance makes certain technical corrections for clarity in language.

Based on correspondence from the NCJIS Compliance Unit, the proposed ordinance as currently drafted would qualify for such access.

It should also be noted that introduction and enactment of this ordinance does NOT require the preparation of a business impact statement under NRS Chapter 237. Pursuant to NRS 237.070, a business impact statement is not required with respect to an ordinance for which a local government does not have the authority to consider less stringent alternatives, including an ordinance that a local government is required to adopt pursuant to a federal or state statute or regulation.

Applicable Statute, Code, Policy, Rule or Regulation

Federal Public Law 92-544; NRS 239B.010; NRS Chapter 244; Article 2 of the Carson City Charter

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: N/A

Alternatives

Introduce the ordinance with additional revisions, or do not introduce the ordinance.

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

SUMMARY: An ordinance revising provisions governing national background checks for certain business license applicants.

BILL NO. _____

ORDINANCE No. 2017-_____

AN ORDINANCE RELATING TO BACKGROUND CHECKS; AMENDING TITLE 4 (LICENSES AND BUSINESS REGULATIONS), CHAPTER 4.03 (NATIONAL BACKGROUND CHECKS), SECTION 4.03.010 (NATIONAL FINGERPRINT-BACKGROUND CHECK FOR CERTAIN LICENSE APPLICANTS), TO REVISE THE LIST OF PERSONS WHO ARE REQUIRED TO SUBMIT TO A NATIONAL BACKGROUND CHECK BEFORE THE ISSUANCE OF CERTAIN BUSINESS LICENSES; REVISING PROVISIONS TO CLARIFY THAT ANY FINGERPRINTS REQUIRED OF SUCH PERSONS BY THE OFFICE OF THE CARSON CITY SHERIFF BE FORWARDED TO THE CENTRAL REPOSITORY FOR NEVADA RECORDS OF CRIMINAL HISTORY FOR SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 4 (Licenses and Business Regulations), Chapter 4.03 (National Background Checks), Section 4.03.010 (National Fingerprint-Background Check for Certain License Applicants) is hereby amended, in part, as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted):

4.03.010 - National fingerprint-background check for certain license applicants.

1. Before obtaining a business license [~~with the City of~~] **from** Carson City, every license applicant who seeks a business license for a business, profession, or occupation [~~specified in Subsection 2 shall~~] **set forth in subsection 2 must** submit to a national background check. [~~Pursuant to NRS 239B.010,~~] **To conduct a national background check,** the Office of the Carson City Sheriff [~~and~~] **may require a license applicant to submit a complete set of his or her fingerprints pursuant to NRS 239B.010. Any such set of fingerprints provided to the Office of the Carson City Sheriff must be forwarded to** the Central Repository for Nevada Records of Criminal History [~~("CRNRCH") are authorized to submit~~] **for submission** to the Federal Bureau of Investigation [~~("FBI") the license applicant's~~] **for a report based on the submission of those** fingerprints. The Office of the Carson City Sheriff [~~and the CRNRCH are further authorized to~~

~~submit and receive from the FBI information]~~ **may request and receive information from the Federal Bureau of Investigation information** on the ~~[national background check, including any criminal]~~ background and personal history of the license ~~[applicant.]~~ **applicant only after the complete set of fingerprints of the license applicant has been submitted to the Federal Bureau of Investigation by the Central Repository for Nevada Records of Criminal History in accordance with this subsection.**

2. ~~[License applicants]~~ **Applicants for licensure, registration or a permit** for the following ~~[business,]~~ **businesses**, professions, occupations, or business activities are subject to the ~~[employment background]~~ **national background** check specified in ~~[Subsection]~~ **subsection 1:**

~~[a.]~~ **(a)** Applicants seeking an alcoholic beverage license;

~~[b.]~~ **(b)** Applicants seeking a pawnbroker's license ~~[,]~~ **or** pawnshop license ~~[,]~~ **second hand dealer's license, or an antique dealer's license;**

~~e. Applicants]~~ ;

(c) Applicants seeking ~~[a solicitor's license;~~

~~d.]~~ **registration as a seller pursuant to NRS Chapter 599B (Solicitation by Telephone), if the Carson City Sheriff requires investigation of such applicants pursuant to subsection 4 of NRS 599B.115.**

(d) Applicants seeking a locksmith or safe mechanic license; and

~~[e.]~~ **(e)** Applicants seeking a ~~[taxicab license.]~~ **work card as a senior-living employee, as that term is defined in CCMC Section 8.28.010, if such a work card is required by NRS 118A.335.**

SECTION II:

That no other provisions of Title 4 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2018.

PROPOSED by _____.

PASSED on _____, 2018.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

SUE MERRIWETHER
CLERK/RECORDER

This ordinance is effective upon passage and approval by the Carson City Board of Supervisors.