

Nem #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

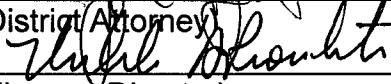
Funding Source: N/A

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)

ORDINANCE NO.

BILL NO. 104

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, 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.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

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

Title 9. HEALTH AND WELFARE

Chapter:

Chapter 9.01 CARSON CITY BOARD OF HEALTH

Chapter 9.04 HEALTH DIVISION PERMITS AND FEE SCHEDULE

Chapter 9.05 FOOD ESTABLISHMENTS

Chapter 9.06 AIR POLLUTION REGULATIONS

Chapter 9.07 LICENSING OF POOL OPERATORS

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 6.18 FAIR HOUSING

St. 1 - 2.10 CARSON CITY

Chapter 9.14 FIND FOR GENETIC MAP

CHAPTER 3.14 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 _____

13 NAYES:

14 _____
15 _____

16 ABSENT:

17 _____
18 _____
19 ATTEST:

20 ALAN GLOVER, Clerk/Recorder

21 ROBERT L. CROWELL, Mayor

22 This ordinance shall be in force and effect from and after the _____ day of the month of
23 _____ of the year 2009.