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Ord. 740

349008

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PROOF OF PUBLICATION

STATE OF NEVADA,  
COUNTY OF WASHOE

ss.

Marina Blasco

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice \_\_\_\_\_ of \_\_\_\_\_ County Ordinance \_\_\_\_\_

\_\_\_\_\_ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 20th day of June, 19 88 and, June 27, the full period of 2 days, the last publication thereof being in the issue of June 27, 19 88.

Signed \_\_\_\_\_

Subscribed and sworn to before me this

27th day of June, 1988

Alice L. Buffalo  
Notary Public



ALICE L. BUFFALOE  
Notary Public - State of Nevada  
Appointment Recorded In Washoe County  
MY APPOINTMENT EXPIRES JUNE 5, 1989

NOTICE OF COUNTY ORDINANCE PUBLIC NOTICE IS HEREBY GIVEN that Bill No. 915, Ordinance No. 740, entitled, "An ordinance amending the Washoe County Code to require employees of child care facilities to obtain and possess work permits issued by the Sheriff," was adopted on June 14, 1988, by Commissioners Beck, Cornwall, Lillard, McDowell & Williams.  
Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk.  
Judi Bailey, County Clerk  
349008 - Ord 740  
June 20, 27 - dd133

00-48-42

SUMMARY: Amends the Washoe County Code to require employees of child care facilities to obtain and possess work permits.

BILL NO. 915

ORDINANCE NO. 740

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO REQUIRE EMPLOYEES OF CHILD CARE FACILITIES TO OBTAIN AND POSSESS WORK PERMITS ISSUED BY THE SHERIFF.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 45 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this ordinance.

SECTION 2.

45.300 Definitions. As used in sections 45.300 to 45.385, inclusive, unless the context otherwise requires, the terms defined in sections 45.305 to 45.320, inclusive, have the meanings ascribed to them in those sections.

SECTION 3.

45.305 "Child care facility employee" defined. "Child care facility employee" means any person who is regularly providing care, supervision or guidance to children who are unaccompanied by their parents, guardians or custodians in a child care facility, as that latter term is defined in the regulations for child care facilities of the department of social services and includes:

- (a) The child care facility licensee;
- (b) Any person residing on the premises of the child care facility;
- (c) Full time or part time trainees or substitute staff of the facility; and
- (d) Volunteers who regularly assist facility staff.

SECTION 4.

45.310 "Sexual offense" defined.

1. "Sexual offense" includes acts upon a child constituting:

- (a) Sexual assault under NRS 200.366;
- (b) Statutory sexual seduction under NRS 200.368;
- (c) Use of a minor in producing pornography under NRS 200.710;
- (d) Promotion of a sexual performance of a minor under

NRS 200.720;

(e) Possession of a visual presentation depicting the sexual conduct of a child under NRS 200.730;

(f) Incest under NRS 201.180;

(g) Solicitation of a minor to engage in the infamous crime against nature under NRS 201.195;

(h) Lewdness with a child under NRS 201.230; or

(i) Annoyance or molestation of a minor under NRS 207.260.

2. "Sexual offense" also includes acts committed outside the state that would constitute any of the offenses in subsection 1 if committed in the state, and the aiding, abetting, attempting or conspiring to engage in any of the offenses in subsection 1.

#### SECTION 5.

45.315 "Temporary work permit" defined. "Temporary work permit" means a work permit which is valid only for a period not to exceed 90 days after its date of issue and is not renewable.

#### SECTION 6.

45.320 "Work permit" defined. "Work permit" means the permit issued by the sheriff authorizing the employment of the holder thereof as a child care facility employee.

#### SECTION 7.

45.325 Fingerprints and background information required. Every child care facility employee as defined in this chapter shall submit to the sheriff upon request a:

1. Complete set of fingerprints and a written authorization for the sheriff to forward the fingerprints to the federal bureau of investigation for its report; and
2. Written statement providing any background information requested by the sheriff, including any prior criminal conviction, to enable the sheriff to conduct an appropriate investigation.

#### SECTION 8.

45.330 Work permit as condition of employment. No person may be employed as a child care facility employee unless he is the holder of a temporary work permit or work permit issued by the sheriff.

#### SECTION 9.

45.335 Application; service charge. The initial and renewal application for a work permit must be made on forms

provided by the sheriff and must be accompanied by a non-refundable service charge fixed by the sheriff to process the application.

SECTION 10.

45.340 Copy of application to county social services department; issuance of temporary work permit. Upon receipt of the completed application and nonrefundable service charge, the sheriff shall mail or deliver a copy of the application to the county social services department and may issue the applicant a temporary work permit.

SECTION 11.

45.345 Issuance, denial of work permit if no objection. If, within 45 days after receipt by the county social services department of a copy of the application for a work permit, the social services department has not notified the sheriff of any objection to the permit's issuance, the sheriff may issue, renew or deny a work permit to the applicant.

SECTION 12.

45.350 Objection by county social services department; denial by sheriff; hearing.

1. If the social services department, within the 45 day period, notifies the sheriff of its objection to the granting of a work permit to the applicant, the sheriff shall deny the work permit and shall immediately revoke and repossess any temporary work permit which he has issued.

2. The applicant may then apply to the board of county commissioners for a hearing on the objection as provided in this chapter.

SECTION 13.

45.355 Expiration of work permit; changing employment. A work permit expires as follows:

1. If the holder thereof is not a child care facility employee for any period of 90 consecutive days;

2. In any event, upon the third anniversary of the date of issuance of the permit.

SECTION 14.

45.360 Grounds for refusal to issue or to revoke work permit. The sheriff may refuse to issue a temporary work permit or work permit and may revoke either of such permits if the applicant or holder thereof has:

1. Failed to disclose, misstated or otherwise attempted

to mislead the sheriff with respect to any material fact contained in the application for the issuance or renewal of a work permit;

2. Knowingly failed to comply with the provisions of NRS 432B.220 or the regulations of the Washoe County Department of Social Services for child care facilities at any place of previous similar employment;

3. Committed, attempted or conspired to commit any crime or any violation of any law pertaining to the provision of care to children, or any other crime which is inimical to the declared policy of this state concerning the health, safety and well being of children;

4. Been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

5. Been placed and remains in the constructive custody of any law enforcement authority;

6. Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit;

7. Concealed or refused to disclose any material fact in any investigation by the sheriff;

8. Been convicted in any jurisdiction of any offense involving or relating to children;

9. Been refused the issuance of any license, permit or approval to engage in or be involved with the provision of child care in any jurisdiction, or had any such license, permit or approval revoked or suspended;

10. Been convicted of any felony or gross misdemeanor; or

11. Committed, attempted or conspired to commit any sexual offense as defined in section 45.310.

#### SECTION 15.

##### 45.365 Appeal of denial or revocation.

1. If a work permit is denied or revoked by the sheriff, the applicant or holder thereof shall be advised of the reason or reasons therefor and may appeal that decision in writing to the board of county commissioners not later than 60 days thereafter.

2. A failure to appeal the decision of the sheriff within 60 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. No appeal may be taken from the decision of the sheriff to deny or revoke a temporary work permit.

SECTION 16.45.370 Hearing on appeal; decision of county commissioners.

1. When an appeal is filed, the board of county commissioners shall hold a hearing to review the decision made by the sheriff and the reason or reasons for the decision.

2. At the hearing, the board shall take any testimony and evidence it deems necessary.

3. After the hearing, the board shall review the testimony and evidence and shall, within 30 days after the date of the hearing, announce its decision sustaining or reversing the decision of the sheriff.

SECTION 17.

45.375 Judicial review. Any applicant or holder of a work permit aggrieved by the decision of the board of county commissioners may seek judicial review thereof. Any action to compel the issuance of a work permit or to modify, reverse or set aside the decision of the board must be filed no later than 30 days after the decision is served upon the applicant or holder.

SECTION 18.45.380 Confidentiality of records.

1. All records acquired or compiled by the sheriff or the board of county commissioners relating to any application made pursuant to the provisions of this chapter, all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the child care industry in this county are confidential and must not be disclosed except by the sheriff in the proper administration of sections 45.300 to 45.385, inclusive, or to an authorized agency of criminal justice.

2. Any record of the sheriff or the board of county commissioners which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

SECTION 19.

45.385 Penalties. Any child care facility employee who provides child care without possessing a valid temporary work permit or work permit authorizing him to do so is guilty of a misdemeanor and shall be punished by a fine of

not more than \$1,000, by a term of imprisonment in the county jail of not more than 6 months, or by both such fine and imprisonment.

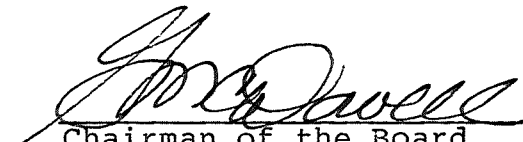
SECTION 20. Sections 45.300 and 45.310 of the Washoe County Code are hereby renumbered to be sections 45.400 and 45.410, respectively.

SECTION 21. This Ordinance shall become effective on July 1, 1988.


Proposed on the 10th day of May, 1988.  
Proposed by Commissioners Beck.  
Passed on the 14th day of June, 1988.

Vote:

Ayes: Commissioners: Beck, Cornwall, Lillard, McDowell & Williams  
Nays: Commissioners: None  
Absent: Commissioners: None

  
Chairman of the Board

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 27th day of June, 1988.