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PROOF OF PUBLICATION

PLEASE STAMP & SIGN FOR PAYMENT

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

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:

Ord. 1083

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

Dec. 24, 29, 1999

Signed *T. Ciccotti*

Subscribed and sworn to before me this

Dec. 29, 1999

Susan V. Dummar

Notary Public



s/s

JAN 04 2000

NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE
NO. 1083

NOTICE IS HEREBY GIVEN THAT: Bill No. 1259, Ordinance No. 1083 entitled

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY PROHIBITING APPOINTMENT OF RELATED PERSONS, REQUIRING APPOINTING AUTHORITIES TO TAKE CORRECTIVE ACTION WHEN A SUPERVISOR BECOMES RELATED TO AN EMPLOYEE AND OTHER MATTERS PROPERLY RELATED THERETO

Was adopted on December 14, 1999, by Commissioners Jim Galloway, Ted Short, Joanne Bond, Pete Sferrazza, and Jim Shaw, and will become effective on and after December 30, 1999.

Typewritten copies of the ordinance are available for inspection at the office of the Washoe County Clerk, 75 Court Street, Reno, Nevada, by all interested persons.

AMY HARVEY, County Clerk
No.4842 Dec.24,29, 1999

00 777-3 1999: 31

1083

SUMMARY: Amends Washoe County Code by adding provisions regarding county employment of related persons.

BILL NO. 1259

ORDINANCE NO. 1083

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY PROHIBITING APPOINTMENT OF RELATED PERSONS, REQUIRING APPOINTING AUTHORITIES TO TAKE CORRECTIVE ACTION WHEN A SUPERVISOR BECOMES RELATED TO AN EMPLOYEE AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Chapter 5 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this ordinance.

SECTION 2.

5.0891 Appointing authority prohibited from appointing related persons under certain circumstances; exceptions.

1. Except as otherwise provided in subsections 2 and 3 and NRS 281.210, an appointing authority shall not appoint a person to a position in the classified or unclassified service on or after December 30, 1999, if, upon his appointment, the person will be the immediate supervisor, or will be in the direct line of authority, of:

- (a) A spouse, child, parent or sibling of the person;
- (b) The spouse of a child, parent or sibling of the person;
- (c) The child, parent or sibling of the person's spouse; or
- (c) An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.

2. If an appointing authority determines that, for a certain position(s) under consideration, the enforcement of the provisions of subsection 1 will be impracticable and cause an undue hardship to the appointing authority, the appointing authority may prepare a written justification seeking authorization for the appointment of person(s) to a position or class in violation of subsection 1. Factors which may be considered include, but are not limited to, difficulty in recruiting applicants for the positions.

3. After preparation of the written justification pursuant to subsection 2, the justification must:

- (a) Be approved by the board; and
- (b) Comply with the provisions of NRS 281.210.

4. If approved by the board, the appointing authority may make the appointment(s) and must provide a copy of the board's approval, including any special conditions imposed, to the affected employee(s).

SECTION 3.

5.0892 Persons who become related after appointment:
Appointing authority required to take corrective action;
notification of appointing authority required.

1. If employees of an appointing authority become related in such a manner that, if the relationship existed when the employees were appointed, the appointing authority would have been prohibited from appointing one of those employees pursuant to section 5.0891, and the appointing authority has not received approval of the board pursuant to section 5.0891, the appointing authority shall ensure that, as soon as practicable after the employees become related, the employees do not continue to hold positions in which one of the employees is the immediate supervisor, or is in the direct line of authority, of the other employee.

2. Employees who become related after they have been appointed to their positions as described in subsection 1 shall, within 10 working days after they become related:

- (a) Notify the appointing authority of the relationship; and
- (b) Submit to the appointing authority a recommendation for action to be taken by the appointing authority to ensure that the employees do not continue to hold positions in which one of the employees is the immediate supervisor, or is in the direct line of authority of the other employee.

3. In determining the manner in which to comply with the provisions of subsection 1, the appointing authority is not required to accept a recommendation submitted pursuant to subsection 2.

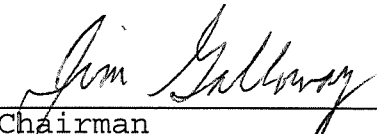
Proposed on the 16 day of November 1999.
Proposed by Commissioner Pete Sferrazza.
Passed on the 14 day of December 1999.

Vote:

Ayes: Jim Galloway, Ted Short, Joanne Bond,
Pete Sferrazza, Jim Shaw

Nays:

Absent:



Chairman
Washoe County Commission

ATTEST:


County Clerk

This ordinance shall be in force and effect on and after December 30, 1999.

GENERAL PROVISIONS

281.210

RECORDS

NRS 281.180 Record of official acts of person taking acknowledgments; liability and penalty.

1. Each person authorized by law to take the proof or acknowledgment of the execution of conveyances of real property, or other instrument required by law to be proved or acknowledged, shall keep a record of all his official acts in relation thereto in a book to be provided by him for that purpose. There shall be entered in the book:

- (a) The date of the proof or acknowledgment thereof.
- (b) The date of the instrument.
- (c) The name or character of the instrument proved or acknowledged.
- (d) The names of each of the parties thereto, as grantor, grantee or otherwise.

During business hours, the record shall be open to public inspection without fee or reward.

2. Any person mentioned in subsection 1 who refuses or neglects to comply with the requirements of this section shall:

- (a) Be punished by a fine of not more than \$500; and
- (b) Be liable on his official bond in damages to any person injured by such refusal or neglect to the extent of the injury sustained by reason of the refusal or neglect mentioned in this subsection.

[1:32:1869; B § 315; BH § 2662; C § 2730; RL § 1098; NCL § 1559] + [2:32:1869; B § 316; BH § 2663; C § 2731; RL § 1099; NCL § 1560]—(NRS A 1967, 548)

WEST PUBLISHING CO.
Acknowledgment ⇐ 34.

WESTLAW Topic No. 12.
C.J.S. Acknowledgment § 68.

NRS 281.190 Unlawful withholding or destruction of records; penalties.

1. If an officer whose office is abolished by law, or who, after the expiration of the term for which he is appointed or elected, or after he has resigned, or when legally removed from office, willfully or unlawfully withholds or detains from his successor, or other person entitled thereto by law, the records, papers, documents or other writings pertaining or belonging to his office, or mutilates, destroys or takes away any such writing, the person so offending is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section apply to any person who has the records, documents, papers or other writings in his possession, and willfully mutilates, withholds or detains them.

[63:108:1866; B § 2661; BH § 1698; C § 1844; RL § 2819; NCL § 4819]—(NRS A 1979, 1464; 1995, 1264)

WEST PUBLISHING CO.
Records ⇐ 22.

WESTLAW Topic No. 326.
C.J.S. Records §§ 73, 75, 76.

MISCELLANEOUS PROVISIONS AND PROHIBITIONS

NRS 281.210 Officers of state, political subdivision and University and Community College System of Nevada prohibited from employing relatives; exceptions; penalties.

1. Except as otherwise provided in this section, it is unlawful for any person acting as a school trustee, state, township, municipal or county officer, or as an

281.210

GENERAL PROVISIONS

employing authority of the University and Community College System of Nevada, any school district or of the state, any town, city or county, or for any state or local board, agency or commission, elected or appointed, to employ in any capacity on behalf of the State of Nevada, or any county, township, municipality or school district thereof, or the University and Community College System of Nevada, any relative of such a person or of any member of such a board, agency or commission who is within the third degree of consanguinity or affinity.

2. This section does not apply:

(a) To school districts, when the teacher or other school employee is not related to more than one of the trustees or person who is an employing authority by consanguinity or affinity and receives a unanimous vote of all members of the board of trustees and approval by the state department of education.

(b) To school districts, when the teacher or other school employee has been employed by an abolished school district or educational district, which constitutes a part of the employing county school district, and the county school district for 4 years or more before April 1, 1957.

(c) To the spouse of the warden of an institution or manager of a facility of the department of prisons.

(d) To the spouse of the superintendent of the Caliente youth center.

(e) To relatives of blind officers and employees of the bureau of services to the blind and visually impaired of the rehabilitation division of the department of employment, training and rehabilitation when those relatives are employed as automobile drivers for those officers and employees.

3. Nothing in this section:

(a) Prevents any officer in this state, employed under a flat salary, from employing any suitable person to assist in any such employment, when the payment for the service is met out of the personal money of the officer.

(b) Disqualifies any widow with a dependent as an employee of any officer or board in this state, or any of its counties, townships, municipalities or school districts.

4. A person employed contrary to the provisions of this section must not be compensated for the employment.

5. Any person violating any provisions of this section is guilty of a gross misdemeanor.

[1:75:1925; A 1927, 43; 1935, 172; 1951, 22] + [2:75:1925; NCL § 4852] + [3:75:1925; NCL § 4853]—(NRS A 1957, 704; 1960, 369; 1963, 1178; 1967, 549; 1969, 227; 1973, 563, 1406; 1975, 554; 1977, 870; 1989, 1958; 1993, 374, 1550; 1995, 579; 1997, 1171)

ADMINISTRATIVE REGULATIONS.

Supervision of relatives prohibited, NAC 284.375-284.377

WEST PUBLISHING CO.

Officers and Public Employees ⇔ 27, 29, 30.

WESTLAW Topic No. 283.

C.J.S. Officers and Public Employees §§ 15 to 35, 89, 90.

ATTORNEY GENERAL'S OPINIONS.

County commissioner may not appoint relatives to work on state roads without full board approval. Individual county commissioner

may not appoint relatives to work on state roads, but if appointment is made by full board there is no violation of ch. 19, Stats. 1915 (cf. NRS 281.210). AGO 46 (12-29-1915)

Employment by county commissioners of person within the prohibited degree of affinity violates the statute. Employment by board of county commissioners of one who is related to any member of board within degree prohibited by ch. 19, Stats. 1915 (cf. NRS 281.210), is violation of that statute. AGO 120 (6-1-1922); AGO 124 (6-26-1922)

5.089 Nepotism prohibited.

1. Except as provided in subsection 2, it is unlawful for an appointing authority as defined in section 5.029, including any county board or commission, elected or appointed, to employ in any capacity on behalf of the county any relative of such individual or of any member of such board or commission within the third degree of consanguinity or affinity.

2. Nothing in this section shall:

(a) Prevent any officer of this county, employed under a flat salary, from employing any suitable person to assist in any such employment, when the payment for any such service is met out of the personal funds of such officer.

(b) Be deemed to disqualify any widow or widower with a dependent or dependents as an employee of any officer or board in this county.

3. No person employed contrary to the provisions of this section shall be compensated for such employment.

[§33, Ord. No. 213]