



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: *January 16, 2024*

DATE: Wednesday, January 10, 2024

TO: Board of County Commissioners

FROM: Herbert B. Kaplan, Deputy District Attorney
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THROUGH: Ryan Gustafson, Agency Director, Human Services Agency
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SUBJECT: Initiation of a proposed ordinance amending Washoe County Code (“WCC”) Chapter 45 to set the matter for an introduction and first reading of the ordinance on January 23, 2024, and, if supported, set a public hearing for second reading and possible adoption of the ordinance on February 13, 2024. If passed, the proposed ordinance will modify: 1) the definition of “child care” found in WCC 45.010(5) to mirror the definition of “child care facility” found in Nevada Revised Statutes (“NRS”) 432A.024; 2) the definition of “division director” and selection process thereof in WCC 45.010(4) and WCC 45.020(2)(b), respectively; and 3) the composition of the Washoe County Human Services Agency (“WCHSA”) in WCC 45.020(1) to reflect the addition of new divisions within WCHSA. (All Commission Districts.)

SUMMARY

The proposed ordinance seeks to: 1) modify the definitions of “division director” and “child care” found in WCC 45.010(4) and WCC 45.010(5) to mirror the statutory definition of “child care facility” found in NRS 432A.024 to aid in the transition of Nevada Division of Welfare and Supportive Services (“DWSS”) taking over child care licensing operations for Washoe County; and 2) modify the creation and composition of the WCHSA and the method of selection of its division director found in WCC 45.020(1) and WCC 45.020(2).

Washoe County Strategic Objective(s) supported by this item: Vulnerable Populations, Economic Impacts, and Fiscal Sustainability.

PREVIOUS ACTION

The Washoe County Board of County Commissioners passed Ordinance 1600 on August 8, 2017, and the ordinance went into effect on August 18, 2017. In part, this ordinance amended WCC Chapter 45 to reflect the merging of Washoe County’s Social Services and Senior Services agencies into a combined Human Services Agency. This ordinance

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modified the definitions found in WCC 45.010 as well as provided for the creation and consumption of the Human Services Agency under WCC 45.020.

BACKGROUND

Creation of WCHSA

When WCHSA was created, there only existed three separate divisions: the division of adult services, the division of child services, and the division of senior services. *See* WCC 45.020(1). Since 2017, WCHSA has expanded to include two new divisions: the division of homeless and housing services and the division of finance and administration. As such, the definition of “division director” in WCC 45.010(4), which only lists the initial three divisions, must be updated to reflect all WCHSA divisions, whether existing now or created, established, or transferred thereto in the future. Additionally, the WCHSA seeks to modify the manner in which a division director is selected to allow for the existing director to initiate a competitive selection process for selecting a new division director.

Child Care Licensing

The purpose of child care licensing regulations is to establish a minimum level of care necessary to maintain and facilitate the normal development, health, safety, and welfare of children receiving care outside their homes. NRS 432A.131 authorizes cities and counties to adopt standards and regulations for the operation of child care facilities when these regulations have been approved by the State of Nevada Bureau of Child Care Licensing. Pursuant to WCC 45.095, the Washoe County Board of County Commissioners has determined that the WCHSA is the agency responsible for licensing and regulation of child care facilities in Washoe County.

In 2023, the State of Nevada Child Care Licensing department moved from the Division of Public and Behavioral Health to the DWSS. Following that change, the DWSS expressed interest in conducting all child care licensing activities in the State and intends to take over child care licensing operations for Washoe County on or about July 1, 2024. In preparation for this transition, there will be significant changes necessary in the workflow and requirements for child care providers in Washoe County. At this time, Washoe County child care licensing continues to enforce Washoe County licensing regulations which are more restrictive than state statute.

Washoe County’s child care licensing regulation requires caregivers with *two* or more children in their care to be licensed as a child care provider as outlined in the definition of “child care” found in WCC 45.010(5). In contrast, NRS 432A.024(1)(a) provides for the definition of a “child care facility” by specifying that caregivers with *five* or more children in their care require licensure. Washoe County child care licensing workers are requiring potential child care providers to undergo the time-consuming and, at times, costly licensure processes once they are caring for two or more children, despite the knowledge that in a few months’ time this may no longer be a requirement for their business model. There are also several child care providers currently operating that would not necessarily require a child care license based upon state statute.

In order to maintain transparency with child care providers, ease the transition to State of Nevada regulatory requirements, and provide small home child care providers ample notice to consider whether or not being licensed serves their business model, WCHSA seeks to amend the County Code to align with the State of Nevada definition of “child care facility” as written in NRS432A.024.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners initiate a new ordinance amending WCC Chapter 45 and direct the Washoe County Clerk to request the District Attorney’s Office to draft the proposed ordinance. The introduction and first reading of the ordinance shall be set for January 23, 2024, and, if supported, a public hearing for second reading and possible adoption of the ordinance shall be set on February 13, 2024.

POSSIBLE MOTION

If approved, a possible motion might be:

“Move to initiate a new ordinance amending WCC Chapter 45 and direct the Washoe County Clerk to request the District Attorney’s Office to draft the proposed ordinance. The introduction and first reading of the ordinance shall be set for January 23, 2024, and, if supported, a public hearing for second reading and possible adoption of the ordinance shall be set on February 13, 2024.”