WASHOE COUNTY

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STAFF REPORT
BOARD MEETING DATE: *February 27, 2018*

DATE: January 10, 2018

TO: Board of County Commissioners

FROM: Kate Thomas, Assistant County Manager
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THROUGH: John Slaughter, County Manager

SUBJECT: Second Reading and adoption of an ordinance amending Chapter 21 of the Washoe County Code by expanding the recorders fee by an additional $3 for a total of $6 to go towards legal services for abused and neglected children, effective April 1, 2018 and all other matters properly relating thereto. (All Commission Districts).

SUMMARY

The 79th Nevada Legislature passed Senate Bill 305 (SB 305), which requires 100% representation of abused and neglected children and allows for a board of county commissioners to apply an additional fee of not more than $6, to represent children who are victims of abuse or neglect. The increase in the recording fee from $3 to $6 was included to ensure that the requirement for legal representation would not be an unfunded mandate to counties; it was noted during the legislative hearings that the $6 recording fee would not be sufficient to cover 100% of costs associated with the assignment of legal representation to 100% of abused and neglected children in Washoe County.

Department Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On January 9, 2018, the board approved the Washoe County District Attorney's request to bring forth ordinances which were made necessary by new or amended laws from the 79th Nevada Legislature without utilizing the process set forth in WCC 2.030 through 2.060.

The Board introduced and held a first reading on February 13, 2018.

AGENDA ITEM # _____

BACKGROUND

The 76th Nevada Legislature passed AB192, which originally allowed for a $3 fee added to the fees associated with the recording of any document through the County Recorder's office. In June of 2012 the Washoe County Commission amended Chapter 21 to implement the $3 fee effective August 1, 2012.

In 2012 Washoe County approved an existing contract with Washoe Legal Services (WLS) to provide legal services to abused and neglected children. The contract with WLS includes the $3 recorder fee and general fund budget to provide legal services for abused and neglected children. Approximately $300,000 in recorder fee revenue and $226,000 in General Fund is allocated annually to fund approximately 50% of the children in Washoe County who are in foster care to provide legal representation.

The 79th Nevada Legislature passed SB 305, which requires 100% of children to have an attorney appointed to represent them when there has been alleged abuse or neglect in civil child protection proceedings and proceedings to terminate parental rights. This action aligned Nevada with 43 other states across the United States. This is a change from the decision being at the discretion of a judge, which was the practice in Nevada for the appointment of legal representation for these children. The bill also allows for that $3 fee to be increased for up to $6.

PROPOSED ORDINANCE

Due to the above legislative changes, the County Manager recommends that the board enact amendments to Washoe County Code Chapter 21, as set forth in the attached ordinance. Specifically, the requested ordinance:

- Increase recording fee an additional $3 for a total of $6 for legal representation of abused and neglected children.
- The fee increase will become effective on April 1, 2018.

FISCAL IMPACT

The current $3 fee generates approximately $315,000, with the increase to a $6 fee the amount collected will be approximately $630,000 annually; no additional General Fund will be recommended.

RECOMMENDATION

It is recommended that the Board of County Commissioners conduct a second reading and adopt an ordinance amending Chapter 21 of the Washoe County Code by increasing the recorders fee by an additional $3 for a total of $6 for legal services for abused and neglected children, effective April 1, 2018 and all other matters properly relating thereto.

POSSIBLE MOTION

Should the Board of County Commissioners agree with the recommendation, a possible motion would be:

"Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) amending Chapter 21 of the Washoe County Code by increasing the recorders fee by an additional $3 for a total of $6 to go towards legal services for abused and neglected children, effective April 1, 2018 and all other matters properly relating thereto.