



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 16, 2026

DATE: Thursday, June 11, 2026

TO: Board of County Commissioners

FROM: Lori Cooke, Division Director - Budget
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THROUGH: Abigail Yacoben, Chief Financial Officer
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SUBJECT: Recommendation to approve the use of General Fund Contingency in the total amount of [\$953,000] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority to support 1) increased expenditure authority in Conflict Counsel in the total amount of [\$345,000] to support cost increases for court appointed attorneys; 2) increased expenditure authority in Public Defender's Office for capital representation training [\$8,000] to support reasonable and necessary costs to meet minimum Due Process rights; 3) increased expenditure authority in Alternate Public Defender's Office for Expert Witness Fees [\$269,000], Interpreters [\$26,000] and Travel [\$5,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; 4) increased expenditure authority in Registrar of Voters' to support increases for the 2026 Primary Election [\$300,000]; and direct Finance to make the appropriate cross-functional budget appropriation transfers. [Total fiscal year 2026 impact \$953,000; net fiscal impact \$-0-]. (All Commission Districts.)
FOR POSSIBLE ACTION

SUMMARY

Nevada Revised Statute (NRS) 354.598005(5) provides that "budget appropriations may be transferred between functions, funds, or contingency accounts if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions." Further, Nevada Revised Statute (NRS) 354.608 states that "no expenditure may be made directly from a contingency account, except as a transfer to the appropriate account...in accordance with the procedure established in NRS 354.598005."

The purpose of this item is to consider approval of the use of the General Fund Contingency account. Approval of this recommendation will align budget authority for expenditures already incurred, or anticipated to be incurred, for Fiscal Year 2026 (FY26), including providing additional resources to the Alternate Public Defender, Public Defender, Conflict

AGENDA ITEM # _____

Counsel, and Registrar of Voters' department budgets. All adjustments are within the Washoe County existing approved FY26 budget.

Washoe County Strategic Objective supported by this item: Fiscal Sustainability

PREVIOUS ACTION

April 14, 2026 – the Board approved approve the use of General Fund Contingency in the total amount of [\$1,117,605] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority due to unbudgeted impacts of the 2025 Nevada Legislature (83rd Legislature) to support 1.) All Elected Officials' department budgets in the amount of [\$1,017,605] due to Elected Officials' salary adjustments per Senate Bill 116 (SB116) and; 2.) Manager's Office – Government Affairs budget in the amount of [\$100,000] for one-time non-personnel expenditures associated with Assembly Bill 333 (AB333) which transferred the control of the Reno Livestock Event Center to the Nevada Department of Agriculture (NDA).

December 16, 2025 – the Board approved the use of General Fund Contingency in the amount of [\$380,935.54] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in the Office of the County Manager for the Regional Fire and EMS Feasibility, Efficiency and Service Enhancement Study to award of a contract resulting from Request for Proposal (RFP) 3285-26 for Regional Fire and EMS Feasibility, Efficiency and Service Enhancement Study to the most responsive and responsible bidder, Emergent Global Solutions, Inc. The contract was awarded for a one-year term period of January 1, 2026, to December 31, 2026, in an amount not to exceed \$380,935.54, with the cost of the contract to be shared equally between Washoe County, the City of Reno, and the City of Sparks [total estimated cost to Washoe County of \$126,978.52].

December 9, 2025 – the Board approved the use of General Fund Contingency in the amount of [\$47,000.00] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in the Office of the County Manager for a Contractor Agreement Amendment between Washoe County, a political subdivision of the State of Nevada, and Royal Ambulance, Inc. a California corporation authorized to do business in the State of Nevada who is currently providing Emergency Medical Services in Gerlach to support reasonable and necessary costs related to a need to increase the contract amount and provide an additional Emergency Medical Technician for three months during the first year of the existing contract.

May 20, 2025 - the Board approved the Fiscal Year 2026 (FY26) budget, which included \$6,800,000 of General Fund Contingency.

BACKGROUND

The County must stay within its adjusted budget for each fund, with certain very limited exceptions, and by function. To remain compliant with this statutory requirement, a General Fund Contingency account transfer totaling \$953,000 is needed for unbudgeted impacts in the Alternate Public Defender, Public Defender, Conflict Counsel, and Registrar of Voters' department s. This adjustment will cover actual and/or anticipated FY26 fund and functional expenditures.

Approval of these transfers will leave \$4,301,459 available in FY26 General Fund Contingency.

The following General Fund Contingency budget appropriation transfers are necessary:

Conflict Counsel - \$345,000

The volume of cases assigned to conflict attorneys has increased in FY26. There have been several lengthy and complex cases which require more time by the attorney than an average case resulting in increased expenditures. In addition, the hourly rate for conflict attorneys increased with effective date of April 24, 2023. The transfer of \$345,000 is required to cover the actual and anticipated expenses of these impacts.

Pursuant to the Supreme Court of the State of Nevada's order in ADKT No. 411, the District Court was required and filed a plan to consolidate the appointment process in criminal cases where there is a conflict in both the Public Defender and the Alternate Public Defender's offices. This plan became effective on July 1, 2008. The Plan calls for the administration of the process to appoint counsel both in conflict cases and on behalf of the court, to be provided under a contract by a qualified attorney. Washoe County has a part-time (.53 FTE) Appointed Counsel Administrator position to provide administrative services and administer the assignment of a group of private attorneys in case of conflicts of interest with both the Washoe County Public Defender's and the Washoe County Alternate Public Defender's Office. To qualify for participation in this process, all attorneys must qualify under an approval process administered by an independent selection committee of attorneys from both the public and private sectors. Attorneys are then assigned cases on a rotating basis under contract with the County.

Alternate Public Defender - \$300,000

Avram Nika's death sentence was vacated in 2019, after the Court found that appointed trial attorneys provided to him in 1994 failed to provide the effective assistance of counsel, violating his federal constitutional rights.

The federal court ordered that Mr. Nika's death sentence be vacated, and that the State either impose a non-capital sentence, or, that the State file a notice of its intent to grant Mr. Nika a new penalty phase trial.

The WCDA has chosen to pursue a death sentence in this case.

The federal court specifically noted significant factors that would be mitigating when presented to a jury that must decide what the appropriate penalty will be in this case. The majority of this evidence is located in rural, poverty stricken Serbia.

Mr. Nika has been on death row since 1995. He is Serbian, and his family and all his military and educational materials are in Serbia, and in Serbian. The Alternate Public Defender must retain experts to collect and review records and perform evaluations regarding Mr. Nika's childhood in Serbia, his mental and physical health issues, and all other potential mitigating evidence. This requires consulting with experts who speak Serbian and are experts in Serbian culture and language. The Alternate Public Defender's Office must put together mitigation that is over 30 years old. This preparation meets the

minimal Due Process and Humanitarian rights afforded to Mr. Nika and requires the use of specialists in this field. These expenses are direct outcomes from initially having the death penalty included as a sentencing option and the fact that this case is almost 30 years old. The United States Supreme Court and the Nevada Supreme Court have both stated that “death is different.” Actual and anticipated public defense expenses are reasonable and necessary for the Alternate Public Defender to meet the minimum Due Process rights for Mr. Nika. The transfer of \$300,000 is required to cover the actual and anticipated expenses of these impacts.

Public Defender - \$8,000

The Public Defender’s Office currently has one death penalty case, State v. Nicholas Loving. The Supreme Court is currently working on revising SCR 250. The draft of the new rule will require counsel representing persons in capital cases to have in the three years prior to appointment, completed a minimum of 10 credit hours of CLE training focused on capital representation, a portion of which must be specifically related to (1) jury selection in capital cases and (2) the investigation and preparation of mitigation.

The Clarence Darrow/David Baldus Death Penalty College is hosted annually by the National Association for Public Defense (NAPD). This year, it will take place from June 2 through June 5, 2026, in Las Vegas, Nevada. This will satisfy the education requirements for the revised version of SCR 250 (expected to be finalized by the end of the year) and is currently necessary to ensure sufficient training and education for the Public Defender attorneys and staff who are actively working on a capital case. The transfer of \$8,000 is required to cover the actual and anticipated expenses of this impact.

Registrar of Voters’ - \$300,000

The Registrar of Voters operates under fixed statutory deadlines with workload surges driven by election cycles, system disruptions, and external data dependencies. In February 2026, overtime expenditures were necessary to maintain compliance with mandated election timelines and operational requirements.

For the 2026 Primary Election and pursuant to the Fair Labor Standards Act (FLSA), all hours worked in support of election operations must be compensated, and employees may not volunteer unpaid time. This includes not only Registrar of Voters staff, but also employees from other County departments who are deployed to support election operations, further increasing overtime demand as a necessary and unavoidable operational expense.

This overtime supports essential public services, including keeping vote centers staffed, processing voter registrations and ballots on time, and responding to voter inquiries during peak periods without delays or service disruptions and ensures we meet all legal requirements. The transfer of \$300,000 is required to cover the actual and anticipated expenses of these impacts.

FISCAL IMPACT

If approved, the use of General Fund contingency in account 189000-820000 and the associated cross-functional budget appropriation transfers are anticipated to bring the

budget into alignment with actual and/or anticipated expenditures for Fiscal Year 2026 (FY26) for the items outlined above. All adjustments are within the existing approved budget for Washoe County and are summarized in the following table.

General Fund Contingency Transfer:

Fund/Function	Department/ Expenditure/Transfer	Cost Object(s)/ G-L Account(s)	Budget Change
General Fund (F100)	Contingency Funds		
General Gov't	Contingency	189000-820000	(953,000.00)
Subtotal Contingency			(953,000.00)
General Fund (F100)	Department/ Expenditure		
Judicial	Conflict Counsel	101010-701412 Court Appointed Attorneys	345,000.00
Judicial	Public Defender	124100-71210 Travel	8,000.00
Judicial	Alternate Public Defender	61227-710862 Interpreters	26,000.00
Judicial	Alternate Public Defender	61227-710888 Expert Witness Fees	269,000.00
Judicial	Alternate Public Defender	61227-711210 Travel	5,000.00
General Government	Registrar of Voters'	112100-701300 Overtime	200,000.00
General Government	Registrar of Voters'	112210-701300 Overtime	100,000.00
Subtotal Expenditures			953,000.00
NET TOTAL CONTINGENCY			-0.00-

*Upon approval, Finance will need to process all budget appropriation transfers as outlined above.

RECOMMENDATION

Recommendation to approve the use of General Fund Contingency in the total amount of [\$953,000] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority to support 1) increased expenditure authority in Conflict Counsel in the total amount of [\$345,000] to support cost increases for court appointed attorneys; 2) increased expenditure authority in Public Defender's Office for capital representation training [\$8,000] to support reasonable and necessary costs to meet minimum Due Process rights; 3) increased expenditure authority in Alternate Public Defender's Office for Expert Witness Fees [\$269,000], Interpreters [\$26,000] and Travel [\$5,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; 4) increased expenditure authority in Registrar of Voters' to support increases for the 2026 Primary Election [\$300,000]; and direct Finance to make the appropriate cross-functional budget appropriation transfers. [Total fiscal year 2026 impact \$953,000; net fiscal impact \$-0-].

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“approve the use of General Fund Contingency in the total amount of [\$953,000] for Fiscal Year 2026 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority to support 1) increased expenditure authority in Conflict Counsel in the total amount of [\$345,000] to support cost increases for court appointed attorneys; 2) increased expenditure authority in Public Defender’s Office for capital representation training [\$8,000] to support reasonable and necessary costs to meet minimum Due Process rights; 3) increased expenditure authority in Alternate Public Defender’s Office for Expert Witness Fees [\$269,000], Interpreters [\$26,000] and Travel [\$5,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; 4) increased expenditure authority in Registrar of Voters’ to support increases for the 2026 Primary Election [\$300,000]; and direct Finance to make the appropriate cross-functional budget appropriation transfers. [Total fiscal year 2026 impact \$953,000; net fiscal impact \$-0-].”