



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: June 25, 2024

**DATE:** Thursday, June 20, 2024

**TO:** Board of County Commissioners

**FROM:** Michael Large, Deputy District Attorney  
337-5712, mlarge@da.washoecounty.gov

**THROUGH:** Nathan Edwards, Assistant District Attorney  
337-5700, nedwards@da.washoecounty.gov

**SUBJECT:** Recommendation to 1) approve the settlement in *Kimberley Frankel v. Washoe County et al*, Case No. 3:24-cv-0061 for a total sum of \$300,001.00 for all claims against all Washoe County defendants; and 2) approve the use of General Fund Contingency in the amount of \$300,001.00 to increase expenditure authority within the Washoe County Sheriff's Office departmental budget in support of said claim. This is an employment lawsuit arising out of Ms. Frankel's position with the Washoe County Sheriff's Office in which she has argued claims under the Americans with Disabilities Act and various state laws against Washoe County, Washoe County Sheriff's Office, Sheriff Balaam, (former) Undersheriff Herrera, and Comptroller Cathy Hill.

Comptroller. (All Commission Districts.)  
District Attorney. (All Commission Districts.) FOR POSSIBLE  
ACTION.

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### SUMMARY

Staff seeks approval to settle the referenced claim against all Washoe County defendants for a total sum of \$300,001.00. Pursuant to Washoe County Code ("WCC") 65.240(5), the Board has sole authority to settle any claim or suit for damages in this amount.

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, 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".

AGENDA ITEM # \_\_\_\_\_

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 the settlement sum outlined, for Fiscal Year 2024 (“FY24”), providing additional resources to the Washoe County Sheriff’s Office. All adjustments are within the Washoe County existing approved FY24 budget. Additional FY24 Contingency items may be submitted for Board of County Commissioners (“Board”) approval if necessary.

**Washoe County Strategic Objective supported by this item:** Stewardship of Our Community.

**PREVIOUS ACTION**

There has been no previous action by the Board on this matter.

**BACKGROUND**

This matter arose from an employment dispute involving Ms. Frankel’s position with the Washoe County Sheriff’s Office. This lawsuit was brought by Ms. Frankel under the Americans with Disabilities Act and various state claims asserting violations of her rights against Washoe County, Washoe County Sheriff’s Office, Sheriff Balaam, (former) Undersheriff Herrera, and Comptroller Cathy Hill.

Washoe 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 \$300,001.00 is needed. It is anticipated that this adjustment will cover anticipated FY24 fund and functional expenditures. Additional contingency requests, related to this item or separate, will be brought forward for Board approval, pursuant to the requirements of NRS 354, as aforementioned.

Approval of these transfers will leave \$3,518,354 (less beginning balance of \$3,818,355) available in FY24 General Fund Contingency.

General Fund Contingency appropriation transfers are necessary as outlined below:

**Contingency Transfers:**

Washoe County Sheriff’s Office - \$300,001.00

Should the Board approve the settlement in *Kimberley Frankel v. Washoe County et al*, Case No. 3:24-cv-0061 for a total sum of \$300,001.00 for all claims against all Washoe County defendants, the expenditure associated with this payment was not anticipated and is not reflected in the Sheriff’s Office FY24 adopted budget.

**FISCAL IMPACT**

If approved, the use of contingency funds in account 189000-820000 and the associated

cross-functional budget appropriation transfers are anticipated to bring the budget into alignment with anticipated expenditures for FY24 for the item outlined above. All adjustments are within the existing approved budget for Washoe County and are summarized in the table below:

<b>General Fund Contingency Transfer: Fund/Function</b>	<b>Department/ Expenditure/Transfer</b>	<b>Cost Objective(s)/ GL Account(s)</b>	<b>Budget Change</b>
General Fund (F100)		Contingency Funds	
General Govt	Contingency	189000-820000	(\$300,001.00)
<b>Subtotal Contingency</b>			<b>(\$300,001.00)</b>
General Fund (F100)	Sheriff's Office		
Public Safety	Sheriff's Office Admin – General Liability Loss	C150200-710597	\$300,001.00
<b>Subtotal Expenditures</b>			<b>\$300,001.00</b>
<b>NET TOTAL</b>			<b>-\$0.00-</b>

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

**RECOMMENDATION**

It is recommended that the Board 1) approve the settlement in *Kimberley Frankel v. Washoe County et al*, Case No. 3:24-cv-0061 for a total sum of \$300,001.00 for all claims against all Washoe County defendants; and 2) approve the use of General Fund Contingency in the amount of \$300,001.00 to increase expenditure authority within the Washoe County Sheriff's Office departmental budget in support of said claim.

**POSSIBLE MOTION**

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

Move to 1) approve the settlement in *Kimberley Frankel v. Washoe County et al*, Case No. 3:24-cv-0061 for a total sum of \$300,001.00 for all claims against all Washoe County defendants; and 2) approve the use of General Fund Contingency in the amount of \$300,001.00 to increase expenditure authority within the Washoe County Sheriff's Office departmental budget in support of said claim.