



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

**BOARD MEETING DATE:** *July 24, 2018*

**DATE:** Tuesday, July 3, 2018

**TO:** Board of County Commissioners

**FROM:** John Listinsky, Director, Human Resources/Labor Relations  
328-2089, [jlistinsky@washoecounty.us](mailto:jlistinsky@washoecounty.us)

**THROUGH:** Christine Vuletich, Assistant County Manager

**SUBJECT:** Approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225 and approve change in process to allow current panel members to remain on list without re-applying. (All Commission Districts.)

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### **SUMMARY**

The current Pro Tem Justice of the Peace panel for the Justice Courts was approved by the Board in 2017. On Wednesday, May 23, 2018, Human Resources posted a new announcement to the Jobs page of the Washoe County website and advertised on the State of Nevada and Washoe County Bar Associations' websites. Human Resources also contacted panelists from the existing list to inform them they did not need to re-apply to move forward. The filing deadline for receipt of all completed applications was June 11, 2018. Attached is an updated Pro Tem Justice of the Peace List for Justice Courts pursuant to NRS 4.032. If approved, this list will also be used for potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225 through the independent contractor agreement template approved by the Board in late 2009.

**Washoe County Strategic Objective supported by this item:** Safe, Secure and Healthy Communities

### **PREVIOUS ACTION**

On May 9, 2017 the Board approved the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and approved same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225.

On April 12, 2016, the Board approved the revised Pro Tem Justice of the Peace panel, reviewed and qualified by Human Resources, for the Justice Courts pursuant to NRS 4.032, and approved same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225.

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

## **BACKGROUND**

### **PRO TEM JUSTICE OF THE PEACE LIST**

Human Resources (HR) staff used the following Board approved recruitment and selection process for Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032 (see below) and to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to WCC 125.225:

- HR staff created a position description including the statutory qualifications for a Pro Tem Justice of the Peace.
- From May 23, 2018 through June 11, 2018, HR staff advertised in the Nevada and Washoe County Bar Associations' newsletters and other appropriate mediums for candidates.
- All applications were screened by HR staff for the minimum qualifications pursuant to NRS 4.010 (see below).
- The applications of all those qualified were reviewed and qualified by HR staff using the statutory criteria.

#### ***NRS 4.032 Justices of the peace pro tempore.***

1. *The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in [NRS 4.010](#) for the office of justice of the peace in the respective county.*

#### ***NRS 4.010 Qualifications of justice of the peace.***

1. *A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.*
2. *A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education.*
3. *In a county whose population is 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who:*
  - (a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and*
  - (b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.*
4. *Subsections 2 and 3 do not apply to any person who held the office of justice of the peace on June 30, 2001.*

*[Part 2:108:1866; A 1953, 711; 1955, 459] — (NRS A [1987, 438](#); [1999, 94, 1347](#); [2005, 1212](#); [2011, 1133](#); [2015, 939](#))*

## **ADMINISTRATIVE ENFORCEMENT CODE HEARING OFFICERS**

The Administrative Enforcement Code authorizes hearing officers to preside over administrative hearings when the County Commission elects to not conduct the hearing itself. Washoe County Code (WCC) section 125.225 requires that the County Commission approve a list of all persons to serve as hearing officers. Hearing officers operate under an independent contractor agreement with Washoe County Manager's Office.

On April 13, 2010, the County Commission approved the use of the Pro Tem Justice of the Peace list for Administrative Hearing Officers. These individuals have an understanding of judicial proceedings and the ability to facilitate fairness and equitability in such proceedings. Individuals on the Pro Tem/Hearing Officer list contracted as Administrative Enforcement Code Hearing Officers receive annual training in administrative hearing procedure. Since 2010, these individuals have served in both roles.

## **FISCAL IMPACT**

There is no fiscal impact as the Pro Tem Justice of the Peace panel is simply being updated. Expenditures associated with the administrative hearings are budgeted in the general fund Cost Center 101110 - Administrative Enforcement Process.

## **RECOMMENDATION**

Recommendation to approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225 and approve change in process to allow current panel members to remain on list without re-applying.

## **POSSIBLE MOTION**

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

*"Move to approve the revised Pro Tem Justice of the Peace panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code 125.225 and approve change in process to allow current panel members to remain on list without re-applying."*

## PRO TEM JUSTICE OF THE PEACE LIST

July 24, 2018

<b>Last Name</b>	<b>First Name</b>	<b>Preferred Court</b>
<b>NEW FOR 2018</b>		
Clifton	Ronda	R, S
<b>CURRENT LIST, NOT REQUIRED TO RE-APPLY</b>		
Baker	William P.	I, R, S, W
Beyer	Elizabeth Webb	R, S
Brock	Arnold	I, R, S, W
Brown	Douglas R.	R,S,W
Conway	Cotter C.	I, R, S, W
Edwards	Robert Lee	I
Field-Lang	Cheryl	R, S
Gertken	Rhea	I
Ghusn	Nancy Moss	R, S
Gorman, Jr.	Edmund J.	I, R, S, W
Greiner	Jill I.	I, R, S, W
Hall	Ann O.	I, R, S, W
Halstead	Patricia	I, R, S, W
Holderer	Gayle	I, R, S, W
Hubach	Jenny Diane	I, R, S, W
Hysin	Carl Foster	I, R, S, W
Kockenmeister	Bill	I, R, S, W
Krasner	Lisa M.	I
Leeder	Nancyann	R, S
Linton	Linda J.	I, R, S, W
Maiss	Lance P.	I, R, S
Malone	John E.	I, R, S, W
Mangiaracina	Melissa	I
Molezzo	Richard A.	I, R, S, W
Mumm	Christopher Eric	I, R, S, W
Pizzano-Miraglia	Patricia	I
Prutzman	Judy Ann	I, R, S, W
Rands	Douglas	I, R, S, W
Ristenpart	Theresa	I, R, S, W
Sabin	Gregory D.	I
Sotelo	Henry	I, R, S, W
Springgate	John	I, R, S, W
Ting	Nicole N.	I, R, S, W
Viloria	Kelli Anne	I, R, S
Vinson	Robert E.	I
Wieland	Robert E.	I, R, S, W
Wolf	Andrew N.	I
Yu	Daniel J.	R, S

I = Incline Justice Court  
 R = Reno Justice Court  
 S = Sparks Justice Court  
 W = Wadsworth Justice Court