



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: July 20, 2021

DATE: June 22, 2021

TO: Board of County Commissioners

FROM: James P. Conway, Reno Justice Court Administrator
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THROUGH: Kate Thomas, Assistant County Manager
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SUBJECT: Recommendation to approve the creation of a new classification and position for a 30-hour part-time (.75 FTE) Court Referee for Reno Justice Court and establish a new pay grade at a set amount of \$40.00 per hour, pursuant to NRS 4.355; and authorize Human Resources to make the necessary changes. [Net fiscal impact is estimated at more than \$135,000 in salary savings for creation of this position instead of filling the open Justice of the Peace position in Department 2.] (All Commission Districts.)

SUMMARY

Periodically, the Board approves new position and reclassification requests outside of the regular budget cycle to support department reorganizations and realignment of resources to improve efficiency and effectiveness.

Washoe County Strategic Objective supported by this item: Economic Impact through cost savings, and to meet the needs of our growing community.

PREVIOUS ACTION

On February 16, 2021 the Board of County Commissioners' approved the recommendation of Reno Justice Court to delay filling the vacant seat in Department 2 until the 2022 General Election.

BACKGROUND

Pursuant to NRS 4.020(1)(b), the townships of Washoe County are entitled to one justice of the peace per every 50,000 residents unless, pursuant to NRS 4.020(3), the majority of the justices of the peace serving in the township determine that the existing caseloads do not warrant an additional justice of the peace. According to the most recent data published by the Nevada State Demographer, the population of Reno Township is approximately 305,760, indicating that the population has crossed the threshold to create a seventh justice of the peace position within Reno Township.

The current justices of the peace have previously waived the creation of a seventh position with the Township, and anticipate doing so well into the future if the Court is able to address the growing population and the strain it can create on judicial resources by other means, such as the requested part-time court referee or, perhaps later, a full-time court referee or full-time court master pursuant to NRS 4.357.

After the retirement of Judge Sferrazza, which left the Court with five justices of the peace, the Court notified the County, by way of correspondence dated November 17, 2020, that it was willing to cover the caseload of Department 2 until a new judge is elected in the 2022 General Election and seated in 2023. However, the Court also stated that if “unforeseen circumstances arise, the Court may ask to discuss the vacancy further.” Now it seems that such an unforeseen circumstance has, in fact, arisen in the form of significant case backlogs created by the COVID-19 pandemic.

Although the Court has invested significant time, effort and technology to keep the Court running during the pandemic, the Court is still facing significant case backlogs across all case types. A recent analysis of the Court’s active-pending cases indicates that the Court’s caseload is approximately 70% to 140% higher (depending upon the case type) than it was in 2019, when there were six justices of the peace, rather than the current five. This backlog is particularly apparent in the Court’s traffic citation cases. In April of 2019, the Court had 2,682 active-pending traffic citation cases. In contrast, in April 2021 the Court had 4,745 active-pending traffic citation cases.

Additionally, with the recent passage of AB 424, the Reno Justice Court will soon be required to hold a bail hearing within 48 hours of a defendant’s arrest, which will require the Court to conduct bail hearings on weekends and holidays, thereby placing an additional strain on judicial resources.

Fortunately, NRS 4.355 authorizes a justice court in a township with a population of 40,000 or more to appoint a referee to preside over certain case types such as small claims cases, workplace protection orders, and traffic citations. Should the Court appoint a referee to preside over these cases, NRS 4.355(5) provides that the referee must be paid “one-half of the hourly compensation of a justice of the peace,” which calculates to \$40.00 per hour for the new classification.

FISCAL IMPACT

According to information provided by the County Budget Office for Fiscal Year 2022, leaving the Department 2 justice of the peace position vacant and creating a part-time Court Referee who works 25-30 hours per week will result in more than \$135,000 in salary savings. Beyond Fiscal Year 2022, the total cost of this position would be included in the department’s base budget in the same manner all County positions are budgeted, but would still result in salary savings if the position were to alleviate the need for a seventh justice of the peace as anticipated.

Salary Calculation for a Court Referee with Comparison to a Justice of the Peace Salary

Position	Base Pay Hourly	Base Pay Annually	Health Insurance	Retirement	Medicare	Total
Court Referee	\$40.00	\$62,400 ¹	\$10,800	\$18,564	\$905	\$92,669
Justice of the Peace	\$79.99	\$166,635	\$10,800	\$48,743	\$2,419	\$228,597

RECOMMENDATION

Recommendation to approve the creation of a new classification for a 30-hour part-time (.75 FTE) Court Referee for Reno Justice Court, and establish a new pay grade at a set amount of \$40 per hour, pursuant to NRS 4.355; and authorize Human Resources to make the necessary changes. [Net fiscal

¹ Calculated at \$40.00 per hour (half of a justice of the peace’s base salary per NRS 4.355) for 30 hours per week.

impact is estimated at more than \$135,000 in salary savings for creation of this position instead of filling the open Justice of the Peace position in Department 2.]

POSSIBLE MOTION

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

"Move to approve the creation of a new classification for a 30-hour part-time (.75 FTE) Court Referee for Reno Justice Court, and establish a new pay grade at a set amount of \$40 per hour, pursuant to NRS 4.355; and authorize Human Resources to make the necessary changes."