



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: *June 18, 2024*

DATE: Thursday, June 13, 2024

TO: Board of County Commissioners

FROM: Kate Thomas, Assistant County Manager
kathomas@washoecounty.gov

THROUGH: Eric Brown, County Manager

SUBJECT: Recommendation to approve Amendment #2 between Washoe County and Northern Nevada Legal Aid (previously Washoe Legal Services) to provide for the legal representation of children in the Child Protective Services system and minors and adults under proposed or full guardianships, effective July 1, 2024 through June 30, 2027 [not to exceed \$1,676,000 per fiscal year]. Manager's Office. All Commission Districts

SUMMARY

Northern Nevada Legal Aid (NNLA) has provided legal representation to children in Washoe County's Child Protective Services program under the jurisdiction of the Family Court since 2002. From July 1, 2024, to May 2024 more than 2100 children were served in 432-B Protection of Children from Abuse and Neglect cases which is almost double the number from full calendar year 2020 for perspective. In addition to representing children under abuse and neglect proceedings, NNLA represents minors and adults under proposed or full guardianships.

During the 79th Session of the Nevada Legislature, Senate Bill 305 was passed which required 100% representation of abused and neglected children under the jurisdiction of the Family Court. The legislation allowed for the Board of County Commissioners to apply an increased fee for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing by the Recorder's Office to generate revenue to represent children who are victims of abuse or neglect. On February 27, 2018, the Board of County Commissioners adopted Ordinance #1612 increasing the recorder's fee from \$3 to the maximum \$6 effective April 1, 2018 to provide additional revenue for the mandated representation for these populations. Due to the decline in these revenues, the contract modification is necessary. Additionally, NNLA contributes approximately 20% of the cost to provide this representation through fund raising and pro-bono work providing cost savings to Washoe County.

Staff recommends the Board of County Commissioners approve a three-year renewal, Amendment #2, between Washoe County and NNLA to provide for legal representation

AGENDA ITEM # _____

of children in the Child Protective Services system, minors, and adults under proposed or full guardianships effective July 1, 2024 through June 30, 2027 at an annual amount not to exceed \$1,676,000. This amount is primarily funded through Recorder's Fees with the balance being paid from the Conflict Counsel budget.

Strategic Objective supported by this item: *Vulnerable Populations, Fiscal Sustainability*

PREVIOUS ACTION

June 26, 2023 – the Board approved Amendment #1 between Washoe County and Washoe Legal Services to change the name from Washoe Legal Services (WLS) to Northern Nevada Legal Aid (NNLA) per the decision of the Board of Trustees of WLS on May 25, 2022. Additionally, Amendment #1 increased payment to NNLA to \$826,014 for the final year of the agreement.

June 22, 2021 - the Board approved a three-year renewal agreement between the County of Washoe and Washoe Legal Services to provide for the legal representation of children in the Child Protective Services system effective July 1, 2021 through June 30, 2024 for a fixed annual amount of \$226,014.00.

June 19, 2018 - the Board approved a three-year renewal agreement between the County of Washoe and Washoe Legal Services to provide for the legal representation of children in the Child Protective Services system effective July 1, 2018 through June 30, 2021 for a fixed annual amount of \$243,764.

February 27, 2018 - the Board of County Commissioners adopted Ordinance #1612 increasing the recorders fee to \$6 effective April 1, 2018 in response to, and allowable by SB 305, passed during the 79th Session of the Nevada Legislature requiring 100% representation of abused and neglected children by October 1, 2017.

June 23, 2015 - the Board retroactively approved a three-year renewal agreement through June 30, 2018, with Washoe Legal Services for a fixed annual amount of \$485,674.

July 24, 2012 – the Board approved a three-year renewal agreement between the County of Washoe and Washoe Legal Services to provide for the legal representation of children in the Child Protective Services system effective July 1, 2012 for a fixed annual amount of \$243,764, in addition to revenue generated by AB192. The County agreed to reimburse Washoe Legal Services annually for the difference between the estimated \$300,000 in anticipated revenue versus the actual amount collected.

2011 Legislative Session - Assembly Bill 192 of the 76th (2011) Session of the Nevada Legislature granted the Board of County Commissioners the authority to impose an additional fee on the recording of certain documents by the County Recorder. The purpose of the additional fee was to provide legal services for abused and neglected children. The Board approved the FY12/13 Budget which included plans for both the creation/implementation of the new fee which was estimated to generate \$300,000 in new

revenue, together with a reduction of \$213,000. The ordinance creating the fee was adopted by the Board on July 10, 2012, and became effective August 1, 2012.

June 22, 1010 – the Board approved a three-year renewal agreement for a fixed annual amount of \$468,014.

October 27, 2009 – the Board considered a proposal from Washoe Legal Services for a renewal agreement for three years for a fixed annual amount of \$468,014.

July 11, 2006 – the Board approved a four-year agreement with Washoe Legal Services to provide legal representation to the abused children in the custody of the County.

BACKGROUND

Starting in 2002, NNLA began providing legal representation of children with one attorney position funded by statute using revenues generated by court filing fees. Over the years, through county funding, federal grant monies, and private/foundational funding, NNLA has provided representation to abused children in custody of the County at an increasing service level in partnership with Washoe County.

Assembly Bill 192 of the 76th (2011) Session of the Nevada Legislature granted the Board of County Commissioners the authority to impose an additional fee on the recording of certain documents by the County Recorder. The purpose of the additional fee is to provide legal services for abused and neglected children. The fees collected are transmitted monthly by the County Treasurer to NNLA.

The NNLA budget receives the recording fee revenue as well as the contract amount included herein to provide representation to the children in foster care as well as minors and adults under proposed or full guardianships. During the 79th Session of the Nevada Legislature, Senate Bill 305 was passed which required 100% representation of abused and neglected children. The legislation provided that the Board of County Commissioners could increase the recording fee via ordinance, from \$3 to up to \$6 to represent children who are victims of abuse or neglect.

On February 27, 2018, the Board of County Commissioners adopted Ordinance #1612 increasing the recorder's fee to \$6 effective April 1, 2018 to provide revenue for the mandated representation. This \$3 fee increase was estimated to provide Washoe Legal Services an additional \$315,000 annually at the time. Revenues have not been sufficient to cover the expenses to provide the representation therefore an increase is needed.

Staff recommends the Commission approve Amendment #2 renewing the program and authorize the Chair to execute same for a three-year period for an annual amount not to exceed \$1,676,000.

FISCAL IMPACT

Revenues from the recorder fees for legal aid collected per NRS 247.305 are used to support and fund this Agreement. The variance between the Agreement amount and the recorder fees collected for this purpose will be funded from the Conflict Counsel budget.

As this Agreement was anticipated, sufficient budget authority exists in the Conflict Counsel FY25 adopted budget in cost center 101010 and in GL 710120 (Legal Fees).

RECOMMENDATION

Recommendation to approve Amendment #2 between Washoe County and Northern Nevada Legal Aid (previously Washoe Legal Services) to provide for the legal representation of children in the Child Protective Services system and minors and adults under proposed or full guardianships effective July 1, 2024, through June 30, 2027 [not to exceed \$1,676,000 per fiscal year].

POSSIBLE MOTION

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

“I recommend approval of Amendment #2 between Washoe County and Northern Nevada Legal Aid (previously Washoe Legal Services) to provide for the legal representation of children in the Child Protective Services system and minors and adults under proposed or full guardianships effective July 1, 2024, through June 30, 2027 [not to exceed \$1,676,000 per fiscal year].”