



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 10, 2025

DATE: Thursday, June 05, 2025

TO: Board of County Commissioners

FROM: Kate Hickman, Alternate Public Defender
(775) 328-3958, khickman@washoecounty.gov

THROUGH: Abigail Yacoben, Chief Financial Officer
(775) 325-8243, ayacoben@washoecounty.gov

SUBJECT: Recommendation to approve the use of General Fund Contingency in the total amount of [\$175,000] for fiscal year 2025 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in Alternate Public Defender's Office for Expert Witness Fees, Interpreters, and Travel [\$175,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; and direct Finance to make the appropriate cross-functional budget appropriation transfers.[Total fiscal year 2025 impact \$175,000; net fiscal impact \$-0-]. (All Commission Districts.)

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 2025 (FY25), including providing additional resources to the Alternate Public Defender's Office for increased expenditures for expert witness fees, interpreters and travel. All adjustments are within the Washoe County existing approved FY25 budget.

Approval of these transfers will leave \$8,464,709 available in FY25 General Fund Contingency.

Washoe County Strategic Objective supported by this item: Fiscal Sustainability

AGENDA ITEM # _____

PREVIOUS ACTION

May 13, 2025 – the Board approved the use of General Fund Contingency in the amount up to [\$386,650] to increase expenditures for 1) pooled positions [\$181,000] and 2) various operating expenditures [\$205,650] needed to support the Department of Alternative Sentencing in accordance with Nevada Revised Statutes (NRS) 354.598005.

November 19, 2024 - the Board approved the First Amendment to the Master Services and Purchasing Agreement dated January 20, 2022, between Axon Enterprise, Inc and Washoe County Sheriff's Office effective upon approval, to consolidate and amend the Axon contract for the Washoe County Sheriff's Office, Public Defender, Alternate Public Defender and District Attorney and extend the contract for a 10-year or 120 month term at a cost not to exceed [year one \$2,219,127.44, year two \$3,248,289, year three \$3,344,453 year four \$3,299,253, year five \$3,290,609, year six \$3,652,025, year seven \$3,275,675, year eight \$3,282,102, year nine \$3,336,489, year ten \$3,295,345] annually, or [\$32,243,367.44] for the full 120 months; to support body worn cameras and fleet in-car cameras with live streaming capabilities, virtual reality training, less lethal (TASERS), unlimited storage, Justice Premier, and other software support services offered by Axon Enterprise, Inc.; approve the use of General Fund Contingency on an as needed basis, not to exceed a total amount of [\$2,073,641] for fiscal year 2025 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in Sheriff's office for Axon Contract expenditures.

July 16, 2024 - the Board approved the use of General Fund Contingency in the amount of [\$100,000] to implement a "Transparency and Open Checkbook" website which will Washoe County Commission Meeting of May 13, 2025 Page 2 of 5 display Washoe County's vendor payments, expenditures and other financial information to the public.

July 16, 2024 - the Board approved the 1) award Request for Proposal (RFP) No. 3223-24 for inmate medical services for the Washoe County Detention Facility to NaphCare, Inc. in the amount of [\$13,502,694.24] for year 1, and [\$14,177,828.88] for year 2 and 2) approve the use of General Fund Contingency in an amount up to but not to exceed [\$1,300,000] to increase expenditure authority within the Washoe County Sheriff's Office departmental budget for detention medical services for unbudgeted expenditures for Fiscal Year 2025 in accordance with Nevada Revised Statute (NRS) 354.598005.

May 21, 2024 - the Board approved the Fiscal Year 2025 (FY25) budget, which included \$12,500,000 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 \$175,000 is needed for increased expert witness fees, interpreters and travel in the Alternate Public Defender's Office. This adjustment will cover actual and/or anticipated FY25 fund and functional expenditures.

Approval of these transfers will leave \$8,464,709 available in FY25 General Fund Contingency.

The following General Fund Contingency budget appropriation transfers are necessary:

Alternate Public Defender

Mr. Avram Nika is entitled to constitutionally effective legal representation and the Alternate Public Defender was appointed by the Commission to provide that representation. The Alternate Public Defender has verified that this expenditure is required to provide adequate representation. Mr. Nika's death sentence was vacated by the 9th Circuit Court of Appeals because original trial counsel did not conduct an adequate mitigation investigation. Mr. Nika has been on death row since 1995. He is Serbian, and his family and all of his military and educational materials are in Serbia. 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 \$175,000 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 2025 (FY25) 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	(175,000.00)
Subtotal Contingency			(175,000.00)
General Fund (F100)	Department/Expenditure		
Judicial	Alternate Public Defender	128010-710862 Interpreter	16,243.00
Judicial	Alternate Public Defender	128010-710888 Expert Witness	156,557.00
Judicial	Alternate Public Defender	128010-711210 Travel	2,200.00
Subtotal Expenditures			175,000.00
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 [\$175,000] for fiscal year 2025 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in Alternate Public Defender's Office for Expert Witness Fees, Interpreters, and Travel [\$175,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; and direct Finance to make the appropriate cross-functional budget appropriation transfers.[Total fiscal year 2025 impact \$175,000; net fiscal impact \$-0-] (All Commission Districts)

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 [\$175,000] for fiscal year 2025 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority in Alternate Public Defender's Office for Expert Witness Fees, Interpreters, and Travel [\$175,000] to support reasonable and necessary costs to meet minimum Due Process rights in the Avram Nika Trial; and direct Finance to make the appropriate cross-functional budget appropriation transfers.[Total fiscal year 2025 impact \$175,000; net fiscal impact \$-0-] (All Commission Districts)"