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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss Tana Ciccotti

Being first duly sworn, deposes and says:
That as the legal clerk of the RENO
GAZETTE-JOURNAL, a daily newspaper
published in Reno, Washoe County,
State of Nevada, that the notice:

Ordinance 1147

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

Jan. 25, Feb. 2, 2002

Signed Tana Ciccotti

Subscribed and sworn to before me this
FEB 04 2002

Susan V. Dummar

Notary Public

**NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1147**

NOTICE IS HEREBY GIVEN
THAT: Bill No.1323, Ordinance
No. 1147 entitled:

"An Ordinance amending the
Washoe County Code by revis-
ing Chapter 10 to reflect the
authority of the Court to
appoint and/or designate a
Clerk of the Court, to elimi-
nate the microfilming of judi-
cial records by the County
Clerk by repealing Section
10.040, to update references
in Chapter 10 to amended pro-
visions of Chapter 5, and other
matters properly relating
thereto."

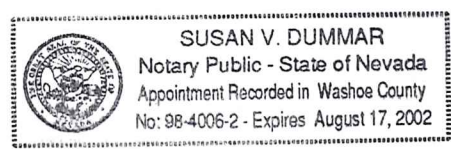
was adopted on January 22,
2002 by Commissioners Bond,
Galloway, Sferazza, Shaw and
Short. This ordinance shall be
in full force and effect from
and after January 27, 2002.

Typewritten copies of the ordi-
nance are available for inspec-
tion by all interested persons
at the office of the County
Clerk, 75 Court Street, Reno,
Nevada.

AMY HARVEY,
Washoe County Clerk

No.313 Jan.25, Feb.2, 2002

FEB 6 2002



SUMMARY: An ordinance amending Washoe County Code by repealing and revising certain sections of Chapter 10 to reflect the authority of the court to appoint and/or designate the clerk of the court and the elimination of microfilming of judicial records by the county clerk.

BILL NO. 1323

ORDINANCE NO. 1147

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CHAPTER 10 TO REFLECT THE AUTHORITY OF THE COURT TO APPOINT AND/OR DESIGNATE THE CLERK OF THE COURT, TO ELIMINATE THE MICROFILMING OF JUDICIAL RECORDS BY THE COUNTY CLERK BY REPEALING SECTION 10.040, TO UPDATE REFERENCES IN CHAPTER 10 TO AMENDED PROVISIONS OF CHAPTER 5, AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 10.040 of the Washoe county Code is hereby repealed.

SECTION 2. Section 10.010 of the Washoe County Code is hereby amended to read as follows:

10.010 Judicial, law library employees. Section 32 of Article 4 of the Nevada constitution and NRS 3.250 and 246.060 provide that the county clerk is ex officio clerk of the district court. Section 1 of Article 3 of the Nevada constitution provides for a separation of governmental powers, prohibiting the exercise of powers properly belonging to the judicial department by any other governmental department. Pursuant to the Nevada Supreme Court decision in State, ex rel. Harvey v. The Second Judicial District Court, "a district court may exercise control over the court clerk's office either directly, by assuming all or part of the court clerk's functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the ex officio court clerk." Harvey, 117 Nev.Adv.Op.No. 64 (2001). The purpose of sections 10.010 to 10.040, inclusive, is to:

1. Recognize that employees in the office of the clerk of the district court are under complete jurisdiction and control of the district judges and are exempt employees pursuant to paragraph (a) of subsection 3 of section 5.045 of the Washoe County Code.

2. Recognize that the employees of the Washoe County law library are also exempt employees, since the law library is an important adjunct to the judicial function, under the provisions of paragraph (a) of subsection 3 of section 5.045 of the Washoe County Code.

3. Provide a method, by the appointment and/or designation of a court administrator, for the institution of administrative methods and procedures for the improvement of the judicial system.

02-100

SECTION 3. Section 10.020 of the Washoe County Code is hereby amended to read as follows:

10.020 Court administrator: Appointment. The district judges by majority action shall appoint and/or designate a court administrator. The district judges have denominated the court administrator as clerk of the court.

SECTION 4. This ordinance shall be given retroactive effect to January 27, 2002.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 8th day of January, 2002.
Proposed by Commissioner Shaw.
Passed on the 22nd day of January, 2002.

Vote:

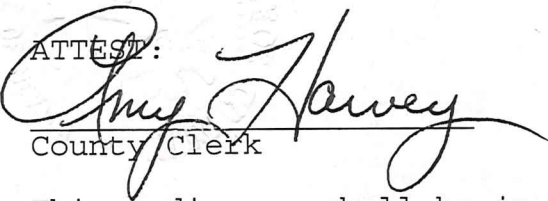
Ayes: **Commissioners Sferrazza, Shaw, Bond, Short & Galloway**

Nays:

Absent:



Chairman
Washoe County Commission

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 27th day of January, 2002.