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STATE OF NEVADA  
COUNTY OF WASHOE

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 referenced below has published in each regular and entire issue of said newspaper between the dates: **12/15/2006 - 12/22/2006**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: \_\_\_\_\_

*Julia Lopez*

**DEC 26 2006**



*Tana Ciccotti*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1322 NOTICE IS HEREBY GIVEN THAT: Bill No. 1501, Ordinance No. 1322 entitled: AN ORDINANCE AMENDING WASHOE COUNTY CODE BY CREATING THE OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER AND OTHER MATTERS PROPERLY RELATED THERETO. was adopted on December 12, 2006 by Commissioners Galloway, Larkin, Weber and Humke with Commissioner Sferrazza absent. This ordinance shall be in full force and effect from and after December 22, 2006. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street Reno, Nevada, and can be found on the County Clerk's website, [www.washoecounty.us/clerks](http://www.washoecounty.us/clerks). AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 362613 December 15, 22, 2006

SUMMARY: An ordinance amending Washoe County Code by creating the office of alternate county public defender.

BILL NO. 1501

ORDINANCE NO. 1322

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CREATING THE OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER AND OTHER MATTERS PROPERLY RELATED THERETO.

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

SECTION 1. Chapter 5 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 through 7, inclusive, of this ordinance.

SECTION 2.

5.450 Alternate county public defender: Creation of office; appointment; term.

1. Pursuant to chapter 260 of NRS, the office of alternate public defender is hereby created.
2. The office of alternate public defender shall be filled by appointment by the board of county commissioners.
3. The alternate public defender shall serve at the pleasure of the board of county commissioners.

SECTION 3.

5.4501 Qualifications; representation of indigent persons charged with public offense.

1. The alternate public defender shall be:
  - (a) A qualified attorney licensed to practice law in the State of Nevada; and
  - (b) A resident of Washoe County.
2. The alternate public defender shall represent, without charge, each indigent person who is under arrest and held for a public offense in a case where the public defender has been appointed by the appropriate magistrate but cannot represent the person due to a conflict of interest.

SECTION 4.

5.4502 Compensation; deputies and employees; private practice of law prohibited; office expenses; salaries.

1. The compensation of the alternate public defender shall be fixed by the board of county commissioners.
2. Subject to prior approval of the board of county

commissioners, the alternate public defender may appoint such deputies or assistant attorneys, clerks, investigators, stenographers and other employees as are necessary to enable him to carry out his responsibilities.

3. The compensation of persons appointed under subsection 2 shall be fixed by the board of county commissioners.

4. The alternate public defender and his deputies and assistant attorneys shall not engage in the private practice of law while employed in the office of alternate public defender.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the alternate public defender suitable for the conduct of the business of his office. Each such item is a charge against the county. In any case, funds for all charges, costs or cash allowances must first have been authorized by the alternate public defender's budget, or otherwise authorized and made available by the board of county commissioners.

6. All costs, salaries and expenses entailed in the operation of the office of the alternate public defender shall be borne by Washoe County, subject to the prior approval of the board of county commissioners.

#### SECTION 5.

##### 5.4503 Interview, representation of indigent persons.

1. The alternate public defender may, prior to being designated as counsel for that person, interview an indigent person when he has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. When representing an indigent person, the alternate public defender shall:

(a) Counsel and defend him, if he is held in custody and charged with a public offense, or in insanity or incompetency proceedings, or in any other proper case at every stage of the proceedings following such designation by the appropriate magistrate.

(b) Prosecute any appeals or other remedies before or after conviction or commitment which he considers to be in the interests of justice.

#### SECTION 6.

##### 5.4504 Annual reports: Contents.

1. The alternate public defender shall make an annual report to the board of county commissioners covering all cases handled by his office during the preceding year.

2. Such report shall contain any and all information requested by the board of county commissioners and shall include at least the following information:

- (a) The number of new cases received during the report period;
- (b) The number of cases closed during the report period;
- (c) The dollar amount of all attorneys' fees levied upon alternate public defender clients;
- (d) The dollar amount of all revenue collected during the report period; and
- (e) The number of cases received during the report period consisting of the following:
  - (1) Felonies.
  - (2) Gross misdemeanors.
  - (3) Misdemeanors.
  - (4) Municipal ordinance violations.
  - (5) Parole violations.
  - (6) Modifications of probation or sentence.
  - (7) Miscellaneous proceedings.
  - (8) Juvenile proceedings.
  - (9) Insanity hearings.
  - (10) Probation revocations.
  - (11) Supreme court appeals.
  - (12) District court appeals.
  - (13) Extradition proceedings.
  - (14) Post-conviction proceedings.

SECTION 7.

5.4505 Reports to legislative commission. The alternate public defender shall submit such reports to the legislative commission as the regulations of the legislative commission require.

SECTION 8. Section 5.048 of the Washoe County Code is hereby amended to read as follows:

5.048 "Legal professional employee" defined. "Legal professional employee" means a person who is licensed by the supreme court of the State of Nevada to practice law in Nevada and who is employed full time, or part-time, as an attorney in the office of the district attorney, the office of the public defender, the office of the alternate public defender or by the director of the senior citizens' center.

SECTION 9. Section 5.437 of the Washoe County Code is hereby amended to read as follows:

5.437 "Magistrate" defined. As used in sections 5.437 to 5.4505, inclusive, "magistrate" means any officer specified in NRS 169.095, but does not include a police judge unless a contract exists between Washoe County and an incorporated city in Washoe County by the terms of which the public defender and alternate public defender is required to represent, without

charge, each indigent person who is under arrest and held for a violation of a municipal ordinance.

[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 28<sup>th</sup> day of November, 2006.  
Proposed by Commissioner Galloway  
Passed on the 12<sup>th</sup> day of December, 2006.

Vote:

Ayes: Commissioners: Larkin, Galloway, Humke & Weber

Nays: none

Absent: Commissioner Sferazza



ATTEST:

Dorey L. R. T. Chief Deputy  
County Clerk

Robert M Larkin  
Chairman  
Washoe County Commission

This ordinance shall be in force and effect from and after the December 22, 2006.

p/ord/alternate pd final  
MF/5-8-2006