

**City of Carson City
Agenda Report**

Date Submitted: February 18, 2011 **Agenda Date Requested:** Mar. 3, 2011
Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Randal Munn, Chief Deputy District Attorney

Subject Title: Action to adopt Bill No. 102, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code Title 2, Administration and Personnel, Chapter 2.35, Fees on Court Actions To Support Pro Bono Programs And To Provide Legal Services to Abused or Neglected Children or Victims of Domestic Violence, by changing the name of Chapter 2.35 to Fees on Court Actions To Support Programs for Legal Aid, Pro Bono Programs And To Provide Legal Services to Abused or Neglected Children or Victims of Domestic Violence, and by amending Section 2.35.010, Fees in District Court, and by amending Section 2.35.020, Fees in Justice Court, to provide for payment of fees to one or more eligible entities, and by amending Section 2.35.030, Collection-Payment to treasurer, to provide for pro-rata payment of fees to eligible entities and other matters properly related thereto. (*Randal Munn*)

Staff Summary: The original ordinance assumed the existence of only one organization the would provide pro bono legal aid services to the indigent and be eligible to be compensated from court fees collected pursuant to NRS 19.031, NRS 4.071 and NRS 19.0312. Over time other entities, that qualifies to share is such fees, have been serving the needs of Carson City residents. This amendment to the CCMC will allow for compensation based upon pro rata share of the actual services provided to the community by qualified entities. In the event of any disputes over the appropriate share of quarterly fees as originally determined by the City Treasurer, the matter may be appealed to the Board of Supervisors for a final decision.

Type of Action Requested:

- | | |
|---|---|
| <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Ordinance- Second Reading |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other (Specify) |

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to adopt Bill No. 102, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code Title 2, Administration and Personnel, Chapter 2.35, Fees on Court Actions To Support Pro Bono Programs And To Provide Legal Services to Abused or Neglected Children or Victims of Domestic Violence, by changing the name of Chapter 2.35 to Fees on Court Actions To Support Programs for Legal Aid, Pro Bono Programs And To Provide Legal Services to Abused or Neglected Children or Victims of Domestic Violence, and by amending Section 2.35.010, Fees in District Court, and by amending Section 2.35.020, Fees in Justice Court, to provide for payment of fees to one or more eligible entities, and by amending Section 2.35.030, Collection-Payment to treasurer, to provide for pro-rata payment of fees to eligible entities and other matters properly related thereto

Explanation for Recommended Board Action: The Retired and Senior Volunteer Program of Carson City (RSVP), through its Executive Director Janice Ayres, has requested this amendment to the CCMC. It has solicited and received similar changes by other rural governments. As the Code is currently written it does not provide for a system of fair distribution of fees based upon a pro rata basis of services provided.

Applicable Statute, Code, Policy, Rule or Regulation: Nevada Revised Statutes 19.031, NRS 4.071 and NRS 19.0312, Carson City Municipal Code Sections 2.35.010, 2.35.020, and 2.35.030.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to staff and District Attorney's office for further review
2) Do not adopt the ordinance (leave the code the same way it is now)

Supporting Material:
1) Ordinance

Prepared By: Randal Munn, Chief Deputy District Attorney, Civil Division

Reviewed By: [Signature] Date: 2-22-11
(Public Works)
[Signature] Date: 2/22/11
(City Manager)
[Signature] Date: 2/22/2011
(District Attorney)
[Signature] Date: 2/22/11
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____ _____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 102

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.35, FEES ON COURT ACTIONS TO SUPPORT PRO BONO PROGRAMS AND TO PROVIDE LEGAL SERVICES TO ABUSED OR NEGLECTED CHILDREN OR VICTIMS OF DOMESTIC VIOLENCE, BY CHANGING THE NAME OF CHAPTER 2.35 TO FEES ON COURT ACTIONS TO SUPPORT PROGRAMS FOR LEGAL AID, PRO BONO PROGRAMS AND TO PROVIDE LEGAL SERVICES TO ABUSED OR NEGLECTED CHILDREN OR VICTIMS OF DOMESTIC VIOLENCE, AND BY AMENDING SECTION 2.35.010, FEES IN DISTRICT COURT, AND BY AMENDING SECTION 2.35.020, FEES IN JUSTICE COURT, TO PROVIDE FOR PAYMENT OF FEES TO ONE OR MORE ELIGIBLE ENTITIES, AND BY AMENDING SECTION 2.35.030, COLLECTION—PAYMENT TO TREASURER, TO PROVIDE FOR PRO-RATA PAYMENT OF FEES TO ELIGIBLE ENTITIES AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Title 2 of the Carson City Municipal Code is hereby amended as follows:

Chapters:

- 2.02 Board of Supervisors
- 2.04 Classified Service
- 2.06 Unclassified Compensation
- 2.08 Fire Department
- 2.14 Carson City Audit Committee
- 2.16 Carson City Parks and Recreation Commission
- 2.18 Shade Tree Council
- 2.28 Election Board Officers
- 2.29 Payment of Bills
- 2.31 Fees on Court Actions to Support Programs for Court Security
- 2.32 Lost or Abandoned Property
- 2.33 Additional Fees for Dissolution of Marriage
- 2.34 Code of Ethics for Elected and Appointed Officials
- 2.35 Fees on Court Actions to Support Programs for Legal Aid, Pro Bono Programs and to Provide Legal Services to Abused or Neglected Children or Victims of Domestic Violence
- 2.36 Fees on Court Actions to Support Program of Mediation
- 2.37 Fees on Court Actions to Support Programs for Prevention and Treatment of Abuse of Alcohol and Drugs