

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: *An ordinance amending the Washoe County Code at Chapter 5 (Office of the Public Guardian), pursuant to NRS 253.215 as amended or re-numbered in substantially similar form by the legislature from time to time, by adding a new section to approve and empower the public guardian to obtain the assistance of the district attorney's office for the proper administration of guardianships.*

BILL NO. 1873

ORDINANCE NO. ~~5.491~~ 1684

TITLE:

An ordinance amending the Washoe County Code at Chapter 5 (Office of the Public Guardian), pursuant to NRS 253.215 as amended or re-numbered in substantially similar form by the legislature from time to time, by adding a new section to approve and empower the public guardian to obtain the assistance of the district attorney's office for the proper administration of guardianships.

WHEREAS:

- A. NRS chapter 253 empowers and requires the boards of county commissioners in the state to create an office of public guardian in their respective counties.
- B. Pursuant to Washoe County Code chapter 5, the Washoe County Board of Commissioners has established the office of the public guardian in Washoe County (WCC 5.470).
- C. The Washoe County Public Guardian is appointed to serve a term of 4 years at the pleasure of the board of county commissioners and is empowered to serve as the public guardian for particular protected persons that qualify for appointment of the public guardian (NRS 253.200; WCC 5.485).
- D. In administering guardianships, the Washoe County Public Guardian is further empowered to carry out all applicable duties prescribed in NRS Titles 12 (Wills

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and Estates of Deceased Persons) and 13 (Guardianships; Conservatorships; Trusts) (WCC 5.475; WCC 5.485).

- E. Additionally, when necessary for the proper administration of a guardianship and upon approval of the board of county commissioners, the public guardian may obtain assistance from the office of the district attorney of the county (NRS 253.215).
- F. Business Impact Statement. Business Impact Statements are regulated within NRS 237.030 through 237.100, inclusive, but under NRS 237.060 and 237.080, this new ordinance does not impose any new fees and therefore does not qualify as a rule.

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THE BOARD OF COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. A new Section 5.491 is added to read as follows:

1. When necessary for the proper administration of a guardianship, the Washoe County Commission hereby grants its approval, pursuant to NRS 253.215 as amended or re-numbered in substantially similar form by the legislature from time to time, for the public guardian to obtain the assistance of the Washoe County District Attorney's Office.
2. The approval granted in subsection 1 shall apply to representation by the Washoe County District Attorney's Office of the public guardian only to the extent necessary to carry out the administration of guardianship cases. This approval shall not be construed to authorize the Washoe County District Attorney's Office to represent protected persons directly, including but not limited to any ancillary matters of a private nature such as divorce, trust or estate administration, bankruptcy, criminal defense, civil suits such as breach of contract or tort, or otherwise.
3. To the extent necessary, the approval granted in subsection 1 shall be regarded as applicable retroactively to apply to any representation heretofore provided by the Washoe County District Attorney's Office to the Washoe County Public Guardian.

[\$1, Ord. No. XXXX]

SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance

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are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on March 22, 2022.

Proposed by Commissioner Lucey

Passed April (month) 12 (day), 2022 (year).

Vote:

Ayes: Commissioners Lucey, Harding, Hill, Jung, Herman
Nays: Commissioners none
Absent: Commissioners none

Attest:

Jan Galassini
County Clerk

[Signature]
Chair of the Board

This ordinance shall be in force and effect from and after the 22nd day of the month of April of the year 2022.