

Director Ryba stated that AB480 cuts out the salary of the public defender is supposed to be set pursuant to the regulations only in counties with a population less than 100,000 language and that language was limited to our smaller counties.

Chair Traum suggested that we want to get final clarification from Sophia Long about whether the changes would be considered substantial change or clarifying language.

Jeff Wells stated he could make the argument that is just clarifying because NRS 288 already exists. NRS 288 already establishes the rule of how the county must enter negotiations certain times of the year, etc. I could make the argument that this sentence even if we didn't put the clarifying language was subject to 288.

Director Ryba questioned if we need the workload language since it is already covered in section 40?

Drew Christensen made the point that workload can be taken out of 39. Collective bargaining language is what we need to discuss, and Bevan's concern is covered in section 40.

Chair Traum commented that I believe we just say subject to collective bargaining agreements.

Jeff Wells stated we just insert after parity subject to negotiated collective bargaining agreement with NRS 288 in parentheses.

Deputy Director Hickman stated it would read such a contract must include but it is not limited to the following terms sub-section J provided compensation at a reasonable hourly rate that is comparable to the hourly rate provided to local prosecutors with similar experience and comparable workloads.

Chair Traum requested if the Director could tell us what comes next in the process.

Director Ryba stated the next step is to schedule the public hearing and we are proposing October 6. I will talk with Sophia Long after the meeting and give her the information that we want changed and then provide that information to the chair.

Chair Traum agreed that we will be setting our next meeting on October 6 to coincide so that we can approve the regulations. We will not be having a meeting in Tonopah on September 29 because of the meeting we are scheduling October 6. I would like to thank JoNell Thomas and others that are watching for participating as we appreciate the input.

The Board added the following language to Section 39: subject to negotiated collective bargaining agreements, if applicable.

The Board added the following language to Section 40: comparable work load.

5. Complaint and Recommendation Procedure: (For discussion and possible action).

Director Ryba delivered a brief outline of how the internal policy for processing complaints and recommendations would be handled by the department. The correspondence or form would be forwarded to the specific supervising authority and retained for county oversight. If the form does not contain a complaint or recommendation that is specific to indigent defense, we will respond that it is outside the department's purview and close the complaint. If there are complaints or recommendations that implicate possible system-wide issues that could lead to a corrective plan we will take steps as determined to be appropriate by the department.

Chris Giunchigliani stated it is very thorough and at least responds. Most people just want an acknowledgment and there may be some legitimate issues and I think this accommodate what was previously discussed.

6. Review First Report of the Monitor, Letter from *Davis* Plaintiff's Counsel, and Final Report of Dr. Mitch Herian. (For discussion and possible action).

Director Ryba advised that she had provided everyone with a copy of first report from the *Davis* monitor Professor Hanan. The concerns that were at the summary of the report is inadequacy of funding. Her concern is if 1.2 million dollars that is earmarked for the *Davis* counties is delayed in any way the counties may be hesitant to make the changes. We do have a meeting scheduled with the Governor's Finance Office in mid-September to address this issue. Some counties have greatly increased what they expect to spend, and Nye County may increase with the possibility of a three-defendant death penalty case. The monitor also believes the need to renew the data analyst contract which our budget analyst is looking into. The data analyst would perform a wage salary survey to determine parity and what a reasonable salary for a public defender in Nevada should be and if there is a shortage of attorneys in the rural counties. Other states have incentive programs that are working, and we would like to determine what would work in Nevada and put that in place.

Chair Traum questioned the timing issue with the Governor's Finance Office.

Director Ryba stated that we have reached out and the earlier we can get in front of the Interim Finance Committee the earlier we could request the funds. We are asking that the funds be allowed to be used through fiscal year 23 so the sooner we get this done the more time we will be able to work with the data analyst to complete this.

Joni Eastley commented that you mentioned the potential shortage of attorneys in rural Nevada that you are going to be looking at. Is there a shortage of death penalty certified attorneys in Nye County?

Drew Christensen advised Joni that the department reached out looking for attorneys in Clark County who may take the cases over. There are a number of new contracts where lawyers are willing to start going to the rurals and working more in some of the other areas of the state.

Deputy Director Hickman stated that they had a discussion with Nye County Board of Commissioners and the courts regarding their plan while none of the contract attorneys are 250 qualified several attorneys from Clark County applied to be on the list for Nye County.

Professor Hanan commented that it has been great working with the Director and her team. They have been forthcoming and available so that I have the information that I need to supply to the court regarding compliance with the judgment and they are doing it on a shoestring budget. The Director has correctly stated some of my concerns for compliance are really related to funding issues.

8. Discussion and Announcement of Future Meetings and Items for Future Agenda: (For Possible Action). If Appropriate, Set Public Hearing on Notice of Intent to Adopt Regulations.

Chair Traum I believe we talked about future meetings and we will wait upon word that we are good to go on October 6 which would be the correct timing for our next meeting. Regrettably with the timing of the next meeting we will not be meeting in Tonopah on September 29.

9. Public Comment.

There were no public comments from the North or South.

Chair Traum stated that before we adjourn it is with a heavy heart that I mention that this is Director Hickman's last meeting. He has done an incredible job and touched and brought so many people to together in meaningful ways and elevated their practice and criminal defense in this state. We are so grateful for everything that you have done for the department.

Deputy Director Hickman expressed thanks for the kind words and wanted the Board to know that it was a great experience and very much a team effort. We have done this all together and that is something I am going to miss.

10. Adjournment.

Chair Traum adjourned the meeting at approximately 2:40 p.m.