



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** July 18, 2019

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of Adriana Fralick, Deputy City Manager, as the Acting Public Guardian effective July 18, 2019 until the appointment of a new Public Guardian by the Board of Supervisors. (Nancy Paulson, npaulson@carson.org)

Staff Summary: The current Public Guardian has submitted her resignation, effective July 18, 2019. Although the City is currently recruiting for a new Public Guardian, an acting Public Guardian must be appointed until the Board of Supervisors appoints a new Public Guardian for a four-year term.

Agenda Action: Formal Action / Motion **Time Requested:** 5 mins

Proposed Motion

I move to appoint Adriana Fralick, Deputy City Manager, as the Acting Public Guardian effective July 18, 2019 until the appointment of a new Public Guardian by the Board of Supervisors.

Board's Strategic Goal

Efficient Government

Previous Action

None

Background/Issues & Analysis

NRS 253.170 provides the following: "1. If a vacancy occurs in the office of public guardian before the expiration of a normal term, the vacancy shall be filled promptly by the board of county commissioners. (2) The board of county commissioners may designate any qualified person to serve as acting public guardian until a vacancy in such office is filled."

Due to a vacancy of the office of the Public Guardian on July 18, 2019, this agenda item is proposed to appoint the Deputy City Manager as the acting Public Guardian until the Board of Supervisors appoints a new Public Guardian for a four-year term.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 253.150 and 253.170

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? Yes

Explanation of Fiscal Impact: Budgeted position

Alternatives

In accordance with NRS 253.170, the Board of Supervisors must fill the vacancy by designating any qualified person to serve as the acting Public Guardian.

Attachments:

[Certificate_of_Appointment_PG.docx](#)

[Public_Guardian_State_Law.pdf](#)

Board Action Taken:

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

(Vote Recorded By)



Carson City, Nevada

CERTIFICATE OF APPOINTMENT

This is to certify that reposing special trust and confidence in the loyalty, integrity, and ability of, Adriana G. Fralick, we, the Carson City Board of Supervisors, do hereby

APPOINT

ADRIANA G. FRALICK

ACTING PUBLIC GUARDIAN

under the laws of the State (NRS 253.170) and authorize the appointee to discharge, according to law the duties of said office, and to hold and enjoy the same, together with all the powers, privileges and emoluments thereunder appertaining for the term beginning July 18, 2019, until the Carson City Board of Supervisors appoints a Public Guardian in accordance with NRS 253.150.

Witness my hand and corporate Seal of said Carson City, Nevada this 18th day of July, 2019.

Robert L. Crowell, Mayor

[Nev. Rev. Stat. Ann. § 253.150](#)

This document is current through all 608 Chapters of the Seventy-Ninth Regular Session (2017).

Nevada Revised Statutes Annotated > *Title 20. Counties and Townships: Formation, Government and Officers. (Chs. 243 — 260)* > *Chapter 253. Public Administrators and Guardians. (§§ 253.010 — 253.250)* > *Public Guardians. (§§ 253.150 — 253.250)*

253.150. Establishment of office by county commissioners; appointment, designation or contract; compensation.

1. The board of county commissioners of each county shall establish the office of public guardian.
2. The board of county commissioners shall:
 - (a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;
 - (b) Designate an elected or appointed county officer as ex officio public guardian;
 - (c) Pursuant to the mechanism set forth in [NRS 244.1507](#), designate another county officer to execute the powers and duties of the public guardian;
 - (d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or
 - (e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.
3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.
4. As used in this section, "private professional guardian" has the meaning ascribed to it in [NRS 159.024](#), and section 9 of this act, except that the term does not include:
 - (a) A banking corporation, as defined in [NRS 657.016](#), or an organization permitted to act as a fiduciary pursuant to [NRS 662.245](#) if it is appointed as guardian of an estate only.
 - (b) A trust company, as defined in [NRS 669.070](#).
 - (c) A court-appointed attorney licensed to practice law in this State.
 - (d) A trustee under a deed of trust.
 - (e) A fiduciary under a court trust.

History

1977, p. 486; [1989, ch. 485](#), § 6, p. 1041; [2003, ch. 142](#), § 2, p. 804; [2007, ch. 467](#), § 9, p. 2489; [2009, ch. 164](#), § 7, p. 593; [2015, ch. 409](#), § 52.3, p. 2370; [2017, ch. 172](#), § 199, p. 892.

Annotations

Notes

Amendment Notes

The 2007 amendment, effective October 1, 2007, substituted “each county shall” for “any county may” in subsection 1; in subsection 2, substituted “shall” for “may” in the introductory language and inserted subdivisions 2(c) and 2(d); added subsection 4; and made related changes.

The 2009 amendment, effective July 1, 2009, added (2)(c) and redesignated former (2)(c) and (2)(d) as (2)(d) and (2)(e).

The 2015 amendment, effective January 1, 2016, rewrote the introductory language of (4), which read: “As used in this section, ‘private professional guardian’ means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The term does not include”; deleted (4)(a), which read: “A governmental agency”; redesignated former (4)(b) through (4)(d) as (4)(a) through (4)(c); added (4)(d) and (4)(e); and made a stylistic change.

The 2017 amendment by ch. 172, effective July 1, 2017, added “and section 9 of this act” in the introductory language of (4).

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[Nev. Rev. Stat. Ann. § 253.170](#)

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253.170. Vacancy.

1. If a vacancy occurs in the office of public guardian before the expiration of a normal term, the vacancy shall be filled promptly by the board of county commissioners.
2. The board of county commissioners may designate any qualified person to serve as acting public guardian until a vacancy in such office is filled.

History

1977, p. 486; [2003, ch. 142](#), § 3, p. 805.

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