

ASSEMBLY BILL NO. 36—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE CITY OF RENO)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises the Charter of the City of Reno.
(BDR S-448)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the City of Reno; revising provisions relating to appointive officers and employees; creating a sixth ward for the City; requiring that a candidate for Council Member be voted upon in a special or general election only by the registered voters of the ward that the candidate seeks to represent; revising provisions relating to interactions between the City Council and employees; eliminating the office of the Council Member who represents the City at large; requiring the City Council to adopt an ordinance requiring the Mayor and Council Members to submit reports of campaign contributions in certain years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The existing Charter of the City of Reno specifies the persons within the City
2 government who are considered appointive officers and also describes appointive
3 employees of the City who: (1) are not appointive officers but regularly assist an
4 appointive officer; (2) have duties that consist of administrative work directly
5 related to management policies; and (3) have positions that require them
6 customarily to exercise discretion and independent judgment. (Reno City Charter
7 §§ 1.012, 1.090) The existing Charter of the City of Reno also authorizes the City
8 Manager to appoint such staff as necessary for the functioning of the office,
9 including specified appointive employees. (Reno City Charter § 3.020) **Section 1** of
10 this bill clarifies the definition of "appointive employee." **Section 6** of this bill
11 authorizes the City Manager to appoint such staff as necessary for the functioning



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of the City, subject to certain limitations on the number of appointive offices and positions.

The existing Charter of the City of Reno prohibits the Mayor or any Council Member from dictating the appointment, suspension or removal of any appointive employee. The existing Charter also prohibits the City Council or its members from dealing directly with an appointive employee, instead of the City Manager, on matters pertaining to City business, except for the purpose of inquiry. (Reno City Charter § 3.140) **Section 7** of this bill prohibits the Mayor or a Council Member from dictating the appointment, suspension or removal of any employee unless specifically authorized in the Charter. **Section 7** also removes the exception authorizing the City Council or its members to deal directly with an employee for the purpose of inquiry and instead: (1) requires the City Council to deal directly with the City Manager; and (2) prohibits the City Council from giving any order to any subordinate to the City Manager.

Existing law requires candidates for public office to report campaign contributions. Five reports are required during the calendar year in which the office is up for election, and one report is required during each year in which the office is not up for election. (NRS 294A.120) **Section 8** of this bill requires the City Council of the City of Reno to adopt an ordinance requiring the Mayor and each Council Member to report the campaign contributions received during every year other than the year in which the general election for that office is held. These reports are in addition to the existing reports required of candidates for public office.

The existing Charter of the City of Reno divides the City into five wards, each of which is represented on the City Council by a Council Member. A sixth Council Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) The existing Charter of the City of Reno also provides that the candidates for Council Member to represent a particular ward must be voted on in a primary election only by the registered voters of that ward and, in a general election, must be elected by the registered voters of the City at large. (Reno City Charter §§ 5.010, 5.020)

Sections 9 and 11 of this bill amend the Charter of the City of Reno to provide that all candidates for Council Member to represent a particular ward must be elected in a general election only by the registered voters of that ward. **Section 2** of this bill increases the number of wards in the City of Reno to six. **Section 10** of this bill replaces the office of Council Member at large with the office of Council Member to represent the newly created sixth ward, and **sections 4, 5 and 12** of this bill provide conforming changes to account for that replacement. **Section 13** of this bill requires the City Council to establish the boundaries of the sixth ward, and alter the boundaries of the first through fifth wards accordingly, after the completion of the 2020 federal decennial census and before January 1, 2024. Under **sections 14 and 15** of this bill, the Council Member who represents the sixth ward will first be elected at the 2024 general election. **Section 14** also provides that Council Members representing wards one through five who are in office on January 1, 2024, will continue to represent those wards notwithstanding the altered boundaries for the remainders of their terms and that the Council Member who represents the City at large, who was last elected at the 2020 general election, will continue to represent the City at large for the remainder of his or her term.

Existing law requires that a vacancy in the office of a Council Member be filled by appointment by a majority vote of the City Council unless the City Council calls a special election to fill the vacancy. **Section 3** of this bill provides that if a special election is held to fill the vacancy in the office of Council Member who represents a ward, only registered voters of that ward may vote at the special election.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1.012 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, as amended by chapter 163, Statutes of Nevada 2015, at page 766, is hereby amended to read as follows:

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person *described in subsection 5 of section 1.090* who is appointed to an appointive position established by ordinance pursuant to subsection 4 of section 1.090 . ~~for a position described in subsection 5 of section 1.090.~~

Sec. 2. Section 1.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1365, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

1. The City must be divided into ~~five~~ *six* wards, which must be as nearly equal in population as can be conveniently provided. The territory comprising each ward must be contiguous, except that if any territory of the City which is not contiguous to the remainder of the City does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the City.

2. The boundaries of the wards must be established and changed by ordinance, passed by a vote of at least five-sevenths of the City Council. The boundaries of the wards:

(a) Must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

(b) May be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by more than 5 percent by any measure that is found to be reliable by the City Council.

Sec. 3. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 767, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies.

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the



members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified.

2. If a prospective vacancy or vacancy occurs in ~~the~~ the office of ~~a~~ City Council ~~Member~~ **Member**, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter. A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.

3. A candidate at a special election to fill a vacancy in the office of a City Council Member who represents a ward must be elected only by the registered voters of the ward that the candidate seeks to represent.

Sec. 4. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 767, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies.

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The



1 appointee must have the same qualifications as are required
2 of the elective official. The appointee shall serve until the
3 next general municipal election and until his or her successor
4 is elected and qualified.

5 2. If a prospective vacancy or vacancy occurs in the
6 office of a City Council Member, in lieu of appointment, the
7 City Council may, by resolution, declare a special election to
8 fill the vacancy for the remainder of the unexpired term. The
9 resolution declaring a special election must be adopted within
10 30 days after the occurrence of the vacancy and must state
11 the date set by the City Council for the special election. In the
12 case of a prospective vacancy, the Council may adopt the
13 resolution before the vacancy occurs, but the special election
14 may not be held until after the vacancy occurs. The special
15 election must be conducted in accordance with the provisions
16 of the resolution declaring the special election and section
17 5.030 of this Charter. A person elected to fill a vacancy at a
18 special election must have the same qualifications as are
19 required of the elected official.

20 3. A candidate at a special election to fill a vacancy in
21 the office of a City Council Member ~~{who represents a ward}~~
22 must be elected only by the registered voters of the ward that
23 the candidate seeks to represent.

24 **Sec. 5.** Section 2.010 of the Charter of the City of Reno, being
25 chapter 662, Statutes of Nevada 1971, as last amended by chapter
26 327, Statutes of Nevada 1999, at page 1366, is hereby amended to
27 read as follows:

28 Sec. 2.010 Mayor and City Council: Qualifications;
29 election; term of office; salary.

30 1. The legislative power of the City is vested in a City
31 Council consisting of six Council Members and a Mayor.

32 2. The Mayor and Council Members must be qualified
33 electors within the City. Each Council Member elected from a
34 ward must continue to live in that ward for as long as he or
35 she represents the ward.

36 3. The Mayor ~~{and one Council Member represent}~~
37 *represents* the City at large and one Council Member
38 represents each ward. The Mayor and Council Members serve
39 for terms of 4 years.

40 4. The Mayor and Council Members are entitled to
41 receive a salary in an amount fixed by the City Council.



1 **Sec. 6.** Section 3.020 of the Charter of the City of Reno, being
2 chapter 662, Statutes of Nevada 1971, as last amended by chapter
3 163, Statutes of Nevada 2015, at page 771, is hereby amended to
4 read as follows:

5 Sec. 3.020 City Manager: Duties; compensation;
6 residency; vacancy.

7 1. The City Manager is the Chief Executive and
8 Administrative Officer of the City Government. He or she is
9 responsible to the City Council for the proper administration
10 of all affairs of the City. The duties and salary of the City
11 Manager must be fixed by the City Council and he or she is
12 entitled to be reimbursed for all expenses incurred in the
13 performance of his or her duties.

14 2. Except as otherwise provided in this subsection, the
15 City Manager must actually, as opposed to constructively,
16 reside in the State. A person who is appointed as City
17 Manager by the City Council must become an actual resident
18 of the State not later than 6 months after the date of his or her
19 appointment.

20 3. Any vacancy in the City Manager position must be
21 filled by the City Council not later than 6 months after the
22 vacancy occurs.

23 4. ~~{The}~~ *Subject to the provisions of section 1.090, the*
24 City Manager may appoint such staff as he or she deems
25 necessary for the proper functioning of ~~this or her office,~~
26 ~~including, without limitation:~~

27 ~~—(a) A Chief of Staff, who is an appointive officer and not~~
28 ~~subject to the provisions of article IX of this Charter.~~

29 ~~—(b) One or more Assistant City Managers, who are~~
30 ~~appointive officers and not subject to the provisions of article~~
31 ~~IX of this Charter.~~

32 ~~—(c) An Executive Assistant, who is an appointive officer~~
33 ~~and not subject to the provisions of article IX of this Charter.~~

34 ~~—(d) Clerical and office support staff, who are subject to~~
35 ~~the provisions of article IX of this Charter.} *the City.*~~

36 5. The City Manager may designate an acting City
37 Manager to serve in his or her absence or, if he or she fails to
38 do so, the City Council may appoint an acting City Manager.

39 6. No member of the City Council may be appointed as
40 City Manager during the term for which he or she was
41 elected, or for 1 year thereafter.

42 7. The City Manager shall appoint all officers and
43 employees of the City and may remove any officer or
44 employee of the City except as otherwise provided in this
45 Charter. The City Manager may authorize the head of a



department or office to appoint or remove his or her subordinates.

Sec. 7. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 773, is hereby amended to read as follows:

Sec. 3.140 Interference and direction by City Council.

1. ~~{The}~~ *Except as specifically authorized in this Charter, the* Mayor or Council Members shall not dictate the appointment, suspension or removal of any ~~{appointive}~~ employee. No person covered by the rules and regulations of the Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager. The City Council ~~for~~ and its members shall ~~not~~:

~~—(a) Deal} deal~~ directly with ~~{an appointive employee on a matter pertaining to City business, except for the purpose of inquiry, but shall deal through}~~ the City Manager ~~}; or~~

~~—(b) Give} and shall not give~~ any order, publicly or privately, to any subordinate of the City Manager.

Sec. 8. The Charter of the City or Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 5.120 immediately following section 5.110, to read as follows:

Sec. 5.120 Reports of Campaign Contributions.

1. *The City Council shall adopt an ordinance requiring the Mayor and each member of the City Council to report contributions received during every year other than the year in which the general election for that office is held.*

2. *The reports required by an ordinance adopted pursuant to subsection 1 must be in addition to the reports required by chapter 294A of NRS.*

3. *As used in this section, "contribution" has the meaning ascribed to it in NRS 294A.007.*

Sec. 9. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 6 years, there must be elected ~~{by the qualified voters of the City,}~~ at the general election, a



Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

2. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 4 years, there must be elected ~~by the qualified voters of the City,~~ at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

3. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 6 years, there must be elected ~~by the qualified voters of the City,~~ at the general election, one or more Municipal Judges, other than the Municipal Judge referred to in subsection 1, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

4. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 4 years, there must be elected ~~by the qualified voters of the City,~~ at the general election, Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

5. In the general election:

(a) A candidate for the office of Council Member who represents a ward must be elected only by the registered voters of the ward that the candidate seeks to represent.

(b) Candidates for the offices of Mayor, Municipal Judge, City Attorney and Council Member at large must be elected by the registered voters of the city at large.

Sec. 10. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 6 years, there must be elected at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

2. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each



1 successive interval of 4 years, there must be elected at the
2 general election, a Mayor, Council Members from the second
3 and fourth wards, and a City Attorney, all of whom hold
4 office for a term of 4 years and until their successors have
5 been elected and qualified.

6 3. On the date fixed by the election laws of the State for
7 the statewide general election in November 2004, and at each
8 successive interval of 6 years, there must be elected at the
9 general election, one or more Municipal Judges, other than
10 the Municipal Judge referred to in subsection 1, all of whom
11 hold office for a term of 6 years and until their successors
12 have been elected and qualified.

13 4. On the date fixed by the election laws of the State for
14 the statewide general election in November 2004, and at each
15 successive interval of 4 years, there must be elected at the
16 general election, Council Members from the first, third and
17 fifth wards ~~and one Council Member at large,~~ all of whom
18 hold office for a term of 4 years and until their successors
19 have been elected and qualified.

20 5. *On the date fixed by the election laws of the State for*
21 *the statewide general election in November 2024, and at*
22 *each successive interval of 4 years, there must be elected at*
23 *the general election a Council Member from the sixth ward,*
24 *who holds office for a term of 4 years and until his or her*
25 *successor has been elected and qualified.*

26 6. In the general election:

27 (a) A candidate for the office of Council Member ~~who~~
28 ~~represents a ward~~ must be elected only by the registered
29 voters of the ward that the candidate seeks to represent.

30 (b) Candidates for the offices of Mayor, Municipal Judge
31 ~~and~~ City Attorney ~~and Council Member at large~~ must be
32 elected by the registered voters of the city at large.

33 **Sec. 11.** Section 5.020 of the Charter of the City of Reno,
34 being chapter 662, Statutes of Nevada 1971, as last amended by
35 chapter 349, Statutes of Nevada 2013, at page 1829, is hereby
36 amended to read as follows:

37 Sec. 5.020 Primary elections; declaration of candidacy.

38 1. A candidate for any office to be voted for at an
39 election must file a declaration of candidacy with the City
40 Clerk. All filing fees collected by the City Clerk must be
41 deposited to the credit of the General Fund of the City.

42 2. If for any general election, there are three or more
43 candidates for any office to be filled at that election, a
44 primary election for any such office must be held on the date
45 fixed by the election laws of the State for statewide elections,



1 at which time there must be nominated candidates for the
2 office to be voted for at the next general election. If for any
3 general election there are two or fewer candidates for any
4 office to be filled at that election, their names must not be
5 placed on the ballot for the primary election but must be
6 placed on the ballot for the general election. The general
7 election must be held on the date fixed by the election laws of
8 the State for the statewide general election.

9 3. In the primary election:

10 (a) The names of the two candidates for Municipal Judge,
11 City Attorney or a particular City Council seat, as the case
12 may be, who receive the highest number of votes must be
13 placed on the ballot for the general election.

14 (b) Candidates for Council Member who represent a
15 specific ward must be voted upon only by the registered
16 voters of that ward.

17 (c) Candidates for Mayor , *Municipal Judge, City*
18 *Attorney* and Council Member at large must be voted upon by
19 all registered voters of the City.

20 ~~4. The Mayor and all Council Members must be voted~~
21 ~~upon by all registered voters of the City at the general~~
22 ~~election.~~

23 **Sec. 12.** Section 5.020 of the Charter of the City of Reno,
24 being chapter 662, Statutes of Nevada 1971, as last amended by
25 chapter 349, Statutes of Nevada 2013, at page 1829, is hereby
26 amended to read as follows:

27 Sec. 5.020 Primary elections; declaration of candidacy.

28 1. A candidate for any office to be voted for at an
29 election must file a declaration of candidacy with the City
30 Clerk. All filing fees collected by the City Clerk must be
31 deposited to the credit of the General Fund of the City.

32 2. If for any general election, there are three or more
33 candidates for any office to be filled at that election, a
34 primary election for any such office must be held on the date
35 fixed by the election laws of the State for statewide elections,
36 at which time there must be nominated candidates for the
37 office to be voted for at the next general election. If for any
38 general election there are two or fewer candidates for any
39 office to be filled at that election, their names must not be
40 placed on the ballot for the primary election but must be
41 placed on the ballot for the general election. The general
42 election must be held on the date fixed by the election laws of
43 the State for the statewide general election.

44 3. In the primary election:



(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of ~~that~~ the ward ~~that the candidate seeks to represent~~.

(c) Candidates for Mayor, Municipal Judge ~~that~~ and City Attorney ~~and Council Member at large~~ must be voted upon by all registered voters of the City.

Sec. 13. After the completion of the 2020 decennial census of the Bureau of the Census of the United States Department of Commerce, and before January 1, 2024, the City Council of the City of Reno shall establish the boundaries of the additional ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, which must be designated the sixth ward, and change the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act.

Sec. 14. Notwithstanding the provisions of sections 2.010 and 5.010 of the Charter of the City of Reno, as amended by sections 5 and 10 of this act:

1. A Council Member of the City of Reno who holds office on January 1, 2024:

(a) If elected or appointed to represent a ward, shall continue to represent that ward for the remainder of his or her term of office.

(b) If elected or appointed to represent the City at large, shall continue to represent the City at large for the remainder of his or her term of office.

2. The sixth ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, must be filled initially at the general election held on the date fixed by the election laws of the State for the statewide general election in November 2024 and shall not be deemed to be vacant before that time.

Sec. 15. 1. This section and sections 1, 3, 6 to 9, inclusive, 11 and 13 of this act become effective on July 1, 2017.

2. Sections 2, 4, 5, 10, 12 and 14 of this act become effective:

(a) On July 1, 2017, for the purpose of passing ordinances, establishing the boundaries of the additional ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, changing the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of



- 1 this act, and performing any other preparatory administrative tasks
- 2 that are necessary to carry out the provisions of this act; and
- 3 (b) On January 1, 2024, for all other purposes.

