

STAFF REPORT

Date: September 29, 2022

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Discussion and potential direction to staff on the method and timeline to fill the vacancy in the Office of Reno City Council, Ward 3.

From: Mikki Huntsman

Department: City Clerk

Summary:

On September 23, 2022, Ward 3 Council Member Oscar Delgado announced his resignation from the Council, effective October 2, 2022. Council has a limited time to select the method to fill such vacancy. This staff report provides information about applicable laws and processes to assist Council with determining the method to fill the vacancy.

Alignment with Strategic Plan:

Not Applicable

Previous Council Action:

There is no recent Council action relevant to this item.

Background:

There are two methods available to fill a vacancy on Council. These methods are: (1) a special election; or (2) an appointment by Council. The requirements for both methods are summarized below.

1. Special Election - Council may declare a special election to fill the vacancy for the remainder of the unexpired term. The current term for the Ward 3 seat is scheduled to expire in November 2024. In order to move forward with the special election option, Council must adopt a resolution by November 1, 2022, which is 30 days after the vacancy. The resolution must include the date set for the special election. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of the Charter, which references state laws on elections provided they are not

inconsistent with the Charter. Since this particular seat represents a ward, the special election would be for registered voters in Ward 3 only.

2. Appointment - Unless a special election is selected, the vacancy must be filled by a majority vote of the members of the City Council within 30 days of the vacancy (November 1, 2022). The appointee shall serve until the next general municipal election and until their successor is elected and qualified.

In both scenarios, the person elected to fill or appointed to the seat must have the same qualifications as required of the elected official. Attached are relevant sections of Nevada Revised Statutes and the Reno City Charter for reference.

Discussion:

Council may use either of the two methods to fill a Council vacancy. The information below provides details on each option and a recommended timeline to ensure the vacancy is filled in accordance with applicable requirements.

Special Election

If Council desires to proceed with a special election, staff recommends Council direct staff to prepare a resolution for consideration at its next regular meeting establishing the process and timelines for the special election and determine a funding source.

The estimated cost and timeline to conduct a special election by the Washoe County Registrar of Voters office was provided in August of 2022. The Registrar of Voters estimated a one time expense of \$102,000 for a single ward race and stated that a special election could be held no sooner than December of 2022.

Table 1: Proposed Timeline - Special Election Option		
DATE	MILESTONE	DETAILS
September 29, 2022	Council selects the method for filling the vacancy.	Council directs staff to proceed with special election.
October 12, 2022	Council adopts resolution for special election.	At its regular meeting, Council will consider a resolution establishing the process and timelines for the special election and determine a budgetary funding source.
TBD	Ward 3 voters participate in a special election.	The City, in partnership with the Washoe County Registrar of Voters, will hold a special election to fill the vacancy.
TBD	10 days following election - meeting to	City Council will be required to meet to canvass the vote and certify the results of the special election. The

	canvass the vote required to certify the election and swear in the winner.	winner of the election may be sworn in during this meeting as well. This meeting will be scheduled 10 days following the special election.
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Appointment

If Council desires to proceed with an appointment, the appointment must be made on or before November 1, 2022. To meet this deadline, staff prepared a recommended timeline below that mirrors the steps used in the 2019 and process to fill the vacant at-large Council seat and the 2022 process to fill the vacant ward 5 seat. Council may adjust the timeline and determine other procedural requirements if the appointment process is selected.

Table 2: Proposed Timeline - Appointment Option		
DATE	MILESTONE	DETAILS
September 29, 2022	Council selects the method for filling the vacancy.	Council directs staff to proceed with appointment and directs the City Clerk to advertise the vacancy and seek interested candidates for office.
September 30, 2022 – October 6, 2022	Candidate application period.	The City Clerk accepts applications from interested candidates between 9a.m. - 4p.m. Monday through Friday. Interested candidates will be required to fill out an application and submit proof of residency in Ward 3 and a resume. All necessary and appropriate documentation must be submitted in person to the City Clerk by close of business at 4p.m. on October 6, 2022. New candidate information will be posted to the City website daily.
October 12, 2022	Council selects finalists.	During the regular Council meeting, Council will identify finalists for the position.
October 26, 2022	Council interviews finalists and makes the appointment.	At the regular Council meeting, Council will interview the finalists, deliberate, and appoint the new Ward 3 City Council member. Upon appointment, the new Council member will be sworn in to office.

The proposed timeline allows for public engagement opportunities for finalists the week of October 17–21, 2022 if Council would like to incorporate outreach events into the appointment process. In either method of filling the vacancy, staff would prepare and implement a comprehensive communications strategy.

Financial Implications:

There are no financial implications related to an appointment to fill the vacancy. The estimated

costs from the Registrars of Voters office for a single ward election was approximately \$102,000. There are no funds allocated for a special election in the FY22/23 budget.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council select and provide direction on one of the two methods authorized by law to fill a vacancy on the Reno City Council, including acceptance of the associated timeline.

Proposed Motion:

I move to fill the vacancy in the Ward 3 Council seat through either (1) a special election or (2) an appointment process and direct staff to move forward with the timeline presented.

Attachments:

Delgado Resignation Letter 9.23.2022

Council Vacancy - Relevant NRS and Reno City Charter Excerpts

Washoe County Registrar of Voters - Special Election Estimated Cost (2022)