



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** September 3, 2020

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action on the selection of a process by which to fill an anticipated vacancy in the Ward 3 Supervisor position on the Board of Supervisors. (Nancy Paulson, npaulson@carson.org)

Staff Summary: The current Ward 3 Supervisor seat on the Board of Supervisors is held by Lori Bagwell. As a candidate for the office of Carson City Mayor during the 2020 primary election, Ms. Bagwell is now the Mayor-elect after winning the simple majority of the ballot votes cast in the contest for Mayor. She has tendered her resignation as Ward 3 Supervisor, to be effective prospectively on January 3, 2021, one day before she assumes the office of Mayor. This agenda item is for the Board of Supervisors to select the process by which the Ward 3 Supervisor vacancy will be filled.

Agenda Action: Formal Action / Motion **Time Requested:** 1 hr

Proposed Motion

Depends on the process selected by the Board of Supervisors.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

Lori Bagwell is the current Ward 3 Supervisor on the Board of Supervisors ("Board"). As a candidate for the office of Carson City Mayor during the 2020 primary election, Ms. Bagwell is now the Mayor-elect after winning the simple majority of the ballot votes cast in the contest for Mayor. Pursuant to Nevada Revised Statutes ("NRS") 244.030, the Mayor and Supervisors "shall enter upon their duties on the first Monday of January succeeding their election . . . and the term of office shall expire at 12 p.m. of the day preceding the first Monday in January following a general election." The first Monday in January following the general election in 2020 is January 4, 2021. Ms. Bagwell has tendered a written resignation of her Ward 3 Supervisor seat, to be effective prospectively at 11:59 a.m. on January 3, 2021, the day before she will assume the office of Mayor.

Article 2, §2.030 of the Carson City Charter ("Charter") establishes the process by which a vacancy on the Board must be filled. Under that Charter provision, the Board may: (1) declare by resolution a special election to fill the vacancy, as authorized by NRS 268.325; or (2) fill the vacancy by appointment made "by a majority of the Board within 30 days after the occurrence of the vacancy or after three regular or special meetings, whichever is the shorter period of time. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant

to this section. The appointee must have the qualifications required by section 2.010 [of the Carson City Charter]."

If the Board chooses to adopt a resolution to declare a special election, it may direct staff to prepare a resolution for adoption at a subsequent meeting of the Board and further direct staff to coordinate with the Secretary of State's Office and the Carson City Clerk-Recorder to effectuate such an election. If the Board chooses to fill the anticipated vacancy by appointment, it must also choose a procedural process for the appointment because no process is defined by state law, the City Charter or the Carson City Municipal Code ("CCMC"). But because the vacancy in the Ward 3 Supervisor position would not actually occur until 11:59 a.m. on January 3, 2021, the Board is only required to fill the vacancy within 30 days after January 3, 2021 or "after three regular or special meetings, whichever is the shorter period of time." As required by Article 2, §2.050 of the Charter, the Board must hold at least two regular meetings each month and may provide for additional meetings by ordinance. This provision of the Charter also authorizes special meetings to be held on call of the Mayor or by a majority of the Board. CCMC 2.02.040 generally requires that the Board hold its regular meetings on the first and third Thursdays in each calendar month. For the month of January, 2021, the Board's regular meetings would fall on the 7th and the 21st. Accordingly, the vacancy in the Ward 3 Supervisor position must be filled by January 21, 2021 at the latest unless a special meeting of the Board is called on or before February 2, 2021 (30 days after the effective date of Ms. Bagwell's resignation on January 3, 2021).

Applicable Statute, Code, Policy, Rule or Regulation

Nev. Const. art. 4, §37[A]; Carson City Charter, art. 1, §1.010 and art. 2, §2.030; NRS Chapter 244; CCMC Chapter 2.02.

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

N/A

Attachments:

[Ward 3 Resignation Letter.pdf](#)

Board Action Taken:

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

(Vote Recorded By)

Dear Mayor Crowell,

In anticipation of being sworn in as Carson City Mayor on Monday, January 4, 2021 and to provide the Board of Supervisors with ample opportunity to decide how to fill the prospective vacancy of my current seat as Ward 3 Supervisor, please accept this writing as my resignation of the Ward 3 Supervisor position, to be effective at 11:59 a.m. on Sunday, January 3, 2021. It has been, and continues to be, my genuine pleasure and privilege to serve on the Board.

Very truly yours,

Lori Bagwell

**Lori Bagwell
Ward 3 Supervisor
775-220-3646**