



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** July 21, 2022

Staff Contact: Stephanie Hicks, Deputy City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding a recommendation of the Charter Review Committee to amend section 3.015 of the Carson City Charter to have the Mayor Pro Tempore assume the Office of Mayor and to establish the process of filling the vacancy left by the Mayor Pro Tempore in the event of a vacancy in the Office of Mayor. (Jason Woodbury, jwoodbury@carson.org and Stephanie Hicks, shicks@carson.org)

Staff Summary: Pursuant to section 3.015 of the Carson City Charter, the Mayor Pro Tempore performs the duties of Mayor during the absence or disability of the Mayor; however, the Mayor Pro Tempore does not assume the Office of Mayor and no mechanism exists for the filling of the vacancy left by the Mayor Pro Tempore in the event of a vacancy in the Office of Mayor. This amendment to the Carson City Charter seeks to have the Mayor Pro Tempore assume the Office of Mayor in the event of a vacancy in that office and establish the process by which the vacancy left by the Mayor Pro Tempore on the Board of Supervisors can be filled.

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

Proposed Motion

I move to accept the recommendation as presented and direct staff to include the amendment in a bill draft request for the 2023 Nevada Legislative Session.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

Under existing provisions of the Carson City Charter, in the event of a vacancy in the office of Mayor, the Supervisor who has been elected by the Board of Supervisors as Mayor Pro Tempore is automatically designated to "act as Mayor until the next general election." Despite "acting" as Mayor, the Mayor Pro Tempore continues to occupy the legal status of a Supervisor. Consequently, there is no vacancy in the office of Supervisor, and the Board of Supervisors has no authority to install a replacement to serve as Supervisor while the Mayor Pro Tempore is acting as Mayor. As a result, the Board of Supervisors must operate with only four members until the office of Mayor is filled at the next general election. This could be a period of up to two years. It is the opinion of staff that an extended period in which the Board of Supervisors must function with a de facto vacancy is problematic.

Staff recommends that the provisions at issue be amended so that the Mayor Pro Tempore actually assumes the office of Mayor in the event of a vacancy. This results in a vacancy in the Mayor Pro Tempore's former office which the governing body is authorized to fill. The suggested amendatory language is attached.

Applicable Statute, Code, Policy, Rule or Regulation

Carson City Charter §3.015

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

Do not accept the proposed amendment as recommended by the Charter Review Committee.

Attachments:

[Section 2.030 3.015 Proposed Amendment.pdf](#)

Board Action Taken:

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

(Vote Recorded By)

Sec. 2.030 Board of Supervisors: Vacancies.

Except as otherwise provided in section 3.015 and NRS 268.325:

1. A vacancy in the office of Supervisor must be filled by appointment by a majority of the members 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.

2. No such appointment extends beyond the first Monday in January after the next general election, at which election a new Supervisor must be elected to fill the unexpired term.

Sec. 3.015 Mayor Pro Tempore: Selection; duties.

The Board shall elect one of its members, for such term as the Board determines, to be Mayor Pro Tempore. He or she shall:

1. Hold the office and title at all times during the term for which he or she was elected without additional compensation.

2. Perform the duties of Mayor during the absence or disability of the Mayor.

3. ~~Act as~~ **Assume the office of** Mayor until the next general election if the ~~Office~~ **office** of Mayor becomes vacant. **The resulting vacancy in the office of Supervisor must be filled as provided in section 2.030.**