

# Office of the City Manager

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## MEMORANDUM

**DATE:** July 28, 2022  
**TO:** Mayor and City Council  
**FROM:** Doug Thornley, City Manager Approved Electronically  
**SUBJECT:** **Annual List of Appointive Employees**

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The attached memo from Mark Dunagan and Appointive Employees and Officers lists are being provided for your information.





# Reno City Attorney

## MEMORANDUM

Date: July 22, 2022  
To: Doug Thornley, City Manager  
Cc: Norma Santoyo; Karl Hall  
From: Mark W. Dunagan, Deputy City Attorney   
Re: Annual List of Appointive Employees

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Dear Mr. Thornley:

This memorandum is intended to address the annual list of appointive employees at the City, the inaccuracy of the June 2022 list recently submitted to the City Clerk, the legal consequences of the incomplete list, and recommended remedial action.

### **Appointive Employees; Annual List**

Section 1.090 of the Reno City Charter makes provision for the City's "appointive employees" (defined generally as persons appointed to appointive positions established by ordinance). Appointive positions are established by action of the Reno City Council and codified at Section 2.06.035 of the Reno Municipal Code. The list of positions is amended from time to time pursuant to the City Council's authority to establish such positions as it deems necessary for the operation of the City. (Charter § 1.090(4).)

Pursuant to Charter, the total number of appointive employees may not exceed the greater of (a) forty full-time positions and (b) four percent of the total number of "appointive officers" (designated separately by Charter), plus all full-time equivalent positions in Civil Service. (§ 1.090(4).)

The Charter requires an annual update of the list of appointive employees at or before the end of each fiscal year. This update is submitted by the City Manager's Office to the City Clerk. (§ 1.090(7).) The most recent list of appointive employees submitted to the Clerk's office—albeit incomplete, as discussed herein—includes 38 employees. (See Exhibit 1.) Based on the number of full-time Civil Service eligible positions at the City (1,171 according to the annual list) plus the number of appointive officers, the current allowed number of appointive employees is 47.

## **Designation of Appointive Employee Positions; Inaccuracy of June 2022 Employee List**

As referenced above, the list of appointive positions is codified at Municipal Code Section 2.06.035, with qualifications therefor set forth in Section 2.06.050. The current list of positions was established by City Ordinance 6485, adopted by the City Council on October 24, 2018. Relevant to this memorandum, the ordinance and code section include the position “Senior Management Analyst” in the appointive list.

The June 2022 list of appointive employees submitted to the City Clerk only includes five individuals with the senior management analyst job title (SMAs). This number was recently discovered to be an error or oversight in the creation of the list. At the time the list was submitted, there were four additional SMAs employed at the City. The discovery of this error arose from the separation from employment of one of the SMAs not listed in the annual list, and a subsequent attempt by that employee to utilize Civil Service processes to challenge Management’s ability to treat that employee as serving at the discretion of the City Manager (and thus at-will). One source of confusion for the employee was the list itself, which does not include the employee’s name.

When Human Resources staff looked into the matter to determine whether any other employees were missing from the list, they discovered three employees who should have been included and were not: the recently separated employee and two others. All three of these employees occupy SMA positions, all three have entry dates after the City Council designated the positions as appointive in October 2018, and all three are in the same department. The process of filling each of these SMA positions while failing to designate the employees on the appointive list was the responsibility of a single former director. This problem is unlikely to recur. The implementation of some additional checks discussed below will ensure the accuracy of future lists and preclude the potential for any conflict of interest or self-dealing.

## **Exclusion of Appointive Employees from the Civil Service System**

Appointive employee positions are expressly excluded from Civil Service. Article IX of the Reno City Charter provides in pertinent part that the Civil Service System “is created for the selection, appointment and promotion of all employees of the City except: ... An appointive officer or appointive employee.” (§ 9.020(1)(c).) In turn, the provisions of Article IX “are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1 (*i.e.*, appointive employees). (§ 9.020(2).)

The Civil Service Rules also reflect this limitation in scope. “Pursuant to Charter § 9.020, the City of Reno Civil Service system covers all employees of the City except for those specifically exempted under this section of Charter.” (Civil Service Commission Rules and Membership (August 2021) - Introduction - Summary of Civil Service.) *See also* Rule VII.1(b) – (Certification of Eligibles, Appointments and Promotions) “Civil Service shall consist of all City of Reno employee positions, now existing or hereafter created by the City of Reno, not otherwise specifically exempted by Section 9.020 of the Charter.”

While the inconsistency between the June 2022 list and the Charter/Muni Code provisions may cause confusion that should be addressed, the presence or absence of an employee's name or position on the list does not have the legal effect of removing that employee or position from appointive status. No action or combination of actions by City staff (in this case, including the separated employee's former department head and former Civil Service Staff) could have the legal effect of placing a position into the Civil Service that City Council affirmatively, specifically designated as appointive. The separated employee maintains that she tested into her position and does not appear on the appointive list, and that she therefore must be treated as Civil Service. The Chief Examiner has appropriately declined to place an appeal before the Commission due to the lack of the Commission's jurisdiction over matters relating to appointive employees.

However, errors in the list could cause future complications. First, as demonstrated by the recent dispute, omission of an employee or position from the list creates confusion for employees and supervisors as to appropriate processes for selection, promotion, discipline, and dismissal of those employees. Second, accuracy of the list is critical to ensure compliance with the limitations on the number of appointives set forth in the Charter. An inconsistency may serve to undermine confidence that the City Manager is operating within the guidelines imposed by Charter.

### **Remedial Action**

The June 2022 list should be amended as soon as possible to accurately reflect the correct number and names of appointive employees to include all SMAs as of the end of the last fiscal year.<sup>1</sup> Human Resources Staff has now verified the correct information to be reflected in the list. (Exhibit 2.)

Contemporaneously with or prior to the submission of a corrected list, each current SMA who did not appear on the June 2022 list should be notified that they are being placed on that list. Alternatively, those employees may be reclassified into a different position—ideally one that is classified Civil Service and has pay and benefits commensurate with the SMA positions they currently occupy. The only exception is the one SMA who occupied the position prior to October 2018, when the position was still within the Civil Service System. Based on principles of due process, that employee is likely entitled to retain the status and protections of Civil Service which she justifiably relied upon when filling the position in 2015. This employee should not be placed on the list or counted toward the appointive employee limit. Alternatively, if there is a different job classification in the Civil Service into which this SMA may be placed without affecting her pay/benefits, that would serve to reduce confusion. If that is not a viable solution, it is recommended that the new list contain an explanatory footnote that there is one SMA in the City that is not included in the list by virtue of her grandfathered Civil Service status.

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<sup>1</sup> One SMA who appeared on the June 2022 list was in the process of being reclassified to a different position at the time. Because the reclassification was retroactive to a date prior to the close of the fiscal year, the employee should appear on the amended list under her reclassified job title as opposed to the SMA title, for accuracy's sake.

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As referenced above, the inaccuracy of the 2022 list highlights inefficiencies and potential conflicts in the process of creating and submitting the list. As a check on the list's accuracy, it is recommended that the City Manager's Office submit the list to Human Resources each year for vetting, prior to submission of the list to the City Clerk.

The provision of a new list offers an additional opportunity for improvement. Charter Section 1.090(7) provides that the list "must include, without limitation, a description of the job responsibilities of each appointive officer and appointive employee." Currently, the list does not include job responsibilities. It is suggested that HR staff work with the applicable departments/supervisors to obtain job responsibility information to include with the list.

**City of Reno  
Appointive Employees  
As of June 2022**

	Job Title	Department	Incumbent	Bargaining Group
1	Chief of Staff to the Mayor	City Manager	Caldeira, Rick	Unrepresented
2	Assistant to the City Manager	City Manager	DiCianno, Barbara	Unrepresented
3	Admin Asst to the Mayor & Council	City Manager	Guzman-Walsh, Tristen	Unrepresented
4	Administrative Secretary	City Manager	Hall, Stephanie	Unrepresented
5	Internal Auditor	City Manager	Kidd, Emily	Unrepresented
6	Senior Management Analyst	City Manager	Wilsey, Calli	Unrepresented
7	Senior Management Analyst	City Manager	Mann, Lisa E	Unrepresented
8	Senior Management Analyst	City Manager	Groneman, Suzanne	Unrepresented
9	Senior Management Analyst	City Manager	Berner, Megan	Unrepresented
10	Diversity, Equity & Inclusion/Clean & Safe Mgr	City Manager	Esparza-Triqueros, Cynthia	Unrepresented
11	Ombudserson	City Manager	Vacant	Unrepresented
12	Revitalization Manager	City Manager	Vacant	Unrepresented
13	Management Analyst	City Manager	Smith, Krysti	Unrepresented
14	Management Analyst	City Manager	Finnegan, Jenica	Unrepresented
15	Community Liaison	City Manager	Ciccione, Nicolas	Unrepresented
16	Community Liaison	City Manager	Pennington, Amelia	Unrepresented
17	Community Liaison	City Manager	Gomez Martinez, Noemi	Unrepresented
18	Communications Program Manager	City Manager	Brown, Matthew B	Unrepresented
19	Digital Engagement Prog Manager	City Manager	Waters, Chad	Unrepresented
20	Public Communications Specialist (PIO)	City Manager	Harris, Cassie	Unrepresented
21	Public Communications Specialist (PIO)	City Manager	Miller, Aaron (AJ)	Unrepresented
21	Senior Management Analyst	Finance	Carson, Robert	Unrepresented
22	Senior Management Analyst	Finance	Miller, Rob	Unrepresented
23	Risk Manager	Human Resources	Payne, Michael	Unrepresented
24	Employee Relations Manager	Human Resources	Affo, Mavis	Unrepresented
25	Organizational Development Manager	Human Resources	Stipech, David	Unrepresented
26	Senior Management Analyst	Human Resources	Vacant	Unrepresented
27	Housing Manager	Development Services	Cochran, Monica	Unrepresented
28	Engineering Manager	Development Services	Mischel, Michael	RAPG-Admin
29	Planning Manager	Development Services	Garcia-Lobue, Jason	Unrepresented
30	Business License Manager	Development Services	Ferrato, Lance	Unrepresented
31	Building & Safety Manager	Development Services	Flores, Robert	Unrepresented
32	Engineering Manager	Public Works	Wilson, Khaili	RAPG-Admin
33	Engineering Manager	Utility Services	Williams-Lanza, Kerri N	RAPG-Admin
34	Traffic Engineer	Public Works	Dietrich, Kurt	RAPG-Admin
35	Maintenance & Ops Manager	Public Works Facilities	Avera, Frank	RAPG-Admin
36	Maintenance & Ops Manager	Public Works Fleet	Haffner, Zachary	RAPG-Admin
37	Maintenance & Ops Manager	Public Works Sewer	Bird, Ryan	RAPG-Admin
38	Maintenance & Ops Manager	Public Works Streets	Truhill, Travis	RAPG-Admin
39	Parks Manager	Parks & Recreation	Brezina, Matthew	RAPG-Admin
40	Recreation Manager	Parks & Recreation	Gleich, Daniel	RAPG-Admin
41	Recreation Manager	Parks & Recreation	Massej, Daniel	RAPG-Admin
42	Recreation Manager	Parks & Recreation	Lindsay, Corina	RAPG-Admin

As of 6/15/2022, we had 1171 eligible positions. We are allowed 4% which is equal to 47 available appointive employees.\*  
 \*Not to exceed the greater of: 40 FTE appointive positions OR 4% of the total # of: 1) appointive officers & 2) all FTE positions in the Civil Service





**City of Reno**  
**Appointive Officers**  
**As of June 2022**

	Appointive Officer	Department	Incumbent	Represented
1	City Clerk	City Clerk	Huntsman, Mikki	Unrepresented
2	Deputy City Clerk (Chief Deputy City Clerk)	City Clerk	Chanselle-Hary, Melissa	Unrepresented
3	Records System Manager	City Clerk	Sonderfan, Derek	Unrepresented
4	City Manager	City Manager	Thornley, Doug	Unrepresented
5	Assistant City Manager	City Manager	Bryant, Jacqueline	Unrepresented
6	Assistant City Manager	City Manager	Hodge, John W	Unrepresented
7	Chief Innovation & Experience Officer	City Manager	Turney, Ashley	Unrepresented
8	Director of Policy and Strategy	City Manager	Vacant	Unrepresented
9	Director of Finance	Finance	Van Buren, Vicki	Unrepresented
10	Assistant Director of Finance	Finance	Vacant	Unrepresented
11	Deputy Chief City Attorney	City Attorney	Shipman, Jonathan	Unrepresented
12	Director of Human Resources	Human Resources	Santoyo, Norma	Unrepresented
13	Assistant Human Resources Director	Human Resources	Atkinson, Jill	Unrepresented
14	Director of Development Services	Development Services	Pingree, Christopher	Unrepresented
15	Assistant Director of Community Development	Development Services	Fuss, Angela	Unrepresented
16	Director of Code and Parking Enforcement	Code/Parking Compliance	Woodley, Alex	Unrepresented
17	Police Chief	Police Service	Soto, Jason D	Unrepresented
18	Fire Chief	Fire Service	Cochran, David	Unrepresented
19	Director of Public Works	Public Works	Flansberg, John L	Unrepresented
20	Assistant Director of Public Works - City Engineer	Public Works	Koski, Kerri	Unrepresented
21	Assistant Director of Public Works - Main & Ops	Public Works	Heller, Bryan	Unrepresented
22	Director of Utility Services	Utility Services	Magoon, Trina	Unrepresented
23	Assistant Utility Services Director	Utility Service	Waters, Dustin	Unrepresented
24	Director of Parks and Recreation	Parks Rec Commun Resources	Schroeder, Jamie	Unrepresented
25	Director of Communications	Communications	Flanders-Vanis, Rebecca	Unrepresented
26	Director of Technology	Technology	Vadlakunta, Kannalah	Unrepresented

