



City Manager's Office

MEMORANDUM

DATE: July 3, 2024

TO: Mayor and City Council

THROUGH: Doug Thornley, City Manager **Approved Electronically**

FROM: Tyler Shaw, Community Liaison

SUBJECT: Prorated Discretionary Amounts for Council Members in FY 25

Background:

The purpose of this memo is to inform the City Council about the prorated discretionary amounts available to Council Members whose seats are up for election in fiscal year 2025.

As set forth in Resolution No. 9036 and the Reno City Charter, Article 5.100(3), in the event a Council Member's seat is up for election, the funding available for recommendation by that Council Member is prorated based on the number of days they will serve between the start of the fiscal year and the first regular meeting of the Reno City Council following the 2024 General Election. The person elected into office shall then have the authority to recommend the remainder of the funding allocated for that council seat.

Prorated Amount Calculation:

Each affected Council Member will have access to a prorated discretionary amount of \$16,643. The calculation is as follows:

FY 25 adopted discretionary allocation per Council Member: \$45,000
Days between July 1, 2024, and November 13, 2024: 135 days

$$\text{Prorated Amount} = \left(\frac{45,000}{365 \text{ days}} \right) \times 135 \text{ days} = 16,643$$

Eligibility Considerations:

It is important to note that Council Members who meet the Nevada Revised Statutes (NRS) definition of a candidate (NRS 294A.005) are ineligible to recommend donations to non-profits from their discretionary accounts until they are no longer considered candidates.

Conclusion:

Based on the provided calculations and regulations, Council Members in Wards 1, 3, 5, and At-Large/6 up for election in FY 25 will have access to a pro-rated discretionary amount of \$16,643. The person elected into each office shall then have authority to recommend the remainder of the funding allocated for that council seat.

Candidate Council Members are ineligible to recommend donations to non-profits from their discretionary funds.

Attachments:

Attachment A: Resolution No. 9036 – Resolution modifying guidelines and procedures for Council Discretionary Funds donated to certain nonprofit organizations or governmental entities in accordance with NRS 268.028

Attachment B: Reno City Charter, Article 5 - Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

RESOLUTION NO. 9036

RESOLUTION MODIFYING GUIDELINES AND PROCEDURES FOR COUNCIL DISCRETIONARY FUNDS DONATED TO CERTAIN NONPROFIT ORGANIZATIONS OR GOVERNMENTAL ENTITIES IN ACCORDANCE WITH NRS 268.028.

WHEREAS, the City desires to modify these guidelines and that this resolution shall supersede and replace Resolution No. 6652; and

WHEREAS, the City may donate commodities, supplies, materials and equipment that the governing body determines have reached the end of their useful lives to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the City of Reno; and

WHEREAS, pursuant to NRS 268.028(3), the donation of money or the donation of commodities, supplies, materials and equipment must be done by resolution specifying the following:

1. The purpose of the grant or donation;
2. If applicable, the maximum amount to be expended from the grant; and
3. Any conditions or limitations on the expenditure or use of donated property; and

WHEREAS, the interdepartmental reallocation of Council Discretionary Funds are not required to pass by resolution; and

WHEREAS, the City desires to establish revised guidelines and procedures necessary to ensure compliance with NRS 268.028, and to create a uniform application of these guidelines and procedures; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION I. GUIDELINES FOR DONATIONS OF MONEY: The following guidelines shall apply to donations of money:

1. Budget. The money allocated as available for Council Discretionary Funds must be appropriated as part of the budget process for the fiscal year. The City Council may specify donations to specific organizations for a specific purpose in the budget in addition to the total amount allocated for general donations with Council Discretionary Funds throughout the year.

2. Recommendation for Donations by Members of Council. Each council member will be entitled to recommend donations, under the parameters of this resolution and applicable law, in a total amount of one-seventh of the amount allocated in the budget for Council Discretionary Funds during a fiscal year. In the event a council member's seat is up for election, the funding available for recommendation by that council member is to be prorated based up the number of days he or she served as a member of the City Council during the fiscal year. For example, if a council member is not a candidate and holds office from July 1st through November 5th or 128 days, the council member will only be able to recommend \$3,506.84 (128 days, 365 days x 10,000 = \$3,506.84) of the allotted funding. The person elected into office shall then have authority to recommend the remainder of the funding allocated for that council seat.
3. Candidate. A council member who becomes a candidate, as that term is defined by NRS 294A.005, for any public office shall not be entitled to make a recommendation for donation from the time the council member files for public office until such time that the council member is no longer a candidate. To not be considered as a candidate, a council member must either officially withdraw from the election or be determined by the voters or otherwise as not eligible to participate in the election for the public office. Interdepartmental reallocation of Council Discretionary Funds within the City are to be exempt from this rule.
4. Approval by City Council. Prior to release of any funds to an outside organization, a resolution must be approved by the City Council. The resolution that is approved must designate the recipient of the funds and how the donation provides a substantial benefit to the inhabitants of the City and shall include: (a) the purpose of the grant or donation, (b) if applicable, the maximum amount to be expended from the grant, and (c) any conditions or limitations on the expenditure or use of donated property.
5. Return of Remainder. If any funds are not allocated through the process set fourth in the preceding paragraphs by June 15th of a given year, they will be returned to the general fund at the end of the fiscal year.
6. Restrictions. In addition to the restrictions contained in this resolution, all donations must comply with NRS 268.028. The recipient must be a nonprofit organization created for religious, charitable or educational purposes. Further, donations shall not be made in support of individuals or for political campaigns or lobbying efforts. No donation shall provide any personal or private benefit to any council member.

SECTION 2: GUIDELINES FOR DONATING PERSONAL PROPERTY: The following guidelines shall apply to donations of commodities, supplies, materials and equipment that have reached the end of their useful lives:

1. Approval by City Council. Prior to release of commodities, supplies, materials, and

equipment, a determination indicating that such property has reached the end of its useful life must be recommended by the City Manager or his designee and approved by City Council at a noticed public hearing. Further, the resolution that is approved must designate the recipient of the donation and how the donation provides a substantial benefit to the inhabitants of the City and shall include: (a) the purpose of the grant or donation, (b) if applicable, and (c) any conditions or limitations on the expenditure or use of donated property.

2. Restrictions. A donation of commodities, supplies, materials and equipment must comply with NRS 268.028. The recipient must be a nonprofit organization created for religious, charitable or educational purposes or another governmental entity. Further, donations shall not be made in support of individuals or for political campaigns or lobbying efforts. No donation shall provide any personal or private benefit to any Council member.

SECTION 3: RESCISSION OF RESOLUTION NO. 6652:

Resolution No. 6652 regarding the donation of City property to nonprofit organizations passed and adopted on November 16, 2005 is hereby rescinded and this resolution shall replace such resolution.

Upon motion of Council Member Weber, seconded by Council Member Reese, the foregoing resolution was adopted this 11th day of May, 2022, by the following vote of the Council:


AYES: Weber, Reese, Brekhus, Duerr, Delgado, Jardon, Schieve

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED this 11th day of May, 2022.



HILLARY L. SCHIEVE
MAYOR OF THE CITY OF RENO

ATTEST:



MIKKI HUNTSMAN
CITY CLERK AND CLERK OF THE CITY
COUNCIL OF THE CITY OF RENO, NEVADA



ARTICLE V. ELECTIONS

Sec. 5.010 General elections. [Effective through December 31, 2023.]

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 successive interval of 4 years, there must be elected 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 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 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.

(Ch. 662 , Stats. 1971 p. 1977; A—Ch. 561 , Stats. 1977 p. 1395; Ch. 373 , Stats. 1979 p. 645; Ch. 9, Stats. 1993 p. 21; Ch. 87, Stats. 2001 p. 557; Ch. 349 , Stats. 2013 p. 1828; Ch. 584 , Stats. 2017 p. 4200)

Sec. 5.010 General elections. [Effective January 1, 2024.]

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 successive interval of 4 years, there must be elected 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 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.

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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 at the general election, Council Members from the first, third and fifth wards all of whom hold office for a term of 4 years and until their successors have been elected and qualified.
 5. On the date fixed by the election laws of the State for the statewide general election in November 2024, and at each successive interval of 4 years, there must be elected at the general election a Council Member from the sixth ward, who holds office for a term of 4 years and until his or her successor has been elected and qualified.
 6. In the general election:
 - (a) A candidate for the office of Council Member 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 and City Attorney must be elected by the registered voters of the city at large.

(Ch. 662 , Stats. 1971 p. 1977; A—Ch. 561 , Stats. 1977 p. 1395; Ch. 373 , Stats. 1979 p. 645; Ch. 9, Stats. 1993 p. 21; Ch. 87 , Stats. 2001 p. 557; Ch. 349 , Stats. 2013 p. 1828; Ch. 584 , Stats. 2017 p. 4200, 4201, effective January 1, 2024)

Sec. 5.020 Primary elections; declaration of candidacy. [Effective through December 31, 2023.]

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.
2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.
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 ward.
 - (c) Candidates for Mayor, Municipal Judge, City Attorney and Council Member at large must be voted upon by all registered voters of the City.

(Ch. 662 , Stats. 1971 p. 1977; A—Ch. 9, Stats. 1993 p. 22; Ch. 462 , Stats. 1993 p. 1468; Ch. 210, Stats. 1997 p. 738; Ch. 570, Stats. 1997 p. 2791, 2796; Ch. 686, Stats. 1997 p. 3481; Ch. 100 , Stats. 1999 p. 274; Ch. 376, Stats. 2005 p. 1438; Ch. 349 , Stats. 2013 p. 1829; Ch. 584 , Stats. 2017 p. 4202)

Sec. 5.020 Primary elections; declaration of candidacy. [Effective January 1, 2024.]

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.
2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.
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 must be voted upon only by the registered voters of the ward that the candidate seeks to represent.
 - (c) Candidates for Mayor, Municipal Judge and City Attorney must be voted upon by all registered voters of the City.

(Ch. 662 , Stats. 1971 p. 1977; A—Ch. 9, Stats. 1993 p. 22; Ch. 462 , Stats. 1993 p. 1468; Ch. 210, Stats. 1997 p. 738; Ch. 570, Stats. 1997 p. 2791, 2796; Ch. 686, Stats. 1997 p. 3481; Ch. 100 , Stats. 1999 p. 274; Ch. 376, Stats. 2005 p. 1438; Ch. 349 , Stats. 2013 p. 1829; Ch. 584 , Stats. 2017 p. 4202, effective January 1, 2024)

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held pursuant to this Charter must be governed by the provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent herewith.
2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

(Ch. 662 , Stats. 1971 p. 1978; A—Ch. 9, Stats. 1993 p. 23)

Sec. 5.040 Qualifications, registration of voters.

1. Every person who resides within the City at the time of holding any election, and whose name appears upon the official register of voters in and for the City, is entitled to vote at each election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to the people at any primary, general or special election, except as otherwise provided in this article.
2. The City Council may provide for supplemental registration.

(Ch. 662 , Stats. 1971 p. 1978; A—Ch. 561 , Stats. 1977 p. 1396; Ch. 9, Stats. 1993 p. 23)

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be printed on the official ballots without party designation or symbol.
2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:
 - (a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or
 - (b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

(Ch. 662 , Stats. 1971 p. 1978; A—Ch. 312, Stats. 2003 p. 1730)

Sec. 5.060 Ballots for ordinances and Charter amendments.

An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his or her vote, either for or against the ordinance or amendment.

(Ch. 662 , Stats. 1971 p. 1978; A—Ch. 669 , Stats. 1971 p. 2055)

Sec. 5.070 Availability of lists of registered voters.

If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558 , permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by the election laws of the State.

(Ch. 662 , Stats. 1971 p. 1979; A—Ch. 561 , Stats. 1977 p. 1396; Ch. 9, Stats. 1993 p. 23; Ch. 581 , Stats. 2001 p. 2972; Ch. 470, Stats. 2005 p. 2304; Ch. 349 , Stats. 2013 p. 1830)

Sec. 5.080 Watchers and challengers.

A candidate is entitled upon written application to the election authorities at least 5 days before the election to appoint two persons to represent him or her as watchers and challengers at each polling place where voters may cast their ballots for him or her. A person so appointed has all the rights and privileges prescribed by watchers and challengers under the election laws of this State. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

(Ch. 662 , Stats. 1971 p. 1979)

Sec. 5.090 Voting machines.

The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the Secretary of State.

(Ch. 662 , Stats. 1971 p. 1979)

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.
2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.
3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.
4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.

(Ch. 662 , Stats. 1971 p. 1979; A—Ch. 561 , Stats. 1977 p. 1396; Ch. 373 , Stats. 1979 p. 646; Ch. 9, Stats. 1993 p. 24; Ch. 349 , Stats. 2013 p. 1830)

Sec. 5.110 Contest of election.

A contested election for any municipal office shall be determined according to the law of the State regulating proceedings in contested elections in political subdivisions.

(Ch. 662 , Stats. 1971 p. 1979)

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 .

(Added—Ch. 584 , Stats. 2017 p. 4200)