## Carson City Agenda Report

Date Submitted: December 7, 2010 Agenda Date Requested: December 16, 2010

Time Requested: 15 Minutes

To: Mayor and Supervisors

From: City Manager

**Subject Title:** Discussion and possible action to determine the process to be used to fill the vacant Justice of the Peace position as set forth in NRS 4.150.

## **Staff Summary:**

Upon the vacancy of the position of Justice of the Peace, the Board of Supervisors has the option to fill the position by appointment to fill the remainder of the term or to set a special election to fill the remainder of the term.

Should the Board determine that the appropriate method is to appoint to fill the unexpired term, staff suggests that the process used recently by Douglas and Storey Counties be used. In both of those counties, a selection committee was appointed that reviewed the applications and submitted its top candidates to the Board for final selection. If this approach is selected, in January I will bring to the Board a suggested committee selection process that is transparent and fair to all potential applicants. The City Manager's Office would act as staff for the selection committee."

Type of Action Requested: (check one)  (	() Ordinance () Other (Specify)				
Does This Action Require A Business Impact Statement: () Yes () No					
Recommended Board Action: Pursuant to	NRS 4.150, I move to:				

ommended board Action: 1 distant to 1985 4.150, 1 move to.

- 1. Appoint a person to fill the vacancy pursuant to NRS 245.170; or
- 2. Provide by resolution for an election procedure to fill the vacancy for the remainder of the unexpired term.

### **Explanation for Recommended Board Action:**

State law sets forth the procedure to follow when a vacancy occurs in the Justice of the Peace position. The Board may either choose to have a special election or an appointment.

#### 4.150. Vacancy in office; duty of clerk of board of county commissioners.

1. If any vacancy occurs in the office of justice of the peace, the board of county

commissioners shall either:

- (a) Appoint a person to fill the vacancy pursuant to NRS 245.170; or
- **(b)** Provide by resolution for an election procedure to fill the vacancy for the remainder of the unexpired term.
- **2.** The clerk of the board of county commissioners of each county shall, within 10 days after a vacancy has occurred in the office of justice of the peace by resignation or otherwise, certify the fact of such vacancy to the secretary of state.

# 245.170. Vacancies: Appointment by board of county commissioners; placement of office on ballot under certain circumstances.

Except as otherwise provided by specific statute, if a vacancy is declared in any county or township office, except the offices of district judge and county commissioner:

- **1.** Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the office is not otherwise scheduled for election at the next ensuing biennial election:
- (a) The board of county commissioners shall appoint a suitable person who is an elector of the county to fill the vacancy until the first Monday of January after the next ensuing biennial election;
  - (b) The office must be placed on the ballot at that election; and
  - (c) The person elected shall serve the remainder of the unexpired term.
- **2.** At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the county to serve the remainder of the unexpired term.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 4.150 and NRS 245.170

Fiscal Impact: Special election held during general election: Nominal costs

Special election not held during general election: Approximately \$20,000

Appointment: Nominal costs

Explanation of Impact: See above.

Funding Source: N/A

Alternatives:

Supporting Material: Letter of Resignation.

**Prepared By:** Lawrence A. Werner, P.E., P.L.S.

Reviewed By:  Board Action	(District Attorney) (Finance Director)		Date:	//O
Motion:(Vote Reco		1)		Aye/Nay

# **MEMORANDUM**

TO:

Mayor Bob Crowell and Members of the Board of Supervisors

FROM:

Robey B. Willis, Justice of the Peace/Municipal Court Judge, Dept. I

RE:

Retirement

DATE:

November 9, 2010

I previously notified you on November 19, 2009, of my plans to retire this coming year. After consultation with PERS, my last day will be on March 10, 2011. I would be more than happy to meet with you to discuss the options you have to fill my position.

Serving as Justice of the Peace and Municipal Court Judge has been an absolute pleasure. The City entities and staff with whom I deal, particularly the Court staff and the Board of Supervisors, have always gone above expectations and provided outstanding cooperation and support.

Please do not hesitate to contact me at 887-2582 if you have any questions or if I can provide additional information.

Thank you.

cc: Zee McClintock, Manager of Employee Benefits Lynette Jones, PERS of Nevada