

ASSEMBLY
GOVERNMENT AFFAIRS
April 19, 1977
7:00am

MEMBERS PRESENT: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

GUESTS PRESENT: Jean Ford
Bruce Arkell, State Planning Coordinator
Bruno Menecucci, Reno City Councilman
Wayne R. Teglia, Reno Police Protective Assoc.
Ken Pulver, Reno Police Protective Assoc.
Otis Turner, IAFF, Local 731, Reno
Bob L. Kerns, IAFF, Local 731, Reno
Robin Bogich, Reno City Clerk
Carl Havlin, Cold Springs Dev. Company

Chairman Murphy called the meeting to order at 7:05am.

SENATE BILL 302

Mrs. Jean Ford passed out Exhibit 1 which summarized her position in favor of the bill. She said that the bill was a product of the Interim Study which produced Bulletin 77-8. She stated that the appropriation for the bill has already passed the Assembly. The bill provides for consolidation of all the state agency biennial reports in a uniform manner to be done by the State Planning Coordinator. The bill repeals the statute which mandates the biennial reports by the state agencies. It does not preclude the printing of an informational pamphlet by an agency that needs one since the biennial report is not the type of report that is sent to convey information about an agency of a general nature.

Mr. Bruce Arkell, State Planning Coordinator, told the committee that he was thinking about making the reports in a looseleaf manner so as to facilitate reproduction. The reports would be made available before next session for use during the session.

COMMITTEE ACTION

ASSEMBLY BILL 554- Mr. May moved to DO PASS, seconded by Mrs. Westall, passed unanimously. Mr. Jeffrey and Mr. Robinson were absent for the vote.

ASSEMBLY BILL 401

Mr. Bruno Menecucci delivered Exhibit 2 as he was asked to at the meeting on April 17.

Also submitted to the committee were various position statements of the Reno City Council which are labeled Exhibits 3, 4, and 5.

Mr. Menecucci requested that the committee not kill the bill just because of the ungentlemanly conduct of the Reno City Council on this issue. The main concern is that promotions should occur from within.

In response to a question from Chairman Murphy, Mr. Menecucci told the committee that presently the councilmen reside in wards but run at large. The change will be to only have the mayor run at large.

Chairman Murphy asked Mr. Menecucci the Council's feeling on condemning property for parking facilities. He replied that on a 5-2 vote the Council decided to not have an eminent domain clause in the city charter.

Mr. Ken Pulver, spokesman for the Reno Police Protective Association, Mr. Wayne Teglia and Mr. Bob Kearns representing the Firefighters Local 731, and Mr. Bill Weikheiser representing the Reno Municipal Employees Association, told the committee that as a group they support A.B. 401 except for the section regarding appointive positions. They submitted an amendment which is attached as Exhibit 6.

The gentlemen continued that the City of Reno has already shown that they feel that under the present charter provisions that can appoint anyone they want to because of the vagueness of the charter. There are currently 32 appointive positions of Reno City employees. There is no control on the City Manager as to which appointments he can make. There are at least 13 current positions that he has filled from the outside and not from within the ranks of previous Reno employees. They stated that it is important for the legislative intent to be recorded that most of these positions should be filled through Civil Service placement including the positions of Assistant Police Chief and Assistant Fire Chief.

Mr. Robin Bogich, Reno City Clerk, told the committee that on page 3, line 37 the deleted language needed to be left in to hold the election. He also suggested that on page 5 line 32 should read: mayor.) At the first regular city council meeting in June of each year.

The committee thanked Mr. Menecucci for acting in good faith with the committee and especially for being truthful when others have not been.

SENATE BILL 402

Mr. Carl Havlin passed out another suggested amendment which is attached as Exhibit 7. He justified the amendment by saying that the developer can't be sure that he will sell the property in 5 years or that the people will use the water within 5 years.

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Page Three

Assemblyman Jeffrey spoke in favor of the amendment.

Assemblyman Craddock told the committee that his subcommittee had found that the problems in Diamond Valley were worse than had been represented.

Chairman Murphy asked that Mr. Jeffrey join the subcommittee on this bill.

COMMITTEE ACTION

ASSEMBLY BILL 657 - The committee looked at the amendment that Mr. Jeffrey had said he would get and then Mr. Robinson moved to AMEND AND DO PASS, seconded by Mr. Jeffrey, passed unanimously. The amendment is 932A.

There being no further business, the committee was adjourned at 9:25am.

Respectfully submitted,



Kim Morgan, Committee Secretary

March 14, 1977

M E M O R A N D U M

TO: Government Affairs Committee
FROM: Jean Ford
RE: S.B. 302

UNDER THE EXISTING LAW:

* Agency biennial reports have no standard format and are prepared in different sizes, manner of content, issued at different times of year, and cannot be conveniently filed together; in many cases it appears the law is not being complied with and no report is issued;

* Many biennial reports are presented to the legislature during the session when there is no time to digest their content; an informal survey of legislators shows that very few have read the reports or keep for reference;

* Binding copies of all reports into an Appendix to the Journals is required by law to be in the style of the 1915 Appendix without page numbering, indexing or logical grouping of content by subject matter;

* There is no prescribed distribution in the law of the 50 Appendixes to the Journals; therefore, they have accumulated for years with almost no use and little awareness of their existence;

* Considerable expense in staff time, printing and postage is involved in the present system of each agency developing and distributing its own type of report, some more interested in the public relations image transmitted than the quality of the material;

YOU CAN AMEND AND ADOPT S.B. 302 WHICH WILL RESULT IN:

* Significant savings of staff time at all levels of government in reference and research support to decision-making in public service;

* All pertinent state government information, accurate and up-to-date, would be contained in well-planned publications of matching size and binding so they could be shelved as companion sets;

* Improved interagency coordination of planning, programs and research would occur through improved access to knowledge about other agencies;

* More effective education of Nevada students through availability of better tools to use in required instruction on Nevada government;

* Continual updating of information through placing the authority for development of documents in one state agency;

* Greater usefulness and impact of accurate and timely information through compiling in a consolidated manner and released at regular intervals;

* Return of considerable printing costs through sales utilizing current marketing techniques;

* Increased public confidence in state government through implementation of this proposal as evidence of desire of government to make its actions and information available to the public in an open, easily accessible and understood manner.

CITY OF RENO

OFFICE OF THE CITY CLERK

ROBIN M. BOGICH
CITY CLERK
(702) 785-2030

POST OFFICE BOX 7

RENO, NEVADA 89504

GILBERT F. MANDAGARAN
CHIEF DEPUTY CITY CLERK
(702) 785-2032

April 18, 1977

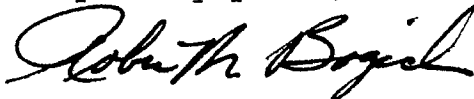
Honorable Patrick Murphy, Chairman
Assembly Committee on Government Affairs
Legislative Building
401 South Carson
Carson City, Nevada 89701

Re: A.B. 401, Section 3

Dear Assemblyman Murphy:

At a special meeting held April 18, 1977, the City Council, upon motion duly made and carried by a 5 to 2 vote, ordered withdrawal of the proposed amendment to Section 1.090 of the Reno City Charter in the interest of moving A.B. 401 along and other important proposed Charter changes underway.

Very truly yours,



Robin M. Bogich
City Clerk

RMB/fm

TRANSCRIPT

April 18, 1977 Special Council Meeting

Tape 406-Side One

(Agenda Item No. 9A)

Menicucci: Mr. Mayor.

Mayor: Mr. Menicucci.

Menicucci: If that's the case, and I have already been charged with the obligation, could I get a copy of that particular item from the City Clerk's office sometime later today so that way I can deliver it down because I've not been asked, I've been instructed to deliver it, and I'm sure that the next question will come from one of the members, is this a compromise reached? How should I answer it so that way I don't over-step my bounds and that I do not mislead the Committee which I am not going to. If that question arises, how should I answer it?

Lewis: 5 to 2 vote to retain the present Charter.

Mayor: Mrs. Lewis. Mr. Biglieri.

Biglieri: That's what I was going to say. If we voted 5 to 2 to leave it like it is, there's no change necessary. We're not changing anything - just leave it like it is.

Menicucci: Okay, I just wanted to ask that question, so that it doesn't occur next week.

TRANSCRIPT - March 28, 1977 Regular Council Meeting.

Tape 402 - Side Two: Agenda Item No. 9C

Mayor: With that, move to Council Memo 77-195, this is the Reno City Charter changes, A.B. number 401.

City Manager: Mr. Mayor. The Assembly Committee on Government Affairs has instructed the City of Reno to arrive at a compromise to Section 1.090 (2) of the Reno City Charter. That section received considerable concern from Firefighters when the Council proposed that the list of appointive officers be deleted. During testimony given on March 17, 1977, it became evident that a majority of the members of the Assembly Committee on Government affairs were convinced that by deleting the list of appointive officers the City Council could then make office including those in Civil Service appointive. There is a concern that the City Council unhampered by this supposed restrictive list of appointive officers would begin to make a shambles of the Civil Service system by selecting heretofore protected jobs and making them appointive. The City Councilman Mr. Lauri and the Special Assistant to the City Manager argued that the City Council already had the right to make an office appointive as evidenced by the wording which would still remain and quoted: The City Council may establish such other appointive offices as it may deem necessary for the operation of the City". The City during the hearing brought out that the wording which was deleted was "such appointive officers may include". Throughout the hearing a proposed change to Section 1.090 (2) received the most concern from the Committee. It is apparent that amendments would be introduced before the bill is brought out of Assembly. In the meantime the City has been specifically instructed to work out compromise language prior to the Committee proceeding further with the Bill. With this in mind, the following wording is suggested as an alternative for Council's consideration: Section 1.090 (2) The City Council may establish such other appointive offices as it may deem necessary for the operation of the City by designating the position and qualifications therefor by ordinance with appointive offices limited to department heads, assistants to

City Manager
continued:

department heads, from special technical staff as may be required, such appointed positions are not to extend below the positions of assistant chief in the Fire and Police Departments of the City. Appointment of such offices shall be made by the City Manager and confirmed by the City Council. It would appear at this time, that the Council, as a whole, or its legislative review committee, should consider this alternative or other compromise positions to Section 1.090 for recommendation to the Assembly.

Lauri: Mr. Mayor, that wording is agreeable with me. I don't see any big problems with, but again, I didn't see any problems with the other.

City Manager: If the wording is agreeable, Mr. Mayor, it would be in order to approve and instruct the staff to advise the Assembly Legislative Committee accordingly.

Menicucci: Mr. Mayor. . .

Lewis: So moved.

Mayor: Motion by Mrs. Lewis.

Lauri: Second.

Mayor: Second by Mr. Lauri.

Mayor: All those in favor.

Lewis: Ah, ah. . .

Mayor: Bruno did you have . . .

Menicucci: Yeah, just one question. I put some / ^{notes} down myself over the weekend, Bob, in the area where I have no qualms with were looking at department heads and special text, and the assistant to be under the appointive basis and particularly, we wouldn't go any further than Fire and Police in these particular areas. Ah, I think what the Government Affairs Committee was looking at at the time was some basis of protection within. Does this pretty much say that we are going to be looking specifically within those departments first. . .

City Manager: That's correct. Just the department heads, assistants to the division heads, which already ordinance people for your RPAG Administrative and your special technical staff such as the new Sanitary Engineer.

Lauri: Mr. Mayor.

City Manager: The key opposition down there, was we indicated from the Fire-

City Manager,
continued:

fighters Association and the limitation in the public safety departments to the chief and assistant chief, I think, meets most if not all of the objections that were raised.

Menicucci:

[REDACTED]?

City Manager:

[REDACTED]

Lauri:

Mr. Mayor.

Menicucci:

And we're going to be looking at them first as a priority before we do anything else appointive.

Mayor:

Mr. Lauri.

Lauri:

There seems to be a great deal of confusion among the members of the Government Affairs Committee that by striking out those names out of the Charter, which is really meaningless because the Charter says "may appoint, as necessary", in doing so those persons would all be taken out of Civil Service. Well, they are not in Civil Service anyway, you know, so that's number one for confusion, and this should satisfy them. Appointive office will those managers who help us determine policy they come to us and they should be. . .

Mayor:

Have a motion by Lewis, second by Lauri.

All those in favor?

Council:

Ayes.

Mayor:

Opposed? (No one spoke). So ordered.

EXHIBIT 3

CITY OF RENO
Inter-Office Memo

Council Memo # 77-240
April 13, 1977

Mayor and City Council

From: City Manager

Subject: RENO CITY CHARTER AMENDMENTS AND APPOINTIVE POSITIONS

INTRODUCTION

The Assembly Committee on Government Affairs, at its April 12, 1977 hearing on the proposed amendments to the Reno City Charter, directed that the City of Reno work out differences at the local level with employee unions over Section 1.090 of the Reno City Charter.

PURPOSE

Due to the conflicting statements made at the April 12 hearing of the Assembly Committee on Government Affairs, this report is deemed necessary to again establish the official City position regarding the pending City Charter amendments.

BACKGROUND

Following introduction of proposed amendments to the Reno City Charter in the form of Assembly Bill No. 401, concern was expressed to members of the Assembly Committee on Government Affairs by a lobbyist for Firefighters Local 731 over the proposed deletion of appointive offices in Section 1.090.

Evidence of the firefighters' concern was made known to this office when the lobbyist, Battalion Chief Bob Kerns, visited with the Special Assistant to the City Manager on March 11, 1977. Following their discussion, the Special Assistant drafted a memorandum, a copy of which is attached, in which he related Mr. Kern's arguments and what compromise the lobbyist had proposed.

In his March 15, 1977 memorandum, on that discussion, the Special Assistant indicated that "Mr. Kerns expressed grave misgivings about past, present and future Councils and said that if there was no restriction [on the number of appointive offices] he would have to try and get one in during consideration of the bill. He asked if I would accept a restriction on taking any Civil Service positions and making them appointive if, in turn, another provision was added allowing appointive positions to include Department Heads and their Assistants (he said he believed the Assistant Fire Chief position should be appointive) as appointive offices."

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April 13, 1977

Reno City Charter Amendments and Appointive Positions

The Special Assistant to the City Manager's response as related in the memorandum was that the proposed Charter changes had been considered by the City Council after full public disclosure and discussion. The Special Assistant wrote, "I said, therefore, that I was in no position to make 'deals' contrary to the wishes of the City Council."

During a March 17, 1977 hearing on Assembly Bill No. 401 before the Assembly Committee on Government Affairs, it was evident that a majority of the members of the Committee had been persuaded that by deleting the list of appointive offices in Section 1.090, the City could then make any office, including those in Civil Service, appointive. This was the same reasoning advanced by Mr. Kerns to the Special Assistant and to the Committee members prior to the hearing.

At the March 17th Committee hearing, the Special Assistant received specific directions from the Committee Chairman that he was to take the matter back to the City Council and work out a compromise at the local level. His recollection of the instructions correspond to a Gazette-Journal report the following morning, which stated, "Committee Chairman Pat Murphy, D-Reno, told City Councilman Nick Lauri and Mike Ewald, Special Assistant to the City Manager, to take the questionable section back to the City Council for possible revisions." Later in the same article, "Murphy said he would notify Mayor Carl Bogart, who was not present at the hearings, that the committee wishes to see the changes made at the local level." No mention was made in the article of any requirement to consult specifically with the City's employee unions, although some Committee members indicated that they expected a compromise acceptable to Mr. Kerns.

The Administration, referring to the Special Assistant's March 15 memorandum, in which the compromise position proposed by Mr. Kerns was clearly defined, prepared compromise language which it believed would be acceptable to the City Council and still meet the objections of Mr. Kerns. This language was embodied in Council Memo #77-195, dated March 23, 1977 and presented at the Council's March 28, 1977 meeting. The wording in question was:

Section 1.090 (2) The city council may establish such other appointive offices as it may deem necessary for the operation of the city by designating the position and the qualifications therefor by ordinance with appointive offices limited to Department Heads, Assistants to Department Heads, and Special Technical Staff as may be required. Such appointive positions are not to extend below the positions of Assistant Chief in the Fire and Police Departments of the City. Appointment of such offices shall be made by the city manager and confirmed by the city council.

As Council will note, the above wording would appear to meet the special objections as set forth by Mr. Kerns a few days before in the Special Assistant's presence.

The Council Memo was made an Agenda item and was discussed during the meeting, with opportunity given for Mr. Kerns or other members of the public to comment if they so chose.

During the March 28th Council meeting, the City Manager stated that the key opposition came from the Firefighters Association. He said, however, that "the limitation in the public safety departments to the chief and assistant chief, I think, meets most if not all of the objections that were raised." He was asked if the Administration had conferred with the Firefighters Association and, as evidenced by the Special Assistant's March 15th memo, responded correctly in the affirmative.

At a second hearing before the Assembly Committee on Government Affairs on April 12, 1977, the Committee received a number of amendments from the City, including the amendment relating to appointive offices.

The City representative, however, was criticized by one Committee member for not obtaining concurrence from the Firefighters Association on the proposed compromise language to Section 1.090. The City was instructed to take the matter back to the City Council and work out differences at the local level with employee unions in order to report back on Tuesday, April 19, 1977.

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April 13, 1977

Reno City Charter Amendments and Appointive Positions

Pursuant to the indicated wishes of the Committee Chairman, this office and the Personnel Director did proceed to meet with employee representatives on April 12 and 13, 1977, in order to specifically state or restate their objections and/or revised positions since Mr. Kerns' statements of March 11, 1977. Present at these two meetings were representatives from the International Association of Firefighters, the Reno Police Protective Association, the Reno Municipal Employees Association, and the Reno Administrative Professional Group.

The two meetings produced no agreement as to a compromise position and, in the opinion of the Administration team, served to expand the position of the employee organizations into a more inflexible attitude toward allowing the City Council to retain the right it currently has and which every other chartered city has, including Sparks, of establishing appointive offices as it may deem necessary for the operation of the city. Unable to agree, the employee representatives indicated they wanted further direction from their groups and both sides agreed to meet again on Friday, April 15, 1977 for further discussions.

Both sides are cognizant that the Assembly Committee on Government Affairs intends to hold another hearing on Tuesday, April 19, 1977, and, consequently, it is anticipated that official statements and recommendations by the employee representatives will be made available to the Council for its meeting on April 18, 1977.

By way of background, the section on appointive offices came under the scrutiny of the State Legislature in its 1975 session when the City of Reno sought to amend its City Charter. The Police Association protested then the change from civil service for the Assistant Police Chief. All of the present Council, then in office, favored the amendment and most, if not all, testified in the belief that the Chief and Assistant Chief in both Fire and Police Departments should be appointive.

The major hurdle in 1975 and, as is apparent in this 1977 session, were the comments by Battalion Chief Kerns, the lobbyist for the Firefighters, regarding the possibility of the City Council going below the Assistant Chief and making other appointive offices. Police Captain Kenneth Pulver, speaking on behalf of the Police Association for the first time at the April 12th hearing of the Committee on Government Affairs, also expressed a similar fear, except he included the Assistant Chief position as an office that should remain civil service.

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Reno City Charter Amendments and Appointive Positions

The compromise drafted by the Administration was not submitted to the Firefighters Association because it was believed that the reviews had already been had through the Kerns review on March 11. Based on Mr. Kerns' statements on that date, it was believed that his objections were eliminated.

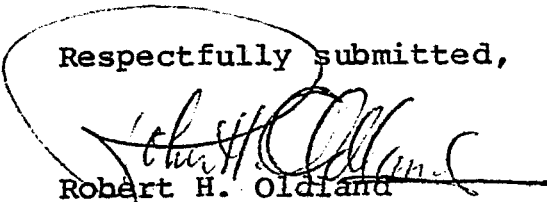
CONCLUSION

The Administration has acted in good faith with the Assembly Committee on Government Affairs by incorporating the conditions of the Firefighters' lobbyist into a compromise statement which was discussed and approved in open session of the City Council on March 28, 1977.

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of this Council Memo. It is further recommended that the Council's position with respect to the language in Section 1.090 of the Reno City Charter be communicated to the Assembly Committee on Government Affairs at the hearing on April 19, 1977.

Respectfully submitted,



Robert H. Oldland
City Manager

RHO:klb

APRIL 15, 1977

MAYOR AND CITY COUNCIL

From: CITY MANAGER

Subject: SUPPLEMENT TO EARLIER COUNCIL MEMO #77-240 CHARTER
AMENDMENTS - APPOINTIVE POSITIONS

Following completion of the report, Council Memo #77-240, the City Administration proceeded to meet with representatives of the various employee associations in an effort to further clarify for the City Council the positions of the various groups with regard to the proposed City Charter concerning appointive positions.

The City Council is well aware of the existing City provision which reads as follows:

Sec. 1.090 (3) The city council may establish such other appointive offices as it may deem necessary for the operation of the city by designating the position and qualifications therefor by ordinance. Appointment of such officers shall be made by the city manager and confirmed by the city council.

- (a) Airport manager.
- (b) Animal regulation officer.
- (c) Assistant city manager.
- (d) Chief building inspector.
- (e) Chief license inspector.
- (f) Chief of police.
- (g) City controller.
- (h) City engineer.
- (i) Data processing director.
- (j) Director of finance.
- (k) Director of parks, recreation
and public properties.
- (l) Director of personnel.
- (m) Director of public safety.
- (n) Director of public works.
- (o) Fire chief.
- (p) Sign and paint superintendent.
- (q) Signal and fire alarm superintendent.
- (r) Superintendent of city shops.
- (s) Superintendent of communications.
- (t) Superintendent of parks.

- (u) Superintendent of recreation.
- (v) Superintendent of sanitation.
- (w) Superintendent of sewer plant.
- (x) Superintendent of sewers.
- (y) Superintendent of streets.
- (z) Traffic engineer.

The City Council is also aware of the recommended changes submitted by the Citizens' Policy Planning Advisory Commission which reads as follows:

2. The city council may establish such other appointive offices as it may deem necessary for the operation of the city by designating the position and the qualifications therefor by ordinance. Appointment of such officers shall be made by the city manager and confirmed by the city council.

As stated in Council Memo #77-240, the current proposed Charter amendments before the Assembly Government Affairs Committee reads as follows:

Section 1.090 (2) The city council may establish such other appointive offices as it may deem necessary for the operation of the city by designating the position and the qualifications therefor by ordinance with appointive offices limited to Department Heads, Assistants to Department Heads, and Special Technical Staff as may be required. Such appointive positions are not to extend below the positions of Assistant Chief in the Fire and Police Departments of the City. Appointment of such offices shall be made by the city manager and confirmed by the city council.

The employee associations including RPPA, IAFF and RMEA can be simply stated as follows:

The City Council may establish appointive positions necessary to the operation of the City, but shall be limited to:

- 1) Department Heads reporting directly to the City Manager.
- 2) One Assistant Department Head for each Department, excluding Police and Fire.

SUPPLEMENT TO EARLIER COUNCIL MEMO #77-240 CHARTER
AMENDMENTS - APPOINTIVE POSITIONS
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(3) Special Advisory Staff reporting directly to the City Manager.

All other positions not listed above shall be classified civil service positions.

There is also an indication that some members of the employee associations may wish to address the City Council on Monday, April 18, 1977, concerning the proposed changes and/or conflicts.

It is apparent that extremely divergent views are represented between that submitted to the Legislature by the City and that now being espoused by the employee associations. It would also seem extremely unlikely that compromise legislation would be successful of unanimity.

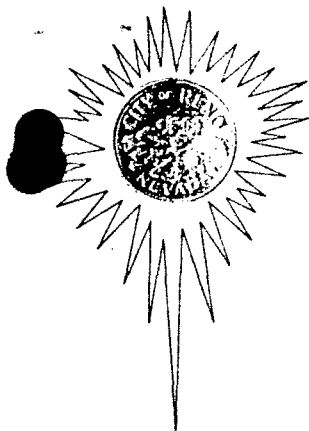
Based on the above and assuming that the State Legislative Committee on Government Affairs insists on unanimity of local positions, it is suggested that this Section of the proposed Charter amendments be simply withdrawn.

Respectfully submitted,


ROBERT H. OLDLAND, CITY MANAGER

RHO:smb

xc: Special Assistant to the City Manager
Airport Director
Airport Advisory Commission



CITY OF RENO

From the Office of: The City Manager

April 18, 1977

CARL BOGART
Mayor
CLYDE BIGLIERI
Assistant Mayor
PAT HARDY LEWIS
Councilwoman
BRUNO MENICUCCI
Councilman
NICK LAURI
Councilman
MARCEL DURANT
Councilman
WILLIAM GRANATA
Councilman
ROBERT H. OLDLAND
City Manager
ROBERT VAN WAGONER
City Attorney
ROBIN BOGICH
City Clerk

Honorable Patrick Murphy, Chairman
Assembly Committee on Government Affairs
Legislative Building
Capitol Complex
Carson City, Nevada 89710

Dear Mr. Murphy:

Pursuant to your request at the April 12th hearing of the Assembly Committee on Government Affairs, the City Administration met on three occasions with representatives of the various employee associations in an effort to further clarify for the City Council the positions of the various groups with regard to proposed City Charter concerning appointive positions.

At the conclusion of those meetings, the employee associations, which included the Reno Police Protective Association, the International Association of Firefighters, the Reno Municipal Employees Association, and the Reno Administrative Professional Group, submitted their position which was then duly transmitted to the Reno City Council.

The City Council, at its April 18, 1977 meeting, reviewed the recommended changes as submitted by the Citizens' Policy Planning Advisory Commission, the proposed compromise position of the City Council as adopted on March 28, 1977, and the employee associations' position with respect to appointive offices.

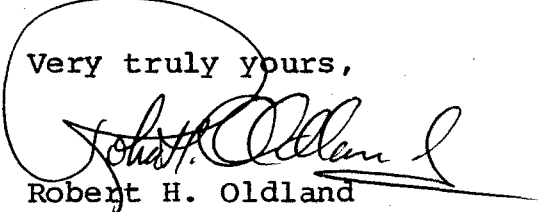
After discussion, the City Council, on a vote of five to two, decided that the local positions were so divergent that the Council would recommend to the Legislature that the amendment to the City Charter pertaining to appointive offices be withdrawn.

It was apparent that the extremely divergent views represented between that submitted to the Legislature by the City and that now being espoused by the employee associations would make it extremely unlikely that compromise legislation would be successful of unanimity.

Honorable Patrick Murphy
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Therefore, pursuant to City Council direction, the City of Reno respectfully requests that the proposed City Charter amendment pertaining to appointive offices (Section 1.090) be withdrawn and the provisions for appointive offices be left as they are currently in the Reno City Charter.

Very truly yours,



Robert H. Oldland
City Manager

RHO:MWE:kls

xc: Mayor and City Council
City Attorney
Otis Turner, President
International Association of Firefighters
Carl Goins, President
Reno Police Protective Association
Carlene Payton, President
Reno Municipal Employees Association
Millard Reed, President
Reno Administrative Professional Group
Jim Green, Chairman
Citizens' Policy Planning Advisory Commission

Section 1.090 (3) The city council may establish such appointive offices as it may deem necessary for the operation of the city by designating the position and the qualifications therefore by ordinance with appointive offices limited to Department Heads, one Assistant to Department Heads, and Special Technical Staff reporting directly to the City Manager. Such appointive positions are not to extend below the positions of Chief in the Fire and Police Departments of the City. Appointment of such offices shall be made by the city manager and confirmed by the city council.

SECTION 1. NRS 533.380 is hereby amended to read as follows;

(See A.B. 94 lines 1 thru 23.)

Then:

4. There shall be no time set before which such construction work shall begin or be completed or water applied to a beneficial use on lots included within an approved subdivision whose surface or underground water supply, as shown on the subdivision map filed by the developer, is to come from surface or underground water delivered by means other than through municipal facilities, such as a private water company.

5. Further, the water engineer shall issue extensions on the applications in proving beneficial use to the subdivision developer for so long as, 1) the developer is in good standing under the performance bond posted in the appropriate city or county, 2) the developer is diligently performing the development of the subdivision by completing ten per cent of the approved development each year, 3) the developer reports annually for ten consecutive years; the amount and kind of improvements, maintenance or other expenses pertaining to the development, the number of lots or homes built or sold and any efforts made or data gathered pertaining to water development, water recharge efforts and water conservation efforts being made. At the end of the ten year period each and every home or lot or parcel of the approved subdivision which has had water made available to it by the developer shall acquire a right to sufficient water to supply an average family for domestic use and shall become a part thereof and run with the land thereafter, provided that this combined use on the entire subdivision does not exceed those water permits originally allocated by the state engineer.

6. The provisions of subsections 4. and 5. do not apply if a developer or subdivider fails to comply with the notification and report procedures as provided for in subsection 5. above and such failure to comply will be considered prima facia proof of failure to make such progress and if such failure occurs for five consecutive years the state engineer shall terminate all permits.

7. Further, acre feet of water saved through the conservation efforts undertaken by the developer, such as recharging, shall be considered to have proven beneficial use and credited to the developer's permits in his proof of beneficial use as it is associated with the development.

- ✓1 SECTION 1. NRS 533.380 is hereby amended to read as follows:
✓2 533.380 1. **[In]** Except as provided in subsection 4, in his endorse-
✓3 ment of approval upon any application, the state engineer shall:
✓4 (a) Set a time prior to which actual construction work shall begin,
✓5 which shall not be more than 1 year from the date of such approval, and
✓6 order that the work shall be prosecuted diligently and uninterruptedly to
✓7 completion unless temporarily interrupted by the elements.
✓8 (b) Set a time prior to which the construction of the work must be
✓9 completed, which shall be within 5 years of the date of such approval.
✓10 (c) Set a time prior to which the complete application of water to a
✓11 beneficial use must be made, which time shall not exceed 10 years from
✓12 the date of the approval.
✓13 2. **[The]** Except as provided in subsection 4, the state engineer may
✓14 limit the applicant to a less amount of water than that applied for, to a
✓15 less period of time for the completion of work, and a less period of time
✓16 for the perfecting of the application than named in the application.
✓17 3. The state engineer shall have authority, for good cause shown,
✓18 to extend the time within which construction work shall begin, within
✓19 which construction work shall be completed, or water applied to a bene-
✓20 ficial use under any permit therefor issued by the state engineer; but an
✓21 application for such extension must in all cases be made within 30 days
✓22 following notice by registered or certified mail that proof of such work
✓23 is due as provided for in NRS 533.390 and 533.410.