

Minutes
Indian Hills General Improvement District
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
August 15, 2007
6:00 P.M.

Trustees Present: Chairman Brian Patrick, Vice Chairwoman Laura Lau, Secretary/Treasurer Denise Pierini, Trustee William Eisele, Trustee Kathryn Clark-Ross

Trustees Absent: (none)

Staff Present: General Manager Dennis Longhofer, District's Attorney Scott Brooke, District's Attorney Jennifer Yturbide, District's Engineer Brian Randall, Administrative Manager Nancy Fredrickson, Kurt Christensen

Others Present: Haugen & Keck Employment Consulting Sandra Haugen, Art Baer, Nevada Pool Pact Representative Stacy Norbeck, Nevada Big Horns coach Dennis Young, Carson City Recreation Manager Joel Dunn, Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco, Bill Sweetwood, Marie Sweetwood, Ron Kruse, Ben Walker, Debbie Walker, Cart Carter,

1. **Call to Order:** Chairman Patrick called the meeting to order at 6:00 P.M.
2. **Pledge of Allegiance:** Led by Chairman Patrick.
3. **Approval of Agenda:** Chairman Patrick stated that the District's Attorney requested that agenda item no. 11c. be moved after agenda item no. 4 and be numbered agenda item 4a. Chairman Patrick requested that agenda item no. 16 be moved after agenda item no. 7 and be numbered agenda item no. 7a. Trustee Eisele requested that agenda item no. 14 be postponed until the next regular monthly Board of Trustees meeting. Trustee Eisele discussed that the Board approved action at the May 17, 2007 Board meeting to research and possibly obtain alternative legal counsel. He preferred to postpone agenda item no. 14 in order to present documentation for agenda item 5f that was included in the Board meeting packet at the May 17, 2007 Board of Trustees meeting. Chairman Patrick recommended that agenda item no. 14 be discussed with no action.

Vice Chairwoman Lau moved to approve the agenda as revised. Revisions to the agenda: Agenda item no. 11c. be moved after agenda item no. 4 and be numbered agenda item 4a. Agenda item no. 16 be moved after agenda item no. 7 and be numbered agenda item no. 7a. Agenda item no. 14 be discussion only with no action. Seconded by Trustee Eisele. Motion carried unanimously.

Chairman Patrick requested that those requesting to make public comment during the meeting to line up behind the person speaking at the podium rather than raising hands and to sign in on the public comment form.

4. **Public Interest Comment:** Art Baer commented on the construction company's good job of street sealing and street slurry work but the crack sealing work was not good but overall the streets look good.

5. Discussion and possible action on approval of Consent Calendar:

Public Interest Comment: Art Baer requested that agenda item #5h be pulled from the consent calendar for further discussions.

Consent Calendar Agenda item 5h was pulled from the Consent Calendar.

- a. **Approval of Draft Minutes of Board Meeting of July 18, 2007.**
- b. **Approval of Draft Minutes of Board Meeting of July 30, 2007**
- c. **Acceptance of Budget Status Reports for July 31, 2007.**
- d. **Acceptance of Bank Accounts' Reconciliation at July 31, 2007.**
- e. **Acceptance of Paid Current Bills as presented.**
- f. **Approval of Large Payment to HDR for \$17,200.43, and Dinter Engineering for \$6,459.80 for engineering services.**
- g. **Approval of Large Payment for Application and Certificate for Payment #1 by Action Construction Co. in the amount of \$23,607.50 for the construction of Effluent Storage Pond No. 1 Bypass improvements in compliance with the Agreement dated July 12, 2007.**
- h. **Approval of extending inter-local agreement with Douglas County to provide sewer service to the North County Plaza commercial development area for 6 months ending December 31, 2007, with the possibility of another 6 month extension ending June 30, 2008.**

Trustee Eisele moved to approve consent calendar agenda items 5a, 5b, 5c, 5d, 5e, 5f and 5g. Seconded by Trustee Clark-Ross. Motion carried unanimously.

6. Action on items pulled of the Consent Calendar: Agenda item # 5h was pulled from the consent calendar.

- 5h. Approval of extending inter-local agreement with Douglas County to provide sewer service to the North County Plaza commercial development area for 6 months ending December 31, 2007, with the possibility of another 6 month extension ending June 30, 2008:** General Manager Longhofer referred to a letter in the Board meeting packet dated July 26, 2007 from County Engineer Carl Ruschmeyer. Douglas County is requesting a six month extension to the interlocal contract for temporary sewer services to North County Plaza commercial development in order to allow the County sufficient time to permit and construct the on-site effluent storage reservoir at the North Valley Wastewater Treatment Facility. General Manager Longhofer discussed the County's delay with completion of improvements to the North Valley Wastewater Treatment Facility.

Public Interest Comment: Art Baer stated that per the interlocal contract, the District reserves the sole right to adjust the 1,000 gallons rate at any time there is as much as a 10% change in the cost of

electrical energy. He stated that the District has not yet established a commercial sewer rate and approval of the extension of the interlocal contract would be premature.

General Manager Longhofer referred to the sentence in the interlocal contract which states that rates thereafter will be adjusted annually and that the County has agreed and understood rate adjustments. Trustee Eisele inquired if the County's agreement to rate adjustments was in writing. General Manager responded that the statement is in the contract and that the District increased the rate to \$12.67 per 1,000 gallons effective July 1, 2006. General Manager Longhofer clarified that the rate from April 1, 2004 to March 31, 2005 was \$9.47 per 1,000 gallons. Secretary/Treasurer Pierini inquired if Douglas County was paying the same rate as District residents. General Manager Longhofer clarified that Douglas County is paying more than District residents.

Public Interest Comment: Art Baer discussed the County's redevelopment area encompassing the North Valley Commercial area and the County's expansion of the North Valley Wastewater Treatment Facility with the County's intention of disconnecting the District's sewer line from the redevelopment area. He stated that the District is getting nothing but problems from the North Valley Commercial area sewage. Art Baer commented on the District's future loss of sewer fees.

Trustee Eisele moved to approve extending the interlocal agreement with Douglas County to provide sewer service to the North County Plaza commercial development area. Seconded by Vice Chairwoman Lau.

The District's Attorney Scott Brooke clarified to the Board that the interlocal agreement is not clear and that there is a discrepancy between the interlocal agreement and Douglas County's letter dated July 26, 2007 requesting an extension. He stated that the interlocal contract term ends March 31, 2007. Douglas County is requesting an additional six month extension to June 30, 2008. He suggested that the motion include the extension date of June 30, 2008.

Trustee Eisele moved to approve extending the inter-local agreement with Douglas County to provide sewer service to the North County Plaza commercial development area ending June 30, 2008. Seconded by Secretary/Treasurer Pierini. Motion carried unanimously.

4. Reports to the Board:

a. Attorney's Report

The District's Attorney Jennifer Yturbide discussed the inter-local agreement to transfer sewer improvements, in the Ridgeview service area, from Douglas County to the District which was approved by the Board at the July 18, 2007 Board of Trustees meeting. She followed up with Jeff Foltz at Douglas County. Jeff Foltz is attempting to locate easements. The information is not verified but is in the works. The District received an open meeting law violation complaint letter from the Attorney General's office. The letter from the Attorney General's office requests that the District respond by August 20, 2007 and to provide certain materials on the matter to the Attorney General's office. Language revisions for the Pathway Easement Agreement are completed and will be presented to property owners Christina Harper and Tod Harper for their review in regards to the trail from Vista Park to James Lee Park.

Public Interest Comment: (none)

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7. **Discussion and possible action to approve planting a donated memorial tree in honor of U.S. Army Warrant Officer Joshua Rogers at North Sunridge Park. (Requested by resident Bill Sweetwood):** Resident Bill Sweetwood commented on the passing of resident Joshua Rogers in Afghanistan. To honor Joshua Rogers who went above the call of his second tour of military service, Bill Sweetwood requested that a tree plant in his memory. He mentioned that a memorial might be placed near the donated red maple tree.

Resident Bill Sweetwood would inform the District of any memorial service or dedication ceremony for the tree planting for Joshua Rogers. Chairman Patrick suggested that the District assist with donation efforts once a donation plan is established to receive donations for Joshua Rogers' memorial. Chairman Patrick stated that a motion on the agenda item was probably not necessary in order for the District to plant a donated memorial tree in honor of U.S. Army Warrant Officer Joshua Rogers.

No action.

Public Interest Comment: (none)

- 7a. **Discussion and possible action to approve District's Personnel Policy:** Nevada Pool Pact Representative Stacy Norbeck was present at the meeting and suggested that the policy be discussed section by section. Personnel policy General Provisions section 1.2 Scope on page 1 was revised. Attorney Yturbide provided a direction in a memorandum to the Board. (Exhibit B) She stated that she reviewed the policy and reviewed with it the definitions of employees. She noticed there is one provision that gives a fairly comprehensive definition or labels all of the additional subcategories of employee. Attorney Yturbide recommended instead of just pointing out one or two in your broad scope that you keep a consistent document and provide for the broadest number in the scope. She stated to either say all District employees or the language that was provided to the Board. She referred to Prohibition of Workplace Violence section 2.8.2 Scope page 28 which states, "This policy applies to all employees, including regular, part-time temporary, casual, provisional, and elected officials, as well as contract and temporary or seasonal workers and anyone else on the District's property." She stated that scope paragraph makes the policy applicable to all employees and then there is a phrase including regular, part-time temporary, casual, provisional which is the portion dealing with employees. She referred to Definition of Terms number 7 on page 78. She stated that the definition "employee" provides various subcategories of employees. She stated that in the body of the document the words are quite specific and they are defined in the glossary which was the reason for her recommendation. Nevada Pool Pact Representative Stacy Norbeck stated that Pool Pact does not define provisional employees and recommended removal of provisional employees. Attorney Yturbide informed Stacy Norbeck that she went ahead and made a suggestion in revising Pool Pact's definition slightly because the Pool Pact document refers to provisional employees and there was no definition. She stated that when referring to the provisional section, it appears to be related to temporary employees. She stated that it would be the Board to leave provisional or remove provisional in the definitions. She commented on seasonal and casual worker/hire. She was uncertain if seasonal employees would fall within the category of casual worker/hire and if the District has seasonal or casual worker/hire employees. Casual Worker/Hire definition states, "A person hired at the pleasure of the employer to work less than twenty (20) hours per week on an ongoing basis or for more than twenty (20) hours per week for a period of fewer than one hundred twenty (120) consecutive work days." Attorney Yturbide was uncertain if the District's seasonal employees

go beyond one hundred and twenty (120) consecutive work days and if they work full time. She stated that there is no definition for seasonal employees in the document. *The Board of Trustees agreed to amend General Provisions section 1.2 Scope on page 1 to read, "These policies apply to all employees."*

Personnel policy Illegal Harassment Section 2.2.2 Prohibited Conduct on page 9 was revised. "The District will not tolerate any form of illegal harassment, including any behavior on the part of other employees, *members of the Board, clients, customer, vendors, etc.* that impairs an employee's ability to perform his/her duties." Attorney Yturbide stated that she did not notice that change when reviewing the policy. She stated that the personnel policy relates to the employee and should be directed to the employees in terms of disciplinary action. She discussed the process to recall elected officials for conduct. Attorney Yturbide stated that the personnel policy is not designed to govern conduct of elected officials. Vice Chairwoman Lau inquired on the process for Board members that interfere or harass staff during work hours. Nevada Pool Pact Representative Stacy Norbeck commented on the responsibility of the employer to protect employees from harassment no matter who the person is from clients customer, vendors and Board members. She advised that the Board would be included whether they are listed or not and that the employee would follow the process as indicated in the personnel policy. Stacy Norbeck clarified that harassment has to be based on a protective class such as gender, race or religion. Attorney Yturbide clarified that there are other protections such as State, County and Federal laws for employees other than the District's personnel policy. Discussions ensued on issues with Board members directing staff on tasks. The District's Attorney Scott Brooke suggested the Board enact more specific policy for regulation to protect the employee to enhance the function of the District if there is a continuing problem. He advised that those policies be specific as possible and that the Board has different options to enforce those policies which would include civil remedies, state agencies and recall of a public official if the policies are violated. He stated that Board members are not employees and that their conduct is their individual choice.

Personnel policy Drug and Alcohol-Free Workplace section 2.7.1 Policy on page 16 was revised. *The Board of Trustees agreed to amend Drug and Alcohol-Free Workplace section 2.7.1 Policy on page 16 to read, "These policies apply to all employees."*

Personnel policy Reasonable Suspicion Testing, section 2.7.8, number 2 on page 20 was revised. The second sentence was revised to state, "The documentation will be forwarded to the department head, designee *and the District's attorney* to authorize the drug and/or alcohol test of an employee..."

General Manager Longhofer requested clarification if the District's Attorney was not available. Attorney Yturbide stated that if she or Attorney Scott Brooke was not available at that instant, there is another Attorney at Brooke, Shaw & Zumpft available for contact and that they can always find one of us.

Personnel policy Reasonable Suspicion Testing, section 2.7.8, number 3, on page 21 was revised. "The department head or designee, the District's General Manager *or the District's Attorney* shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be suspended with pay pending results of the test." Attorney Yturbide advised that the District's Attorney does not need to be included because the District's Attorney should not be directing the District's business.

Attorney Yturbide discussed recommended language per the Attorney's memorandum section 3a on page 3 regarding reporting requirements. (Exhibit B) The District's Attorney recommends revision of the language as followed: "In the event the General Manager is the person charged with violating the District's policies or the law, any and all reports required by the District's policies or the law shall be made to the Chairperson of the Board of Trustee and the District's Attorney. Moreover, solely in the event that the General Manager is the person charged with violating the District's Drug and Alcohol-Free Workplace Policy or the law, any reporting requirements and responsibilities assigned to the Department Head, Supervisor and/or General Manager as stated in the District's Drug and Alcohol-Free Workplace Policies shall be made instead by the Chairperson or his/her designee."

Trustee Eisele requested that the language be changed to read, "and/or a Board member" rather than specifically to the Chairperson or his/her designee." Trustee Eisele requested a vote on the language revision. Attorney Yturbide suggested that a vote be held until there were discussions on all the items. The Board of Trustees continued discussions on revisions to the District's personnel policy.

Personnel policy Reasonable Suspicion Testing, section 2.7.8, number 4 on page 21 was revised. "Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to: Information provided either by reliable and credible sources or independently corroborated, *with written documentation*. The first line supervisor or another supervisor/manager received information from a reliable and credible source, *with written documentation*, as determined by the department head that an employee is violating the District's policy." Nevada Pool Pact Representative Stacy Norbeck suggested that information should be documented but not by the person making the complaint because that person may not want to document themselves. Attorney Yturbide stated that as suggested at the last Board meeting that she did not believe it was necessary. She explained that there is a section in the personnel policy that identifies what documentation has to be made and the format of the report.

Nevada Pool Pact Representative Stacy Norbeck clarified that the section under discussion is Supervisor Responsibilities, section 2.7.4, number 2 on page 19. Attorney Yturbide stated that documentation is submitted to the department head or designee. Vice Chairwoman Lau stated that it does not state from whom the documentation is submitted. Attorney Yturbide mentioned that the Board may not want to specify so directly and that the supervisor is responsible for documentation.

The Board of Trustees agreed to leave the language revisions as is in the personnel policy Reasonable Suspicion Testing, section 2.7.8, number 4 on page 21.

Personnel policy Department Positions, section 2.7.10, number 1 on page 22 was revised. Number 2 including subsection a. and subsection b. on page 23 were deleted. Number 3 on page 23 was deleted. Section 2.7.10 heading on page 22 was revised. Section 2.7.10, number 1 on page 22 was revised as followed: "The District shall conduct pre employment testing for drugs, and random testing for drugs and alcohol for all District employees including part-time and seasonal employees. Drug and alcohol testing of applicants and employees of the District is mandatory, and successfully passing these tests is a condition of future or continued employment."

General Manager Longhofer stated that safety sensitive does not include all employees and it sounded like the message at the last Board meeting was that the Board wanted to include all employees. He eliminated the safety sensitive in order to make it fair to all employees.

Nevada Pool Pact Representative Stacy Norbeck stated that safety sensitive positions absolutely have to be defined. She discussed balancing the employers' need to protect the public and the employee and the employees' right to privacy as well as property rights of their job. She explained that safety sensitive positions come from the Department of Transportation CDL holders. She referred to Department Positions, section 2.7.10, number 2a and 2b on page 23 which delineates a safety sensitive position. She stated that the District can test all employees if the District can justify that each position is safety sensitive. Nevada Pool Pact Representative Stacy Norbeck recommended that safety sensitive positions are placed back in the personnel policy and a list of safety sensitive positions are created. She mentioned that every District employee may be safety sensitive but that they need to be defined.

Attorney Yturbide recommended a revision in section 2.7.10, number 1 on page 22 that the word shall in the first sentence be changed to may.

Nevada Pool Pact Representative Stacy Norbeck explained that an employee who drives a company car or their own vehicle for company business could be considered safety sensitive because they are on the streets. Trustee Eisele inquired if there was any regulation or restriction of a time limit for an employee to operate a vehicle when considering an employee as safety sensitive. Nevada Pool Pact Representative Stacy Norbeck responded that the matter would be a consideration for the District to determine. Attorney Yturbide stated that if the policy is adopted, there is a provision which the District can designate which positions are safety sensitive. She mentioned that the District needs to make the safety sensitive document a public record including posting of the safety sensitive document. She stated that the Board will have to determine what positions are in fact safety sensitive by review of job duties and job classifications to vote on the matter as a Board. Chairman Patrick stated that mind of the Board was that everybody should be tested.

General Manager Longhofer stated that most employees conduct pre employment testing on everybody and the District could put may, but his recommendation would include everybody.

Nevada Pool Pact Representative Stacy Norbeck advised that the District have a safety sensitive list in accordance with section 2.7.10, number 3 on page 23, but the District must justify the position as safety sensitive in accordance with section 2.7.10, number 2a and 2b on page 23.

Secretary/Treasurer Pierini inquired if the language could include all employees including positions identified as department safety sensitive. Nevada Pool Pact Representative Stacy Norbeck gave an example of a possible lawsuit if safety sensitive positions are not justified.

Chairman Patrick commented on job descriptions including wording to declare that the position is safety sensitive. Nevada Pool Pact Representative Stacy Norbeck responded that the job descriptions and duties should reflect safety sensitive responsibilities but it does not need to state that the position is safety sensitive. She explained that designation of department safety sensitive would be included in a list in accordance with section 2.7.10, number 3 on page 23.

Attorney Yturbide recommended that seasonal be included in the definitions or the definition of casual worker/hire be modified. Nevada Pool Pact Representative Stacy Norbeck advised that

the casual worker/hire is defined from the Department of Labor and could not be changed. She recommended that seasonal be included in the definitions list.

The Board of Trustees agreed to leave all the language in that was lined out as indicated in the personnel policy sections 2.7.10 Department Positions on page 22 and page 23; 2.7.11 Pre Employment Testing on page 23; and, 2.7.12 Random Testing, number 1 and number 2 page 23 and page 24. The Board of Trustees agreed to remove the language, "including part-time and seasonal employees" in section 2.7.10 Department Positions, first sentence on page 22.

The Board of Trustees agreed to include seasonal as a definition of term in number 7 starting on page 78.

Personnel policy Random Testing, section 2.7.12, number 3 on page 24 was revised. Section 2.7.12, number 5 on page 24 was added. Personnel Policy Return to Work Testing/Follow-up Testing, section 2.7.13. number 1 was revised.

The Board of Trustees reconsidered agreed to revise personnel policy Random Testing sections 2.7.12, number 3 on page 24 as followed: "An employee selected for random testing shall be driven by a supervisor or manager and proceed immediately to the test site. An employee who engages in conduct which does not lead to testing as soon as possible after notification may be considered to have refused to test."

The Board of Trustees and Nevada Pool Pact Representative Sandy Norbeck discussed possibly revising the language to Random Testing 2.7.12, number 5 on page 24 to consider revising the first sentence. Chairman Patrick recommended language revisions to Random Testing 2.7.12, number 5 on page 24 as followed: "An employee who tests positive for drug abuse during random drug testing may be offered drug counseling rehabilitation through the District's Employee Assistant Program or other facility at the employees' expense. General Manager Longhofer advised the Board that the language revision may be an issue with the Stationary Engineers, Local 39 Union. Attorney Yturbide recommended a simple solution to refer it back to section 2.7.7 Employee Assistance and Voluntary Referral on page 20 and go through that provision and just make that available. Attorney Yturbide stated that there may not be a Stationary Engineers, Local 39 union problem but she has not seen anything from the union buying off on any of this and it may be reopen for discussion.

Trustee Eisele recommended Chairman Patrick's recommended language revisions to Random Testing 2.7.12, number 5 on page 24 to omit on his/her first offense in the first sentence.

Public Interest Comment: (none)

Trustee Eisele moved to accept the personnel package as the Board just went through it including Attorney Yturbide's recommended revision but he would like to address Attorney Yturbide's recommended revisions after this. Seconded by Trustee Clark-Ross. Chairman Patrick voted aye. Secretary/Treasurer Pierini voted aye. Trustee Clark-Ross voted aye. Trustee Eisele voted aye. Vice Chairwoman Lau voted nay. Motion carried 4 to 1.

Trustee Eisele requested a revision of the Attorney's memorandum section 2.3.2, number 4 on page 2 regarding Employee Responsibilities. (Exhibit B) Trustee Eisele recommended the following language revision: "Employees who believe the General Manager has engaged in discriminatory or harassing conduct should bring such concerns to the attention of the Chairperson of the Board and/or any member of the Board and the District's Attorney."

Trustee Eisele requested a revision of the Attorney's memorandum section 2.7.1, number 3a on page 3 regarding Reporting Requirements. (Exhibit B) Trustee Eisele recommended the following language revision in the first sentence: "In the event the General Manager is the person charged with violating the District's policies or the law, any and all reports required by the District's policies or the law shall be made to the Chairperson or the Board *and/or any member of the Board* and the District's Attorney."

There was discussion and disagreement on the decision making authority of the Chair over other members of the Board. Attorney Yturbide referred to Reporting Requirements, section 2.3.4 on page 11 to track the language that is proposed to be added in bold of the Attorney's memorandum section 2.3.4, number 1 on page 2. In the event such alleged discriminatory or harassing conduct is charged against the General Manager, any and all reports contemplated by the Indian Hills GID Personnel Policies shall be made to the Chairperson of the Board of Trustees and the District's Attorney." Attorney Yturbide discussed the procedure of where one person is receiving a report for misconduct and then an independent investigation services might be conducted.

Vice Chairwoman Lau inquired from Attorney Yturbide if there would be a conflict of interest if a Board member who was related to a District human resources employee asked for a drug test of an employee. Attorney Yturbide responded that the way that this particular item is written, it would not necessarily contemplate human resources being involved. She stated that if there is a relationship between a Board member and employee, they always encourage full disclosure but that does not necessarily mean there is an actual conflict but through ethical standards you would make your full disclosure and then it may not prevent you from taking action.

Chairman Patrick read Reporting Requirements, section 2.7.1, number 3a on page 17 with Trustee Eisele's recommended language revisions as followed: "In the event the General Manager is the person charged with violating the District's policies or the law, any and all reports required by the District's policies or the law shall be made to any member of the Board of Trustees and the District's Attorney. Moreover, solely in the event that the General Manager is the person charged with violating the District's Drug and Alcohol-Free Workplace Policy or the law, any reporting requirements and responsibilities assigned to the Department Head, Supervisor and/or General Manager as stated in the District's Drug and Alcohol-Free Workplace Policies shall be made instead by any member of the Board."

Trustee Eisele moved to accept language revisions for Reporting Requirements, section 2.7.1, number 3a on page 17 as followed: "In the event the General Manager is the person charged with violating the District's policies or the law, any and all reports required by the District's policies or the law shall be made to any member of the Board of Trustees and the District's Attorney. Moreover, solely in the event that the General Manager is the person charged with violating the District's Drug and Alcohol-Free Workplace Policy or the law, any reporting requirements and responsibilities assigned to the Department Head, Supervisor and/or General Manager as stated in the District's Drug and Alcohol-Free Workplace Policies shall be made instead by any member of the Board." Seconded by Secretary/Treasurer Pierini.

Vice Chairwoman Lau inquired if there was a conflict of interest of a Board member who is related to a District human resources voting on the personnel policy. Attorney Brooke responded that it is a Board policy and a Board matter and if there is no direct conflict. Vice Chairwoman Lau was concerned with disclosure of the relationship prior to each vote. There was discussion on a possible conflict of a Board members employment with Douglas County.

Public Interest Comment: (none)

Trustee Eisele moved to accept language revisions for Reporting Requirements, section 2.7.1, number 3a on page 17 as followed: "In the event the General Manager is the person charged with violating the District's policies or the law, any and all reports required by the District's policies or the law shall be made to any member of the Board of Trustees and the District's Attorney. Moreover, solely in the event that the General Manager is the person charged with violating the District's Drug and Alcohol-Free Workplace Policy or the law, any reporting requirements and responsibilities assigned to the Department Head, Supervisor and/or General Manager as stated in the District's Drug and Alcohol-Free Workplace Policies shall be made instead by any member of the Board." Seconded by Secretary/Treasurer Pierini. Chairman Patrick voted nay. Vice Chairwoman Lau voted nay. Secretary/Treasurer Pierini voted aye. Trustee Eisele voted aye. Trustee Clark-Ross voted aye. Motion carried 3 to 2.

Break at: 7:52 P.M.

Reconvened at: 8:14 P.M.

8. **Discussion and possible action to make improvements to James Lee Park ball field #2, not to exceed the cost of \$12,000. (Requested by resident and Coach of the Nevada Big Horns, Dennis Young):** General Manager Longhofer stated that the issue came up before and was approved on the condition that the drainage issue was repaired on forest service property. He clarified to the Board that the drainage issue was repaired and that \$5,000 was approved to be moved from this budgeted line item to cover the costs for soccer field improvements. Nevada Big Horns coach Dennis Young was present at the meeting. He discussed various changes with the organization. The Nevada Big Horns are a non-profit organization and have added two additional teams. The teams are fifteen and under and thirteen and under. All three teams want to play at James Lee Park and games will be scheduled at the James Lee Park facility starting in September 2007. He mentioned that a landscaper is available to redo the infield, sod and sprinkler work for \$3,100.

Chairman Patrick stated his concern with not opening the improvements to ball field #2 for bid. General Manager Longhofer commented on the possibility of volunteer work but the District's Attorney is concerned with liability and insurance issues. Nevada Big Horns coach Dennis Young stated that the District would need to pay for the price of sod and the labor would be done by coaches and parents. He clarified that they would continue to maintain the improvements throughout the year. He mentioned that the landscaper has his own landscaping business and would be able to submit a bid if required. He responded to Secretary/Treasurer Pierini's inquiry that the third team is a college team. He discussed the need of a press box in which bids on costs and materials could be obtained without labor costs. Chairman Patrick questioned if \$12,000 was sufficient to build a press box. Nevada Big Horns coach Dennis Young thought the amount was sufficient. General Manager Longhofer was uncertain if the \$12,000 was sufficient to complete improvements and build a press box.

Public Interest Comment: Art Baer stated that ball field #2 was designed as a multi purpose field for football, baseball and soccer. He mentioned that there was grass all over the field, then the grass was removed, clay and red dirt was put in. He questioned when the District will call it quits on improvements. He advised that construction of a press box would need to go through Douglas County planning and building permits would be required.

Trustee Clark-Ross inquired if \$3,100 for the sod would be the bottom line of costs for improvements to ball field #2. Nevada Big Horns coach Dennis Young responded that sod does not have to be done until October and that \$12,000 would allow for infield improvements and construction of a press box. General Manager Longhofer clarified to Trustee Clark-Ross that money could be moved in the budget to cover the costs and that the costs for improvements to ball field #2 were previously approved pending the resolution of drainage issues. Nevada Big Horns coach Dennis Young responded to Secretary/Treasurer Pierini's inquiry that sprinklers are located on ball field #2 but they are capped off.

Secretary/Treasurer Pierini moved to make improvements to James Lee Park ball field #2, not to exceed the cost of \$12,000. Seconded by Trustee Clark-Ross. Motion carried unanimously.

9. **Discussion and possible action to approve an after school program at James Lee Park. (Requested by Trustee Clark-Ross):** Carson City Recreation Manager Joel Dunn and Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco were present at the meeting to present ideas and options for use of the District's facilities. Trustee Clark-Ross had the idea of providing some form of after school care. Carson City Recreation Manager Joel Dunn mentioned that the reason why he was leading Trustee Clark-Ross going for the after school care for the District's programs rather than jumping into organized sports programs because of cost covering for those programs. He mentioned that Carson City balances their budget on the backs of the latch key programs and that Carson City's latch key programs are generally 150% plus cost covering. He commented that Carson City's latch key program provides for office staff for their recreation programs and it provides the offset for the programs that do not create the 100% mandate of the operational costs. Carson City Recreation Manager Joel Dunn and Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco offered to assist the District and answer questions about an after school care program.

Trustee Clark-Ross commented on the District's limited indoor space for an after school program until funding became available to possibly build a community building. She inquired if the District's current space would be sufficient. Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco responded that it would depend on the type of program but twenty five persons could possibly accommodate the meeting room area. Carson City Recreation Manager Joel Dunn mentioned that Carson City establishes a 1 to 10 ratio of participants to employees that operate in a similar size of space as the District's meeting room. He mentioned that a community center with a gym is ideal for the area but in order to establish enough revenue to cover costs of operation, the District would need some form of child care of after school care to offset the costs. Carson City Recreation Manager Joel Dunn clarified to Chairman Patrick that Carson City's summer program typically operates its summer program 90% outside in the parks, special events and field trips.

General Manager Longhofer discussed concerns with office furniture in the meeting room; lack of refrigerator needs to accommodate employees and those in the program; noise or other disruptions coming from the meeting room during business hours. He is concerned that the District's current facilities are efficient to accommodate twenty five children primarily during winter. Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco discussed an option to start a program during summer and the Nevada State Board of Child Care licensing regulations and requirements. Carson City Recreation Manager Joel Dunn stated that it is more common to offset your operational costs by running a summer program rather than an after school program.

Chairman Patrick stated that the District should explore an after school or summer program but that the District should take the time to explore it. Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco responded to Secretary/Treasurer Pierini's question about an enrollment policy for handling a limitation to enroll just twenty five children if three hundred children enroll. She commented on the option of enrolling children on a first come first serve option or a lottery process. She mentioned that Carson City has a waiting list for some of their programs. Carson City Recreation Manager Joel Dunn informed the Board that Carson City offers a waiver of liability and is encouraged to do so through its legal counsel. He mentioned that Carson City provides secondary insurance for special events, tournaments and alcohol sales. Carson City Recreation Supervisor/Latch Key Coordinator Meagan Soracco responded to Vice Chairwoman Lau's inquiry that children are picked up and dropped off by Carson City buses and that there is a cost to provide that service. She discussed Nevada State Board of Child Care licensing regulations and requirements and the determination of the Board if a program is considered as a red flag due to available facilities, staffing issues and the age of children in the program.

No action.

10. **Discussion and possible action to approve a Professional Services Contract with Haugen & Keck Employment Consultants to provide a thorough review of Organizational & Efficiency of (4) District Exempt Positions, not to exceed \$5,000. (Requested by Trustee Eisele):** Chairman Patrick stated his concern that Trustee Eisele is related to one of the people that the District might be asking to perform services on the contract. He is concerned that there is a distinct possibility that there is an issue. Haugen and Keck Employment Consulting Sandra Haugen was present at the meeting to discuss her company's background and experience. She is a retired government administrator and was the principle analyst for the City of Santa Cruz for eight years. Her primary experience was in public works, parks, fire and water with training and working with infrastructure items and infrastructure staffing. She does not work so much in terms with doing much governmental work and that her company contracts with the State of Nevada Department of Employment Training and Rehabilitation, State Medicaid, State Department of Mental Health and the Douglas County School District. 80% of Haugen & Keck Employment Consultants current work entails training people to go to work, the other 20% is geared towards organizational and efficiency reviews. She discussed other services provided by Haugen and Keck Employment Consultants including job classification and specification. She discussed her work experience with past employers and contracts.

Haugen and Keck Employment Consulting Sandra Haugen stated that she would be reviewing the top four administrative positions what the job specifications says they are doing, what they say they are doing and what their supervisor says they are doing. She mentioned that she would be looking at any emerging trends or needs coming down the road which might impact the four job specifications and do an analysis on commensurate wage rates. She would like to get an organizational overview to assist with the District's short term and long term planning.

Haugen and Keck Employment Consulting Sandra Haugen clarified to the Board that the four positions are Parks/Recreation/Human Resources, Financial/Accounting, Executive Assistant, and General Manager. Trustee Eisele inquired from Attorney Brooke's if there would be a conflict because he is related to one of the positions being reviewed. Attorney Brooke responded that he does not believe it is a conflict for you to participate in authorization for a professional services contract but whatever past or present relationship with proposed contractor should be disclosed. Trustee Eisele stated that he worked with the proposed contractor off and on for several years. Haugen and Keck Employment Consulting Sandra Haugen clarified that she worked with Trustee Eisele in public works in different sites. Attorney Brooke stated that Trustee Eisele was elected when the District employee he is related too was already employed at the District. Haugen and Keck Employment Consulting Sandra Haugen informed Secretary/Treasurer Pierini that the company's rate is \$75.00 per hour. She referred to Haugen and Keck Employment Consulting's proposal which was presented to the Board of Trustees.

Public Interest Comment: (none)

Vice Chairwoman Lau stated her concern with the Sandra Haugen's relationship with Trustee Eisele including that Trustee Eisele is related to one of the positions proposed to be reviewed. She is concerned on how this came about, not necessarily with the General Manager. Haugen and Keck Employment Consulting Sandra Haugen responded that the matter came about in passing with Trustee Eisele informally and there was no meeting set up. Trustee Eisele discussed his reasoning for discussing the matter with Sandra Haugen due to current operational concerns.

Trustee Clark-Ross moved to approve a Professional Services Contract with Haugen & Keck Employment Consultants to provide a thorough review of Organizational & Efficiency of (4) District Exempt Positions, not to exceed \$5,000. Seconded by Secretary/Treasurer Pierini. Chairman Patrick voted nay. Vice Chairwoman Lau voted nay. Secretary/Treasurer Pierini voted aye. Trustee Eisele voted aye. Trustee Clark-Ross voted aye. Motion carried 3 to 2.

11. Reports to the Board:

a. General Manager's Report

General Manager Dennis Longhofer discussed items as written in the General Manager's Report. (Exhibit A) He commented on additional items. Board photos have arrived. He suggested hanging them in the front office. The District's Engineer and Brian Randall met with Silver City RV Park regarding their monthly sewer rates. A proposal to determine Silver City RV Parks exact usage would be to determine the size of the wet well, time it with an hour meter for gallons per minute. There is another tank underground in which that size is undetermined that is tied into it. The size of the underground tank should be determined in the next few weeks. There are over two hundred spaces at Silver City RV Park. Douglas County repaired the section of pipe as requested by the Board of Trustees as a requirement of the interlocal agreement to transfer the Ridgeview sewer service from the County to the District.

The Board of Trustees were pleased with the outcome of the streets slurry seal and sealing projects.

b. Engineer's Report

The District's Engineer Brian Randall informed the Board of Trustees that the payment application for completion of the pond bypass project was for 95% approval of payment and that there is 5% retained which would be presented to the Board for final payment at the September Board meeting. Engineer Randall explained that the ponds should be emptied and cleaned on an annual basis per the requirements of the Nevada Division of Environmental Protection. The procurement document for the replacement lift station should be finalized and going back to ROMTEC for their final review. Engineer Randall projected going out to bid in two to three weeks. He is working on the sludge dewatering building site and supporting HDR Engineering for the grading plan, site plan and survey work. Engineer Randall and General Manager Longhofer met with the Division of Water Resources Deputy Engineer Steven King. Issues discussed were the District's need of a second well because the District is currently reliant on a single well. Engineer Randall mentioned that in 2004 the application of water rights were submitted for the second well but when the exploratory test well was drilled, the water rights were changed by moving existing water rights from Brown's well to the test well in which that application was protested by the Paiute Tribe. He suggested that the test well water rights application be withdrawn in which the water rights would go back to Brown's well and request that the State Engineer's office and act on the application not protested that the District filed three years ago. Engineer Randall will be drafting a letter to the State Engineer describing the District's dilemma and that they consider not acting on the application protested, to withdraw the application and to move water rights to Brown's well which should resolve the issue with the Paiute Tribe. Engineer Randall discussed the Morgan Meadows subdivision final map approval. He mentioned that a will serve letter was submitted by the District for about one hundred homes and since that time, the District had new subdivisions with new homes. He explained that the State sets up a ledger and every time a final map is approved for a home, there is 1.12 acre feet (one thousand gallons a day over a years' period of time) that amount of water has been allocated to every new house that was approved. He stated that the District has 200 acre feet left. Engineer Randall stated that the purpose of the meeting was to request that the State Engineer consider getting back to the District those water rights that it really is not using that have been allocated on the ledger against the District's remaining water rights. He mentioned that the Division of Water Resources Deputy Engineer would consider the matter which would be retroactive but the District has to prove that it is only using a specific amount of gallons of water per day, per residence. Engineer Randall informed the Board that an estimated cost for the exploratory well project is \$450,000.

- 12. Discussion and possible action to reconsider the new recommended residential and commercial sewer connection fees:** General Manager Longhofer discussed the process of calculation of current connection fees versus the proposed recommendation of using meter size. The Board is considering action to increase the sewer capacity fee based on the Equivalent Meter size Ratio and Equity Buy in Costs.

Capacity Fees	Meter Size (in)	Flow Rating (gpm)	Equivalent Meter Ratio	Charge
	3/4	30	1	\$5,130.00

Minutes of the August 15, 2007 Board of Trustees Meeting

Public Interest Comment: Art Baer discussed Farr West Engineering's study in regards to depreciation calculations and the Enterprise Fund ending fund balance.

Vice Chairwoman Lau moved to reconsider the new recommended residential and commercial sewer connection fees to change from meter usage to equivalent dwelling units in the amount of \$5,130. Seconded by Trustee Eisele. Motion carried unanimously.

- 13. Schedule a public hearing date for the adoption of the proposed water and sewer monthly fees and rate structures, connection charges, service charges and implementation of a Storm Water Management fee:**

The Board of Trustees agreed to schedule the September regular monthly Board of Trustees meeting on Monday, September 17, 2007. The Board of Trustees agreed to schedule a public hearing date on Wednesday, October 17, 2007 for the adoption of the proposed water and sewer monthly fees and rate structures, connection charges, service charges and implementation of a Storm Water Management fee.

Public Interest Comment:

- 14. Discussion and possible action to enter into contract with attorney Scott Brooke to provide legal counsel to the District for a retainer of \$1800/month to be reviewed at the end of 6 months:** Chairman Patrick recognized the experience and services provided to the District. He recommended that the District consider the retainer. Trustee Eisele was unaware that the District had an agreement with Brooke, Shaw & Zumpft for legal counsel. There was clarification that the Attorney's agreement was including in the May 17, 2007 Board of Trustees meeting packet. Trustee Clark-Ross commented on previous discussions of members of the Board where the District was trying to save money that the District did not need an Attorney at every meeting. She questioned if the retainer would save the District money. Vice Chairwoman Lau discussed the Attorney's average per month in 2006 of about \$1,931 and in 2007 of about \$1,906. The Attorney Brooke clarified that he would not be changing legal services. Vice Chairwoman Lau recommended that the Attorney provide more clarification on what is outside the retainer.

Vice Chairwoman Lau moved to enter into contract with attorney Scott Brooke to provide legal counsel to the District for a retainer of \$1800/month to be reviewed at the end of 6 months. Seconded by Trustee Eisele. Motion carried unanimously.

- 15. Discussion and possible action to solicit bids for Metal Storage Building at the wastewater treatment plant not to exceed \$100,000:** General Manager Longhofer discussed the purpose of the building to store the VAC CON truck and to house the dewatering centrifuge equipment.

No action required.

- 17. Chairman and Trustees' Reports:** General Manager Longhofer advised the Board to submit registration forms to attend the Nevada League of Cities annual conference. Secretary/Treasurer Pierini discussed the consideration of the District to select an area for the purpose of memorials.

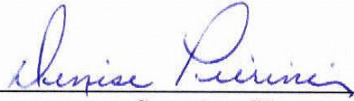
- 18. Adjournment:** Trustee Eisele moved to adjourn the meeting at 10:07 P.M. Seconded by Trustee Clark-Ross. Motion carried unanimously.

The next regular Board of Trustees meeting will be on Monday, September 17, 2007 at 6:00 P.M.

Exhibit A
Exhibit B

General Manager's Report
District's Attorney Memorandum "Review of Proposed District Personnel Policies"

FINAL APPROVED MINUTES AS PRESENTED



Secretary/Treasurer
Denise Pierini