

Minutes
Indian Hills General Improvement District
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
Special Meeting
May 10, 2010
6:00 P.M.

Trustees Present: Chairman Brian Patrick, Vice Chairman Denise Pierini, Secretary/Treasurer Ronny Lynch, Trustee Dianne Humble

Trustees Absent: None, One Trustee Vacancy

Staff Present: General Manager Jim Taylor, Field Operations Supervisor John Lufrano, Administrative Assistant Karen Ziemer

Others Present: Attorney Charles Zumpft, Jimmy Weaver, Brad Rubenstein, Marco Manor, Art Baer, Dale Morlan, Dave Fournier, Bill Eisele, Penni Eisele, Bill Moriarty,

1. **Call to Order:** Chairman Patrick called the meeting to order at 5:59 P.M.

2. **Pledge of Allegiance:** Led by Chairman Patrick

3. **Approval of Agenda:**

Secretary/Treasurer Lynch motioned to accept the agenda as presented. Vice Chairman Pierini seconded. Motion carried unanimously.

4. **Public Interest Comment:** (none)

5. **Discussion and possible action to approve the process for interviewing candidates for a Board of Trustees vacancy:**

Chairman Patrick elaborated on how the process outlined in the Board Packet came about. Chairman Patrick had called counsel right after the last Board meeting to ask how to have a process for interviewing. Counsel was concerned with questions that could come about that would put the District in possible liability. The protocol was designed to be as equitable as possible. The protocol (**Exhibit A**) was put in each Board members mailbox and Board members were called by the District Secretary to notify them it was in their mailbox. Then it was the job of Board members to come up with questions to ask potential candidates. With the open meeting law, a motion is needed to approve the protocol before it can be used.

Public Comment: Candidate Art Baer commented regarding the protocol, there are 3 elected Trustees on the Board and one appointee. He read through the protocol and noted that Trustees can't ask questions. Art has no problem answering questions from anyone on the Board.

Vice Chairman Denise Pierini stated when she read the memorandum regarding collection of questions her concern was she had no outline of questioning, or what would be provided. She did not receive letters of interest from candidates until after she submitted her questions. She did not know what line of questioning to go with or what to expect. Denise inquired if

the Board chooses to accept this procedure is this something that will continue from here on out or one time only. Attorney Zumpft replied it depends on the motion that is made and if the motion carries. It can be for this event only or for future events as well. Vice Chairman Pierini commented that it is odd that the Board doesn't know the questions to be asked in the interviews.

Chairman Patrick explained the questions were received in a sealed envelope. All three envelopes were opened at the same time. Only Chairman Patrick and District counsel looked at the questions. As they went over the questions from the Board they found three duplicates. All questions were very good and all were included. Counsel had been concerned that questions might be asked that may be pointed to certain individuals, certain processes, or things that might not be legal and could put the District in jeopardy.

Vice Chairman Pierini commented that communications could have been better in this process and she recommended that when collecting advice from the Board, give them more involvement.

Trustee Lynch commented that he felt the District is legally alright because the memorandum Chairman Patrick gave Board members stated Chairman Patrick had conferred with District counsel regarding the upcoming vacancy. The memorandum asked for three questions from Board members. Trustee Lynch stated he was very careful with the wording of his questions and he believed Chairman Patrick had done everything he could to make the process as unbiased as possible.

Trustee Humble thanked Chairman Patrick for his effort and forethought in trying to do the right thing. Trustee Humble read the following statement for the Record (**Exhibit B**):
In my opinion, my disagreement with the proposed procedure of filling any future vacancy lies in the architecture. Predominantly because not all the Trustees have been directly involved in this process which leads me to feel that the process could be skewed toward a single individual candidate vs. the Board's evaluation of all the candidates and all their qualifications. As Trustees, if we pass this, we will be locked in to a pre-determined set of questions selected by a single trustee vs. free form questioning by each Trustee, eliminating the ability of the Board to follow the trail or thought of the candidate in order to discover who each Trustee feels is the best candidate for our organization. Our Trustees' questions will be limited to those chosen by a single Trustee which could be viewed as secret collaboration. I believe the effect of this would be to reduce the likelihood of the Board choosing the best candidate. Because these questions have been selected solely by the choice of one single Trustee, it is highly possible that a personal bias recognized or unrecognized by that Trustee could prejudice the entire selection towards or away from any single specific applicant. The effect of this prejudice would be to reduce the effectiveness of this Board in the selection of the best candidate; not to mention the time constraints placed on the Trustees and candidates in responding. The filling of a vacancy should be an easy flowing process, not a rush to get it done, so to speak. The problem is the process which we would be adopting as procedure. We certainly can adopt a procedure at a future business meeting and include the input of all five of the Trustees. I do not feel the architecture of this item, nor does its placement on the Agenda lend itself to the highest and best interest of the residents of Indian Hills. I propose, and I motion that we revert to the previous practice and each trustee ask what questions they would like of each candidate, without any restraints on what questions trustees are allowed to ask, or to whom as again, In my opinion, any pre-determined set of questions is not clearly in the Public Interest, which is my primary concern as a Trustee.

Trustee Humble motioned that the Board revert to the previous practice and each trustee ask what questions they would like of each candidate, without any restraints on what questions trustees are allowed to ask, or to whom, and that we table this until a further date. Motion died for lack of second.

Chairman Patrick commented that all the questions the Board gave to him and counsel were used. If they are not used specifically, they are in this spirit and are included in the document he received from counsel which was handed to our recording secretary tonight. The hope was the recording secretary would ask the questions and the four members of the Board would have the chance to listen quite honestly to candidates answers rather than the Board having to ask questions themselves.

Trustee Humble motioned to dismantle Agenda Item 5 and move on the Agenda Item 6. Motion died for lack of second.

Vice Chairman Pierini asked to view the interview questions. Attorney Zumpft replied it might be prudent to share copies of questions with Board members in case none of the four Trustees like the questions. The questions haven't been released before (after consultation with the Attorney General's office) so that applicants would not know the questions and have an opportunity to format a response.

Trustee Humble motioned to table Item 5 until a future meeting when all 5 Board members have had a chance to have input in the new procedure to fill vacancies. Motion died for lack of second.

The Board agreed that copies of interview questions be given to Board members. The interview questions were distributed to the Board.

Secretary/Treasurer Lynch motioned to accept this protocol that was considered by our legal representation. Vice Chairman Pierini seconded.

Secretary/Treasurer Lynch amended his motion that the procedure only be used today and not engraved in stone. Vice Chairman Pierini seconded. Motion Carried 3-1. 3 ayes by Chairman Patrick, Vice Chairman Pierini, Secretary/Treasurer Lynch; 1 nay by Trustee Humble.

6. Interviews of responding and qualified individuals for a Trustee vacancy:

Candidates present for interviews left the Board Room, at their option, until they were summoned for an interview. Interview order was selected by drawing a name from a hat. Administrative Assistant Karen Ziemer asked twelve pre-determined questions to each candidate in the following order:

1. Brad Rubenstein
2. Jimmy Weaver
3. Art Baer
4. Bill Eisele
5. Marco Manor

Recess: 7:28 P.M.

Reconvene: 7:36 P.M.

7. Discussion and possible action to appoint a new Trustee to replace former Trustee Laura Lau:

Chairman Patrick thanked all applicants.

Vice Chairman Denise Pierini motioned to nominate Mr. Eisele. Chairman Patrick seconded.

Vice Chairman Pierini stated that she selected Mr. Eisele for nomination due to her familiarity with his background and service to the District. Mr. Eisele did a fine job of representing the District and has served with a portion of this Board previously.

Public Comment: (none)

Motion carried 3-0-1. 3 ayes by Chairman Patrick, Vice Chairman Pierini, Secretary/Treasurer Lynch; 0 nays; 1 abstain by Trustee Humble

Trustee Humble stated for purposes of the record she abstained from the vote for only one reason. She thought everyone that applied was well qualified and it is a really difficult decision for her to make.

Chairman Patrick stated that Mr. Eisele is on the Board until the end of the year.

Secretary/Treasurer Lynch thanked all those that applied for the job and commented he hoped they would continue to come to Board meetings.

8. Chairman and Trustees Reports, Correspondence:

Trustee Humble reported she received a couple of letters in her mailbox regarding the tennis courts that were written by non-residents of the District. Trustee Humble questioned the use of taxpayer money to resurface the tennis courts. She asked General Manager Taylor for a future agenda item regarding non-resident rates for tennis court use.

Chairman Patrick asked to include skateboard park use on the future agenda item.

9. Adjournment:

Vice Chairman Pierini motioned to adjourn the meeting. Secretary/Treasurer Lynch seconded. Motion carried unanimously. Meeting adjourned at 7:44 P.M.

FINAL APPROVED MINUTES AS PRESENTED

**Secretary/Treasurer
Ronny Lynch**