

**Minutes  
Special Meeting  
Indian Hills General Improvement District  
District Office  
3394 James Lee Park Rd. #A  
Carson City, NV 89705  
June 11, 2008  
6:00 P.M.**

**Trustees Present:** Chairman Laura Lau, Secretary/Treasurer William Eisele, Trustee Brian Patrick, Trustee Kathryn Clark-Ross

**Trustees Absent:** Vice Chairwoman Denise Pierini

**Staff Present:** District Analyst Human Resources & Community Sandi Eisele, District Analyst-Operations Nancy Fredrickson, Administrative Assistant Karen Ziemer

**Others Present:** Attorney Jennifer Yturbide,

1. **Call to Order:** Chairman Lau called the meeting to order at 6:01 P.M.
2. **Pledge of Allegiance:** Led by Chairman Lau
3. **Approval of Agenda:**

**Public Comment:** (none)

*Trustee Patrick motioned to approve the Agenda. Trustee Clark-Ross seconded.  
Motion carried unanimously.*

4. **Public Interest Comment:** Dianne Humble of Sunridge commented that a letter from Attorney Scott Brooke was not included in the packet available to the public, which is a violation of the open meeting law. Attorney Yturbide commented that all backup materials included in the Board packet should be made available to the public at the same time. Attorney Yturbide asked the Board to clarify when they received the letter. Chairman Lau responded she received it this morning. Trustee Patrick and Secretary/Treasurer Eisele each received their copy at lunchtime today.
5. **Discussion and possible action regarding the appointment of an acting General Manager:** Chairman Lau commented that this item was necessary due to a possible situation in the District where an employee may need to be disciplined. In reviewing the procedure manual, the labor contract, contacting Pool/Pact and our attorneys, it was determined that we need to appoint or get an acting General Manager in the District as soon as possible.

Sandi Eisele, District Analyst Human Resources & Community commented it is imperative to get an acting General Manager to follow up on actions a General Manager would follow through with. A previous memorandum generated with 2 acting employees did not allow them to take disciplinary action on an employee.

Mitch Brewst from Pool/Pact commented that he indicated to Sandi the importance of having a General Manager in place to approve things such as overtime worked, disciplinary actions,

placing a person on leave or leave without pay, or a safety situation. These items can only be made by a General Manager who can take action. Pool/Pact is available to help in any way.

Chairman Lau reviewed the memo from the Attorney Scott Brooke's office dated June 11, 2008 (Exhibit A). Copies of the memo were distributed to the public attending the meeting.

**Public Comment:** Diane Humble commented that according to NRS 318.180, the Board as an entity and the Chairman of the Board have the right to hire and retain. Although it is not written, it is assumed the Board has the right to remove an employee. Diane is confused when the District's Attorney and Pool/Pact are saying this is not so, when it is spelled out in Nevada Revised Statutes. Art Baer commented that the Charter for IHGID specifically spelled out that the Board has the right to hire and retain employees. The union contract has nothing to do with the issue. The Board of Trustees' runs the District.

Trustee Kathryn Clark-Ross asked Mitch Brewst from Pool/Pact if the District needs to act on a General Manager tonight. Mitch Brewst replied that Pool/Pact advises the District to act promptly. Public and safety issue as well as District operational decisions need to be made daily. He is concerned with the safety of the public and employees relative to issues that could place them in jeopardy. In the absence of making decisions you run the risk of safety or other liability issues. The District is in a liable situation if a decision has to be made and cannot be made due to not having an acting General Manager. Chairman Lau commented regarding wording in NRS 318 regarding Districts and questioned if each District entity may have their own contract that could be more stringent than the NRS 318 wording. Attorney Jennifer Yturbide answered that there was a comment made regarding the Board having the ultimate authority to hire and fire and that is correct. What happened is the Board previously had hired and delegated a General Manager to handle these things. The reason a General Manager was put in place was to insulate the Board in part because they are the appellate body. In the event of day to day operations, if an issue arises such as employee discipline, there is a certain process the employee is entitled to. Part of the process is to have this person act according to the rules in the collective bargaining agreement if they are a union employee. In this instance, what has been indicated is the General Manager is the person who has the authorities under the policies and the collective bargaining agreement. Right now the District has no acting General Manager. Normally the GM would be able to take action and then the employee would be subject to having an appellate body review whether that action was appropriate or not. The Board would be that appellate body. So if we don't have a person acting as the General Manager, we don't have the Board to do the appeal, which is a very important function. It's not that the Board doesn't have authority granted under the statute; it's created in a fashion so that we have an orderly process and an orderly process for appeal. The way the policies are written and the collective bargaining unit agreement is written, that function has not been delegated to anyone but the General Manager or Acting General Manager.

Chairman Lau asked Attorney Yturbide about an option of having Co-Interim General Managers with the positions the District has now. Could the Board appoint Sandi Eisele and Nancy Fredrickson as a team to become a Co-Interim General Managers in the short term until a General Manager is hired? Jennifer answered whenever you have a situation of 2 people acting in a position; the question that needs to be answered is whether each one of them has full authority or if you would require them to act jointly. If you require them to act jointly, there would have to be consensus. In the event they didn't agree you'd be in the position of who breaks the tie. A concern is raised over a statute that does not allow a board to hire in the 3<sup>rd</sup> degree of a relationship. In this case Sandi Eisele was an existing employee, and is an exception to this rule.

Trustee Patrick asked Nancy Fredrickson and Sandi Eisele if they were interested in assuming and accepting the responsibility of the position. Sandi replied they are doing the job now and need the

authority to discipline. Nancy replied she'd like the position to continue in house. Secretary/Treasurer Eisele commented he had asked Sandra Haugen to come to the meeting if she would be interested in the position part-time as another option. Chairman Lau commented that she had been in contact with Jerry Hall and Richard Anderson and they were both interested in the Interim General Manager position.

*Trustee Patrick motioned to appoint Sandi Eisele and Nancy Fredrickson as Co-Interim Managers until we hire a General Manager, and any compensation over and above their salaries will be negotiated at the next meeting. Trustee Clark-Ross seconded.*

**Public Comment:** Dianne Humble commented regarding the Attorney's recommendation of a decision being difficult and may cause problems due to relationships. Dianne suggested that Chairman Lau and Sandi Eisele could be Co-General Managers. Chairman Lau responded that there is a portion of the union contract that states no one or multiple members of the Board can discipline. Art Baer commented that there is one more alternate authority over the Board, that being the Douglas County Commissioners. One of the Commissioners could be picked to help out the Board. Ron Kruse asked if the salaries will be raised and suggested expediting the hiring of a new General Manager and not to go over 90 days.

*Trustee Patrick amended his motion to include the full authority to retain or fire an employee in the District and both Co-Managers must be in agreement with each other on any decision regarding employees.*

*Trustee Patrick withdrew his original motion.*

Secretary/Treasurer Bill Eisele abstained from the vote due to his relationship to Sandi Eisele who is his daughter-in-law.

*Trustee Patrick made a motion to appoint Sandi Eisele and Nancy Fredrickson as Co-Interim General Managers that will each carry one half of the authority of a General Manager. All agreements they make will be in consensus with each other. They will carry on all duties that the General Manager would normally carry and have all General Manager authority, including discipline of employees. Additional compensation of the Co-Interim General Managers will be determined at the next Board of Trustees' Meeting on June 18, 2008. Trustee Clark-Ross seconded the motion. Motion carried 3 Ayes- Chairman Lau, Trustee Patrick, Trustee Clark-Ross, 1 Abstained- Secretary/Treasurer Bill Eisele, 1 Absent-Vice Chairwoman Pierini*

**6. Chairman and Trustees Reports:** Chairman Lau asked for an Agenda Item to be placed on the June 18, 2008 Board Meeting Agenda for additional compensation for the Co-Interim General Manager team. Trustee Clark-Ross asked Sandi Eisele if the Summer Kickoff Notices were put in school pee-chees. Sandi answered yes.

**7. Adjournment:**

*Secretary/Treasurer Bill Eisele motioned to adjourn the meeting. Trustee Patrick seconded. Motion carried 4-0, Vice Chairwoman Pierini absent. Meeting adjourned at 7:00 P.M.*

**FINAL APPROVED MINUTES AS PRESENTED**

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**Secretary/Treasurer  
William Eisele**