

Minutes
Indian Hills General Improvement District
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
November 19, 2008
6:00 P.M.

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

Trustees Absent: Trustee Brian Patrick (Arrived after Call to Order)

Staff Present: General Manager Jim Taylor, District Analyst Human Resources & Community Sandi Eisele, Accountant Linda Stewart, Administrative Assistant Karen Ziemer

Others Present: Attorney Scott Brooke, Engineer Tim Russell, Jimmy Weaver, Art Baer, Dale Morlan, Penni Eisele, David Webb, Darlene Machutta, Cynthia Hernandez, Brian Sivelle, Robert Young, Ron Lynch, Dianne Humble, David Kawchack, M.E. Kawchack, Jim Murphy, Ralph Fagnoli, Jerry Kelley

1. **Call to Order:** Chairman Lau called the meeting to order at 6:01 P.M.

Trustee Patrick arrived

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

3. **Approval of Agenda:** General Manager Jim Taylor asked that Item #14 be placed under Item #7.

Trustee Patrick motioned to approve the Agenda with Item #14 being placed under Item #7. Secretary/Treasurer Eisele seconded. Motion carried unanimously.

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

5. **Reports to the Board:**

- a. **General Manager's Report (Exhibit A, B & C):** General Manager Jim Taylor reviewed his report to the Board. Jim reported he is looking into electrical consumption at the District as well as landline and cell phone usage. He will be developing a vehicle policy and asked for written input from Board members. Jim commented that there will be a standby generator training session on December 3, 2008 with the Board and public. There are 51 projects on the winter work list for parks and roads. Vice Chairwoman Pierini asked for an update on the November 12, 2008 SEC arsenic compliance meeting. Jim Taylor replied that the SEC wants to see a report on how IHGID will accomplish arsenic compliance. Engineer Tim Russell commented that January 23, 2009 is the state date for compliance. After that date the SEC will meet with the District to set up reasonable steps for the District to take and a deadline. Chairman Lau asked for an update on OSHA compliance and if there were any additional fines imposed on the District due to a deadline date not being met. Sandi Eisele replied that there is one

more training tomorrow and OSHA is not imposing any more fines. Chairman Lau asked if Jim had been working with Brent Farr on updating the water rate study. Jim replied that both he and Accountant Linda Stewart have been working with Brent Farr regarding water rates and that the public will be notified about a workshop. Accountant Linda Stewart commented she has been talking to Brent regarding the scope of the study. She will bring information back to the Board next month. The charge for the new Farr West study is \$8,000. Vice Chairwoman Pierini asked for the status of the OSHA manual. Sandi Eisele replied that the Health and Safety Manual is complete and has been approved by OSHA. Chairman Lau asked Jim Taylor to find out how much the utilization of Pool/Pact will eventually cost the District in increased rates, due to current lawsuits.

Public Comment: (none)

- b. District Analyst-Community & H.R. Report (Exhibit D):**
Sandi Eisele reviewed her report with the Board.

Public Comment: Ralph Fagnoli asked for a summary of what IHGID is being sued for. Attorney Scott Brooke replied it is regarding an employee of the District who filed a complaint with the Federal Court alleging that his civil rights were violated because his First Amendment constitutional rights of speech were violated.

- c. District Accountant Report (Exhibit E):** Linda Stewart reviewed her Accounting Reports with the Board. Linda reported that there is a need for a financing plan for the Arsenic Project. The loss of the Wal-Mart Mall will adversely affect the District's revenues. The annual loss is \$132,000 to the district next year. Spread over 1800 residents this is \$70 a year or \$5 per month. Steele & Associates have started work on the District's Audit. They will work at the District this week and next. Trustee Clark-Ross asked if Farr West wants \$8,000 to update the study the District originally paid \$18,000 for with \$12,000 of it being covered by a Grant. Linda replied yes, with the reason being the Board did not act on their last study. Farr West won't go to NDEP to ask them to pay for it. Chairman Lau commented she liked the clean look of Linda's reports and would also like to see the Budget figures with over and under shown. Trustee Patrick asked what the charge will be for the Forensic Study by Pool/Pact. Linda replied that she believes the charges are picked up by Pool/Pact. She will inform the Board if there are any additional charges. Chairman Lau asked Linda to find out the cost to Pool/Pact for the Forensic Study. Secretary/Treasurer Eisele commented that the Forensic Report was released to the District's Attorney and Douglas County District Attorney who are studying it. The Forensic Report will then be released to the Board and public. Secretary/Treasurer Eisele stated that the Forensic Report was not requested by IHGID. Linda Stewart commented she was told that Douglas County requested the report.

Public Comment: (none)

- d. Engineer Report:** Engineer Tim Russell commented on the Hobo Lift Station improvements. The actual lift station was placed this week. It is being back filled and tied in. Completion should be in three to four weeks.

Public Comment: (none)

- e. **Attorney Report:** (none)

Public Comment: (none)

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

- a. **Approval of Draft Minutes of Board Meeting of September 29, 2008**
- b. **Approval of Draft Minutes of Board Meeting of October 13, 2008**
- c. **Approval of Draft Minutes of Board Meeting of October 15, 2008**

Public Comment: (none)

Trustee Patrick motioned to accept the consent calendar as it stands. Trustee Clark-Ross seconded. Motion carried unanimously.

7. Action on items pulled off the Consent Calendar: (none)

- 14. Discussion and possible action regarding a water and sewer billing changes to bill property owners and not tenants monthly. (Art Baer):** Art Baer deferred this item to Jimmy Weaver, retired IHGID Billing Coordinator. Jimmy asked the Board to consider billing property owners rather than tenants. The change would include all new sign-ups. It will take 3-4 months to enter information on each account from the Douglas County Assessor's Office information. Tenants are skipping payments, leaving owners responsible for their bill. Jimmy commented that Gardnerville Ranchos G.I.D. does not take tenant signups, only owners may apply. Jimmy said there will be upset owners due to the change, but it will eliminate some office work. He estimated if the change is approved tonight the information could be entered and be implemented by January or February 2009. Jimmy noted that the amount of delinquent accounts can fluctuate. The 30-90 day overdue accounts are a problem. Approximately 10% of accounts are overdue by 90 days or more. Water can be turned off and still accrue charges. Trustee Patrick asked Attorney Scoot Brook what the verbiage should be to change the Billing procedures. Scott Brooke replied the policy would need to be changed at a noticed meeting. Scott commented the District may want to give additional notice to property owners. Art Baer commented when he was Interim General Manager he had several irate owners come in to the office. If the owner knows up front that they are responsible that would alleviate problems. Jimmy commented that the District has the power of the turnoff key. Chairman Lau suggested that the District could ask a tenant to get the property owner signature when they sign up.

Public Comment: Mark Lundstrom commented that the owner is responsible. Dianne Humble commented that charges could be built in to the rent. Dianne noted that in California the owner pays water and trash and most owners in Dayton pay due to trash problems. Just like the gas and electric companies, if there is a payment default of 30 days, then the owner is automatically charged. Ron Lynch asked if both sewer and water should be included. Ron commented that if a person's water is cut off they can't use the sewer, but both are on the same bill.

No action was taken. The Board asked General Manager Jim Taylor to research this item and report back to the Board in writing at their next meeting, including results of a survey to other G.I.D.s. and their written policies.

8. **Discussion and possible action regarding a presentation by Robert Young to build a disc golf course for Indian Hills and surrounding communities:** Robert Young explained disc golf as a game similar to golf, where Frisbees are thrown in to baskets. There are courses in Zephyr Cove, Truckee and Reno. Robert asked the Board for permission to establish a course, where it could be set up, and if there is any funding available for it. Volunteers will commit their time and labor. Community businesses will be asked to sponsor different aspects of the project. Trustee Clark-Ross asked Robert how much space is needed. Robert replied one acre will be needed for a three hole course. He would like to start with a nine hole course which would require three acres. The course could start at the Park with the first hole then continue up into the hills. A trail would be needed to lead to each of the holes. There is a tee box at the beginning of the hole and a basket at the end. Vice Chairwoman Pierini suggested that Easterling Trail would be a good place for the course. Resident Brian Seville stated he has been playing disc golf over ten years. Brian commented there are 1500 disc golf courses in the United States with 80 of them in California. He explained the course route and described disc golf as good for all ages. Brian asked the Board to go over the proposals he brought tonight, along with the costs to set up the course. Mark Lundstrom commented that the baskets cost \$250.00 each. Mark can do all the work to set the baskets. Sandi Eisele, District Analyst-Community & H.R., asked how the tournaments work. Robert Young replied they would have to be PDA, with measurements of the course and professional baskets, etc. People would buy in to the tournament. There could be a raffle and prizes awarded. The Recreation Department could be involved and the snack bar opened. Attorney Scott Brooke suggested if the Board has an interest, this could be a District project and be referred to the Recreation Department. The Board could then deal with the contractual legal issues that arise. Chairman Lau commented on the discs being sharper than Frisbees and her concern with people and dogs in the area.

Public Comment: Erin Powers commented that disc golf can be played with kids and adults and span the generations. It turns hiking into a game. Pat Murphy commented she has played with several generations of her family and it is fun.

No action was taken. The Board asked Robert Young to work with Sandi Eisele to find location options to bring back to the Board. The Board asked Robert to bring back a plan including location, acreage required, location of baskets and costs to the District.

9. **Announcement of the 2008 Yard Improvement Contest winners (Sandi Eisele):** Sandi Eisele presented First Place Winners David and M.E. Kawchack with Two Gift Certificates from Home Depot and Two Gift Certificates from Greenhouse Garden Center. Sandi thanked them for their great job in completing front and back yard improvements and an irrigation system.

Board members followed General Manager Jim Taylor to the hallway where he showed them the new location for their meeting packet binders.

7:29 Recessed

7:39 Reconvened

10. **Discussion and possible action regarding review and approval of Petersen Construction Inc. Application and Certification for Payment No. 1, for the Hobo Lift Station and Emergency Power Installation contract. (Brian Randall):** Engineer Tim Russell recommended approval of payment.

Trustee Patrick motioned to approve Payment No. 1 to Petersen Construction Inc., in the amount of \$33,255.00. Secretary/Treasurer Eisele seconded. Motion carried unanimously.

- 11. Discussion and possible action regarding review and approval of Petersen Construction Inc. Change Order No. 3 requesting an extension on the date of Final Completion under the Hobo Lift Station and Emergency Power contract from the current deadline of November 26, 2008 to a new deadline of December 16, 2008. (Brian Randall):** Engineer Tim Russell explained that the contractor has requested an additional 21 calendar days, mainly due to delays in coordination with Sierra Pacific Power Company getting power deeds correctly installed, in the correct order and working properly. This will alleviate delays in service to the existing lift station. This does not increase the contract amount, it just extends the contract period. Tim recommended approval to extend the contract period. Tim stated that previous change orders were for purchases of standby generators and a standby pumping system.

Public Comment: (none)

Vice Chairwoman Pierini motioned to extend the deadline for final completion under the Hobo Lift Station and Emergency Power contract from November 26, 2008 to a new deadline of December 16, 2008. Trustee Clark-Ross seconded. Motion carried unanimously.

- 12. Discussion and possible action regarding review and approval of a proposal dated November 6, 2008 by Sierra Control Systems, Inc. for the installation of Supervisory Control and Data Acquisition upgrades related to the Hobo Lift Station replacement and installation of emergency power generators at the water treatment plant, the wastewater treatment plant, and Brown's Well, all currently being installed under the IHGID contract with Petersen Construction Inc. (Brian Randall):** Engineer Tim Russell explained that this item is approval of the contract with Sierra Control Systems to coordinate the control system with the new lift station and the various new generators being installed. Tim and Engineer Brian Randall recommend approval of the contract. A representative of Sierra Control Systems was present for questions from the Board. Chairman Lau asked if this amount had been budgeted for. Accountant Linda Stewart replied yes, the amount was in the budget projections.

Public Comment: (none)

Trustee Patrick motioned to approve the proposal dated November 6, 2008 by Sierra Control Systems, Inc. for the installation of Supervisory Control and Data Acquisition upgrades related to the Hobo Lift Station replacement and installation of emergency power generators at the water treatment plant, the wastewater treatment plant, and Brown's Well, all currently being installed under the IHGID contract with Petersen Construction Inc. in the amount of \$35,340.00. Secretary/Treasurer Eisele seconded. Motion carried unanimously.

- 13. Discussion and possible action regarding approval of an Inter-Local Agreement between Douglas County and Indian Hills GID for phase one improvements to Valley Vista Park with partial reimbursement by Douglas County (Kathryn Clark-Ross):** Trustee Clark-Ross stated she delivered the Valley Vista Park Master Plan to Scott Morgan who approved the plan and sent the Inter-Local Agreement to the District. Attorney Scott Brooke commented he has reviewed the Inter-Local Agreement and has no problem with it. Scott and the Board reviewed the Inter-Local Agreement terms for reimbursement to IHGID of

up to \$50,000.00 for their costs during phase one improvements to Valley Vista Park. Chairman Lau commented that the Inter-Local Agreement, paragraph 11 states that the District will develop an operating and use policy for Valley Vista Park. General Manger Jim Taylor stated he would develop the policy. Chairman Lau asked that corrections be made on Page 6 of the Agreement. Trustee Clark-Ross will contact Scott Morgan of Douglas County about necessary changes.

Public Comment:(none)

Trustee Clark-Ross motioned to approve the Inter-Local Agreement between Douglas County and Indian Hills GID for phase one improvements to Valley Vista Park with partial reimbursement by Douglas County, conditioned upon receipt of a letter from Douglas County confirming that money is available and that IHGID labor and other soft costs are part of IHGID fund under paragraph 10. Trustee Patrick seconded. Motion carried unanimously.

- 15. Discussion and possible action regarding review and acceptance of the contract for General Manager James Taylor (Exhibit F):** Secretary/Treasurer Eisele disclosed that Sandi Eisele is his daughter-in-law and that he will probably be voting on this item. Attorney Scott Brooke summarized a memorandum from Jennifer Yturbide from his office regarding differences between two versions of an employment agreement for General Manager James Taylor's employment. The only difference between the two agreements is in Section 9, entitled "Benefits", regarding accrued annual leave. General Manager Jim Taylor asked the Board of Trustees to meet with him on January 12, 13 or 14, 2009 to go over priorities and expectations of him as stated on Page 4 of the agreement. Scott Brooke commented the contract's duration is 1 year that can be renewed if not terminated sooner by either party. If not terminated the contract is a 1 year contract.

Public Comment: Dianne Humble commented she liked the contract but feels that legal documents should be explicit and exact in verbiage. Dianne remembered that previously there was a policy that the General Manager would notify the Chairman of the Board if he was going away and give the Chairman his contact numbers. The General Manager would then appoint someone to be in charge in his absence. The Chairman of the Board then notified other Board Members. Ron Lynch commented that he would like to see the Board come to a consensus on what they want the General Manager to do rather than each Board Member going to him.

Trustee Patrick motioned to accept Contract #2 with the additional vacation. Secretary/Treasurer Eisele seconded. Motion carried unanimously.

- 16. Discussion and possible action regarding Special Meetings in that each and every special meeting be posted with the requestor's name and total cost to the taxpayers, including attorney fees, with an explanation as to why the issues cannot be addressed at a regular meeting, i.e. staff time, attorney time, notification costs. (Dianne Humble-Trustee Elect):** Dianne Humble commented that people who live in this area need to know who is calling the meeting and what the costs of the meeting are including attorney fees, staff and documentation time. Dianne hopes that this will discourage Special Meetings. When Dianne was on the Board previously, all business was handled at the business meeting no matter how late the meeting ran. She commented that as a resident and taxpayer, Special Meetings should be kept to a minimum.

Public Comment: Ron Lynch suggested looking at the Open Meeting Law to see if there is a requirement to show costs of a Special Meeting.

Trustee Clark-Ross motioned from now on, if a Special Meeting of the Board of Trustees' is called, the posted Agenda will show the requestors name, total cost to taxpayers including attorney fees and an explanation as to why the issues cannot be addressed at a regular Board of Trustees' Meeting. Secretary/Treasurer Eisele seconded.

Trustee Clark-Ross amended her motion to exclude Rate Hearings and Budget Meetings. Secretary/Treasurer Eisele amended his second. Motion carried 4-1. 4 Ayes: Vice Chairwoman Pierini, Secretary/Treasurer Eisele, Trustee Patrick, Trustee Clark-Ross; 1 Nay: Chairman Lau.

17. Chairman and Trustees Reports, Correspondence: Chairman Laura Lau commented that Douglas County Commissioners are involved in meetings to discuss proper procedures to conduct meetings, the responsibilities of Board members, employees and public, as well as how to conduct themselves in a Board Meeting. Laura asked the Board to discuss the possibility of having workshops for the IHGID Board to get on the same page and include the new Board member. Laura will provide copies of Douglas County's Agenda, Mission Statement and workshop information to the IHGID Board of Trustees and Attorney Scott Brooke. Laura would like to hold the workshops around the same time the Board works on goals and objectives for General Manager Jim Taylor, which would be when his 2 month evaluation meeting takes place the week of January 12, 2009.

Trustee Patrick asked to move the December 17, 2008 to Monday December 15, 2008. All Board members agreed to move the next business meeting to December 15, 2008.

18. Adjournment:

Secretary/Treasurer Eisele motioned to adjourn the meeting. Trustee Patrick seconded. Motion carried unanimously. Meeting adjourned at 8:37 P.M.

FINAL APPROVED MINUTES AS PRESENTED

**Secretary/Treasurer
William Eisele**