

Minutes
Indian Hills General Improvement District
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
February 21, 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, Executive Assistant Vicki Reifer, Administrative Manager Nancy Fredrickson, District's Attorney Jennifer Yturbide, District's Engineer Brian Randall, Streets Supervisor Russ Sterling

Others Present: John Lund, Gavin Hoelzel, Robert Sennett, Art Baer, Riley Evans, Ron Lynch

1. **Call to Order:** Chairman Patrick called the meeting to order at 6:02 P.M.
2. **Pledge of Allegiance:** Led by Chairman Patrick.
3. **Open Meeting Law Training:** Nevada Public Agency Risk Management Services Representative Ann Wiswell conducted the open meeting law training session. A PowerPoint presentation on the open meeting law was unavailable due to technical difficulties with the equipment. PowerPoint presentation hand outs were distributed to the Board and members of the public. (Exhibit D) Current copies of the open meeting law manual were provided to the Board and members of the public. A brief history of the open meeting law was discussed. The following is a compilation of information which was presented and discussed during the open meeting law training session.
 - The Nevada Legislature adopted a comprehensive approach concerning open public meetings in 1977 which are found in chapter 241 of the Nevada Revised Statutes.

Nevada Legislative Intent

 - Deliberations and actions must be conducted and taken openly.
 - All public bodies exist to aid in the conduct of the people's business and all public bodies must notify the public and persons subject to administrative action.

What is a "Public Body"?

 - A public body is any administrative, advisory, executive or legislative body of a local government
 - which expends or disburses or is supported by tax revenues.
 - which advises or makes recommendations to such an entity.
 - includes any board, commission, committee, subcommittee or other subsidiary.
 - Must perform a governmental function.

Sub-Committees, Advisory, Staff and Safety Committees

- If advising or making recommendation to the governing entity, then the committee is subject to the open meeting law.
- If staff committee is delegated authority to act on behalf of the public body, then the committee is subject to the open meeting law.
- If staff committee reports to a superior and decisions are not reached by vote or consensus, then the committee is not subject to the open meeting law.
- When safety committees are the delegated authority to act on behalf of the public body in formulation, preparation and promulgation of plans or policies or to make decisions on behalf of the public body then the committee is subject to the open meeting law.

What is a “Meeting”?

- When a quorum of the public body is present to deliberate toward a decision or take action on a matter. Quorum + Deliberation/Action = Meeting
- Training sessions, training workshops and social gatherings are not subject to the open meeting law when a quorum is present and at which members do not deliberate toward a decision or take action on a matter.

“Serial” Meetings

- Any series of gatherings at which
 - Less than a quorum is present.
 - The members attending one or more of the gatherings collectively constitute a quorum.
 - Communications include deliberations and/or action taken.
 - The series of gatherings was held with the specific intent to avoid the open meeting law.

Communicating via Email

- A member of the board would be in violation of the open meeting law if the member emails a quorum of the board on a board issue because it was no longer a private discussion, but a deliberation that must be done in open session.

Specific Exemptions

- Social gatherings at which members do not deliberate toward a decision or take action on a matter.
- Local ethics committees for rendering confidential opinions to elected officials, but not to discuss past conduct of officials.
- Meetings between public body and attorney to discuss and deliberate on existing or threatened litigation at other than a board meeting may occur without any public notice required and are not considered “meetings” for purpose of the open meeting law.
- Closed sessions during board meetings with attorney to discuss and deliberate on existing or threatened litigation may be subject to attorney-client privilege, but closed session must be noticed and action must be taken in open session.

Decisions by Boards

- A public body composed of elected officials may not take action by vote unless at least a majority of all of the members of the public body votes in favor of the action. Abstentions do not count as a vote.

Agenda and Notice

- Meetings must be open and public.
- Reasonable accommodations are required for disabled.
- Written notice given at least 3 working days prior to meeting (except in an emergency).
- Notice must include time, place and location; list of locations where notice was posted; agenda.
- Agenda must consist of clear and complete statement of the topics to be considered.
- Action items must clearly be marked as such.
- A public comment period must be included, but no action can be taken until properly placed on an agenda. You may limit the time but not the content of the speech.
- Post at principal office or meeting place plus three other prominent places and mail copies to subject parties or persons requesting such mailing and Web site.
- Should have statement explaining how a person needing special accommodations can obtain assistance.

Meaning of word “Consider”

- To think carefully about.
- To think or deem to be; regard as.
- To form an opinion about; judge.
- To take into account; bear in mind.
- To show consideration for.
- To esteem; regard.
- To look at thoughtfully.

Closed Session Rules

- A board may enter close session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.
- May not close for elected official or for an appointed public officer who serves at the pleasure of a public body such as a chief executive or administrative officer or comparable positions.
- May not close to discuss appointment of any person to public office.
- Person subject to closed session may request that it be open; must then be open unless a relevant person (witness or other person) requests it remain closed.
- Determining who may attend: Chair’s discretion or public body can vote on the determination in open session; person subject may attend and have an attorney or representative present.
- Person subject may present evidence (written or testimonial)
- Deliberation and action must be taken in open session.

Agenda and Notice – Closed Session

- Agenda must state that a closed session will be held, identifying the person subject.
- Agenda must state whether administrative action will be considered on the person subject.
- Notice to the person subject to closed session or administrative action must be given; proof of service required – 5 working days if personal service, 21 working days if by certified mail.
- Notice must list the general topics concerning the person to be considered.
- Notice of closed session pursuant to NRS 241.033 that states that administrative action may also occur fulfills both notice requirements (NRS 241.033 and 241.034)

Comments Made During a Meeting

- Statement made by member of public body at public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in a civil action.
- A witness who is testifying at public meeting is absolutely privileged to publish defamatory matter, except that it is unlawful to misrepresent any fact knowingly when testifying.

Minutes and Recordings

- Must note date, time and place of meeting.
- Must list members present and absent.
- Must include the substance of all matters proposed, discussed or decided.
- Upon request of member, must record each members vote on any matter.
- Capture the substance of public comment if requested to include in the minutes or, if written remarks, a copy is so requested.
- Any other information a member requests to be included.
- Minutes are public records.
- Minutes must be made available for public inspection within 30 working days after adjournment of the meeting; mark if unapproved.
- Minutes must be recorded and the recording is a public record or must be transcribed by a certified court reporter.
- Minutes must be retained for 5 years (audio recording for 1 year).
- Closed meeting minutes may be released only with the consent of the person subject.

Violations and Consequences

- Action taken in violation of law are void; may be placed on future agenda properly noticed for hearing and action.
- Suit may be brought to declare action void or for injunction.
- Each member who attends a meeting where action is taken in violation of open meeting law, with knowledge of the fact of a violation, is guilty of a misdemeanor.
- Wrongful exclusion of person(s) from a meeting is a misdemeanor.
- Fines up to \$1,000.
- Jail up to six months.
- Removal from office if criminally convicted of violation.

Break at: 6:52 P.M.

Reconvened at: 7:00 P.M.

- 4. Approval of Agenda:** Chairman Patrick requested to amend the order of the agenda items by moving agenda item #18 before agenda item #10. Chairman Patrick asked the Board and members of the public if they requested any additional agenda revisions. There were no additional requested changes to the agenda.

- 5. Public Interest Comment:** (none)

A motion on agenda item #4 to approve the agenda was overlooked.

Vice Chairwoman Lau moved to approve the agenda as amended by moving agenda item #18 before agenda item #10. Seconded by Trustee Clark-Ross. Motion carried unanimously.

6. Approval of Draft Minutes of Board Meeting of January 17, 2007:

Public Interest Comment: (none)

Trustee Clark-Ross moved to approve the Draft Minutes of January 17, 2007 as presented. Seconded by Vice Chairwoman Lau. Motion carried unanimously.

7. Acceptance of Budget Status Reports for January 31, 2007:

Public Interest Comment: (none)

Trustee Eisele moved to accept the Budget Status Reports for January 21, 2007 as presented. Seconded by Trustee Clark-Ross. Motion carried unanimously.

8. Acceptance of Bank Accounts' Reconciliation at January 31, 2007:

Public Interest Comment: (none)

Administrative Manager Nancy Fredrickson suggested that a special meeting be conducted with the Board in regards to revising figures in the fiscal year 2006-2007 budget. The Board of Trustees recommended a special meeting be held to revise figures in the fiscal year 2006-2007 budget.

Vice Chairwoman Lau moved to accept the Bank Accounts' Reconciliation at January 31, 2007 as presented. Seconded by Trustee Clark-Ross. Motion carried unanimously.

9. Public Hearing on the proposed action to approve annexation of APN 1420-18-301-004 located at 3292 Plymouth Drive into the District, as requested by the owners of the parcel, Richard and Geneva Arnold, and approval for the District to provide water and sewer service to that parcel: Property owner Richard Arnold of 3292 Plymouth Drive was present at the meeting to answer questions from members of the Board and community regarding the request for annexation. Richard Arnold commented on the possibility of splitting the 4.664 acres into two parcels with the smallest parcel being one acre. He discussed the option of selling the one acre parcel to his church subject to the County's approval to rezone the parcel.

Richard Arnold clarified to Vice Chairwoman Lau that the lot is currently vacant. General Manager Longhofer informed the Board that water and sewer infrastructure is located near the property and that the property is contiguous to the District's current boundary.

Secretary/Treasurer Pierini stated her concerns with parking issues if a church is constructed on the property. Chairman Patrick requested clarification that any zoning changes would be a Douglas County issue. The District's Attorney Jennifer Yturbide clarified to the Board that zoning changes are brought before and approved by Douglas County Commissioners and the Douglas County Planning Commission.

Public Interest Comment: Executive Assistant Vicki Reifer read a letter into the record requested by resident Steve Weaver who was unable to attend the meeting. (Exhibit E) Comments from Steve & Kathie Weaver, 879 Coloma Drive: "While we don't necessarily object to the IHGID annexing APN

1420-18-301-004 into the district as a single parcel, we do object to any proposal to subdivide the property into multiple lots and providing service for multiple subdivided lots. This particular site has severe development limitations due to the large ravine that runs through the entire length of the property, and could have an adverse impact on adjacent property owners with more dense development, and particularly if any structures are built more than one story high. Thank you.---Steve Weaver”

Vice Chairwoman Lau moved to approve annexation of APN 1420-18-301-004 located at 3292 Plymouth Drive into the District, as requested by the owners of the parcel, Richard and Geneva Arnold, and to approve that the District provide water and sewer service to that parcel. Seconded by Trustee Eisele. Motion carried unanimously.

18. Discussion and possible action to approve construction of roofs above cluster mailboxes:

Resident John Lund addressed the Board of Trustees on several problems with residents accessing their mailbox in Sunridge. John Lund informed the Board that he had to assist a handicapped neighbor access his mailbox due to the location of the fence that surrounds the cluster mailboxes. John Lund appreciated the District’s recent installation of sidewalks at that Sunridge cluster mailbox location. He stated that the District has done a lot for the children of the District but it is time to start doing things for its senior citizens. He recommended that the District consider constructing roofs and moving the location of the fence at that cluster mailbox location. He mentioned that the post office informed him that they would be willing to pay for half of the costs to construct roofs above cluster mailboxes in the District.

Chairman Patrick inquired on the location of the cluster mailboxes that resident John Lund was discussing. Streets Supervisor Russ Sterling informed Chairman Patrick that the cluster mailboxes are located near Parkview. Chairman Patrick inquired as to the ownership of the fence at the Parkview cluster mailbox location. General Manager Dennis Longhofer discussed previous post office efforts to repair fences at various cluster mailbox locations. He recommended that the fence be moved in order for residents to access mailboxes located in the back row at the Parkview cluster mailbox location. General Manager Longhofer understood that the post office owned all of the cluster mailbox locations throughout the District. He mentioned that installation of lighting should be considered if roofs are constructed. He stated that ice would continue to be a problem because snow might blow into the cluster mailbox area if roofs are constructed. He discussed future maintenance responsibility issues. General Manager Longhofer questioned the total number of cluster mailbox locations in the District. Chairman Patrick estimated that eleven cluster mailbox areas were located on the west side of the District.

Chairman Patrick asked Mr. Lund if he was a former insurance company employee. John Lund responded that he is a retired Claims Manager for the Automobile Club of America. Chairman Patrick questioned if the District would be liable for any accidents if snow and ice were to gather underneath those cluster mailboxes if the District constructed roofs above the cluster mailboxes. Attorney Yturbide informed Chairman Patrick that the District would be subject to a myriad of circumstances and that there would be potential exposure for liability to the District. Chairman Patrick stated his concern with liability issues if the District constructed a roof on property that might not be owned by the District. John Lund responded that the District is currently liable because the area is public property. He mentioned that no one has sustained an injury yet but a couple years ago a few residents slipped on the ice. John Lund informed the Board that a member of the Board stated that it is not the District’s responsibility during discussions at a Board meeting last year when the construction of roofs above cluster mailboxes

agenda item was being discussed. He stated that slip and fall cases are very popular and there should be every effort to accommodate people in that area.

Chairman Patrick stated his concern of precedence. He asked Mr. Lund how many more roofs need to be constructed if the District constructs a roof above one cluster mailbox area. Chairman Patrick estimated almost fifteen cluster mailbox areas in the District. John Lund suggested that the District possibly construct one or two roofs every year if the District has money issues. Chairman Patrick inquired on the cost to construct roofs above the cluster mailboxes. John Lund had no idea but noted that material is available locally at Home Depot. There was discussion amongst Board members and the community on costs associated with the design, engineering and permits to construct roofs above cluster mailboxes.

Public Interest Comment: Streets Supervisor Russ Sterling stated that there are more issues with the cluster mailbox at Parkview than just the roof. He informed the Board of Trustees that the concrete foundation is rapidly deteriorating. He discussed various options to alleviate snow and ice in the cluster mailbox area. He suggested the possibility of removing the fence entirely or construction of a sloping roof in all four directions to alleviate snow from getting into the cluster mailbox area. He mentioned that the cluster mailbox near Parkview is the largest in the District and that the enclosed mailbox area is not exposed to sunlight which could be the cause for snow and ice accumulation. He recommended that the entire cluster mailbox area be redone entirely.

Ron Lynch understood the residents concerns for requesting roofs above the cluster mailboxes. He stated that construction specifications would need to be approved which would be very costly because of the areas snow load and strong winds. Ron Lynch stated that there are not many cluster mailboxes in Douglas County with roofs and that construction of roofs would be very expensive.

Riley Evans mentioned that the Board discussed construction of roofs twice in the past but turned down the recommendation because of the cost involved and that the cost estimate to do the entire District was \$300,000. He agreed that the back fence should be moved at the Parkview cluster mailbox location. He mentioned that shelters were constructed above mailboxes in Washington State which were part of the initial development.

Vice Chairwoman Lau inquired from Attorney Yturbide if the District would be liable if someone slips and falls in the mailbox area. Attorney Yturbide responded that she did not have all of the facts regarding the area but she is advised that the post office and federal government apparently owns that portion. She stated that the question that needs to be asked is if that information regarding ownership is accurate and if the District has been privy or participating in any fashion with any previous improvements. She commented on Chairman Patrick's concerns with liability. She stated that in the event that the District designs and participates in putting a roof structure over the mailboxes, there is a possibility that the District would be named in a lawsuit and the District would have a risk of potential liability if the design was defective and if the construction was improper. She was uncertain on which portion of the cluster mailbox area falls within the District's property and which portion falls within the post office's property. Vice Chairwoman Lau questioned if participation would include relocation of the fence. Attorney Yturbide questioned if the fence is part of the District's property and questioned if it was installed by the District. She stated that it does not mean that the District can not cooperate with the post office and that the Board would make a decision based upon facts. She stated that it is proper that the District consider the other cluster mailboxes in the District and costs involved.

Trustee Clark-Ross discussed the policy of a federal government agency to accommodate those with disabilities. She questioned the removal or relocation of the fence in regards to accommodating those with disabilities.

The Board of Trustees discussed the costs involved to construct roofs above the cluster mailboxes and determination of responsibility and ownership of the cluster mailbox locations throughout the District.

Chairman Patrick requested to table the agenda item. He directed General Manager Longhofer to contact the post office to determine the area of ownership and responsibility of the cluster mailboxes and any possible overtures the post office may have made to the District through a third party.

Agenda item tabled.

- 10. Discussion and possible action on improvements to lighted ball field:** Representative of the Nevada Bighorns baseball team Dennis Young discussed his involvement with various baseball teams. He stated that his team shares a field at Carson High School and that his college aged team would like to use the lighted field at James Lee Park but the infield is unsafe and needs improvements such as sod and clay installation. He mentioned that his team would use the field almost every weekend from June to July and that another team is willing to use the field from September to October. He stated that the District could possibly have three teams using the field if the infield is improved.

Chairman Patrick referred to the estimate by Western Turf and Nursery Farms. Dennis Young clarified that the \$5,928 estimate from Western Turf and Nursery Farms is for sod only. Trustee Clark-Ross requested clarification that the estimate was for real sod or imitation turf which was installed at Western Nevada Community College. Dennis Young clarified that the estimate is for sod and that a cost estimate for imitation turf would be expensive. Trustee Clark-Ross inquired on the history of the sod preparation for the lighted ballfield. General Manager Longhofer responded that there was no prep work done to the field such as top soil.

Dennis Young informed the Board of Trustees that the estimate included compost and installation of the sod. He was uncertain if the estimate included installation of sprinklers. General Manager Longhofer stated that there is \$12,500 in the budget for improvements to the lighted field. He asked Dennis Young if any money is given to Carson High School for use of their field and if the District could make any money if the team plays on the field. Dennis Young responded that their team is a nonprofit organization through the State of Nevada and is tax exempt. Dennis Young informed the Board that his team would run the District's concession stand and would prepare the field for games.

Trustee Clark-Ross inquired if a total cost estimate for all improvements to the lighted ballfield was available. Dennis Young clarified that the estimate is for sod only and that the total cost estimate for improvements might be approximately \$10,000. General Manager Longhofer questioned Dennis Young if the baseball field could accommodate softball. Dennis Young mentioned that the infield grass would get torn up and that softball is not as popular in Nevada as it is in California. He recommended that the lighted field maintain its use to accommodate baseball and not softball.

Public Interest Comment: Ron Lynch commented on the need for the District to improve several District streets. He stated it would be nice to have teams play on the field but the Board should really

look at the needs of the people. He has no qualms about improving the field if the District could come up with a way to get the money to do the improvements. Ron Lynch stated that he has a problem if the District has to take money from repairing other needed improvements to the District. He stated that it is fine if there is money budgeted for the field improvements but he questioned where the rest of the money is going. He questioned what the District would be subsidizing if children that reside in the District are unable to play in the park if other baseball teams are using the park.

Streets Supervisor Russ Sterling discussed drainage issues with the lighted ballfield. He commented on past discussions with the State of Nevada Division of Forestry to resolve the drainage problem. He recommended that the drainage issue is resolved first and then the infield be improved. He clarified Chairman Patrick's inquiry that the drainage issue is on Forestry property and that any drainage solutions need to be authorized and approved by the State of Nevada Division of Forestry.

Riley Evans mentioned that placement of more compost might not resolve sod issues on the field. He commented on several changes made to the lighted ballfield and that some changes were made without Board action which includes placement and removal of clay and sod at various times which cost the District a lot of money. He recommended that any changes or improvements to the field are approved by the Board.

The Board of Trustees discussed resolving the drainage issue and improving the infield which includes the placement of sod and clay.

Trustee Clark-Ross and Dennis Young discussed the layout and size of the lighted field to accommodate soccer. Secretary/Treasurer Pierini asked what revenue could be generated from developing that field up to par so it can be used and how many teams would be using the field in a four month period. Dennis Young responded that three teams might use the field with teams playing from February to October, September to October and February to May. He commented on a possible revenue source if teams shop in Douglas County stores and stay in Douglas County hotels. Secretary/Treasurer Pierini asked what does improving the field do for the District. Dennis Young responded that the park would be used more frequently if the field is improved and that children and young adults that live locally in the area would come back to play in their own hometown rather than playing in another county or city. Secretary/Treasurer Pierini commented on the expense to replace the light bulbs. She inquired on the previous Board and former General Manager's projection or ideas of usage for the lighted field. Dennis Young responded that improvements or changes were never brought before the Board and that field issues in the past were primarily discussed directly with the General Manager. He never had to go before the Board to present any proposed request for modifications to District fields and that the lighted ballfield was not done correctly in the beginning.

Trustee Eisele inquired on electrical costs for running the lights on the field. General Manager Longhofer was uncertain but would research the matter. He mentioned that the cost for each bulb is \$400. He stated that parks are a service to the community and they do not generate much money. He mentioned that the District might make some revenue from the concession stand.

Vice Chairwoman Lau inquired on the common practice for the allocation and distribution of revenues which are generated by concession stands. Dennis Young responded that proceeds from concession stands usually go towards high school or college sports programs and that his team is not against paying the District for use of the ballfield.

Chairman Patrick asked for a motion. Vice Chairwoman Lau recommended further discussion amongst the Board on the matter. General Manager Longhofer mentioned that the Board should consider the time limit to improve the field. Dennis Young informed the Board that the Nevada Bighorns baseball team starts playing ball on Memorial Day weekend but he can delay playing on the District's lighted field until the middle of June because the team currently uses the field at Carson High School.

The Board of Trustees discussed resolving the drainage issue prior to improving the infield and possibly improving some areas of the infield because of the time limit. The Board of Trustees recommended that a total cost for all improvements for the lighted field be provided and that the District communicate with the State of Nevada Division of Forestry to resolve drainage problems for the Board's consideration at a future meeting.

Agenda item tabled.

Break at: 8:20 P.M.

Reconvened at: 8:30 P.M.

11. Reports to the Board:

a. General Manager's Report (Exhibit A)

General Manager Dennis Longhofer discussed items as written in the General Manager's Report. He commented on additional items. General Manager Longhofer informed the Board that he is working on combining certain positions and developing a step salary structure for collective bargaining negotiations with the Stationary Engineers, Local 39 union. General Manager Longhofer, Trustee Eisele and Chairman Patrick met with Douglas County Manager Dan Holler, County Engineer Carl Ruschmeyer and Community Development Director Mitch Dion. and other Department Managers to discuss several issues. At that meeting, the County offered to paint District streets and possibly for no charge because of revenue collected from the gasoline tax. There was discussion at the meeting in regards to a County and District water intertie for emergency purposes. At the meeting, General Manager Longhofer was unclear if the County needed the District's water because the response from the County was that eventually they would need the District's water. Douglas County is bringing in water from Genoa Lakes Golf Course and proposing to construct a four million gallon tank. Douglas County offered to give the District a million and a half over a seven year period to assist the District with improvements. General Manager Longhofer discussed annexation and Douglas County's "Out-of-District Agreement" for properties that are non-contiguous.

General Manager Longhofer and Vice Chairwoman Lau attended a Minden Gardnerville Sanitation District (M.G.S.D.) Board meeting. He mentioned that M.G.S.D. conducts their public comment period at the end of the Board meeting and discussions at the meeting were less formal. General Manager Longhofer suggested that Board members attend meetings at other local government entities to observe their meeting process and how meetings are conducted.

Acceptance of paid current bills will be an agenda item at all monthly Board meetings. Streets Supervisor Russ Sterling discussed various sewer collections

and safety training opportunities offered by the California Water Environment Association (CWEA). He clarified that C.W.E.A. charges a fee for some of the training sessions. C.W.E.A. charges an annual membership fee.

Buffo electric will be providing a proposal for modification of the lighting in front of the District's main office due to inadequate lighting. Janitorial services at the District's main office has been reduced to a once a week cleaning service as opposed to twice a week. General Manager Longhofer discussed the Board's photography options for professional Board member portraits. The Board of Trustees recommended both individual portraits and a group portrait.

General Manager Longhofer discussed issues regarding the District's efforts to obtain easements through two residential properties for the trailhead from James Lee Park to Vista Park. A map was presented to the Board which showed the proposed location of the trail.

General Manager Longhofer referred to recommendation #2 on page ten of Dinter Engineering's stand-by generator option report. There were discussions on the District's options and associated costs for stand-by generator power at the water and wastewater treatment plant facilities. Proposals and specifications for both the stand-by generator power project and de-watering system project might be an agenda item at the March meeting for the Board's consideration. General Manager Longhofer discussed the issuance of water and sewer bonds in the amount of \$2,000,000. Approval of a Resolution to issue the bonds will be an agenda item at the March meeting for the Board's consideration.

Parks department staff constructed a retaining wall in James Lee Park near the playground. The District implemented a new shut off notification procedure for delinquent water accounts. Water department staff will place a "Notification of Termination of Water Service" bright yellow hanger on each delinquent customer's door. Wastewater department staff installed a meter on the waste sludge line to determine the quantity of sludge the new de-watering system will need to process. V & C Construction completed sidewalk repairs at fifteen locations in the District.

Vice Chairwoman Lau inquired on the burned toy car at South Sunridge Park. General Manager Longhofer informed the Board that a car was burned at South Sunridge Park in December and there was a fire in one of the bathrooms at James Lee Park. He clarified that the restrooms were closed during winter but remain open during the spring and summer months.

Public Interest Comment: (none)

b. Engineer's Report (Exhibit B)

The District's Engineer Brian Randall discussed items as written in the Engineer's Report. He commented on additional items. Engineer Randall referred to Dinter Engineering's stand-by generator option report. He agreed with General Manager Longhofer that the Board consider Dinter Engineering's recommendation #2 which is the least expensive. He stated that Resource Concepts withheld going forward on the final design and finalization of documents and for the purchase and installation of the replacement lift station

pending selection of a generator. The District will probably purchase a generator for the replacement lift station as part of the package from the lift station supplier which is ROMTEC. Engineer Randall suggested that the District go forward with the ROMTEC proposal which would include a new generator for the new lift station. The generator located near the existing lift station can be moved and installed for Browns well for a cost estimate of \$10,000.

Engineer Randall discussed the sewer line capacity problems related to the Summit Crest apartment complex which will be located at the northeast corner of Vista Grande and Mica. There is a concern whether the existing sewer system has adequate capacity or if the apartment complex should be required to participate in the construction of a new sewer line in Vista Grande south of Mica. Sewer line capacity issues with the Summit Crest apartment complex development will be reported to and discussed with the Board once additional improvement plans on the project are provided and reviewed by Engineer Randall and General Manager Longhofer. Engineer Randall mentioned that there were problems with that sewer line capacity since the time the system was built. He discussed a District dilemma of knowing when Douglas County intends on disconnecting the North Valley commercial area from the District's sewer system as it relates to the sewer line capacity issue with the Summit Crest apartment complex development.

Trustee Eisele questioned if the District was dealing with one company for the replacement lift station project. Engineer Randall informed the Board that the District is required by the Nevada Revised Statutes to publicly bid on the replacement lift station even if the District decides to purchase the equipment. He stated that the best option for the District is to purchase the lift station and then to execute a contract with a contractor for the installation of the lift station and for the connection into the existing system. He mentioned that the procurement process was the same for the ozone project. Trustee Eisele questioned if the District would look at other options for the purchase of a lift station. Engineer Randall responded that there will basically be an or equal bid in which the procurement documents will be based upon the ROMTEC system but which will solicit other alternatives that are equal to or better than the lift station that is being proposed by ROMTEC. He clarified that other lift station manufactures can bid as long as they can show that what they are providing is of equal or better quality.

Public Interest Comment: (none)

c. Attorney's Report

The District's Attorney Jennifer Yturbide referred to revised documents for the "Trustee Orientation Manual". (Exhibit C) She recommended that Board members insert the documents into their Trustee Orientation Manual. She mentioned that the revised documents do not change much of the substance and that that there were some typographical errors in the former documents. Attorney Yturbide reminded the Board that a copy of the current Nevada open meeting law is in each Trustee Orientation Manual.

Attorney Yturbide commented on having an informal atmosphere at meetings. She mentioned that there needs to be some measure of formality in proceedings when dealing with the open meeting law. She explained that the District needs a good record which should identify who is speaking if the District is challenged for either an open meeting law violation or a past Board action. Attorney Yturbide commented on proceedings at meetings. She explained that back and forth dialogues create a messy record and that discussions on matters not on the agenda should be avoided because of the fine line between consideration and deliberation as noted in the open meeting law. Attorney Yturbide recommended a consent calendar for certain agenda items which might not draw a great deal of concern from the public.

Public Interest Comment: (none)

- 12. Discussion and possible action on the Process and Scheduling of the Annual Performance Evaluation of the General Manager:** General Manager Longhofer mentioned that the “Performance Evaluation Guide” included in the Board meeting packet was used for past evaluations of the General Manager which were completed by each Board member. General Manager Longhofer informed the Board that he would be presenting a proposal at the next meeting. Trustee Eisele stated that it would be difficult for new Board members to complete the “Performance Evaluation Guide.” Vice Chairwoman Lau stated that the “Performance Evaluation Guide” was used in the past and she had to complete the form for the past General Manager as a new Board member. She suggested that new Board members meet with General Manager Longhofer if they have questions or concerns with the items listed on the “Performance Evaluation Guide.”

Attorney Yturbide clarified to the public that the Board is discussing the procedure for the General Manager’s Evaluation and that the evaluation and review will be conducted on a future agenda.

Public Interest Comment: Art Baer commented on recent revisions to the open meeting law. He asked Attorney Yturbide if the General Manager’s evaluation would be open or closed. Attorney Yturbide responded that the evaluation needs to be conducted in open session due to changes in the law at the last legislative session.

No motion was made. Chairman Patrick stated that the evaluation of the General Manager will be an agenda item at the next Board of Trustees meeting.

- 13. Discussion and possible action on the option for Trustees to donate their monthly Trustee salary to the District’s General Fund: (Requested by Chairman Patrick)** Chairman Patrick stated that there have been several occasions when a member of the Board commented on donating their salary to a particular favored area or work of the District. He discussed the possibility that a salary donation could be construed as lobbying especially when the donation is for a particular District event or function. Chairman Patrick recommended that the District consider the option that the donation be directed to the General Fund and not to a particular event or function of the District.

The Board of Trustees discussed their options and preferences in regards to being able to donate towards any item and issues related to General Fund donations being used for events such as an employee barbecue or Christmas party.

Attorney Yturbide stated that she was uncertain if the District could dictate by vote where compensation for a Board member could go. Vice Chairwoman Lau inquired on the legalities of a Trustee donating their salary to a particular item at a meeting. Attorney Yturbide responded that a question would be if there is the appearance of impropriety or whether a Trustee has an interest in a particular item which might come before the Board for a vote in the future. Vice Chairwoman Lau stated that there was some discussion as a Board about donating a month's salary towards certain items in the past.

The Board of Trustees discussed the appropriateness of commenting on an individual's option of donating their salary during a public meeting.

Public Interest Comment: Robert Sennett asked what the current monthly salary is for each Board member. Chairman Patrick responded that each Board member's salary is \$350 per month. Ron Lynch stated that he has never heard of Board members wanting to donate their salary for projects. He commented on the responsibility of the Board to represent the interest of its residents and that Board members should not be obligated to donate.

No motion was made. Agenda item died due to lack of a motion.

14. Discussion and possible action to approve payment of \$70,000 to Douglas County for reimbursement of the Vista Grande inter-local agreement: General Manager Longhofer mentioned that Douglas County requested that funds be reimbursed at the end of the second quarter of each fiscal year and that a payment was due December 31, 2006. He clarified that the \$70,000 reimbursement to Douglas County was included in the 2006-2007 budget.

Trustee Clark-Ross suggested that payment to Douglas County be deferred until an internal audit is conducted by the District to determine where the money went. Chairman Patrick responded that an audit was conducted and that the money was deposited into the General Fund and spent on accounts payables rather than being deposited into a separate account.

Public Interest Comment: (none)

Vice Chairwoman Lau moved to approve payment of \$70,000 to Douglas County for reimbursement of the Vista Grande inter-local agreement. Seconded by Trustee Clark-Ross. Motion carried unanimously.

15. Discussion and possible action to approve an inter-local contract to allow continued digital data exchange between the District's Engineer and Douglas County's GIS Department: General Manager Longhofer contacted Douglas County's GIS Department to inquire if Douglas County could do some geographic information mapping for the District. Douglas County's GIS Coordinator Dawn Patterson informed General Manager Longhofer that Douglas County could not provide the service due to staffing issues and that the past agreement to share information expired in December of 2005. Engineer Randall stated that the information data exchange between the County is very useful and recommended that the District approve the agreement. He discussed the District's past efforts to implement a GIS system; the costs involved including ongoing expenses, and required training.

Public Interest Comment: (none)

Trustee Eisele moved to approve the inter-local contract to allow continued digital data exchange between the District's Engineer and Douglas County's GIS Department. Seconded by Trustee Clark-Ross. Motion carried unanimously.

- 16. Discussion and possible action to amend the District's meeting room rental agreement policy and meeting room rental fees:** General Manager Longhofer informed the Board that the coffee room has never been renting but the coffee room has been used on occasions. He recommended that the coffee room be removed from the policy and that the hourly rate to rent the meeting room be increased to \$25. He mentioned that the coffee room could possibly be available under special circumstances.

Trustee Clark-Ross commented on an upcoming retreat where she would like to rent the District's meeting room but would like to use the coffee room because the event would be catered. General Manager Longhofer mentioned that the District does not charge other public agencies to use the meeting room.

Attorney Yturbide recommended that the District have a uniform policy because the main office is a public building which would be offering a public area. She stated that the meeting room should be available to everybody and not just an individual group because the District does not want the problem of having it interpreted as if the District was specially treating one group versus another group. She clarified that the Board could consider no fees but should establish a universal policy. Vice Chairwoman Lau suggested a policy revision which would state that the coffee room is available upon request. Attorney Yturbide stated that the District does not want to get into the position where it could be construed the District is giving special treatment or discretionary and preferential treatment to a certain kind of group versus another group especially in the area of religion and the areas that are suspect classes.

Public Interest Comment: Art Baer advised the Board to be cautious when advertising or labeling the coffee room as a kitchen because of State regulations and requirements for rental of a public kitchen.

Attorney Yturbide commented on health department regulations when a kitchen is renting to the public. The Board of Trustees agreed that the coffee room is really not a kitchen. Trustee Clark-Ross commented on photos of the meeting room on the District's website which shows table settings which tend to market and solicit use of a kitchen facility. Executive Assistant Vicki Reifer clarified that the photos on the website were taken at a luncheon which was held in the meeting room but the coffee room was not used because the caterer provided all the necessities.

Trustee Eisele moved to amend the District's meeting room rental agreement policy and meeting room rental fees as revised to remove the coffee room from the policy and to increase the meeting room rental fee hourly rate to \$25. Seconded by Vice Chairwoman Lau. Motion carried unanimously.

- 17. Discussion and possible action on street improvements:** General Manager Longhofer discussed a problem of budgeting street improvements and the time frame to process bids. He referred to the proposal provided by Sierra Nevada Construction included in the Board packet which includes various options to overlay and slurry seal Vista Grande, Plymouth Drive and certain areas in James Lee Park.

Streets Supervisor Russ Sterling explained that slurry seal is basically similar to a light chip seal. He stated that slurry seal is not a permanent fix but would extend the life of the road and that alligator effects on streets which are slurry sealed would still be visible. He suggested that Vista Grande have a complete overlay and that District staff would crack seal all streets listed in the proposal. The Board of Trustees, District Engineer and District staff discussed costs associated with street improvements; options and process to improve streets as indicated in the Sierra Nevada Construction proposal; the need to improve District streets; budgeting for street improvement expenditures in the remaining 2006-2007 fiscal year, and budgeting requirements for next fiscal year 2007-2008.

The agenda item was for information only. No action was made.

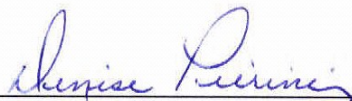
Public Interest Comment: (none)

- 19. Chairman and Trustees' Reports:** Vice Chairwoman Lau attended a Minden Gardnerville Sanitation District Board meeting. Trustee Clark-Ross commented on the noticing requirements as presented during the open meeting law training and that Executive Assistant Vicki Reifer does a good job with drafting meeting minutes and adhering to the open meeting law noticing requirements.
- 20. Adjournment:** *Trustee Clark-Ross moved to adjourn the meeting at 10:25 P.M. Seconded by Vice Chairwoman Lau. Motion carried unanimously.*

The next regular Board of Trustees meeting will be on Wednesday, March 21, 2007 at 7:00 P.M.

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| <i>Exhibit A</i> | <i>General Manager's Report</i> |
| <i>Exhibit B</i> | <i>Engineer's Report</i> |
| <i>Exhibit C</i> | <i>Revisions to the Trustee Orientation Manual provided by Brooke, Shaw & Zumpft</i> |
| <i>Exhibit D</i> | <i>Open Meeting Law Training PowerPoint presentation hand outs</i> |
| <i>Exhibit E</i> | <i>Steve Weaver, Public Comment- "Request for Annexation 3292 Plymouth - Development limitations"</i> |

FINAL APPROVED MINUTES AS PRESENTED



Secretary/Treasurer
Denise Pierini