

Minutes
Indian Hills General Improvement District
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
June 29, 2006
6:00 P.M.

Trustees Present: Chairman Charles Swanson, Vice Chairman Riley Evans, Secretary/Treasurer Laura Lau, Trustee Art Baer, Trustee Brian Patrick

Trustees Absent: (none)

Staff Present: Executive Assistant Vicki Reifer, Attorney Scott Brooke, General Manager Dennis Longhofer, Jimmy Weaver, Kathy Martin, Tom McKinzey, Tim McOsker, Andy Joyner, Josh Joyner, Russ Sterling, Kurt Christensen, Neal Tuteur, Lucas Chavez, David Wright

Others Present: Attorney Chris Phipps, Gale Longhofer, Mike Carrion, Dale Morlan, Bill Eisele, Pam Eisele, Stacy Norbeck, Pat Baer, Skip Allen, Shelia Allen, Kathryn Clark-Ross, Deborah Striplin, Dianne Humble-Fournier, Ron Kruse, Hazel Dunn, John Lund, Christine Buch, Ron Lynch, Ben Walker, Debbie Walker, Pat Murphy, Jim Murphy

1. **Call to Order:** Chairman Swanson called the meeting to order at 6:10 P.M. Chairman Swanson informed those present that both the District and a court reporting service were recording the meeting.
2. **Pledge of Allegiance:** Led by Chairman Swanson.
3. **Approval of Agenda:** *Chairman Swanson entertained a motion to approve the agenda as presented. So moved by Trustee Baer. Seconded by Vice Chairman Evans. Motion carried unanimously.*
4. **Public Interest Comment:** Dianne Humble-Fournier discussed problems with the post office's designation of mailing addresses for some Indian Hills residences. Her mailing address is designated as "Carson City" with a zip code of "89705." She requested that the Board do something about the mailing address for those Indian Hills addresses with an 89705 zip code considering that residents of Indian Hills are part of Douglas County and not Carson City. She commented that residents of Indian Hills should have a Douglas County address.
5. **Discussion and consideration of the character, alleged misconduct or professional competence of the General Manager under NRS 241.031:** Chairman Swanson requested discussions on several topics in order as follows.
 - Review of the District's Personnel Policy relating to the event;
 - Understand the General Manager's contract as an employee;
 - Opinion if the General Manager as an employee falls under the District's Personnel Policy as it relates to drug testing;
 - Review the reasonable cause for requesting that the General Manager be drug tested;
 - What the District's actions could be;

- What individuals observed from the General Manager's actions;
- Public Comments;
- Opportunity for the General Manager's Legal Representation to discuss issues

Chairman Swanson requested the assistance of the District's Attorney Scott Brooke to cite relevant paragraphs in the District's Personnel Policy as they pertain to the issue of requesting a drug test.

Attorney Brooke mentioned that the District's Personnel Policy was adopted as amended on September 22, 2005. He stated that the District's Personnel Policy applies to the General Manager as well as all other employees. He referred to section 11 of the District's Personnel Policy titled "Drug Free Workplace" and that section 11.7 indicates that the District may provide drug testing upon the following grounds as written in section 11.7.1 titled "Reasonable suspicion/probable cause" on page twenty five. He read a portion of the definition of reasonable suspicion as indicted in section 11.8.8. He stated that reasonable suspicion is more than a hunch, but less than probable cause. He read a portion of section 11.8.8. He stated that reasonable suspicion must be based on specific, objective facts and any rationally derived inference from those facts about the conduct of an individual that would lead the reasonable person to suspect that an individual is or has been using drugs or using alcoholic beverages. He informed the Board of Trustees that section 11.8.8 subsection "a" indicates that objective facts may include information obtained from a reliable informant. He referred to section 11.10 on page twenty nine that provides for "Procedures." He read a portion of section 11.10.2. He stated that based on probable cause or reasonable suspicion, employees will be required to submit to drug or alcohol testing. It further provides that failure or refusal to sign the consent form, which is necessary prior to testing, will be cause for an adverse inference to be drawn relative to being under the influence and will also result in a charge of insubordination and the appropriate discipline up to and including termination.

Chairman Swanson requested clarification of the meaning of adverse inference. Attorney Brooke informed Chairman Swanson that adverse inference means that a refusal to submit to a test may conclude that the refusal is based upon having been under the influence of a prohibited substance. Attorney Brooke stated that a similar adverse inference is applicable under Nevada Statutes with reference to driving under the influence charges. He explained that if a person refuses to submit to a test, there is an adverse inference imposed which results in the loss of a driving privilege. He mentioned that an adverse inference for driving under the influence charges is an analogy. Chairman Swanson commented that it does not imply in fact that the individual was using drugs. Attorney Brooke replied that it does not establish anything, other than an inference.

Chairman Swanson referred to a document or affidavit in the meeting packet that was completed by two members of the Board. Chairman Swanson inquired from Attorney Brooke if information in the document had enough substance to determine reasonable cause for drug testing. Attorney Brooke requested clarification from Chairman Swanson that he was referring to the three page document titled "Documentation for Reasonable Suspicion Drug / Alcohol Testing." Chairman Swanson confirmed that the document in question was titled "Documentation for Reasonable Suspicion Drug / Alcohol Testing." Attorney Brooke stated that the document sets forth information from two Trustees including that from other sources of their opinion of reasonable suspicion. Attorney Brooke stated that he believes that it should be up to the Board to determine whether it constitutes reasonable or sufficient grounds to require a testing. He commented that determination of reasonable suspicion is one purpose of the meeting. He further explained that if reasonable suspicion is determined, then under the Minutes of the June 29, 2006 Board of Trustees Meeting (Special Meeting)

District's Personnel Policy, the next question would address if any discipline is appropriate for refusal to consent. He stated that it is a two stage issue.

Chairman Swanson requested to address the next issue. He discussed the action of the District as represented by two members of the Board. He mentioned that two members of the Board suspended the General Manager even though they thought that they terminated the General Manager from his position. Chairman Swanson asked if the action was appropriate or if there were other choices. Attorney Brooke informed the Board of Trustees that choices are not laid out in the Personnel Policy and that they are broad. Attorney Brooke thought it was appropriate to maintain the status quo to keep the employee in employed status but not performing his functions until the soonest time a hearing could be conducted. Attorney Brooke stated that was what occurred.

Chairman Swanson asked the Board of Trustees if they had questions for Attorney Brooke or if they had any comments on reasonable suspicion of drug or alcohol use, the response by two Board members to ask for a drug test and subsequent action thereafter.

Secretary/Treasurer Lau asked Attorney Brooke if it was appropriate for Board members to follow through and request a drug test in this situation other than having Legal Counsel or a Human Resources Representative involved. Attorney Brooke replied that he did not state an opinion on that and just assume not. He believed that what the Board dealt with were facts that it was presented with after the fact by two Trustees and that the Board did the appropriate action by having a hearing. Attorney Brooke gave his view that a Trustee is appropriate in going forward acting upon what the Trustee considers to be reasonable suspicion. Secretary/Treasurer Lau asked if that was the consensus of the Board. Attorney Brooke clarified that there is no way to get a consensus of the Board without having a special meeting. He explained that there is no guidance exactly on what level is necessary in the District's Personnel Policy or in the Nevada Revised Statutes. He commented that to a certain degree, this becomes a matter for the Chairman to handle when the Chair becomes aware of the issue. He clarified that the Chairman immediately put things in the status quo and immediately set a hearing. Secretary/Treasurer Lau asked Attorney Brooke if he ever handled a situation like this before. Attorney Brooke replied no. She asked if he ever heard of a Board having to go through a process such as this issue with a General Manager or other similar position. Attorney Brooke replied that all of his experience and cases that he is aware of have been at the employee level where determinations were made by Supervisors, Managers or Directors and they make a determination based upon information they have to start a process that is set forth in policy. He has not been involved with a matter involving a Trustee or Executive Officer. Secretary/Treasurer Lau's opinion is that a Manager or Supervisor would have training. Attorney Brooke clarified that the District's Personnel Policy provides for training and that every other employee of the District who is involved in a situation such as this would come before the General Manager for the decision to be made on how to handle the issue. He explained that it is only the General Manager who responds to the Board and that everyone else responds to the General Manager.

Vice Chairman Evans discussed his involvement with a similar incident where a Manager and on another occasion a Supervisor fired an employee and in both situations, the termination held up. Attorney Brooke stated that was a distinction he just made. He explained that it is different when dealing with all other employees of the District. He further responded to Secretary/Treasurer Lau's question. He stated that the Board has the ability to handle the issue as it chooses at this point. Vice Chairman Evans asked if a District Attorney or Assistant District Attorney is a reasonable person to ask for advice on this type of situation. Attorney

Brooke did not understand the jist of Vice Chairman Evans's question. Vice Chairman Evans asked if the District Attorney or Assistant District Attorney is a reasonable person to ask for advice about this type of situation because Trustees are not lawyers. Attorney Brooke replied sure. Vice Chairman Evans stated that was done.

Chairman Swanson emphasized that the Board reviewed the Personnel Policy and reviewed the General Manager's contract. He stated there were some discussions on reasonable cause and discussions on the option to require a drug test. He mentioned that it was not specifically stated that the General Manager apparently refused to take the drug test until he had the opportunity to talk with his lawyer. Chairman Swanson stated that he understood that the General Manager took a drug test the following day but that is not within the District's policy.

Chairman Swanson opened a public comment interest period on the specific issues as previously discussed.

Public Interest Comment: Ron Lynch commented on the events that occurred at a scheduled appointment with the General Manager. He informed the Board of Trustees that when he showed up for the meeting, he was told by the District's Receptionist that the General Manager was with Trustee Baer and upon the Receptionist return, he was asked to meet with Trustee Baer. He mentioned that both Vice Chairman Evans and Trustee Baer were outside smoking near the back entrance of the main office. Ron Lynch stated that he was told by Trustee Baer that he was sorry but we had to let the General Manager go. He did not recall if those were the exact words. He was then told by Trustee Baer that General Manager Longhofer was their third choice and that there were two other people. Ron Lynch commented that he does not know if the General Manager was drinking, on drugs or having a bad day, or not. He thought the events that occurred between him, Trustee Baer and Vice Chairman Evans are relevant and that the Board should know what happened between them. He stated that it struck him funny when Trustee Baer told him that General Manager Longhofer was their third choice because it was like they were looking for a reason to get rid of the General Manager.

Chairman Swanson emphasized that General Manager Longhofer is still an employee of the District. Ron Lynch stated that was not the way that Trustee Baer said it to him.

Chairman Swanson closed the public interest comment period.

Legal Representation for General Manager Dennis Longhofer, Christopher Phipps from Jack E. Kennedy and Associates, introduced himself to the Board of Trustees. Attorney Phipps informed the Board of Trustees that he was hired by General Manager Longhofer to represent him at this proceeding and at any subsequent ones that may be deemed necessary. He stated that with respect to the points that the Board has raised, his understanding of section 11.10.2 of the District's Personnel Policy that section 11.10.2 indicates issues that were not addressed by the District's Attorney Scott Brooke which are relevant. Attorney Phipps read a portion of section 11.10.2. He stated that prior to requiring such testing, a supervisor shall articulate the basis for his or her suspicion to the employee then whenever possible, the basis for the probable cause or reasonable suspicion will be communicated to either the General Manager or to District Counsel. Attorney Phipps stated that since the subject of the inquiry is the General Manager, the appropriate person to have presented the information would have been District Counsel and as far as he knows, that was not done. He commented on the timeline, if there is a suspicion of an individual under the influence, that they immediately be taken for testing and that all the reasonable suspicion brought by Trustee Baer and Vice Chairman Evans was brought four days after the fact. He requested that Jack E. Kennedy and Associates submission of a ten page statement and ten affidavits from employees be officially entered as part of the

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minutes. (Exhibit A) Attorney Phipps stated that the real issue is to whether any single Trustee on his own whim can come in and arbitrarily decide reasonable cause and order a General Manager to take a test. He stated that it is really about a power struggle and to his understanding, there was no Board consensus for this request and there was no meeting. He further explained that if there was a meeting, it was not public so it would have been a violation of the open meeting law. Attorney Phipps stated that is not to say it is an impossible procedure and that this can easily be implemented and still stay in the bounds of the open meeting law. He further explained that if there was a suspicion that Board members may have that for some reason the General Manager was under the influence, at the next meeting or at a special meeting state that they have reasonable suspicion and then authorize any individual Trustee to make that determination and demand the test. He stated this was never done. Attorney Phipps had other facts which he requested to present later at the meeting. He stated that unfortunately, the issue involves an ongoing power dispute between Trustee Baer's interference with the General Manager Longhofer's management of the District than it is about a drug test.

Chairman Swanson inquired from Attorney Phipps if he is in agreement that General Manager Longhofer falls under the District's Personnel Policy. Attorney Phipps replied that he did not read an exception for anybody including the General Manager under the Personnel Policy. Chairman Swanson emphasized that a primary issue was certainty that the General Manager as an employee did have to adhere to the District's Personnel Policy. Attorney Phipps replied that General Manager Longhofer does not dispute that, but he does answer to the Board as a whole. Chairman Swanson concluded that the issue Attorney Phipps is raising is if the Board in fact did follow the policy as stated. Attorney Phipps informed Chairman Swanson that he was correct. Attorney Phipps clarified their position that no single Trustee, without prior Board consensus and approval, has the power to arbitrarily come to the General Manager and demand that he take the test because he answers to the Board. He further explained their position that procedure was not followed because it was not articulated alternatively from General Manager Longhofer to District Counsel.

Chairman Swanson inquired from the Board of Trustees if they had any questions on the particular issue. Trustee Patrick asked the District's Attorney Scott Brooke if he should have been informed per section 11.10.2 of the District's Personnel Policy. Attorney Brooke responded yes, per the Personnel Policy. Attorney Brooke confirmed that he was not informed.

Chairman Swanson commented on the issues previously discussed that pertain to the Personnel Policy, General Manager's contract and the General Manager's response to the request for a drug test. Attorney Phipps responded that he has substantial comments on the General Manager's response to the request for a drug test but he understood that the Board wanted to hear that information later. Chairman Swanson was more interested with the process. Attorney Phipps elaborated on the sworn testimony from General Manager Longhofer. He informed the Board of Trustees that General Manager Longhofer did not say no on taking the test when he was confronted by Trustee Baer and Vice Chairman Evans but that he did state that Trustee Baer and Vice Chairman Evans had no authority to request that he take a test. Attorney Phipps further explained that at that time, General Manager Longhofer contacted Chairman Swanson by telephone to explain what was going on and that Chairman Swanson responded to General Manager Longhofer that Trustee Baer cannot do that and requested to speak directly with Trustee Baer. Chairman Swanson stated to Attorney Phipps to be careful about what was exactly discussed. Chairman Swanson clarified that communications between himself and Trustee Baer pertained to contacting a Sheriff and firing the General Manager but not about the drug test. Attorney Phipps discussed the comments made to General Manager Longhofer by Trustee Baer about having a Sheriff arrest the General Manager which was conveyed to

Chairman Swanson by telephone. Attorney Phipps stated that the comment about arresting General Manager Longhofer was not an appropriate comment for a Trustee and that Trustee Baer refused to speak to Chairman Swanson when requested. He further elaborated on General Manager Longhofer's response on speaking with his Attorney because he questioned the Trustees authority and that he answers to all five members of the Board. Attorney Phipps commented on reasons for General Manager's Longhofer's refusal of the test in regards to Trustees not having the authority and that the General Manager acted appropriately in regards to the District's Personnel Policy. Attorney Phipps informed the Board of Trustees that the following day, General Manager Longhofer voluntary submitted to two separate drug tests which were both negative.

Vice Chairman Evans referred to the "Drug / Alcohol Test Informed Consent" form in the meeting packet. He explained that it was requested that General Manager Longhofer read the consent form but he refused to read the form. Vice Chairman Evans informed General Manager Longhofer after he refused to read the consent form that the situation could be handled simply. He did not know how much further you can go, reasonably. Attorney Phipps questioned if it was reasonable for General Manager Longhofer to deny the request of an individual not the Board of Trustees when he does not work for Vice Chairman Evans because he works for the Board. Vice Chairman Evans responded that he was aware of that matter. Attorney Phipps stated that Vice Chairman Evans and Trustee Baer did not have the capacity to make the request and their suspicions should have been transmitted to the District's Counsel then District Counsel could have handled it properly. He stated it was not done right. Vice Chairman Evans replied that he could not speak for other people but there are other people other than just Trustee Baer and himself.

Chairman Swanson re-emphasized that there are two primary issues, was there reasonable cause and did the District follow procedure. He asked Attorney Phipps if that was the core of the issue. Attorney Phipps responded yes. He stated, then ultimately, what the Board is going to do about it. Chairman Swanson stated that if the Board makes a determination on the primary issues, then there could be discussions on options. Attorney Phipps agreed that Chairman Swanson articulated the issues.

Chairman Swanson opened a public comment interest period.

Public Interest Comment: (none)

Chairman Swanson closed the public interest comment period.

Chairman Swanson commented on the issues previously discussed that include reasonable cause, two Board member's actions, the General Manager's response to those actions; and if the Trustees were in fact following the procedure as specified in the District's Personnel Policy. Chairman Swanson inquired on possible options. The District's Attorney Scott Brooke informed Chairman Swanson that options include the determination if procedures were or were not appropriately followed. He stated that if it is determined that procedures were followed, then the Board would proceed with the determination of whether or not there was adequate grounds for reasonable suspicion. He further explained that if it is determined that procedures were not followed, then that would end the matter. He stated that if the Board gets to the issue of determining whether there is reasonable suspicion, that again has two alternatives; to determine that there was not any and end the matter or proceed to options. Attorney Brookes stated that a threshold issue raised is the procedure that the Board could reasonably find that a subjective representation of reasonable suspicion by two Trustees is adequate to go forward and

that the Board could determine that is not what the policy means and determine that was not an available option and then determine what procedural clarifications are needed in the future. Attorney Brooke made a distinction that reasonable suspicion was made by not one Trustee, but two Trustees. He made another point that two Trustees do not have the opportunity to speak with a third Trustee because it would be a violation of the open meeting law. Attorney Brooke commented that the District's Personnel Policy is intended to get an independent view which in this situation would have been District Counsel that would have given another opinion but it infers that there could than be the next step taken in a request for a drug test without formal Board action. Attorney Brooke clarified that he was not involved.

Chairman Swanson requested that the Board deal with two issues, the issue of reasonable cause and did the Board collectively follow procedures and then go to the third issue. Attorney Phipps suggested that the Board determine if procedures were followed prior to determination of reasonable cause.

Chairman Swanson opened a public comment interest period.

Public Interest Comment: Dianne Humble-Fournier informed the Board of Trustees that she is a nationally licensed chemical abuse counselor and that she was licensed in California and Kansas. She stated that for those that work for the County, it takes one person for reasonable cause. Dianne Humble-Fournier's previous comment was directed to Secretary/Treasurer Lau. She stated that we are all arguing about policy and procedures but as a taxpayer, she does not want a person working for the District making a salary comparable to the previous General Manager because one person on the Board has a vendetta. She stated that this issue goes above and beyond personal vendettas because this is reasonable doubt. She directed the previous statement to Secretary/Treasurer Lau. Chairman Swanson interjected and requested to Dianne Humble-Fournier that she address the Board. She stated that as a taxpayer, she does not want someone at the District when there is reasonable doubt considering that two people had doubt. She mentioned that this issue could all be solved by a drug test. She stated that the Attorney's can argue about procedures while her tax dollars are going to pay the General Manager when there were questions by two Board members and miscellaneous employees. She understood that the two Trustees got the Chairman's blessing to proceed with the request for a drug test. She mentioned that the General Manager is under probation and that two Board members were questioning the General Manager's ability.

Chairman Swanson closed the public interest comment period.

Chairman Swanson commented that the District's Personnel Policy did not address the General Manager specifically in this case and that it seemed to be an oversight or not anticipated. He inquired from the Board if procedure was followed.

Vice Chairman Evans informed the Board of Trustees that the two Trustees asked advice from Larry Beller and Associates, the District's Human Resources Management Representative, and Douglas County's Assistant District Attorney. Vice Chairman Evans was satisfied with the information received from both entities. He mentioned that a number of different people were involved besides Trustee Baer and himself.

Trustee Baer stated that prior to getting involved with this matter, which was brought to his attention by Vice Chairman Evans, his first stop was the office to review General Manager Longhofer's personnel file. He informed the Board that there is no drug test or medical history in General Manager Longhofer's personnel file. He stated it was never brought to the Board to waive those two requirements. Trustee Baer stated that there are number of reasons and

explanations for an individual to show up disoriented with glassy or red eyed but he is not a medical person or in the position to judge that. He mentioned that we have a procedure on how to proceed on the advice from the Douglas County Drug Recognition Officer and District's Attorney. He also read numerous documents including the State of Nevada's and Larry Beller and Associates procedures on how to proceed and that Vice Chairman Evans and Trustee Baer tried to proceed on that basis.

Trustee Patrick stated that apparently Trustee Baer and Vice Chairman Evans asked questions from drug testing companies, the District Attorney and other Attorneys but the Personnel Policy passed by the Board did not get followed which is a shame.

Trustee Baer stated that he did go through the District's Attorney before he did anything. Attorney Brooke stated that he did not have the opportunity to review the evidence or grounds for reasonable suspicion. Attorney Brooke stated that if he had reviewed the grounds for reasonable suspicion, that it is only the Board that can take the step. He further explained that it does not matter if this procedure was followed or not or District Counsel blesses it. It still needs to be a Board action. Trustee Baer agreed with Attorney Brooke's statement.

Secretary/Treasurer Lau stated her opinion that the District's Personnel Policies were not adhered too and should have been followed. She further explained that the Board should have made the decision along with the District's Attorney. She stated those are important issues as opposed to if there was probable cause or not, which is a side issue.

Chairman Swanson stated that it does not appear that the General Manager's position was not included within the District's Personnel Policy because it was not anticipated that it would be necessary however, the intent of the Personnel Policy was that the General Manager would be subject to random drug testing but the process to get to that point and how it occurs is the difficulty. He was mixed on whether procedure was followed or not.

Vice Chairman Evans stated that every employee was included for drug testing at any place he has worked at and would presume that applies to District employees. He mentioned that he would have to take a drug test if his boss came to him and requested the test.

Chairman Swanson requested a motion to state if policy was or was not followed.

Vice Chairman Evans moved that policy was followed. Chairman Swanson stated that the motion from Vice Chairman Evans was that the Personnel Policy was followed as it applies to the General Manager position. Seconded by Trustee Baer.

Chairman Swanson asked for further discussion. There was no further discussion.

Chairman Swanson stated that the motion on the table is that the Personnel Policy was followed. Vice Chairman Evans voted aye, Trustee Baer voted aye, Chairman Swanson voted nay, Trustee Patrick voted nay, Secretary/Treasurer Lau voted nay. Motion failed to carry.

Chairman Swanson stated that the District failed to follow procedures and that General Manager Longhofer was reinstated.

6. **Discussion and possible action on the issue of the continued employment of the General Manager under the agreement for professional services including possible termination thereof:** Chairman Swanson stated that there was a determination that District procedures were not followed and that the District needs to correct policies and procedures as it relates to drug policies of the General Manager. Attorney Phipps agreed with Chairman Swanson. Chairman Swanson requested that Attorney Brooke provide revisions to sections of the District's Personnel Policy in particular, the determination of "authority" for drug testing. He explained that random drug testing is a time sensitive issue. He is requesting language revisions in the Personnel Policy to resolve the issue of who has the authority to request a drug test because of time sensitivity. Attorney Brooke obliged to draft language to bring back to the Board for their consideration and discussion.

Trustee Baer discussed the State of Nevada's process of first contacting a State Trooper to determine if an individual is under the influence of a controlled substance. He was not aware of that procedure until he further read the State of Nevada's policy.

Trustee Patrick inquired from Attorney Brooke if language in the Personnel Policy might include that any allegations or probable cause from one employee towards another be put in writing. Attorney Brooke responded yes.

Chairman Swanson opened a public comment interest period.

Public Interest Comment: District Employee Andy Joyner suggested a language revision for section 11.7.2 in the District's Personnel Policy that all employees should be subject to pre-employment drug testing because half of the District employees were excused from pre-employment drug testing by their previous General Manager. Chairman Swanson commented that a condition of employment should include completion of a drug test.

Vice Chairman Evans inquired if physicals were required. Andy Joyner informed Vice Chairman Evans that the District does not require physicals.

John Lund commented on a matter that was not discussed. He mentioned that it has no reflection on what took place this evening. He discussed the possibilities of an employee being involved in a serious automobile accident during the course of their business. He explained that if the District is determined to be liable, the District's insurance policy premium would increase which would then involve taxpayer's money. He informed the Board of Trustees that the District might be dealing with a matter that could be very serious.

Pat Murphy inquired if the General Manager was ever asked if he had any medical conditions. She discussed her involvement with diabetics who get glassy eyed and disoriented when their sugar levels rise. She commented on medical information or illnesses that might be noted in the General Manager's file which would indicate any reasons for any atypical appearance. Vice Chairman Evans stated that General Manager Longhofer volunteered that information prior to being asked.

Secretary/Treasurer Lau inquired on grievance letters placed in her Trustee mail box. Chairman Swanson requested a status of the grievances at the next Board of Trustees meeting.

Kathryn Clark-Ross asked if General Manager Longhofer would make a statement in regards to possibly being under the influence.

General Manager Longhofer obliged to Kathryn Clark-Ross's request to make a statement. He stated that his reputation has been damaged and that he knows it was a personal vendetta from Trustee Baer. He mentioned that he always tried to get along with Trustee Baer. They have had disagreements but was questioned or challenged by Trustee Baer on things he wanted to do. He stated that he is not drinking or on drugs and that it all comes down to the problem with Trustee Baer. The issue is Trustee Baer meddling with his job. General Manager Longhofer suggested that members of the community read the affidavits from District employees because he wants them to hear what the employees have to say but did not get a chance and that this issue is probably not resolved. He discussed Trustee Baer's treatment of one District employee which caused that employee to go to the hospital. He was too upset and angry to continue but again requested that members of the community read the affidavits from District employees.

Jim Murphy stated that he sees two doorways of the organization, one door has a light behind it and the other door is World War III. He offered three suggestions: Suggestion #1, Consider the idea of forgiveness. Suggestion #2, Continued enthusiasm with General Manager Longhofer and his expertise. Suggestion #3, Get onto the business of administrating the District.

Chairman Swanson closed the public interest comment period.

No action.

7. Discussion and possible action on the appointment of an Interim General Manager and on the recruitment action for the position of General Manager, if necessary:

No action.

8. Chairman and Trustees' Reports: The Board of Trustees had not items to report.

9. Adjournment: *Trustee Patrick moved to adjourn the meeting at 7:10 P.M. Seconded by Secretary/Treasurer Lau. Motion carried unanimously.*

The next regular Board of Trustees meeting will be on Wednesday, July 19, 2006 at 7:00 P.M

Exhibit A Attorney Jack E. Kennedy and Associates, P.C. Affidavit

FINAL APPROVED MINUTES AS AMENDED


Secretary/Treasurer
Laura Lau