

REGULAR MEETING

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT
9732 Pyramid Hwy #407, Sparks, NV 89441

Thursday, April 21, 2022

MINUTES

Trustee John Patterson called the regular meeting of the Palomino Valley General Improvement District (PVGID or GID) to order at 6:00 p.m. Thursday, April 21, 2022 at 21555 Pyramid Highway, Reno, Nevada.

1. **Roll Call:** Trustees present were John Patterson, Larry Johnson, and Greg Dennis (by phone). Trustees Dan Helton and Don Otto were absent. Also present were Shawn Kelly, Operations Manager; Cathy Glatthar, Assistant to the Board; Vickie DiMambro, Assistant to the Secretary/Bookkeeper; and Louie Test, Legal Counsel (arrived at 7:01).

2. **Public Comment:**

Rob Valceschini gave his support to Shawn and his crew. He said he had been reading the minutes of the past meetings and stated that Shawn was doing a great job with what he had. He said Shawn had a lot of support in this community and the minutes from the past two meetings were a little embarrassing.

Trustee Patterson asked if there were any further public comments? Hearing no requests, he moved to the next agenda item.

3. **Approval of Minutes - March 17, 2022:**

Trustee Dennis asked Cathy to do a word search for “than” and “then” as there were several instances where the wrong word was used.

Cathy said she would make the appropriate changes.

Trustee Johnson made a motion to approve the February 17, 2022 minutes as amended. Trustee Dennis seconded the motion. Hearing no opposition, the motion passed.

4. **Payment of Bills and Other Financial Matters:**

a. **Transaction Report and Payment of Bills:**

Vickie DiMambro reviewed the transaction report (see attached). The total cash in all accounts was \$535,306.45. Income for the month was Ad Valorem/Property Tax \$49,035.59, Consolidated Tax (CTX) \$41,065.34, and LGTA/Fair Share \$5,184.09.

Vickie reviewed several of the payments: 1) Sierra Rental and Transport \$21,010.35 for trucking of Class E to Wilcox Ranch Road (\$15,441.15), and for trucking Class E to Prairie Road (partial - final billing pending) (\$5,569.20); 2) Teichert \$11,188.70 for 1,738.70 tons of Class E for Prairie Road; and 3) Les Schwab \$2,570.92 for two steer tires and installation for the 2005 International water truck.

In response to Trustee Dennis' question, Vickie explained that the CTX revenue amount was not cumulative; the \$41,065.34 was the amount we received this month.

In response to Trustee Johnson's request for clarification, Cathy Glatthar confirmed that the CTX revenue is primarily from sales tax, and LGTA is also primarily sales tax. Ad valorem is property tax and all property owners within the District pay a specific portion of their property taxes to the PVGID.

Trustee Johnson made a motion to approve the transaction report and pay the bills. Trustee Dennis seconded the motion, and hearing no opposition, the motion passed.

b. Estimated Operating Funds Report:

Cathy Glatthar reviewed the report (see attached) and stated the ad valorem/property tax actual revenue from the fourth installment was just over \$18,000 less than expected. Consolidated Tax (CTX) revenue was less than estimated by nearly \$4,000. LGTA revenue was more than estimated by a little bit more than \$2,000. Overall, actual revenue was less than year-to-date estimated revenue by \$16,421.14. Estimated Net Operating Funds for Road Improvements as of August 15, 2022 was \$341,219.

Trustee Johnson explained for the audience that there were four months left in this reporting period and the average monthly expenses of \$30,000 for four months were held back (\$120,000) and reserve funds equaling two months of expenses (\$60,000) was being held in reserve. He said we are pretty conservative with our dollars.

In answer to Trustee Johnson's question, Cathy reported last month's Estimated Net Operating Funds for Road Improvements was \$349,000.

c. Work on Final Budget for Fiscal Year 2023 (FY23) (From 7/1/22 to 6/30/23):

Cathy Glatthar reported receiving a letter from the Department of Taxation stating that the PVGID's tentative budget was in compliance with the law and appropriate regulations.

Cathy referred to her updated Budget Worksheet #3 (see attached) and explained there were a few changes since last month (see column 5). She explained we received the final, abated property tax revenue projection on March 25th, and the figure was higher by \$854, so that amount has been added to the projected revenue. At the bottom of the worksheet, the Capital Outlay expense figure has been reduced by \$50,000 (as approved at the March meeting). The aggregate change of \$50,854 has been added to the Road Maintenance expense line item.

Trustee Dennis said he thought we needed to have a minimum of \$100,000 for Class E, and we still needed to build the maintenance building and have some money left over to buy some equipment. He asked if those items were still in the projections?

Cathy explained we still had \$181,000 in capital outlay being reserved and that was the carryover from FY21 and the remaining capital outlay budget for FY22 [this reserve was for capital outlay only, not road improvements].

Cathy said if there were no further changes from the Board, this worksheet will represent the final budget for FY23, which will be presented next month during the public hearing.

Trustee Johnson clarified that this was a "paper" budget. We are not held to these dollar amounts per category; that we can transfer money between categories, if necessary. This is a process we must go through, and the budget has to be submitted to the State. Our annual audits have given us an A+ rating, a clean bill of health, on our fiscal handling of taxpayers' money.

5. Road Maintenance Reports:

a. Road Reports:

Trustee Dennis said he was sure Shawn was taking care of things, and Shawn had put down the Class E base on Prairie Road. He said we had probably used up our budget for Class E base and would have to wait until we had more funding before we could do more Class E surfacing.

Trustee Johnson thanked Shawn for grading some roads. He said he looked at the grading done on Quaking Aspen, and said, "good workmanship." He said he wished we had more gravel to put down because we had native soil showing through in some places, but the road was crowned and the "V" ditches were skillfully graded and he thanked the crew and commended them for that work. He said he was pleased with all the roads that he had driven that had recently been graded, and thanked the crew.

Trustee Patterson said when he looked at the grading report and the requests that had come in, and there were quite a few requests, that it looked like the crew was handling those requests in a timely fashion. He thanked the crew.

b. Operations Manager's Report:

[Operations Manager's Report - Period 03/14/2022 to 04/17/2022 (see attached)]

- Shawn said as far as requests were concerned, every road that was requested to be graded had been done, unless the request had just come in.
- Shawn explained they were having a few issues with the Class E material. He said as he has been laying down the Class E, it has been coming up with balls of clay. He said he called the foreman at Teichert and the foreman came out and looked at Range Land Road. Shawn said they would get it squared away and he was also going to work with the salesman at Teichert.

Shawn explained they have covered 18 miles in Class E, and about 12 miles of that was the newer material. He thought he could remedy the problem by putting down a one-inch, skim layer of Type II base on top. He said when they graded Quaking Aspen, it was a new, out-of-the-box method. He said if they had graded it like they normally would, they would have pulled up every rock in that road. He explained that they would have to do the same with the skim coat of base. They would have to get the Class E very wet and then put down the base and use the roller to pound the base into the Class E in order to get the base to bind with the Class E.

Trustee Johnson explained that what Shawn was seeing was a combination of excessive fines (minus 200), coupled with an increase in plasticity, and coupled with the use of mag-chloride. When the mag-chloride hits that clay, it makes it sticky. He said he was not sure that Shawn would need to cover the newer Class E with Type II base because we were almost into May and we should not have that much wet weather. We would wear that surface down and off through the summer and fall months. He said we might be able to weather this and if we could get into these drier months, a whole lot of this would take care of itself.

Shawn said he understood that, but it seemed like right after they had put down the Class E, within a week, they got a storm. He said he would need \$60,000; that he had to cover the Wilcox hill and that had to be Type II base.

- John Geyer, in the audience, thanked Shawn and said he appreciated Shawn's work. He said he was curious about Broken Spur; there was a tremendous amount of dust being generated and he wondered if there were any Federal funds or monies available for air quality?

Shawn explained that he was really frustrated; that he has tried to get the contractors to use the asphalt-surfaced roads instead of the dirt section of Broken Spur, but they continue to use the dirt section of Broken Spur. He explained that Class E on the first section of Broken Spur would help tremendously, but that road needed to be raised first. He said Broken Spur would have to be a special project.

Beverly Geyer also asked about Federal funds for air quality.

Trustee Johnson explained that over the years, Boards have sought every funding source they could identify - Washoe County, State, and Federal - and they had not been successful.

Trustee Patterson said in response to the Geyers, item c is future road improvement projects, and before we go onto the contract for the pavement rehabilitation, he said the Board has talked about improvements to the north end of Broken Spur [south of Whiskey Springs Road]. He said there are drainage problems there, the dusting, and obviously Trustee Johnson has talked about it, and it was a project that was near and dear to him, as well. He said he thought they would hear more about this project after they get through the pavement rehab this summer; maybe move the Broken Spur project into the fall.

- Ron Gray, in the audience, said he and his wife own property on Calle de Mariposa, accessed from Encanto. He said they understood when they bought the property there wasn't going to be anybody coming up there to do road work.

Trustee Johnson explained to Mr. Gray that when the District was set up, a road system was accepted for maintenance, and the roads Mr. Gray was speaking of had not been accepted for maintenance and those roads were beyond the limits of the accepted road system. He added that the GID does not do any maintenance on those roads, so Mr. Gray can maintain his own roadway.

c. Future Road Improvement Projects - Strategic Planning, Implementation, and Funding:

i. Possible Approval of Pavement Rehabilitation Contract/Bid Documents:

Trustee Johnson reviewed the 2022 Seal Coat Program construction/bid documents (see attached). He read portions of the proposed project "Scope" from page 8, as follows:

The project consists of placement of chip seal on approximately three (3) miles of Ironwood Road from Amy Road west to end of last year's chip seal at an average width of 22.5 feet, Amy Road approximately one half (1/2) mile from Ironwood Road north to Sharrock Road at an average width of 21 feet, and Axe Handle Road approximately 0.6 miles from State Route 445 through the intersection of Bacon Rind Road at an average width of 21.5 feet ...

The project will also include the placement of a Cape seal on approximately 1.35 miles of Right Hand Canyon Road from the intersection of Whiskey Springs Road extending southeast at an average width of 19 feet.

Trustee Johnson explained the construction documents included a notice to bidders, which is an advertisement required by law; in addition, we email this to qualified contractors who do this type of work. He reviewed some of the other information from the construction/bid documents and stated the completion date for this year's project is July 29th. He said the bid deadline date is May 5th, and that was so that the bids can be received and reviewed by the Board and then a notice to proceed could be issued to the contractor to do the work.

Trustee Dennis asked if Trustee Johnson remembered how many square feet of chip seal we did last year? He said he thought we were doing a substantially greater amount of square footage this year. He thanked Trustee Johnson and Cathy for putting the documents together.

Trustee Johnson said it appeared that Cathy had the documents from last year and was looking for the information Trustee Dennis requested.

Trustee Patterson made a motion to approve the construction and bid documents for the 2022 Seal Coat Program including the necessary advertisement, bidding, award, and construction with the bid deadline of May 5, 2022, and that the award of the contract be authorized to Trustee Johnson and President Dennis, and to authorize Trustee Johnson to handle contract administration, approval of any necessary change orders, and processing of completion and payments with a maximum expenditure of \$270,000. Trustee Dennis seconded the motion, and hearing no opposition, the motion passed.

In answer to Trustee Johnson's question, Cathy said she would handle the advertisement of the bid notice (Invitation to Bid).

Trustee Johnson explained the chip seal program was identical to what they put on the section of Whiskey Springs Road from Pyramid Highway in approximately three miles, and Ironwood Road from Pyramid Highway in approximately two miles. That was the product they could expect to see this year; the only difference in products would be on Right Hand Canyon Road. He explained Right Hand Canyon Road was a total mess of deteriorated, aged asphalt that has been patched for the past 25 to 30 years. That is why they are going to do a Cape seal and use the thicker Type III slurry seal over top of the chip seal. He said this would not be perfect, nor would it be as smooth as some of our other roads because of the condition of the existing asphalt. He repeated what Trustee Helton said at the last meeting, that "Bad pavement was better than [good] dirt."

In answer to Trustee Dennis' earlier question, Cathy reported 600,000 square feet of chip seal was done last year at 30 cents per square foot for a total of \$180,000.

Trustee Johnson said this year we would be doing 615,000 square feet; a similar program as last year, because they split it up, budget wise, into two years.

ii. Surfacing Roads with Class E:

Trustee Patterson read a public comment from Trustee Otto (see attached) regarding Trustee Otto's request to have Quaking Aspen Road "... based out with enough material that the maintenance of it can be redone without scraping up the existing protruding rocks and the nasty clays underneath that we are dealing with now."

Trustee Johnson disclosed that he, like Trustee Otto, also lives on Quaking Aspen Road. He said he has lived there for 30 years, and it's the best that road has ever been. He said, unfortunately, he thought Trustee Otto's comment was somewhat self serving. He explained since he became a Board member, he has directed the maintenance supervisor that his road gets done last; that he didn't want even the remote appearance of what was being suggested. He said he, for one, would not be in favor of expending District monies to fulfill Trustee Otto's request.

Trustee Dennis said he thought both Shawn and Chuck had done an excellent job in trying to maintain Quaking Aspen Road. That road was a seasonal road and the GID did nothing during the winter months and now it's been upgraded and we do maintenance up there. He said he thought Trustee Otto's comments were not good for the GID in terms of Mr. Otto being a Trustee.

Trustee Johnson said he didn't mean to ever be offensive to the audience, but he moved out onto a terrible road 30 years ago, and he accepted responsibility for his decision to live where he does. He thought all of us needed to accept responsibility for our own actions. He said the upper portion of Quaking Aspen was deemed by original Boards as a seasonal road that would only be graded once a year and was to be maintained for four-wheel-drive traffic only from May through October. People are building and moving in on upper sections of Quaking Aspen Road and are demanding maintenance. He said he personally did not think that was proper.

Shawn said they did have fire trucks get stuck on Quaking Aspen and that was when they added base and restructured the road a bit.

Trustee Johnson said Quaking Aspen Road had been improved tremendously.

Trustee Patterson said as far as the Class E goes, Shawn had started discussing this under the Operation Manager's report and what we needed to discuss was money being allocated to Class E.

Shawn started discussing the Class E pricing and costs, and the possible remaining budget after the seal coat program bids came in.

Trustee Johnson stated that the decision was premature; that they needed to wait and see how the seal coat program bids came in. He suggested they wait until next month's meeting to make a decision with the Class E or possibly make improvements to Broken Spur; we needed to weigh priorities.

Trustee Patterson agreed and said he'd like to wait until next month. He said he would like to prioritize the miles and re-evaluate each month and allocate some portion of the Class E budget each month.

Trustee Johnson said Shawn needed to get a handle on the Class E material quality.

Shawn agreed and said the Type II base was a known product, but the Class E had to be properly specified.

Trustee Johnson said the problem on some of these roads was Teichert had provided us with a sub-standard product, and Teichert has responsibility there.

Shawn said Teichert knows what he wants and it won't happen again.

Trustee Johnson said he liked Shawn's approach.

Trustee Dennis said Shawn could not be in two places at one time; he could not be at Teichert seeing what was loaded onto the trucks, and, at the same time, be on the blade, the compactor, and the water truck trying to put the material down on the roads.

Shawn stated that once Teichert gets a handle on reducing the clays and fines, he would try to get Teichert to set aside a separate pile just for the PVGID that would possibly be a mix of Class E and Type II base. He said we might have to pay for the material in advance.

Trustee Patterson said he felt that Shawn would get it worked out.

iii. Other Possible Road Improvement Projects:

Trustee Johnson said he had mentioned Broken Spur, and that was a road that could use improvement. He said it had very poor drainage, the road needed to be raised, needed to have roadside drainage installed, and it needed culverts installed; that was a fair amount of work.

Shawn said he believed it was a special project

Trustee Johnson agreed and said it had a dollar sign behind it.

Trustee Patterson said Broken Spur was like a Range Land Road project.

Trustee Johnson agreed and said it was on his priority list. He said we have 44 roads in the Valley, and we were chipping away at them. He said we have a number of them with either Cape seal or chip seal; that approximately 18 miles of our 93-mile system was surfaced. Also, we have 18 miles of Class E-surfaced roads, so over one third of our entire system has been improved. Each year we are getting closer, and everybody wants their road improved now; we are doing the absolute best we can.

Shawn said we were having a serious issue with Grass Valley west and he hoped to get the first mile of that road surfaced. All that was there was gravels and those sticky clays; grading barely lasted a couple of days. He said he hoped to tie in with where the previous improvements were made. He said he wanted everybody to understand that once this year's chip seal was done, we would have about four years to apply the road improvement budget to funding a Class E program and getting the roads covered.

Trustee Johnson mentioned next year the major portion of the chip seal budget would go into Axe Handle Road from the Bacon Rind intersection to the top; about two miles; a minor amount compared to this year and previous years. He said if we continue with wet winters, in 2024 we might have to redo some of these

areas, but if we have mild winters, we may be able to postpone some of this until 2025. He said Shawn was right and maybe in 2023 we would have a significant budget for gravel surfacing.

Trustee Dennis asked if the drainage would be okay if we did chip seal on Axe Handle going up the hill?

Shawn said it would be a project where we might have to rent a mini-excavator to get the drainage necessary; it would be a big job.

In answer to Trustee Johnson's question, Shawn said they did not have water runoff this past winter; all the water was flowing in the ditches.

Trustee Johnson said for this year's seal coat program, our crew was going to have to do major patching before the seal coats were put down.

Shawn said on Right Hand Canyon Road, they will probably spend \$10,000 to \$15,000 on patching.

In answer to Trustee Patterson's question, Trustee Johnson said the patching work would have to be done in May.

Trustee Dennis said the patching was not part of the seal coat bid and we might not have much money left after the seal coat project was completed.

6. Old Business:

a. Current and Future Development Impacts, including but not limited to Area Plan Updates and the Truckee Meadows Water Authority (TMWA) Feasibility Study:

Trustee Patterson said he didn't have a lot to report because he was waiting for Washoe County to respond to some emails he had sent to them.

7. New Business: None

8. Judicial/Government Affairs:

a. Open Meeting Law:

Louie Test explained that over the last few meetings there were a number of Open Meeting Law (OML) issues raised as they pertain to the Trustees. He reviewed and discussed an OML handout (see attached), as follows:

1. Subcommittees appointed by the Board of Trustees

This was discussed quite a bit at the last meeting. If a subcommittee, appointed by the Board, consists of two or more Board members and/or staff, those subcommittee meetings would be subject to the OML and would have to be properly-noticed, open, public meetings. [Note: The Road Committee (subcommittee) was eliminated at the last meeting.]

2. Serial Communications/Walking Quorum

Serial communications occur when you have two Trustees discussing and deliberating on a PVGID topic, and one or both of those Trustees then goes and talks to another Trustee about the same matter. That's a violation of the OML. The same applies if emails or texts are sent out by a Trustee to two or more other Trustees and there are any responses, that's a violation. Even if there was no deliberation, the perception of a violation should be avoided.

3. Comments Regarding an Employee's Character and Competency

Character and competence of an employee must be conducted in a closed session. If a Trustee has a problem with the character and competence of an employee, they must request a closed session be held (which would have to be at a future date in order to properly notice the closed session).

4. Comments Regarding a Trustees' (Elected Official's) Character, Alleged Misconduct, or Professional Competence

You can't have a closed meeting to discuss an elected official's (Trustees are elected officials), character, alleged misconduct, or competency. Trustees, as elected officials, cannot be removed. They can be censured, but you would have to point out why the censure was happening and have facts and information to justify any type of allegations of misconduct.

5. Board Members-elect Are Subject to OML

Newly-elected Board members, even though they have yet to be sworn in, cannot meet with, email, text, or have any type of communication with a quorum of the Board.

6. Penalties for Violations of the Open Meeting Law

Civil fines can be imposed. If you intentionally violate the OML, it can be a criminal charge; it can be a misdemeanor. Whenever the Attorney General's Office gets a complaint, they have to open an investigation; that starts costing money for everybody.

Shawn asked if a [Trustee] is attacking [him or another employee], can we stop the discussion and request that a closed session to be held at a later date?

Louie agreed.

Shawn said we can [and should] stop the discussion, so that way, he didn't always feel like he had to come back and defend himself [or the other employee].

Louie said that didn't mean that Board members couldn't talk about the roads, but once they started making personal comments about an employee, that ends the conversation. The process starts with a Board member asking to have a closed session (possibly at the next regularly scheduled meeting), proper notice is sent to the employee so they can bring legal counsel or whoever it is to come in to discuss the matter in a closed session. However, the Board cannot take action in the closed session. The Board must have an open, public session so that if there is going to be a motion made in regards to anything that occurs within that closed session, it has to be made in the open meeting. You cannot take straw votes in a closed session; opinions can be expressed during a closed session, but you can't take any action in a closed session. If action is warranted or some person feels it's warranted, then they make the motion in the open meeting.

Trustee Patterson asked if you were going to talk about the competency of a Trustee, should that be agendized?

Louie said yes, it must be on the agenda.

Trustee Patterson added that the conversation must stop.

9. Calendar Review: Cathy Glatthar reviewed the upcoming items:

- Vickie had the third Quarterly Economic Survey signed tonight and it must be submitted to the Department of Taxation by May 15th.
- Next month we will have the closed sessions for the employee performance appraisals. We normally have those sessions in June, but they needed to be moved to May. The Board members submit their comments to the President and the President conducts the Operations Manager's (OM's) performance appraisal. The OM's appraisal is reviewed during the closed session. Trustees may make comments during the closed session, but Trustee Dennis may not fill out the appraisal during the closed session. Trustee Johnson clarified that Trustee Dennis can fill out the appraisal after the closed meeting and take into account the comments of the other Trustees during the closed meeting.
- Shawn will conduct our employee's performance appraisal.
- Next month's meeting will be on May 19, 2022. It will start at 5:00 p.m. with the closed sessions and the open session will start at 6:00 p.m. We will also have the budget hearing (during the open session).
- The notice of the public hearing will be published in the newspaper on May 11th, per NRS.
- Employee compensation will be on the agenda (open session).
- Once it is approved and signed (by at least three Board members), Vickie, will send the final budget to the Department of Taxation and the Washoe County Clerk by June 1st.
- For the 2022 Seal Coat Program, Cathy will handle the advertising of the Invitation to Bid notice for next week and opening of bids on May 5th.

In regards to the OML, Trustee Johnson asked if the bids could be circulated to the Trustees prior to May's meeting?

Louie said no.

Cathy said Trustee Johnson could share the bids with one other Trustee.

Trustee Patterson said that was just information and not deliberation.

Louie said true, but the concern was conversations that might go on between Board members after the information was released.

Cathy said the other issue was any information, supporting material, etc. given to a quorum of the Board had to also be given to the public at the same time.

Trustee Johnson said, "let's not."

In answer to Trustee Dennis' question, Louie and Cathy agreed that the bids we receive are public documents and open to the public.

10. Correspondence:

- Cathy Glatthar reported receiving an Agency Review memorandum from Washoe County Planning, and there were two items for the PVGID to review. She stated any comments or conditions of approval were due on April 29th. Both cases were divisions of large parcels: one was on Piute Creek Road - a parcel was being divided

into three 40-acre parcels; the other case was a parcel on Ironwood Road and that parcel was being divided into two parcels. She said since this item was not on the agenda, it could not be discussed. She asked for permission to get with Trustee Patterson to have conditions submitted to the Planners for these two cases. She explained that we normally submit the condition of approval that the applicant must comply with the PVGID's Resolution F19-R1, Access to PVGID Rights-of-Way.

Trustee Johnson said that resolution mainly addressed drainage.

Trustee Johnson said the conditions should be clear that any new access roads were private and to be maintained by the property owners.

Louie and Cathy both stated that the parcel maps indicate the access easements are private.

11. **Public Comment:**

- Debra Shirk asked if there was any attendance rule or law for Board members? She said she noticed that there were two Board members who were never here.

Louie explained the Board could come up with policies and regulations on what the Trustees should be doing. The Board could establish attendance requirements, but they could not remove a Trustee for not attending meetings. The Board could censure a Trustee, like what happened recently with a School Board member.

Trustee Patterson said, "ultimately the voters decide."

- Carla Eigenauer said she didn't see Microwave Road listed on the roadwork report, yet she noticed there were a lot of improvements to Microwave Road. She asked who paid for those improvements?

Trustee Johnson stated NOAA (National Oceanic and Atmospheric Administration) paid for that work. Microwave Road from the intersection of Quaking Aspen Road has not been accepted for maintenance by the PVGID.

- George Boyce asked if the Board was going to enforce the culvert requirements set forth in Resolution F19-R1?

Trustee Johnson stated we have no enforcement authority. At the same time, we have requested through the Washoe County Building Department that all building permits take into account our requirements, and Shawn or the President of the Board has to sign off on those permits. He said if you know of an instance where that was not being done, please contact Shawn or Trustee Dennis and they will look into that.

Mr. Boyce asked how far back does that rule go as far as putting in culverts?

Trustee Johnson said that was not retroactive; they could not force anybody.

Shawn said this applies only to new building permits.

Trustee Johnson added that we have, in certain problem areas, approached the homeowner and said if they provided the culvert, we would install it; just to solve the problem and save our roads.

- Shawn Kelly said, because he believed this was Cathy Glatthar's last meeting that she would be attending in person, he just wanted to thank her so much. He said Cathy has been so awesome and helpful in every aspect of these meetings for him. He said he hoped the big stack of papers Cathy brought tonight did not come to him.

He said there was so much knowledge Cathy had, and he was going to miss her tons.

Trustee Johnson said Cathy was indispensable; that he has worked with Cathy for nearly 12 years, of which he was President for 11 years. Cathy was absolutely the heart and soul of this District, and he thanked her very much.

Louie Test added that Cathy was a pretty good paralegal, too.

Trustee Patterson said Cathy was pretty good at listening to a couple of his rants on the phone.

Trustee Patterson asked if there were any further public comments? Hearing no requests, he moved to the next agenda item.

12. Board Member and Staff Items:

None

- 13. Adjournment:** Trustee Johnson made a motion to adjourn the meeting. Trustee Dennis seconded the motion, and hearing no opposition, the meeting adjourned at 7:30 p.m.

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

TRANSACTION REPORT AS OF April 18, 2022

Submitted by Vickie DiMambro, Bookkeeper

Total of all Bank Accounts:	Balance as of April 18, 2022 - Almost CD #5010	517,290.16
	Balance as of April 18, 2022 - A/P / General Ckg #4179	616.29
	Balance as of April 18, 2022 - Payroll #4430	17,000.00
	Balance as of April 18, 2022 - Petty Cash	400.00
	Total Cash In All Accounts	535,306.45

<u>Wells Fargo - Almost CD #5010</u>	Balance as of March 14, 2022	465,225.41
Income for the Month		
Ad Valorem/Property Tax	49,035.59	
Consolidated Tax (CTX)	41,065.34	
LGTA/Fair Share	5,184.09	
Other Income	0.00	
TOTAL	95,285.02	
Interest Income	4.33	95,289.35
Transfer to Wells Fargo #4179	(41,000.00)	
Transfer to Wells Fargo #4430	(2,224.60)	(43,224.60)
	Balance as of April 18, 2022	517,290.16

<u>Wells Fargo - A/P / General Ckg #4179</u>	Balance as of March 14, 2022	681.38
Transfer from Wells Fargo #5010	41,000.00	
Interest Income	0.12	41,000.12

NAME	CK #	AMOUNT	DESCRIPTION	
Catherine Glatthar	9966	2,992.40	Secretarial Services \$2,509.52, Accounting/Financial Work \$340.00, Office Supplies \$67.88, Public Relations \$75.00	
Flyers Energy	9967	2,598.72	Fuel	
Granite Construction Company	9968	422.10	Cold Patch .15 Tons Sharrock, .35 Tons Amy, 1.2 Tons Ironwood, 1.9 Tons Right Hand Canyon	
Hoffman & Test	9969	1,600.00	February 2022 Retainer \$400.00, Additional Work \$1,380.00 less \$180.00 Courtesy Discount	
Pyramid Business Services	9970	1,252.94	Monthly Bookkeeping and Payroll \$1,162.50, Office Supplies \$90.44	
Sierra Rental & Transport Co, Inc.	9971	21,010.35	Trucking of Class E to Wilcox Ranch Road \$15,441.15, and Prairie Road \$5,569.20 (partial billing)	
Teichert/Pyramid Materials/WNM	9972	11,188.70	Class E 1,738.70 Tons @ \$6.50/ton less \$113.04 (discount) for Prairie Road	
TOTAL		41,065.21		(41,065.21)
			Balance as of April 18, 2022	616.29

**PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT
TRANSACTION REPORT AS OF April 18, 2022**

<u>Wells Fargo - Payroll #4430</u>		Balance as of March 14, 2022	17,000.00
Transfer from Wells Fargo #5010	2,224.60		
Interest	0.20		2,224.80
Net Payroll	10,497.10	Net Payroll	
TEC Equipment	(240.00)	Refund for bad batteries that only lasted a year	
Department of Motor Vehicles	(4.21)	Refund for Technology Fees	
	(100.00)	Sale of Surplus Equipment	
	(1,600.00)	Sale of Used Grader Tires	
	(20,000.00)	Sale of 1991 John Deere Grader 670B & Cutting Edges	
SK's BECC 4/3/2022 Stmt			
Waste Management	SK's CC 31.74	Monthly Waste Removal	
Napa	SK's CC 867.68	Shop Supplies	
Peterbilt Truck Parts	SK's CC 169.96	Parts for '88 International Patch Truck	
Home Depot	SK's CC 332.74	Zeeman Equipment Trailer Parts	
Home Depot	SK's CC 238.69	Zeeman Equipment Trailer Parts \$180.85, Cattle Guard Supplies \$57.84	
Reno Salvage Co.	SK's CC 89.25	Flat Steel for Zeeman Equipment Trailer	
SK's BECC 5/3/2022 Stmt			
Diamond Diesel & Turbocharger Service Inc.	SK's CC 920.00	Parts for '88 International Patch Truck	
Home Depot	SK's CC 30.99	Zeeman Equipment Trailer Parts	
LJ's BECC 4/3/2022 Stmt			
Prominence	LJ's CC 2,819.16	Monthly Health Insurance	
Motorola	LJ's CC 70.00	Monthly Two-way Radio Bill	
Les Schwab	LJ's CC 2,570.92	05 Intl Water Truck - 2 steer tires & installation	
Alhambra	LJ's CC 12.25	Monthly Office Water	
Pack N Post	LJ's CC 276.00	Annual Mailbox Rental	
LJ's BECC 5/3/2022 Stmt			
Verizon	LJ's CC 33.50	Monthly Telephone Bill	
NV Energy	Bill pay 309.76	Monthly Electric Bill	
PERS	Bill pay 3,741.50	PERS Monthly Payment	
Payroll Taxes - Patriot Payroll	EFT 1,115.47	Payroll taxes (941, NV Unemployment)	
Wells Fargo Bank	Debit 42.30	Cash Deposit Processing Fee	
	<u>\$2,224.80</u>		<u>(\$2,224.80)</u>
		Balance as of April 18, 2022	17,000.00

<u>Wells Fargo - Petty Cash</u>		Balance as of March 14, 2022	400.00
Deposit	<u>0.00</u>		
	0.00		0.00
	<u>AMOUNT</u>	<u>DESCRIPTION</u>	
	0.00		
TOTAL	<u>0.00</u>		0.00
		Balance as of April 18, 2022	400.00

Reviewed by Cathy Glatthar, Assistant to the Board: *CAG* 4/18/2022

ESTIMATED OPERATING FUNDS FOR ROAD IMPROVEMENTS

Submitted by Cathy Glatthar, Assistant to the Board

ATTACHMENT - 04/21/2022 Meeting - Agenda Item 4.b.

Total Cash in all Bank Accounts as of April 18, 2022					535,306	
Additional Revenue Expected Through August 15, 2022					219,808	
ESTIMATED OPERATING FUNDS THROUGH AUGUST 15, 2022					755,114	
LESS Average Monthly Expenses (\$30,000) x 4 Months					-120,000	
LESS: Capital Outlay FY21 Carryover (\$91,537 - \$2,254 = \$89,283);						
Capital Outlay FY22 (\$150,000-\$52,634-\$5,000* = \$92,366);						
*Capital Outlay - \$5,000 for 2 Pickup Trucks from TMFire (Pending);						
Insurance \$10,000 (July);						
Unexpected Repairs (\$5,000/mo x 4 months);						
Workers' Comp \$1,473 (May) & \$1,800 (Aug);						
Mag-chloride \$15,000;						
Class E \$125,423-\$119,692+\$15,000-\$16,758=\$3,973					-233,895	
LESS Reserve Funds (= Ending Fund Balance per Budget)					-60,000	
ESTIMATED EXPENSES & RESERVES THROUGH AUGUST 15, 2022					-413,895	
ESTIMATED NET OPERATING FUNDS FOR ROAD IMPROVEMENTS AS OF AUGUST 15, 2022					341,219	
Additional Revenue Expected Through AUGUST 15, 2022:						
From 2021/2022	Figures Used for					
<u>Final Budget</u>	<u>Est Op Funds Rpt</u>					
320,000	320,000	Ad Valorem	May '22 thru Aug '22		27,148	
567,000	540,000	CTX	45,000 x 4		180,000	
38,000	38,000	LGTA	3,165 x 4		12,660	
925,000	898,000				219,808	
	-27,000	Difference between Budget and Estimated Operating Funds Report Projected Revenues				
MONTHLY EXPENSES:						
	Average	Actual	Difference			
Payroll	17,000	18,173	-1,173			
Other (non Road Maint)	13,000	-7,082	20,082			
	30,000	11,091	18,909			
			A/P Acct Exps		41,065	
Road Maintenance		32,199	P/R Acct Exps		2,225	
TOTAL EXPENSES		43,290			43,290	

REVENUE - ACTUAL AND ESTIMATED

NOTE: As of 4/18/22, Actual Revenue was LESS Than YTD Estimated By:

-\$16,421.14

AD VALOREM				
Date	Estimated	Actual	Difference	YTD Difference
at 09/14/21 (35%)	112,000.00	119,761.39	7,761.39	7,761.39
at 10/18/21	0.00	6,815.67	6,815.67	14,577.06
at 11/15/21 (21%)	67,200.00	51,432.04	-15,767.96	-1,190.90
at 12/13/21	0.00	6,964.55	6,964.55	5,773.65
at 01/17/22	0.00	67.18	67.18	5,840.83
at 02/14/22 (21%)	67,200.00	58,556.49	-8,643.51	-2,802.68
at 03/14/22	0.00	219.52	219.52	-2,583.16
at 04/18/22 (21%)	67,200.00	49,035.59	-18,164.41	-20,747.57
May	0.00			
June	0.00			
July (2%)	6,400.00			
August	0.00			
	320,000.00	292,852.43	-27,147.57	
CTX				
Date	Estimated	Actual	Difference	YTD Difference
at 09/14/21	45,000.00	45,255.83	255.83	255.83
at 10/18/21	45,000.00	44,511.41	-488.59	-232.76
at 11/15/21	45,000.00	43,668.43	-1,331.57	-1,564.33
at 12/13/21	45,000.00	45,611.37	611.37	-952.96
at 01/17/22	45,000.00	43,672.42	-1,327.58	-2,280.54
at 02/14/22	45,000.00	43,020.72	-1,979.28	-4,259.82
at 03/14/22	45,000.00	49,106.81	4,106.81	-153.01
at 04/18/22	45,000.00	41,065.34	-3,934.66	-4,087.67
May	45,000.00			
June	45,000.00			
July	45,000.00			
August	45,000.00			
	540,000.00	355,912.33	-184,087.67	
LGTA				
Date	Estimated	Actual	Difference	YTD Difference
at 09/14/21	3,185.00	6,846.91	3,661.91	3,661.91
at 10/18/21	3,165.00	6,023.97	2,858.97	6,520.88
at 11/15/21	3,165.00	0.00	-3,165.00	3,355.88
at 12/13/21	3,165.00	3,658.38	493.38	3,849.26
at 01/17/22	3,165.00	4,850.80	1,685.80	5,535.06
at 02/14/22	3,165.00	3,480.61	315.61	5,850.67
at 03/14/22	3,165.00	3,709.34	544.34	6,395.01
at 04/18/22	3,165.00	5,184.09	2,019.09	8,414.10
May	3,165.00			
June	3,165.00			
July	3,165.00			
August	3,165.00			
	38,000.00	33,754.10	-4,245.90	

PALOMINO VALLEY GID BUDGET WORKSHEET FY23 (7/1/2022 to 6/30/2023)

#3 - April 21, 2022 Meeting

By Cathy Glatthar, Assistant to the Board

	(1)	(2)	(3)	(4)	(5)
	Actual	Final	Estimated	Proposed	Change
	July 1, 2021 to Dec 31, 2021	Budget FY22	at 6/30/2022	Final Budget FY23	From 3/17/2022
Beginning Fund Balance		347,468	509,261 (Actual at 7/1/2021)	440,690	
Income					
Ad Valorem	185,617	319,934	319,934	340,854	854
CTX Consolidated Tax	177,465	567,465	567,465	645,531	
LGTA (Fair Share)	14,533	38,000	38,000	40,000	
Interest Income	19	100	100	100	
Other Income-FEMA Reimbursement	0	20,000	20,000	20,000	
Total Income	377,634	945,499	945,499	1,046,485	854
TOTAL INCOME & FUND BALANCE	377,634	1,292,967	1,454,760	1,487,175	854
Expenses - Public Works					
Salaries & Wages					
Employee Compliance Expenses	0	100	100	100	
Insurance-Workers' Comp	2,833	7,000	6,000	6,500	
Payroll Direct Deposit Fees	91	300	400	600	
Payroll Taxes	1,167	3,500	2,500	3,500	
Salaries & Wages/Regular	66,672	145,000	138,000	150,000	
Salaries & Wages/Seasonal	825	15,000	2,500	25,000	
Total Salaries & Wages	71,587	170,900	149,500	185,700	
Employee Benefits					
Insurance-Employee/Medical	15,478	40,000	32,000	40,000	
PERS Employer Paid Expense	15,828	36,000	32,000	36,000	
Total Employee Benefits	31,306	76,000	64,000	76,000	
Services, Supplies, Other Chgs					
Accounting Services	8,745	22,000	20,000	22,000	
Advertising	0	500	300	500	
Audit	11,145	11,100	11,145	11,500	
Equipment Maintenance Expense	21,663	30,000	35,000	30,000	
Equipment Non-Depreciable	636	1,000	2,000	2,000	
Equipment Rental	0	5,000	0	5,000	
Fuel & Oil	15,123	35,000	35,000	40,000	
Insurance-Liability/Auto/Equip	0	11,000	11,000	12,000	
Legal Fees	3,525	6,500	6,500	8,000	
Licenses and Permits	0	1,500	700	1,000	
Office Supplies	587	1,500	1,200	1,500	
Operating Supplies	1,879	3,000	4,000	5,000	
Public Relations	0	250	250	250	
Road Maintenance	168,948	683,592	500,000	875,250	50,854
Secretarial Services	8,770	18,000	18,000	20,000	
Signs	162	1,000	500	1,000	
Telephone	686	450	1,300	1,500	
Utilities					
Electric	884	2,400	3,000	3,400	
Restroom Rental	779	1,700	800	0	
Waste Removal	190	1,000	800	1,000	
Subtotal Servs, Supps, Oth Chgs	243,722	836,492	651,495	1,040,900	50,854
Other Income/Expense					
Other Income					
Cash Rewards	589	500	1,000	500	
Total Other Income	589	500	1,000	500	
Other Expense					
Cash Rewards Annual Fee	0	75	75	75	
Total Other Expense	0	75	75	75	
NET OTHER INCOME	589	425	925	425	
Total Servs, Supps, Oth Chgs	243,133	836,067	650,570	1,040,475	50,854
Capital Outlay	9,699	150,000	150,000	125,000	-50,000
TOTAL EXPENSES - PUBLIC WORKS	355,725	1,232,967	1,014,070	1,427,175	854
NET ORDINARY INCOME		60,000	440,690	60,000	
Ending Fund Balance		60,000	440,690	60,000	
		1,292,967		1,487,175	854

Proposed
Budget FY23

Beginning Fund Balance	440,690
Ad Valorem	340,854
CTX Consolidated Tax	645,531
LGTA Special (Fair Share)	40,000
Interest Income	100
Other Income-FEMA Reimbursement	20,000
TOTAL INCOME & BEGINNING FUND BALANCE	<u>1,487,175</u>
Salaries & Wages	185,700
Employee Benefits	76,000
Servs, Supps, Oth Chgs	1,040,475
Capital Outlay	125,000
Ending Fund Balance	60,000
TOTAL EXPENSES & ENDING FUND BALANCE	<u>1,487,175</u>

PVGID OPERATIONS MANAGER'S REPORT

Report Period 3/14/2022 to 4/17/2022

ATTACHMENT: 4/21/2022 Meeting Agenda Item 5.b.

ROADS GRADED AND/OR COMPACTED:

1. Bacon Rind S
2. Wild Horse: Crossover to Silver Horse
3. Silver Horse
4. Range Land: Peak to Winnemucca
5. Roadrunner
6. Two Forty
7. Prairie
8. Anniversary
9. Peak E-W
10. Pasture View N
11. Wild Horse N: Whiskey Springs to Flagstone
12. Grass Valley W: Pyramid to 7005 Grass Valley
13. Prairie: Spread 1738.7 tons of Class E
14. Broken Spur: Whiskey Springs to Morgan Ranch
15. Sage Flat

OTHER ROAD WORK:

1. Wilcox Ranch: Spray mag-chloride near 5255 Wilcox to near 2850 Wilcox - 2.7 miles
2. Range Land: Spray mag-chloride on new Class E
3. Grass Valley W: Near 7600, repair hole in culvert and cover with base
4. Ironwood: Pothole patch .45 tons
5. Right Hand Cyn: Pothole patch 2.65 tons
6. Prairie: Spray mag-chloride on new Class E
7. Broken Spur: Sweep and pothole patch .50 tons

OTHER:

1. Office work
2. GID Meeting
3. Post Agenda
4. Road Surveys
5. Town for parts
6. Misc. Yard work

EQUIPMENT:

1. 91 670B Grader: Sold
2. 6 old grader tires: Sold
3. Chip spreader parts: Sold
4. 88 Patch Truck: Injector pump leaking fuel; remove, take to town for rebuild; install. Also replace fuel lines.
5. 01 Peterbilt: Lube
6. Zieman transport trailer: Had to replace all the boards on the back half of the trailer
7. 05 Int'l Water Truck: Weld tank again
8. 05 IR Compactor: Repair upper radiator hose; lube

CONSTRUCTION DOCUMENTS

2022 SEAL COAT PROGRAM

**PORTIONS OF IRONWOOD, AMY, AXE HANDLE,
AND RIGHT HAND CANYON ROADS**

PALOMINO VALLEY, NEVADA

Prepared by:

Palomino Valley General Improvement District

9732 Pyramid Hwy, #407

Sparks, NV 89441

April 2022

Nevada Public Works Project Number: PWP-WA-2022-321

INSTRUCTIONS TO BIDDERS

Emailed proposals will be received by The Palomino Valley General Improvement District (PVGID) until May 5, 2022 at 3:00 p.m. for the construction of road improvements, as shown and set forth in the Plans and Specifications.

All proposals shall be made on the blank form of the Bid Proposal attached hereto and must give the unit price for the work in accordance with the Plans and Specifications, which are hereby made a part of the contract.

In order to assure consideration, the Proposal shall be emailed to palvalgid@gmail.com with the subject line as follows: "Proposal, DO NOT OPEN UNTIL May 5, 2022 at 3:00 p.m."

The Board of Trustees reserves the right to reject any or all bids or waive informalities or to accept the proposal deemed best for their interests. The Contract will not be awarded on a split contract basis.

Should a Bidder find discrepancies in or omissions from the drawings or contract documents, or should he be in doubt as to their meaning, he should at once (prior to bid opening) notify Larry Johnson – Trustee (775) 772-6289, who may send written instructions to all bidders.

The Board of Trustees reserves the right to hold the bids for a maximum of thirty (30) days before awarding the Contract. Construction is scheduled for June and July 2022.

Copies of all addenda and/or bulletins issued to prospective bidders shall be attached to the Bid Proposal. Failure of the Bidder to attach said addenda or bulletins may be considered grounds for rejection of the bid.

The lowest responsive and responsible Bidder will be verbally notified after the bids are opened and analyzed. The Contractor may be issued a Notice to Proceed by May 20, 2022. Work may start as early as May 30, 2022 and the project must be completed by July 29, 2022. The work shall be diligently prosecuted to completion.

No bids will be accepted from a Contractor who is not licensed in accordance with the law under the provisions of Chapter 186, Statutes of Nevada, 1941, as currently amended.

The Bidder to whom an award is made will be required to promptly execute the enclosed Contract.

Contracts for work under this proposal will obligate the Contractors and Subcontractors not to discriminate in employment practices. Nevada prevailing wage rates are a part of this contract.

Bidders must, if requested, submit a compliance report concerning their employment practices and policies in order to maintain their eligibility to receive the award of the Contract.

It is understood that Nevada Industrial Commission coverage for all employees, and any other insurance required by law, are distinctly the duty of the Contractor.

BID PROPOSAL

Gentlemen:

The Undersigned, as Bidder, declares that he has carefully examined the location of the proposed work and the plans and specifications. Therefore, if this proposal is accepted, the Bidder will contract with the PVGID, at his own cost and expense, furnish all materials, labor and equipment necessary to completely perform said contract in the manner and the time prescribed by said contract, plans and specifications, and in accordance with the requirements of the PVGID, and to do all things provided or called for by said contract. He will also execute and/or provide all insurance certificates required by law and/or by said contract, all in accordance with and subject to all applicable laws, and that he will take in full payment, therefore, the following prices:

<u>UNIT BID SCHEDULE</u>				
Item No.	Description of Work	Approximate Quantity*	Unit Cost	Price
1.	Chip Seal and Fog Seal, including all labor, equipment, and materials. Complete in Place.	480,000 SF	\$ _____ / SF	\$ _____
2.	Cape Seal, including all labor, equipment, and materials. Complete in Place.	135,000 SF	\$ _____ / SF	\$ _____
TOTAL BID PRICE				\$ _____

*The PVGID may, at its sole discretion, add to or subtract from the "Approximate Quantity" listed above.

The Undersigned agrees, if awarded the contract, to complete it by July 29, 2022, and further agrees that from the compensation otherwise to be paid, the PVGID may retain the sum of One Hundred Fifty Dollars (\$150.00) for each day thereafter, Sundays and Holidays included, that the work remains uncompleted, and is agreed that this sum is the proper measure of liquidated damages which the PVGID shall sustain per diem by the failure of the Undersigned to complete the work in the time stipulated, and this sum is not to be construed in any sense a penalty.

DATE: _____

NAME OF FIRM: _____

BY: _____

NAME: _____ TITLE: _____

ADDRESS: _____

PHONE NUMBER: _____ LICENSE NO. _____

WITNESS: _____

INSURANCE REQUIREMENTS

Before commencing the work, Contractor shall provide PVGID with both Certificates of Insurance (for all coverages) and additional insured endorsements.

1. Workers' Compensation in an amount not less than that required by law and as follows:

Coverage A: Statutory Policy Form

Coverage B: Employer's Liability:

Bodily Injury by Accident: \$1,000,000 each accident

Bodily Injury by Disease: \$1,000,000 policy limit; \$1,000,000 each employee

2. Commercial Auto Coverage (covering owned autos, hired autos and non-owned autos) not less than as follows:

Combined Bodily Injury and Property Damage: \$1,000,000 each accident

3. Comprehensive General Liability of not less than \$1,000,000 Combined Single Limit Bodily/Property Damage per occurrence; or Commercial General Liability with limits of liability not less than as follows:

Each Occurrence: \$1,000,000

Personal Advertising Injury: \$1,000,000

Products/Completed Operations Aggregate: \$1,000,000

General Aggregate (other than Products/
Completed Operations): \$1,000,000

The Palomino Valley General Improvement District shall be named as additional insured.

FORM OF CONTRACT

THIS CONTRACT, executed in duplicate this _____ day of _____, 2022, between _____, hereinafter called the “Contractor,” and the Palomino Valley General Improvement District, hereinafter called the “PVGID;”

WITNESSETH:

WHEREAS, the PVGID has caused to be prepared contract documents for the work herein described, and

WHEREAS, the Contractor has submitted to the PVGID a proposal for the construction of the proposed work consisting of the 2022 Seal Coat Program, all in accordance with the contract documents, which are on file, and in accordance with the terms of this contract, and

WHEREAS, the PVGID has examined the proposal submitted and, as a result, has determined and declared the Contractor to be the best bid for the contract and has duly awarded the Contractor a contract for the work, and the costs set forth in the proposal,

NOW, THEREFORE, THIS CONTRACT WITNESSETH:

1. The Contractor shall provide and pay for all materials, labor, water, tools, equipment, light, power, transportation, and other facilities necessary for the execution and completion of the work described and set forth in the contract documents. Nevada prevailing wage rates are a part of this contract.
2. Upon verification by the PVGID that the Contractor has satisfactorily completed the work in conformity with the contract documents, the PVGID will pay the Contractor at the unit cost per item as set forth in the proposal.
3. It is expressly understood and agreed that all work done by the Contractor shall be subject to inspection and acceptance by the Palomino Valley General Improvement District, and that any progress inspections and approval of any item of work shall not forfeit the right of the PVGID to require the correction of faulty workmanship or material at any time during the course of the work, although previously approved by oversight and nothing herein contained shall relieve the Contractor of his responsibility of proper construction and maintenance of the work, materials, and equipment required under the terms of this contract until all work has been completed and accepted by the PVGID.
4. The Contractor further agrees that work on said improvements may start as early as May 30, 2022 and shall be completed by July 29, 2022.
5. The contract documents listed below are hereby referred to and made a part of this contract by reference:
 - a. Bid Proposal
 - b. Insurance Requirements
 - c. Form of Contract
 - d. Plans and Specifications
 - e. *Standard Specifications for Public Works Construction (2016)*

FORM OF CONTRACT (Continued)

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as of the day and year first written above.

“CONTRACTOR”

By: _____

Name: _____

Title: _____

“PVGID”

Palomino Valley General Improvement District

By: _____

Name: _____

Title: _____

PLANS AND SPECIFICATIONS

I GENERAL CONDITIONS

- The General Conditions are hereby included by reference to “Part I General Provisions,” as set forth in the *Standard Specifications for Public Works Construction (SSPWC) “Orange Book”*.
- Fair Employment Practices - Per Nevada Revised Statutes (NRS) 338.125:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.

The contractor further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

- Preferential Employment in Construction of Public Works - Per NRS 338.130:
 1. In all cases where persons are employed in the construction of public works, preference must be given, the qualifications of the applicants being equal:
 - (a) First: To persons who:
 - (1) Have been honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard; and
 - (2) Are citizens of the State of Nevada.
 - (b) Second: To other citizens of the State of Nevada.
 2. Nothing in this section shall be construed to prevent the working of prisoners by a public body on a public work.

If the provisions of this section are not complied with by the contractor engaged on the public work, the contract is void, and any failure or refusal to comply with any of the provisions of this section renders any such contract void.

- Provisions Requiring Use of Method of Alternate Dispute Resolution Before Initiation of Judicial Action - Per NRS 338.150:

The use of a method of alternate dispute resolution is required before initiation of a judicial action if a dispute arising between the public body and the contractor engaged on a public work cannot otherwise be settled.

- Provision requiring persons who provide labor, equipment, materials, supplies or services for public work to comply with all applicable state and local laws - Per NRS 338.153:

Each contractor, subcontractor and other person who provides labor, equipment, materials, supplies or services for this public work must comply with the requirements of all applicable state and local laws, including, without limitation, any applicable licensing requirements and requirements for the payment of sales and use taxes on equipment, materials and supplies provided for the public work.

- Payments to Contractor - Per NRS 338.510 and 338.515:

The Contractor shall submit a progress bill to the PVGID on or before the Friday preceding the third Thursday of the month, otherwise payment will not be made until the next Board of Trustees meeting (the third Thursday of each month).

Not more than 90 percent of the amount of any progress payment will be paid until 50 percent of the work required by the contract has been performed. Thereafter, any of the remaining progress payments will be paid without withholding additional retainage if, in the opinion of the PVGID, satisfactory progress is being made on the project.

II SPECIAL CONDITIONS

1. Scope

The project consists of placement of chip seal on approximately three (3) miles of Ironwood Road from Amy Road west to end of last year's chip seal at an average width of 22.5 feet, Amy Road approximately one half (1/2) mile from Ironwood Road north to Sharrock Road at an average width of 21 feet, and Axe Handle Road approximately 0.6 miles from State Route 445 through the intersection of Bacon Rind Road at an average width of 21.5 feet in Palomino Valley, Washoe County, Nevada. The aggregate screenings for the chip seal shall conform to the requirements of Section 200.02.05, Screenings, for the 3/8 inch modified size of the Orange Book. The chips shall be applied at a rate of 28 pounds per square yard. The asphalt binder shall conform to the requirements of Section 201.04.1 - Specifications for Cationic Emulsified Asphalt for CRS-2. The application rate shall be 0.35 gallons per square yard. Chips shall be seated with a minimum two (2) passes with a minimum six-ton pneumatic roller. The chip seal shall receive a fog seal of SS-1 or SS-1h diluted 50/50 with water and applied at a rate of 0.10 gallons per square yard.

The project will also include the placement of a Cape seal on approximately 1.35 miles of Right Hand Canyon Road from the intersection of Whiskey Springs Road extending southeast at an average width of 19 feet. The Cape seal shall consist of an initial application of a chip seal followed by a final application of a Type III slurry seal. The chip seal shall conform to the requirements described above with the exception that no fog seal will need to be applied. The slurry seal shall conform to Section 318.00 for a Type III gradation applied at an average rate of 22 pounds per square yard.

These Special Conditions supplement and modify the Plans and the Specifications indicated below.

Standard Specifications for Public Works Construction, sponsored and distributed by Washoe County, City of Sparks, City of Reno, Carson City, and Douglas County, 2016.

Standard Details for Public Works Construction, sponsored and distributed by Carson City, Douglas County, City of Fallon, Lander County, Lyon County, Nye County, City of Reno, City of Sparks, Washoe County, City of Yerington.

Payment shall be made on the square footage placed at the unit price bid. Unit price for each item of work shall allow for expansion of work scope as the Palomino Valley General Improvement District's budget allows. Additional quantities of work beyond those set forth in the bid schedule shall be paid at the unit price for each respective item.

SUBMITTALS

The Contractor shall provide all submittals required by the General Conditions, Technical Specifications, and as specified herein:

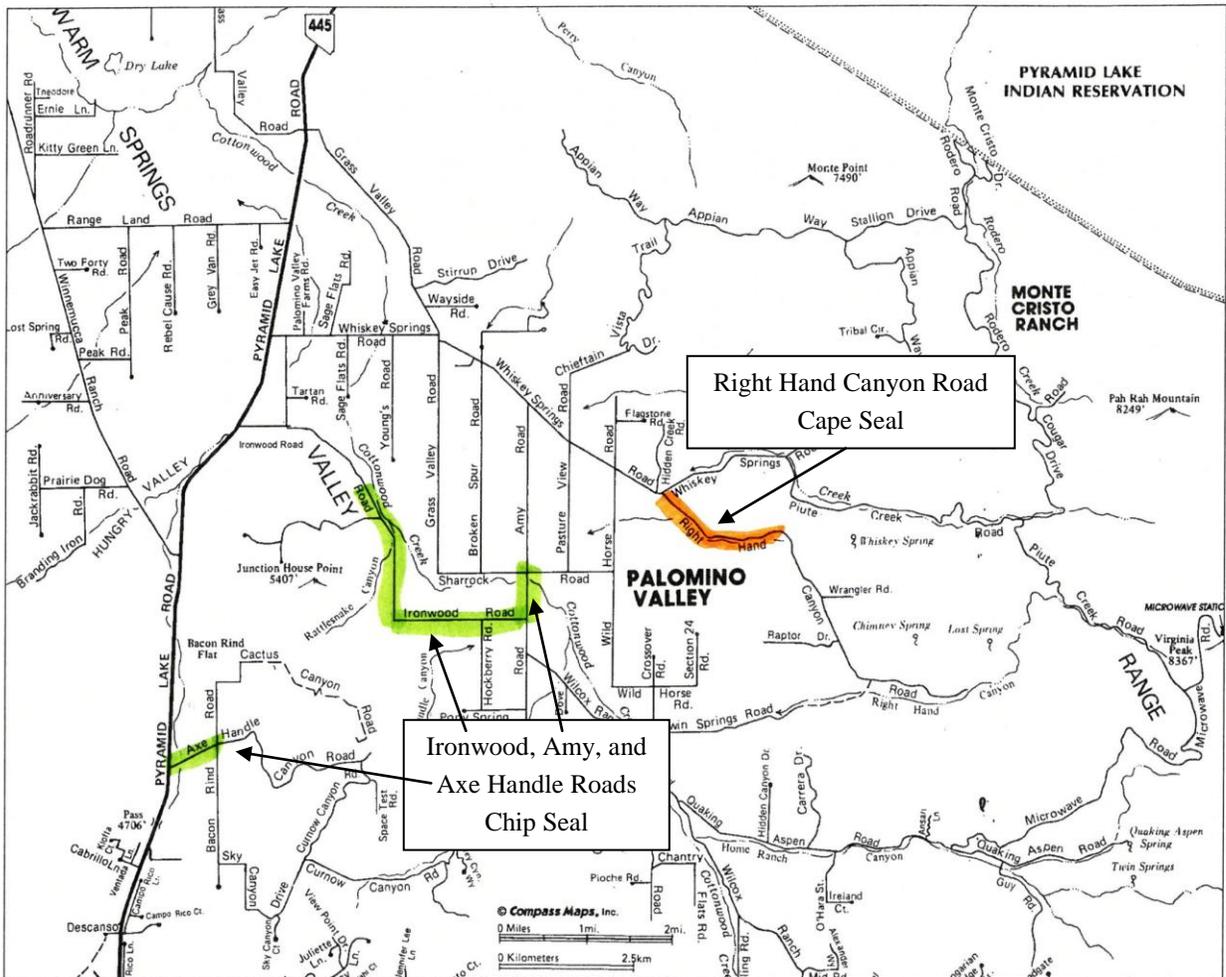
- a) Project Schedule. The Contractor shall prepare and submit a project schedule prior to issuance of the Notice to Proceed.
- b) Materials and Equipment. The Contractor shall provide submittals for approval by the Owner and prior to the construction of any items related to the submittals. Submittals shall be made for the following items:
 - Cationic Emulsified Asphalt
 - Aggregate Screenings
 - Slurry Seal Mix Design

TECHNICAL PROVISIONS

All work shall be performed in accordance with the Standard Specifications for Public Works Construction 2016 and latest addendums.

2022 PVGID Seal Coat Program

Project Map



-  CHIP SEAL
-  CAPE SEAL

PVGID MINUTES APRIL 21, 2022
ATTACHMENT - Agenda Item 5.c.ii.
Public Comment

Subject: Quaking Aspen Rd

From: Donald Otto

Regarding Quaking Aspen Rd:

In my opinion as a Trustee on this board:

I feel due to the amount of local traffic which includes new owners of newly parceled out properties on upper Quaking and Ansari, plus additional hunters, Microwave communications traffic of all sorts including road maintenance trucking, more residences with multiple families living there, the Wolf Sanctuary and all its additional voluntary help traffic, cattle trucking to and from leased upper meadows, this road gets beat badly and is terrible to deal with for local traffic who has to suffer with beat down narrow road and narrow blind corners and the maintenance crew who has to try to make a silk purse out of a sow's ear. Then on top of that, upper 2/3 of it only scheduled to grade once a year, once a year!!!! I feel this deserves to be based out with enough material that the maintenance of it can be redone without scraping up the existing protruding rocks and the nasty clays underneath that we are dealing with now. Just grading native as in the past on this road should be corrected as suggested above.

I would vote for the expense to do the above, soon!

Donald Otto, Palomino Valley GID Trustee

OPEN MEETING LAW HANDOUT

ATTACHMENT: 04/21/2022 Meeting Agenda Item 8.a.

1. Subcommittees appointed by the Board of Trustees

(Discussed by legal counsel, Louie Test, at the 3/17/22 meeting)

New legislation passed in the 2019 legislative session, as follows (in part):

*Assembly Bill No. 70 [80th Session (2019)]
Committee on Government Affairs*

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Section 5 requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the Open Meeting Law.

Therefore, subcommittees are no longer recommended because of OML compliance issues. Two Trustees on a subcommittee could deliberate and that would be a violation. Also, there could simply be the *perception* that deliberation took place, and, per Louie Test, with only one person, there can't be deliberation.

[Office of the Attorney General - OAG File No.: 13897-315 - Skyland General Improvement District - OML Complaint regarding an appointed subcommittee/working group - OAG determined there was a violation of the OML.]

2. Serial Communications/Walking Quorum

*Open Meeting Law Training
Rosalie Bordelove, Chief Deputy Attorney General
Boards and Open Government - 2019 Training*

Serial communications or "walking quorums" can constitute a constructive meeting.

A constructive quorum can exist with less than a quorum speaking together at any given time if opinions are relayed between members.

Email pitfalls – "Reply all" email chains can constitute a meeting.

Example of a constructive quorum: Two members of a five member public body discuss how they intend to vote on an issue and why. One of those members then has that same discussion with a third member, including how both the first two members intend to vote and why. A quorum (three members) has deliberated on an issue outside of a meeting.

Simply put, phone calls, texts, emails, in-person communications amongst three or more Trustees outside of a publicly-noticed meeting are NOT allowed.

3. Comments Regarding an Employee's Character and Competency

NOT allowed in an open meeting. Must request a Closed Session to be held at a later date (preferably just prior to the next Board meeting in order to comply with noticing requirements and use of the Range classroom).

NRS 241.030 Exceptions to requirement for open and public meetings; waiver of closure of meeting by certain persons.

1. *Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to:*

(a) *Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.*

4. Comments Regarding a Trustees' (Elected Official's) Character, Alleged Misconduct, or Professional Competence

Specifically NOT allowed to be handled in a closed session, must be conducted in the open session of a properly noticed public meeting.

NRS 241.031 Meeting to consider character, misconduct or competence of elected member of public body or certain public officers.

1. *Except as otherwise provided in subsection 2, a public body shall not hold a closed meeting to consider the character, alleged misconduct or professional competence of:*

(a) *An elected member of a public body;*

5. Board Members-elect Are Subject to OML

*Nevada Open Meeting Law Manual
Dated: March 3, 2019*

§ 2.06 Members-elect of public bodies

*Although the literal language of the Open Meeting Law appears to limit its application to actual members of a public body, the Office of the Attorney General believes the better view is set forth in Hough v. Stembridge, 278 So. 2d 288 (Fla. Dist. Ct. App. 1973), where the court held that **members-elect of boards and commissions are within the scope of an open meeting law.** [emphasis added] Otherwise, members-elect could gather with impunity behind closed doors and make decisions on matters soon to come before them, in clear violation of the purpose, intent, and spirit of our Open Meeting Law. Application of the provisions of the statute to members-elect of public bodies is consistent with the liberal interpretation mandated for the Open Meeting Law. See OMLO 99-06 (March 19, 1999) and AG File Nos. 01-003, 01-008 (April 12, 2001).*

6. Penalties for Violations of the Open Meeting Law

Assembly Bill No. 70 [80th Session (2019)] Committee on Government Affairs

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor and subject to a civil penalty of \$500. (NRS 241.040) Section 12 of this bill provides instead that each member of a public body who: (1) attends a meeting where any violation of the Open Meeting Law occurs; (2) has knowledge of the violation; and (3) participates in the violation, is guilty of a misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses.

Sources:

- Open Meeting Law
Nevada Office of the Attorney General link: <https://ag.nv.gov/>
Open Meeting Law website page:
https://ag.nv.gov/About/Governmental_Affairs/OML/
- Open Meeting Law Complaint Example Cited
Office of the Attorney General -
OAG File No.: 13897-315 - Skyland General Improvement District link:
https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/13897_315.pdf
- Open Meeting Law Manual
Open Meeting Law Manual (always check website for most current edition)
[Twelfth Edition, January 2016 - Updated 3/26/2019]:
https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/2019-03-26_OML_12TH_AGOMANUAL.pdf
- Open Meeting Law Training
Rosalie Bordelove, Chief Deputy Attorney General
Boards and Open Government - 2019 Training
https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/Open%20Meeting%20Law%20Training%20with%20Leg%20Update%208-22-2019_RMB.pdf
- Nevada Revised Statutes (NRS) Chapter 241 - Meetings of State and Local Agencies
<https://www.leg.state.nv.us/NRS/NRS-241.html?msclkid=5f509abfb88711ec902ff594a1e748c3>