

REGULAR MEETING

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

Thursday, September 21, 2023

MINUTES

Trustee Tom Baker called the regular meeting of the Palomino Valley General Improvement District (PVGID or GID) to order at 6:09 p.m. Thursday, September 21, 2023 at 21555 Pyramid Highway, Reno, Nevada.

1. **Roll Call:** Trustees present were Tom Baker, John Patterson, Greg Dennis, Dan Helton, and Don Otto. Also present were Cathy Glatthar, Assistant to the Board (by phone); Kersten Schreier, Bookkeeper; and Frank Flaherty, Legal Counsel.

2. **Public Comment:**

- Susan Ambrose requested that the attorney have some discussion, when we get to agenda item 8.c., as to whether or not Trustee Otto should recuse himself from voting on the Upper Quaking Aspen Road Improvement Project since he lives on that section of road.
- Richard Cieri, 4700 Grass Valley Road, talked about the annual problem with weeds, that he says are growing on the road, and the fire hazard created by those weeds. He said the residents only have one way out if there's a fire and that's Grass Valley Road south to Sharrock Road.

Shawn commented that it's just like the other narrow roads that have only one way out, such as Piute Creek and upper Quaking Aspen. Generally, the weeds have to be taken care of by the property owners.

Mr. Cieri said there are five houses on that road and 90% of that roadway is absentee owners. He said he and three other property owners mow their weeds down, but nobody else does.

Trustee Helton said the weeds appear to be in the road, so they have to be taken down by us.

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

3. **Judicial/Government Affairs:**

a. **No-cost POOL/PACT Training Workshop for the Board of Trustees (e.g., Open Meeting Law, Government Ethics, Staff and Board Relations):**

Mr. Flaherty explained that he was contacted by Jarrod Hickman with the POOL/PACT (PVGID's insurance company), and met with Mr. Hickman and Stacy Norbeck, about their interest in providing the Board with training on the open meeting law, the ethics law, the role of the Board versus staff operations, Board relations with other Board members and with the public, Board policy adoption process, human resource policies, operation policies, and the role of legal counsel and it's work with the Board. They're very interested in your staff issues, and they want to specifically have a discussion with the Board about how to handle issues of insubordination or alleged insubordination, and the right documentation of any employee issues. They want to train any Board member who's assigned to supervise any staff member; the

President comes to mind to the extent the President supervises the Operations Manager. They also want to talk about employee performance evaluations. The training would be at no cost to the Board. Mr. Flaherty said he'd be interested in participating in the training, as well, at no cost to the Board. He suggested the Board designate a Board member to interact directly with Mr. Hickman to set up the training, which is exempt from the open meeting law; however, the Board must be careful to not drift off from training and discussion scenarios into actual Board business.

Trustee Helton made a motion to move forward with the training. Trustee Baker seconded the motion.

Trustee Baker read the following public comment from Pam Roberts into the record:

“I have encouraged the new leadership to better educate themselves on these topics. I believe it is each Board Trustee’s personal obligation to come to the meeting prepared. Better late than never, but Washoe County has training available, and this training should have been done months ago. I believe the current President and Vice-President still lack sufficient knowledge of the open meeting law, Government Ethics and Robert’s Rules of Order on how to conduct a meeting.”

Upon a vote, the motion passed unanimously.

4. Approval of Minutes for August 17, 2023 Meeting:

a. Closed Session for Charles Blower:

Trustee Dennis made a motion to approve the meeting minutes as written. Trustee Baker seconded the motion, and hearing no opposition, the motion passed.

b. Closed Session for Shawn Kelly:

Mr. Flaherty referred to page 5 of the minutes, and stated the last sentences of item #8 on Trustee Otto’s list was stricken through.

Cathy said she believed Trustee Patterson was going to handle this because she’s been told by Mr. Flaherty that she can no longer handle it. She explained the information that was stricken, was inaccurate; that was what Trustee Otto said, but it is inaccurate information. She said she didn't know how to handle that anymore; that she used to put a notation.

Trustee Patterson said he was going to bring that up, and there should be no problem in talking about the actual inaccuracy because it's been talked about in open meetings in the past.

Mr. Flaherty said even if you convince Trustee Otto that he was incorrect, and you convinced the rest of the Board that Trustee Otto was incorrect, that doesn't change the fact that Trustee Otto said it; the minutes must reflect what Trustee Otto said.

Trustee Patterson said he agreed that the minutes stay the same. He said he just wanted to clarify the information because he did the research on it, and in our handbook, the Ironwood pit does not have a restriction on usage, and he’s heard it a lot at the meetings, and he thought it was important to clarify that the deed does not state that the GID has to use it or lose it. He said he thought we needed to be factual.

Trustee Otto said we could lose it if the property owner deems he wants to take it over.

Shawn stated the Ironwood pit was deeded to the PVGID.

Trustee Patterson made a motion to approve the meeting minutes as written. Trustee Baker seconded the motion, and hearing no opposition, the motion passed.

c. Open Session:

In response to Mr. Flaherty's comment that he thought the meeting was a regular meeting and not a special meeting, Cathy explained that it was considered a special meeting because it started early with two closed sessions.

In response to Trustee Dennis' comment, George Boyce, in the audience, said Range Land Road was greatly improved since the damage that was done to it about a month ago, and he appreciated the work that was done.

Trustee Patterson made a motion to approve the meeting minutes as written. Trustee Dennis seconded the motion, and hearing no opposition, the motion passed.

5. Payment of Bills and Other Financial Matters:

a. Transaction Report and Payment of Bills:

Kersten Schreier reviewed the transaction report as of September 18, 2023 (see attached). The total cash in all accounts was \$456,419.47. Income for the month was Ad Valorem/Property Tax \$143,545.32, Consolidated Tax (CTX) \$48,577.76, and LGTA/Fair Share \$7,715.21.

Kersten reviewed several of the payments: 1) TID Systems for \$3,994.52 for the final payment on the surveillance system; 2) Hobbs Company for \$7,394.40 for the water tank installation on the 2000 Peterbilt water truck; and 3) Dyer Lawrence for \$6,596.28 for the attorney's fees for June 15 through July 31, 2023.

Trustee Dennis made a motion to approve the transaction report and pay the bills. Trustee Baker seconded the motion.

In response to Jim Currivan, in the audience, Mr. Flaherty explained that the attorney's bills were not public record; they were attorney-client privilege.

- Brian DiMambro opined it's our money. We are your client. We should be able to know the details.

Upon the vote, the motion passed unanimously.

b. Attorney's Responsibilities/Authorization of Use and Billing:

Trustee Patterson stated this item was for education and accountability. He referred to his August 20th email (see attached) to Trustee Baker regarding his concerns with the billing from Mr. Flaherty. He read the last paragraph from that email, as follows:

“With no pending litigation/lawsuits or any great legal crisis about to befall the PVGID, the role of the attorney is to attend the monthly meetings. Any questions for the attorney should happen at the monthly meetings in the course of the Board moving through the agenda. Any specific direction for requested work outside the monthly meeting should be made by the Board, Trustee or staff at the monthly meeting and that request transparent to the public we serve. This transparency is prudent, as the taxpaying public bears the cost.”

Trustee Patterson read into the record an excerpt from the June meeting when Mr. Flaherty was hired by the District, as follows:

"[Mr. Flaherty] explained he would be the PVGID's general counsel, and his client would be the District. He would represent the District by working with the Board and then, to the extent the Board directs him, he would work with staff as well. The Board basically steers the ship and gives him direction. He clarified that he would not represent any individual member of the Board."

Trustee Patterson explained there was some concern from the public because we used to have attorneys on retainer at a much lower rate, and Mr. Flaherty's an hourly-rate attorney. When the vote was taken, and in response to the concerns of the public:

"Trustee Baker said the actual monthly cost would depend on how much we task Mr. Flaherty with doing, and we don't know how much we're going to have to task him with doing; as of the beginning of this, it's going to be just to monitor the meetings."

Trustee Patterson said his concern was since June, based on Mr. Flaherty's billing, we're doing the exact opposite of what we told the public we were going to do. As far as using the attorney outside the public meeting, there's no specific or implied authority to use the attorney or spend GID funds outside the meeting. In the past practice of the GID, the attorney would get direction from this Board, the elected people, to do anything extra outside the meeting other than just come and monitor the meeting for open meeting law violations. He explained what he saw with the billings was that most of the things going on outside the meeting were, either Mr. Flaherty was being overly ambitious in doing things without direction from the Board, or it was interactions with Trustee Baker over various issues. Trustee Patterson said in his email to Trustee Baker, he made it clear there were other avenues to use to get answers that don't cost the District money.

Trustee Patterson stated he was big on budgets and being transparent, and deliberating and debating things at this table and making motions and taking votes. The legal fees' budget is \$8,000, and we're on track to pay legal fees this year equal to what we could resurface a mile of pavement. There's no emergency here; we need to move forward in a way where if there's an issue or a question, we discuss it here, during a public meeting.

Trustee Patterson stated prior authorization to act was a big deal to him. He said there were past examples, such as last year when the Board gave him the authorization to negotiate the grant funding with Washoe County. Another example was when the pavement project came up in October, and this Board gave him the authorization to administer the project, including signing the contract and other documents. None of us Trustees can act on our own because we don't elect kings in Palomino Valley. There's five elected people at the table. Everything needs to come to this meeting and be debated and deliberated at this table, and beyond that is not right, in any way shape or form.

Trustee Patterson stated that when he didn't hear back from Trustee Baker, he called Mr. Flaherty and had a discussion about the billing for the month and a half from June 15th to the end of July. He said he talked to Mr. Flaherty about his

concerns that Mr. Flaherty was doing some things he was not specifically directed to do, but Mr. Flaherty said that was part of his representation. Since we got nowhere in our conversation, this item was put on the agenda, so that we would vote on it here, in a public meeting. He said he was trying to make it to where it's more transparent; there were some things in the July bill and possibly in the August bill concerning the contract of a staff member and the drafting of notices to a staff member. He addressed Trustee Baker and said the only person that reports to Trustee Baker is the Operations Manager. So, if Trustee Baker has a problem with a staff member, the staff member's work for the District and for the Board, they all should be hearing about it here, before paying the attorney to draft notices to that person. That would be a Board decision whether or not to spend those funds, and if it had come here, it might have ended up that we did not draft notices and we did not spend funds, but Trustee Baker was not allowing these five people here to actually be involved with the process; Trustee Baker did this outside the public meeting.

Trustee Baker said one thing that Trustee Patterson seemed to have forgotten was the hostility towards several people on this Board. Quite a few of the people here tonight, essentially threatened us with getting a good attorney because we were going to be in trouble. The reason the attorney's been being used was so that anything that we did was done correctly, because he had the feeling that there would be people jumping right down our throats. As far as bringing it to the Board members, anything that had happened, basically did come to the Board. He said he felt that if there weren't problems that had to be solved and could have been solved without an attorney, we could have done that, but there were enough people stating that we needed to have an attorney before we did anything, and the attorney that was here ran away; he didn't know why, and he didn't really care.

Trustee Patterson said what he was disagreeing with was the attorney's right here; we're at a public meeting, and if there's a problem, we handle it here, in front of the public.

Trustee Baker said at this point, there is no problem.

Trustee Patterson stated he had \$11,000 in bills that says there is a problem.

Mr. Flaherty asked to interject, and said if the problem is a personnel matter, which is a large part of some of the bills you've seen, we can't have a discussion about it here at the public meeting unless it's agendized and the employee gets notice in advance.

Trustee Patterson said he understood that, but no one here was aware of a movement to get to that point, which could have been talked about here, without getting into specifics, and there was no opportunity to make public comment. It was done outside the public meeting using GID funds, and that was his concern; he did not want to spend money that we didn't need to spend. He stated with Mr. Flaherty's travel charge, he thought Mr. Flaherty should call in.

Mr. Flaherty said every single one of the Trustees has access to the bills, and you can see what he's billing for; there's nothing on the "sly."

Trustee Otto said the previous attorneys received calls from Trustees that created extra work that they charged us for. He said he understood that Trustee Baker's learning, but we've had a lot of stuff happen since the beginning of the year, and we were advised to get an attorney and we've got an attorney. We're trying to keep everything running the way it's supposed to while still dealing with the problems, but doing it correctly and above board.

Trustee Patterson stated his research showed that almost every time in the past, the direction to the attorney was made by the Board at the meetings. There are items on these bills that we are not asking the attorney to do, that we're being billed for.

Trustee Helton said we have had some situations that came about which were not normal for the GID for the eight years that Trustee Patterson probably researched. We had an attorney quit who read a declaration to us that stated that we had issues with the people that worked for us. In the scope of trying to do it the legal way, we've worked with the new attorney to figure those out. It has been costly, there's no doubt about it, but he thought it was needed.

Trustee Dennis asked if the Board approved paying the attorney to get into the middle of that issue?

Trustee Helton said we all will probably agree that we wanted someone to get in the middle of that issue to stop it, to fix the problem, to put the fire out. Most people out there said we needed an attorney right now.

In response to Trustee Helton's question about getting past this, Trustee Patterson said he was past it in May. That's how simple it was. You just come back together and work together; we didn't need to spend \$11,000 to figure that out.

Trustee Patterson turned the discussion to Mr. Flaherty's bill for August (\$4,251.23), and stated he thought we could pare this bill back, greatly. He said that was based on what the attorney's done in the past. He said we didn't need the attorney to review the minutes when we have a person that's been doing the minutes and agendas for over a decade and we've had no open meeting law complaints. We don't need the attorney to review the minutes, and that's on this current bill, yet there was no direction given from this Board to do that.

Trustee Patterson said the other thing with Mr. Flaherty's August bill that started on August 11th, was an exchange of emails between Mr. Flaherty and J. Hickman with the POOL/PACT (GID's insurance company); which nobody on this Board told Mr. Flaherty to do. Then we had our Board meeting on August 17th, and we never heard anything about what was going on between Mr. Flaherty and the POOL/PACT. Then, on August 21st, Mr. Flaherty met with the POOL/PACT about the Board training, and charged us over \$400. Again, at this point, the Board had not directed Mr. Flaherty to do any of this, and we had a public meeting in the middle of that, and never heard about it. And then, finally, on the 24th of August, the Board got an email (bcc) about what Mr. Flaherty had been looking into. Trustee Patterson said he could not believe, in good conscience, that we're going to pay for any of that because we didn't ask Mr. Flaherty to do it; it's irresponsible for us to pay for something we're not asking for. Again, the whole point of this agenda item, is education and accountability. We need Mr. Flaherty to monitor the meetings; beyond that, the Board will give Mr. Flaherty direction. Sometimes the Board spends money that some Board members might not agree with, but all that money spent was deliberated and debated on at this table with elected people voting on it. He said now we're spending money on things he knows nothing about until he sees a bill. That's not fair to him as a representative of this community and that's his issue. He reiterated that he'd like to pull back on those charges on this bill.

Trustee Otto wanted to know if that meant the Trustees had to refrain from contacting the other contract workers, like Cathy, who are going to bill us for their

time? That they shouldn't have any communication with them either, unless the Board, at a meeting, tells them they can contact them, because we'll be billed for that?

Trustee Patterson explained this item's talking about the attorney, and Cathy charges \$30 an hour and the attorney charges \$315. He said we're spending over \$1,000 for the attorney to get training that you can find in five minutes by doing an online search; which was what he did before he took his seat at this table.

Trustee Dennis said we had two attorneys in the past and we were lucky to have them on retainer, and they both did some work gratis. He agreed with Trustee Patterson that we have a problem here; that we can't afford what we are spending on legal fees. He opined that we needed to have specificity with regards to what work the attorney's directed to do, and put a lid on the spending.

Mr. Flaherty stated that after his conversation with Trustee Patterson, he thought about how he got out in front on the POOL/PACT training matter, and said he had decided to give a credit for 2.9 hours on that August bill.

Trustee Patterson expressed appreciation for the credit.

Mr. Flaherty stated that he would like to attend the Board training with the POOL/PACT, without charge, because he really thought it was important.

Mr. Flaherty said if he gets a legitimate phone call, as the GID's attorney, he needs to take it. He said he would limit his work, and send the President an email, and maybe blind copy the rest of the Board. Regarding the minutes and the agendas, he said one of the things you primarily wanted him to do was ensure compliance with the open meeting law, so he needs to review the draft agenda before it's posted.

Trustee Patterson said he didn't have a problem with that because that usually takes 10 or 20 minutes.

The discussion turned to the meeting minutes and the conclusion was that Mr. Flaherty would not be tasked with reviewing the minutes, that Cathy was not to make any annotations to the minutes, and detailed minutes were not a violation of the open meeting law.

Trustee Patterson reiterated that he wanted Mr. Flaherty to call in to the meetings.

Mr. Flaherty said he understood the concerns about how much money he costs, but it's hard to get a word in edgewise on the phone. When he was on the phone for the July meeting, that was torturous.

Trustee Dennis said he had known Louie Test for 30 or 40 years, knew Patrick Mansfield for just the time he was here, and he's never experienced the problems that Mr. Flaherty has brought up. Nobody looks at these meeting minutes past the first month that they're put out, and we're not trying to violate the law. He said he was trying to find a way to save money and keep the legal costs down.

Trustee Patterson said he would appreciate it if Mr. Flaherty would bring matters to the meeting while he was in pay status. There's nothing that's been life and death that Mr. Flaherty has done in the last two and a half months that couldn't wait till a public meeting. He asked if the Board could agree to not use the attorney outside the meetings, unless the sky was falling and the valley was burning to the ground? Mr. Flaherty should review the draft agenda, and show up to and monitor the meetings. He asked if they could agree on that?

Mr. Flaherty said he could work within those guidelines. He clarified that he would look at the agenda to make sure they were complying with the open meeting law. He was not going to be looking at the minutes, but what do you do if a Board member has a question about the minutes and wants to ask him a question?

Trustee Patterson explained we can amend the minutes right here, in the meeting under the approval of the minutes agenda item. The Board members are responsible to read the minutes before the meeting in case we have any amendments.

Mr. Flaherty said he assumed they had no problem with the phone call example he gave earlier; that he might get a legitimate call because he's the GID's attorney, and he would get direction from the Board at the meeting, unless it's urgent.

Trustee Otto said he personally couldn't agree to it. He said he's hardly ever called the attorney in the entire time that he's been on the Board. He said he could not say that he would never contact the attorney outside of a Board meeting. He said he might have some type of emergency, and he would contact the President, and ask the President if he (Trustee Otto) could talk to the attorney.

Trustee Patterson asked what emergency would there be that the public didn't need to know?

Trustee Otto said he didn't know, but he wasn't going to make a blanket statement that he would never contact the attorney outside of a public meeting.

Trustee Baker called for public comment.

- Paula Taylor said she was not comfortable with two Board members making a decision together, and then contacting the attorney and having it cost money; talk about it and get it on the agenda, unless it's an emergency.

In response to Trustee Baker's question, Trustee Dennis explained if something comes up between meetings, agendaize it and bring it to the Board and state that it's an issue for the attorney. If it's an emergency, a special meeting could be called.

Trustee Helton reiterated that POOL/PACT reached out to Mr. Flaherty.

Trustee Patterson said he understood that, but again, the matter should have been brought to the next meeting, talked about with the Board, and then the Board would give the attorney direction.

Trustee Helton said, "good point and that makes sense."

- Julie Osburn, Whiskey Springs Road, commented about the previous attorney and now with the new attorney, she hoped that the Board goes forward working together and discussing matters to be assigned to the attorney.
- Brian DiMambro commented about the attorney's fees to date have already exceeded the annual budget. That the mission of the GID is to maintain the roads and now money has to be taken out of base, asphalt, fuel, repairs, parts, etc. to pay these attorney fees. Secondly, the former attorney, Patrick Mansfield, walked out because open meeting laws were being ignored.
- Cathy read into the record a public comment submitted by Pam Roberts, as follows:

“I am deeply concerned about the expenses incurred for the new attorney, which appears to be at the behest of the President of the PVGID. While I understand that some additional attorney time was needed due to the change of leadership of the Board, it appears to me that the Board president is asking for work done without the prior approval of the Board and/or the attorney is taking on tasks that have historically been outside the role of prior Board attorneys. I respectfully request the Board review the contract and the role and limitations of work the attorney can do without the approval of the Board. Every dollar unnecessarily spent on attorney fees is money away from road maintenance.”

Trustee Patterson made a motion to approve the bill for August from the attorney, with the understanding that the next bill will have a credit for 2.9 hours. Trustee Dennis seconded the motion, and hearing no opposition the motion passed.

c. Estimated Operating Funds Report:

Cathy Glatthar started out by reviewing a summary of the revenue that was received in the past 12-month reporting period which ended August 31, 2023 (see attached). In the first section, she reported on the budget versus actual revenue. The second section of the report showed the estimated operating funds report figures versus actual. She referred to two notes at the bottom of the report, as follows: 1. Trustee Patterson secured an ARPA Grant for \$250,000 that was spent on road improvements; and 2. For the fiscal year 2023 (July 1, 2022 to June 30, 2023), \$626,000 was spent on road maintenance and improvement projects: Two major asphalt rehabilitation projects, aggregate surfacing, and other, which was mostly Mag-chloride and asphalt patching material costs.

Cathy then referred to the Estimated Operating Funds Report (see attached) and stated we're starting a new 12-month reporting period which runs from September 1, 2023 through August 31, 2024. The estimated net operating funds for road improvements as of August 31, 2024 is \$495,683. She reviewed the figures on the report, and stated this report is essentially our budget-to-actual report.

Trustee Dennis said before the grant money, we had about \$400,000 to spend on road improvement projects, and with the \$250,000 grant, we spent the highest amount ever on road improvement projects.

In response to Trustee Dennis' question, Cathy explained that the State projected the CTX revenue coming in way higher than it actually did for the last fiscal year. She said for this current fiscal year, she reduced the CTX amount from \$605,000 to \$550,000 on this estimated operating funds report because she had no confidence in the State's projection.

Trustee Dennis explained we're collecting less tax revenue and that's why we needed to make sure we didn't spend anything more than what we needed to.

- Larry Chesney asked if everybody knew Washoe County Manager, Eric Brown (who was in the audience)? Mr. Chesney said Manager Brown had explained at a CAB meeting a few months ago that the County was experiencing the same shortfall in these taxes that we're seeing here; this is a trend.

Trustee Patterson said we're still going to beg for money from the County.

- Manager Brown said it was good to hear that the PVGID was using the money for its intended purpose.

d. Possible Approval of Letter of Engagement from New Assistant to the Secretary:

Cathy Glatthar explained we'd been looking for a person to take over some of the Assistant to the Secretary duties that Vickie used to do, and some of the things that she does; mainly to write up the meeting minutes. She said Kersten Schreier (the new bookkeeper) approached her and Vickie about possibly taking on some of these duties, along with the bookkeeping duties. Kersten has presented a letter of engagement (see attached) which lists the services to be provided; her fee to begin at \$25 per hour, and after a 90-day probationary period, the fee would increase to \$30 per hour; and a non-employee status statement (she will be a contract worker).

In answer to Trustee Otto's question, Cathy explained if the Board wants to terminate a contract worker, the matter has to be agendaized, and proper notice has to be given, and it would be a Board decision made during a public meeting.

Mr. Flaherty recommended the following changes to the letter: 1. Remove any reference to "probationary period" in the sentence about hourly fees; 2. Add "reasonable" before "expenses"; 3. Add "upon presentation of receipts" after "behalf"; and 4. Change "Non-employee Status" sentence to read, "For all purposes, I am an independent contractor and not an employee of the Palomino Valley General Improvement District."

In response to Mr. Flaherty's comment about Workers' Comp, Cathy explained that contract workers have Workers' Comp coverage. She added that she contacted the POOL/PACT and verified that as long as there's a signed letter of engagement, a contract worker is covered and does not need to be reported; they'll pick that up when they do the annual audit.

Trustee Dennis made a motion accept Kersten Schreier's letter of engagement for the Assistant to the Secretary position, as revised with the attorney's language stated above. Trustee Patterson seconded the motion.

There was no response to the call for public comment.

Upon the vote, the motion passed unanimously.

At approximately 7:45 p.m., Kersten Schreier said she wasn't feeling well, and left the meeting.

6. Possible Action on Closed Session for Operations Manager, Shawn Kelly, including, but not limited to, endorsement, reprimand, termination, or "No Action" - Continued from August 17, 2023 meeting:

In response to Mr. Flaherty's question, Trustee Baker acknowledged that he received proof that Shawn Kelly received the notice about this agenda item.

Trustee Otto said he thought with all that was on the rest of this agenda, we should move this till next month.

Trustee Dennis said he would appreciate it if we could complete that at this meeting; it's been going on way too long. He said he attended a meeting with Trustee Baker and Shawn, and they were communicating well, and they were getting things done. He said he looked at a lot of the roads that were being regraded, and he saw a lot of improvements, and he thought they were catching up.

Trustee Baker said he was just wondering which way we should go, "no action?"

Trustee Dennis said he's worked with Shawn since Shawn was employed. That he has been on the Board long enough that he was able to observe the previous road crew, and comparatively, the current road crew (Shawn and Chuck) has done 500- to a 1,000 percent better. Shawn takes care of the equipment, has purchased newer and better equipment, and gotten rid of or sold the old equipment. He talked about how Shawn and Chuck do all the grading, get all the roads done, and at the same time, they're keeping up the equipment, and keeping costs of repairs down and keeping downtime to a minimum. He said he would endorse keeping things steady, keeping the people we have, and move forward.

Trustee Helton asked Shawn why he didn't come to the last meeting? Shawn could have had a phone conversation with them so they could have asked him a few questions.

Shawn explained he brought a lot of those questions that were asked to Trustee Baker at their meeting, but if Trustee Helton had questions, he had plenty of answers.

In response to Trustee Helton's question about the broken grader, Shawn explained the grader wasn't broken. He stated the 772 grader was purchased in February last year, and it came with 148 miles and 846 hours on it. This grader sat in Placerville with El Dorado County as a "snow queen" that only worked roads and only went out when it snowed in Placerville. As of the end of August (2023), he had put 1,461 miles and over 374 hours on that machine. He said he red-tagged the grader because the cutting edge needed to be replaced, and he didn't know who was going to run it.

Trustee Helton said he thought there was an issue with the front drive motor.

Shawn said that was all explained in previous meetings, and he reiterated that he did his research and actually found that Caltrans had taken it to Papé (John Deere) and they found out that the sensors for the drive motors were not reading correctly, but there are buttons in there that you can push and make it all work fine; that he runs that grader just beautifully.

Trustee Dennis explained how the employees save us money by cutting worn grader blades with a plasma cutter and getting longer use of those blades.

Trustee Otto said if we couldn't get this item moved to next month, let's move it down to 8.d., and handle the road stuff first.

Trustee Dennis disagreed and said it was too important not to get done now; we've been talking about it for 15 to 20 minutes.

Trustee Otto made a motion to table this item till next month. Trustee Helton seconded the motion.

Mr. Flaherty stated that the public comments should only be about Trustee Otto's motion to table this until next month.

- Marshall Todd said it was absolutely unconscionable to have somebody's livelihood up in the air. He said he saw no reason why Shawn should be "canned;" that most people like Shawn, and Shawn does a good job on the roads. He opined that this had to be settled tonight; leaving Shawn in limbo all this time was just wrong.

In response to Trustee Dennis' question, Trustee Otto said he didn't look at it as leaving Shawn in limbo.

- Matthew Lambert said the motion was to push this to next month, and if that's what the Board wanted to do, that was fine, but he thought there should be some kind of accountability.
- Brian DiMambro said he found what was going on here with Shawn was unconscionable. He didn't agree with Trustee Otto wanting to kick the can down the road. When he was in the military, they said, "lead, follow, or get out of the way." Since Shawn has been grading the roads, the roads are better than they have ever been.
- Jim Currivan said let's forget all this history and move forward.
- George Boyce said he agreed that tabling the matter until the next meeting was unconscionable. Trustee Otto messed up the road (Range Land), and Shawn came back and put the road back the way it should be. Nothing's done to the Board member, but you're going to penalize the guy that did a great job because you don't like him, and that had nothing to do with the job Shawn's doing.

Trustee Otto said the public was not privy to the closed appraisal session, so they didn't know what happened and they didn't know what the goods and the bads were.

- Marshall Todd said, "what the rest of us don't have is a personal vendetta against Shawn."

Trustee Dennis said Trustee Otto was insinuating that everything we talked about at that meeting (the closed session) was a big negative, and he couldn't disagree more with that.

Trustee Baker explained that he had a two-hour meeting with Shawn and they went over a lot of stuff, and he'd talked to Shawn since then, and he felt that Shawn's got the picture of what's going on, and Shawn's doing his job. However, maybe not everybody agrees with that, and maybe everybody doesn't think Shawn's doing it right; a lot of people think Shawn's doing it right. At this point, he said he personally would like to go with the "no action" option, and just end this problem right now.

Trustee Patterson interjected and said in the labor world, discipline starts with verbals. His suggestion would be, and he would vote for a verbal warning for Shawn leaving the April meeting, and endorsement beyond that.

- George Boyce opined that these closed sessions should actually be open to the public, and as a public member, he would like to attend.

Mr. Flaherty said the Board already took action on that item; that's water under the bridge.

Upon the vote for Trustee Otto's motion to table this item till the next meeting, the motion failed - 2 to 3 - with Trustees Otto and Helton in favor, and Trustees Baker, Patterson, and Dennis opposed.

Trustee Patterson made a motion that the Operations Manager receives a verbal reprimand specifically for leaving a public meeting in April, and beyond that, endorsement. Trustee Dennis seconded the motion.

Trustee Otto abstained.

Mr. Flaherty stated that Trustee Otto could not abstain unless he had some sort of a conflict under Nevada's ethics code.

Upon the vote, the motion passed - 4 to 1 - with Trustees Patterson, Dennis, Helton, and Baker in favor, and Trustee Otto opposed.

Cathy interjected and said we needed public comment on the new motion.

Mr. Flaherty agreed that we should have had public comment before voting on Trustee Patterson's motion; it's a little late, but we should still take public comment.

Trustee Baker said he wanted to say a couple of things to Shawn first. He addressed Shawn and said, "At our meeting, we both agreed that we're hard heads and we can butt heads and I'm not afraid to butt heads with you. So I'd like you to at least keep me informed of anything that's happening down there that requires, you know, a broken piece of equipment that's going to take money. Anything going on in the building. Things like that. Just do that, will you? I'll call you when I can, and I'll come down. Don't be afraid to fight me, because I'm not afraid."

Shawn said, "Communication is key." He agreed to call Trustee Baker if things came up. That he wasn't afraid either, but it shouldn't have to go that way; all they had to do was discuss things.

Trustee Baker said he wanted things to go more smoothly than it's been.

Shawn agreed, and said he thought Trustee Baker could see that he was easy to get along with when they start talking.

Trustee Baker called for public comment.

- Jan Mortensen thanked Mr. Baker and Mr. Patterson for actually doing that and everybody for getting that issue cleared up.
- Marshall Todd opined that was the appropriate action and he wanted to commend them for adopting it.
- Susan Ambrose said it was nice to see the Board working together; that's what the public appreciates.
- Matthew Lambert opined that a verbal reprimand wasn't enough, and he wished the Board had more backbone. He said he honestly hoped that it does work out and that, going forward, the work gets done.

Audience members booed.

Trustee Baker said to answer some of Mr. Lambert's concerns, this was not like a "get out of jail free card." Shawn has to work, stuff has to get done, there has to be communication. He said he personally would like to see Shawn sitting on the end of the table so that Shawn could face people.

Shawn said it's never been that way; he works for the Board and faces the Board.

Trustee Baker read the public comment from Vickie DiMambro into the record (see attached). Ms. DiMambro's comments supported the Operations Manager.

Trustee Baker said maybe someday, after he did something good, he'd get a letter like that.

7. Employee Compensation:

Cathy Glatthar referred to the handout (see attached), and stated the consumer price index shows the annual percentage change as of the end of 2022 was 8.4%. On the next two pages were some pay raise scenarios for the two employees.

Trustee Patterson stepped in and explained at the July meeting, we took care of that increase of the contribution to the employees' retirement (PERS), in order to make the employees whole. For the Operations Manager, the increase was 3.75%, and for Chuck, it was 2% on top of the 2%, for a total of 4%. That's where we're sitting today. Next year there won't be a PERS increase because it's every other year. As a public employee, retirement and hourly rate go hand-in-hand. So, the District's on the hook, already, for 3.75% and 4%, no matter what.

When asked by Trustee Dennis, Trustee Patterson said his objective opinion was that last year the employees got some pretty big increases and those increases met the CPI from last year and this year. He said he was not going to vote for no increase, but he thought the District would be in a better position next year to do something more substantial because we're not going to have to offset a retirement increase.

Trustee Dennis said we essentially gave them 4% to keep them whole, but did it really give them a raise?

Trustee Patterson said retirement was a big deal; that's half of that. Retirement and hourly rate, those are the biggest things.

Trustee Dennis explained that last year, for the Operations Manager's position, he looked at the employment figures for wages commensurate with the OM's skills, abilities, and responsibilities, and \$85,000 was actually low because it was about \$90,000 on the average. For Chuck, we gave him a \$5 an hour raise to get him to \$30 an hour, which was a laborer's wages.

Trustee Baker said he didn't feel we should go to the moon.

Trustee Dennis opined that 3% was not out of line, as a minimum, and it says that we appreciate what the employees are doing and keep up the good work and let's move forward.

Trustee Patterson said he would be OK with 1.875% added to what we've given them already, because we were really generous last year, and he was ready to be really generous next year.

Trustee Dennis asked if they could round that off to 2%?

Trustee Patterson made a motion to increase the employee compensation for the Operations Manager and Chuck Blower by 2%. Trustee Baker seconded the motion.

Public Comment:

- George Boyce opined that the Board was being cheap with their employees, but very expensive with their attorney.
- Marshall Todd said a cost of living raise was not a raise; it was just keeping up with inflation.
- Paula Taylor said she's Chuck's wife, and she said if they only get 2% more, then they are behind in the cost of living and losing money, and you're not going to find employees like this out in the general market. Take care of your employees so they'll stay and be happy and be productive for you because you're taking care of them.
- Matthew Lambert said he thought that was fair and then made a comment about voting.

Upon the vote, the motion passed - 4 to 1 - with Trustees Patterson, Dennis, Helton, and Baker in favor, and Trustee Otto opposed.

8. Roads:

a. Road Operations and Maintenance Reports:

[Operations Manager's Report - Period 08/14/2023 to 09/17/2023, and Roadwork and Requests Report - Period 01/01/2023 to 09/17/2023 (see attached)]

- Shawn stated they had a number of pieces of equipment that had to get repaired, and they also completed the build of a new water truck and put it into service. They now have two water trucks in use to get water on the roads in the outer reaches on our hot summer days. Things are now moving. They did apply some mag-chloride throughout the valley, it wasn't a heavy coat, it was a nice light coat to try to keep some of the dust down and keep the roads together that they just repaired. They used about 7,000 gallons, and there was about half a tank of mag-chloride left.
- There was some discussion about the concrete floor of the shop building, that it was cracked. Shawn said it was 10-inches thick and he was disappointed about the cracking, but it's not going to just crumble. The compaction tests came in at 97 on one and 99.5 on the other; it's not going to go anywhere.
- Trustee Otto asked Shawn about two pieces of equipment he heard problems with when he was running them:
 1. The 772 grader: When you change direction from forward to reverse, there's a big wham. He said he suspected it was the center joint, the main joint where it articulates, the bearings are bad or something.
 2. The loader: He heard a clunk when he drove it.

Shawn said the front end is knocking and that's one of the reasons why that loader needs to be replaced. The other reason was because it's not a very big loader; its only got a "2 and a half."

Trustee Otto said you won't be able to sell that loader with the problem.

Shawn said he would sell it; that he sold that double roller for \$3,000.

Trustee Baker said then sell it; let it go.
- Trustee Otto asked Shawn if he had any intention to use any of the dirt out of the Wayside pit or the Ironwood sand pit?

Shawn said not at this time, because he didn't know where he would need to put it.

Trustee Otto said one place would be on Amy south.

Shawn said he was going to put Class E on Amy south and it'll be beautiful.

Trustee Otto said, "No, you'll put on what we agree to put on it.

Shawn asked if the Board was going to discuss that now, because that was not on the agenda.

Trustee Otto said we're trying to save money. We've got \$38,000 that's dedicated right now to Broken Spur, and he thought we could do that job, primarily with materials that we own already.

Trustee Otto said he was trying to save us money, and there was nothing wrong with this sand that's coming out of the Ironwood pit. There are a lot of places out here where we could be using that stuff and there's nothing wrong with it, especially on flats. If you put it on four inches thick across the road, you'll have something to work with, and it's free, you don't have to buy it.

Shawn said it's sand, DG, and it's not free, because you have to work it.

Trustee Otto addressed Trustee Dennis and said he didn't agree with Trustee Dennis' penciling out that compares buying stuff from what used to be Martin-Marietta ...

Trustee Dennis interjected and said he'd be happy to bring the facts to the table so we can discuss this as an agenda item.

Mr. Flaherty counseled the Board to stick to the issues.

Trustee Otto asked to have this item put on next month's agenda; the use of our own material, instead of buying material.

Trustee Dennis said certain materials can be used in certain places and certain materials don't belong in certain places. There needed to be specificity.

Shawn said when he did the Bacon Rinds, they were DG roads, and he couldn't get them to last. The residents were calling every two weeks, because it was DG. He said he covered those roads with Class E, and they worked fantastic until recently and now they're back to dirt. We pay \$6:50 a ton for the Class E, and we can't even screen our pit material for that.

Trustee Otto said we'll talk about this next month when it's on the agenda.

[Continued on next page]

b. Discuss Amending Resolution F20-R1 Roads Accepted for Maintenance and Level of Maintenance Designations:

Trustee Baker said he had a general resolution (see attached and below) and read it into the record, as follows:

First Reading
Regular Meeting
September 21, 2023

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. F23-R1

LEVEL OF MAINTENANCE DESIGNATIONS CHANGE

NOW, THEREFORE, be it RESOLVED:

1. This resolution supersedes previous resolutions F77-R4, F93-R1, F06-R1, and F20-R1 for maintenance of roads within PVGID purview.
2. All roads within PVGID's purview will no longer be designated any particular "Level of Maintenance" as in the past Resolutions.
3. From this point on, all general road maintenance work within the PVGID's purview will be determined by the board President, or his designated Road Committee of one or two qualified persons.
4. This Committee shall confer with and direct the Operations Manager regularly, as needed, with the OM following instructions.
5. Road Maintenance Requests shall be forwarded promptly from the secretary to the entire board and the OM.
6. Roads throughout the District will not be maintained when weather and/or road conditions are unsafe or hazardous to the public or PVGID personnel or equipment.
7. Acceptance of new roads for maintenance is covered by Resolution No. F16-R2.

BE IT FURTHER RESOLVED that this Resolution be spread at large upon the minutes or attached thereto.

In response to an audience member's question, Trustee Baker explained that overall, what this meant was all roads would receive the same kind of maintenance and you're not going to get told that you have a (LOM) #3 road, so it's not going to get the maintenance. He said it's just taking care of all roads the same, and have a grading schedule. If there's a washout, emergencies take priority and get fixed first. He said to just have everything taken care of the same way.

- Jim Currivan opined that when the Board looked at this before, it was a matter of finances. It costs if you're going to go around and do all the roads equally.

Trustee Baker replied that a lot of the roads have a lot more people living on them now than they did in the years past. He said he personally didn't feel that because you live on "X" Road, you don't get the same service that somebody else does.

- Paula Taylor opined that if we put our money into fixing back roads that have, maybe, four houses on them, and we're only putting that much effort into the roads that 97 people drive on every day, then we're not taking care of the majority of the people. She asked how do we afford to take care of every road equally?

Trustee Baker opined that the majority of the roads that have a lot of people on them are already well taken care of; they're in pretty good shape. So, if you take a road that's not in good shape, that only a few people live on, and you fix it and make it decent, it's not going to wear out anywhere near as fast as a road that has 100 people living on it. Initially, it will take more time, but if you get those roads up to a standard level, then you're into the maintaining part and it should be, relatively ... he didn't want to say "easy," because nothing was easy.

- Brian DiMambro said the class one roads are the main roads that have the most traffic; it's not how many houses are on a road. With this resolution, you're going to take away the priorities established to ensure the most heavily travelled roads are taken care of first. Who's going to decide class one, class two, class 3, if you make them all the same?

Trustee Baker said he was not saying we'd stop maintaining the roads that a 100 people use. He said when there's time, and there should be some sort of a schedule, work on a road that's bad, straighten it out, then go back to your regular work. Then, maybe next month, fix another road and then try to keep them to that point.

In response to Mr. DiMambro's question, Trustee Baker said it would only be the roads accepted and deeded to the PVGID.

- Brian DiMambro opined that he didn't see this resolution as a very good idea, because there's a reason for those classes.

Trustee Baker said he was not saying make all roads the same as in paving or widening, necessarily, or cover totally with Class E, but taking care of them more so that it's better for those people to drive on. He explained class 1 roads are going to be taken care of, class 2 roads are going to be taken care of like the class 1 roads, and you're going to try to bring the class 3 roads up to the level of the other roads. The class 3 roads are not going to wear out as fast because there's less traffic on them.

Trustee Patterson said when this came up before, he had said, "it seems as if we're creating a solution in search of a problem." You're saying we want to make sure all the roads are maintained the same, and we want to fix a road here and there when the schedule permits and then go to another road and fix it when we have time, and we can accomplish that by getting rid of the original resolution, that's been in place for a long time, except for the recent change regarding the seasonal roads. He reminded the Board that they already had the ability to agendaize and bring a road project before the Board for consideration, just like they did with Broken Spur. He didn't think they had to get rid of an entire resolution, that's worked for years, to accomplish that.

- Chuck Blower said there is a plan to cover all of the roads, and the list of roads was prioritized. He asked if they could be more specific when they say, "fix a road." Are they talking about doing more than just grading the road?

Trustee Baker said they could be more specific about what they wanted done.

An audience member asked if this meant that the maintenance was going to be to the same standard for the roads?

Trustee Helton said at this point, there's 14 people who live on Quaking Aspen, and in the past, the road got graded once a year; those people aren't getting what they're paying for. He commented about how the number of people has increased and these spurs that were seasonal roads, now have a lot of people living on them.

Trustee Patterson interjected and clarified that the seasonal road designation was eliminated in 2020, and all the former seasonal roads, as listed in the 1977 resolution, are currently Level 3 roads (see Item #3 in the current Resolution No. F20-R1, attached).

Cathy added that there was no statement, anymore, as to how many times a road would be graded each year; that went away.

- Larry Chesney stated that right now we have a system where we can send in a road repair request, the Operations Manager puts that on the list, and it's taken care of within a month. It takes the ability of the road manager to be able to balance road requests and special projects. He opined that this new resolution was following the Trustee Otto mantra of micromanaging the Operations Manager. The road work requests system has worked great for years, and he didn't see the need to remove resolutions that have worked for years.

Trustee Baker said he didn't see the road maintenance requests system changing or taking away any of the Operations Manager's discretion.

Trustee Helton agreed with Trustee Baker.

A few Board members and several audience members asked, "then what's the point of changing anything; what's broken?"

- Chad Sousa said he thought that the requests system was a reactive maintenance program, right? So, some form of maintenance program would be well received.
- Susan Ambrose said everything that Mr. Baker just said, was not stated in the resolution itself. So there's no guarantee that all the roads will get something done to the road versus the old system, which was black and white; we knew that we would get something, but if you could just revamp how that's worded, so there's a guarantee in it.

Trustee Baker said this is a two-vote resolution, and he asked if they could have the first vote tonight, revamp it and bring it back for the second vote?

Mr. Flaherty explained that would be a new resolution, a different resolution. Whatever the Board agrees on, has to be read twice.

- Laurie Squartsoff said it would be helpful to have all of these previous resolutions that you want to supersede.

Trustee Baker said it seemed to him that we should table this, and have more definition in this and bring copies of all the resolutions.

Trustee Otto pointed out that items #3 and #4 of the resolution gives instructions on how decisions and stuff should be made, and from this point on, rather than looking

at, "that's a number three or this is a number two. This request that somebody made can't be honored until we get the whole Board to talk about it because it's a number three." He stated there are 33.9 miles of number 3 roads; that's one third of these roads. He stated "seasonal" was not being used anymore. The four resolutions that are referred to in #1, the first three of those, were all superseded by the last one, F20-R1 (year 2020). He said road requests for a number 3 road go to the bottom of the list; it happens to him all the time. He said he had ruts on Quaking Aspen, and not only the people that live there, he's got the tower traffic coming down there, too. He said other folks, too, have made requests, and we're going to have to have a conversation about this before anything can be done to cover those spots.

Trustee Patterson asked Trustee Otto, "we're going to change a whole resolution for Quaking Aspen?"

Trustee Otto said that was just an example.

Shawn said Quaking Aspen was on the list of roads graded by Trustee Otto last month.

Trustee Otto said he also had material put on Quaking Aspen last month.

Shawn asked where the material came from that Trustee Otto put on Quaking Aspen?

Trustee Otto said he took the material out of our pit.

- Brian DiMambro said, "if everything is a priority, then nothing's a priority" He said having priorities of 1, 2, and 3, was the plan in place that ensures that your most critical assets are taken care of first. He addressed Trustee Helton's comment about taxes, and stated where he lives, they have no priority, but they knew that when they bought their property and they knew that was going to be tough. He said his tax dollars are actually being used for his drive out of the valley. So when you look at the class 3, you go into the class 2, you go into the class 1; everybody's going to drive on the class 2 or the class 1, and those are the roads that are going to get the most wear and tear because they had the most people driving on them. Where's the money going to come from for the 100 yards of Class E base Trustee Otto took out of the emergency stockpile to put up on Quaking Aspen?

Trustee Otto said we didn't take 100 yards. We took four loads of Class E and filled spots on Quaking Aspen.

Trustee Patterson said #3 and #4 on this resolution would require changes to the Board handbook under "Officer and Trustee Responsibilities."

Trustee Dennis said this resolution says, (#3) "From this point on, all general road maintenance work within the PVGID's purview will be determined by the board President ..." That says that President Baker was going to run everything and micromanage everything.

Trustee Baker said he knows it says that, and that's one of the things we're going to have to change.

Trustee Dennis said then all the problems are going to come to Trustee Baker as President; they're not going to come to this Board. Trustee Baker was going to do everything. He said, "You don't want to do this, Tom."

Trustee Baker said that's why we're tabling it and refining it.

Trustee Otto said we've always had a Road Committee. Trustee Dennis, you've been the Road Committee.

Trustee Baker made a motion to table this matter to the next meeting. Trustee Helton seconded the motion, and hearing no opposition, the motion passed.

Trustee Baker said he wanted an item on next month's agenda to discuss re-forming the Road Committee with two people.

Cathy explained that the legislature came out with a new open meeting law that says a Board-appointed committee of two Board members, has to follow open meeting laws and have public meetings. That's why we did away with the Road Committee. She said the information on that open meeting law was in a handout and discussed in previous meetings by both Louie Test and Patrick Mansfield (see attached).

Trustee Patterson asked Cathy to send that handout to Mr. Flaherty when she sends him the draft agenda.

- Larry Chesney said as Cathy stated, we did have two Board members on the Road Committee until this new open meeting law came up. One way around that would be to appoint a Board member and a person of knowledge from the community to sit on the Road Committee.

Trustee Dennis said the other thing was not to have a Road Committee; just invite a Trustee who wants to come, but make sure there's no more than two Trustees.

Cathy said Trustee Dennis was correct, if it's not a Board-appointed committee.

c. Upper Quaking Aspen Road Improvement Project:

Trustee Otto stated he made a request on behalf of himself and a few neighbors, and one neighbor made their own request, to have some material put down on the bad spots on upper Quaking Aspen Road. He said the material could be the native material out of either Ironwood or Wayside. He said it didn't have to be compacted or watered, and he could, as a Board member, grade it/knock it down himself. He said he put a couple of loads of material up there when he was interim this summer, and said he didn't put any compactor on it and he didn't put any water on it and the material is beautiful. So it would be just fine for them to do that, and save a whole bunch of money on working it.

Mr. Flaherty asked if there was any more Board or staff input on this item before you go to public comment?

Trustee Dennis said it looks like Quaking Aspen is going to be a very special road. Also, it looks like this new resolution eliminates all the demarcation of whether it's a 1, 2, or 3 level of maintenance. He talked about being against the elimination of the seasonal roads resolution, and how these four-wheel-drive, seasonal-access roads, which Quaking Aspen is, are now level 3 roads. And now, with this resolution, the President's going to have authority to go do whatever he wants, and nothing comes back to the Board. He said, "I think this whole thing is a big mess Don, and I think you're the cause of it."

Trustee Otto pointed out that Chantry Flats is a #3 road, and it's got base all the way to the end of it.

Shawn said Chantry Flats doesn't have any base on it.

Trustee Otto said it does, and Road Runner is a #3, and Grass Valley (west) is a #3, and a couple of years ago we put \$60,000 into that road.

Cathy stated the current resolution (F20-R1 Roads Accepted for Maintenance and Level of Maintenance Designations) addresses previously-designated seasonal roads and what has to occur. If the residents want improvements to their road that was formally designated as a seasonal road, the resolution states that either the people pay for the improvements themselves or they bring a proposal and petition the Board to approve a special project, and that's what's on the agenda tonight.

Trustee Otto asked then why did we spend all that money on Grass Valley (west)?

Trustee Patterson said because Grass Valley (west) was not a former seasonal road. He read the following from Resolution F20-R1, Roads Accepted for Maintenance and Level of Maintenance Designations, Item #3 (in part):

“Residents on roads previously listed as seasonal who desire to have road improvements beyond normal grading shall bear the cost of road improvements. It will not be the responsibility of the PVGID to upgrade these roads except where deemed practical and cost effective by the Board. These roads shall be maintained in their present condition and width.”

Trustee Patterson stated he had the 1977 list, and all three of the roads Trustee Otto listed, were not on the former seasonal roads list.

Trustee Otto said in 2019, Larry Johnson said all of upper Quaking Aspen should get some sand put on it, and that never happened.

Trustee Patterson said that's fine, but the Board would have to vote on the proposal for such a project.

Trustee Helton asked if everyone just heard that you're going to pay for your own road to get covered if you're on a #3 road?

A few Trustees and several audience members corrected Trustee Helton and said that was one of two options, and that only applied to former seasonal roads, and not all #3 roads.

- Matthew Lambert opined that the problem with Quaking Aspen Road was not the road, the problem was all the people going up to the towers on Microwave Peak. They drive tracked vehicles up Quaking Aspen, usually when the road was wet, and destroy the road. Are we supposed to tell those agencies that they have to pay to fix the roads?

Trustee Patterson addressed Mr. Lambert's comment and explained that before Trustee Baker was on the Board, this matter was discussed and there was a list of users that are going up to the peak, and if he was a Trustee who lived on Quaking Aspen, he would have already negotiated an agreement with those users to get help from them to maintain that section of road.

Trustee Otto said Larry Johnson's term used to be “serviceable.” If the road wasn't serviceable, he was going to make it serviceable.

Trustee Patterson said Trustee Otto's a Board member living on Quaking Aspen and he should make an agreement with these people and get some money from them.

Trustee Baker said that's a good point.

Trustee Otto said, "so forget about you guys doing anything to make the road serviceable."

Shawn said Trustee Patterson brought \$250,000 to the District.

Trustee Patterson said Trustee Otto would do that the same way he did when he negotiated with the County; you make phone calls, you contact people, you send e-mails.

In response to Trustee Patterson's request, Cathy stated she believed that former Trustee Larry Johnson gave the users list to Trustee Dennis.

Trustee Dennis said he would look for the list.

- Matthew Lambert opined that insinuations were made that Trustee Otto was attempting to spend GID money fixing Quaking Aspen because he lives on Quaking Aspen; that Trustee Otto was doing something unethical. Also, that Trustee Otto should negotiate a contract with these companies. He thought that was ridiculous.

Trustee Baker made a motion to table this item until next month. Trustee Otto seconded the motion. Upon the vote, the motion passed, 4 to 1, with Trustee Dennis not in favor.

9. **Old Business:** None

10. **New Business:** None

11. **Calendar Review:** Cathy Glatthar reviewed the upcoming items:

- The next meeting is Thursday, October 19, 2023.
- Kersten will need to have the first Quarterly Economic Survey ready to be signed at the October meeting. The deadline is November 14th.

12. **Correspondence:**

- Cathy reported they received an agency review memo from Washoe County regarding a special use permit (SUP) for a Verizon Wireless monopole on a property on Pyramid Highway. She explained this same SUP came up in a different form back in 2018, and she suggested sending the same response, that this property does not access any PVGID-maintained roads and therefore the PVGID does not have any comments or conditions. Cathy explained this item could not be agendized because the email came Monday afternoon (9/18) and responses were due next Monday (9/25).

Trustee Baker agreed to have Cathy send the above-mentioned response.

13. **Public Comment:**

- Larry Chesney stated he polled the members of the recall committee and spoke with the County Manager, and he's seen a tremendous amount of progress tonight with the conduct of the Board and the acceptance of training. They were going to put the recall on hold and they'll take a look at this in two or three months to see how things are coming along.

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

14. Board Member and Staff Items:

- Trustee Baker said he would like to know why the Sheriff's come to all our meetings. He said he didn't mind them being here.
- Cathy stated she received a letter from Mr. Flaherty and a memo from Trustee Baker about a special session for the next meeting and asked if Trustee Baker wanted to announce that to the Board and the public?

Trustee Baker said we're going to have an item on next month's agenda about Cathy's contract and if we're going to continue it.

- 15. Adjournment:** Trustee Baker made a motion to adjourn the meeting at 9:32 p.m. Trustee Helton seconded the motion, and hearing no opposition, the motion passed.

DRAFT

PVGID MINUTES SEPTEMBER 21, 2023
ATTACHMENT - Agenda Item 3.a. No-cost POOL/PACT Training Workshop ...
PUBLIC COMMENT

Public Comment for PVGID meeting 9/21/2023 from resident Pam Roberts

Agenda Item 3(a): I have encouraged the new leadership to better educate themselves on these topics. I believe it is each Board Trustee's personal obligation to come to the meeting prepared. Better late than never, but Washoe County has training available, and this training should have been done months ago. I believe the current President and Vice-President still lack sufficient knowledge of the open meeting law, Government Ethics and Robert's Rules of Order on how to conduct a meeting.

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

TRANSACTION REPORT AS OF September 18, 2023

Submitted by Kersten Schreier, Bookkeeper

Total of all Bank Accounts:	Balance as of September 18, 2023 - Almost CD #5010	435,507.45
	Balance as of September 18, 2023 - A/P / General Ckg #4179	512.02
	Balance as of September 18, 2023 - Petty Cash	400.00
	Balance as of September 18, 2023 - Payroll #4430	20,000.00
	Total Cash In All Accounts	456,419.47

<u>Wells Fargo - Almost CD #5010</u>		Balance as of August 14, 2023	286,924.53
Income for the Month			
	Ad Valorem/Property Tax	143,545.32	
	Consolidated Tax (CTX)	48,577.76	
	LGTA/Fair Share	7,715.21	
	Other Income	0.00	
	TOTAL	199,838.29	
	Interest Income	24.68	199,862.97
	Transfer to Wells Fargo #4179	0.00	
	Transfer to Wells Fargo #4430	(51,280.05)	(51,280.05)
	Balance as of September 18, 2023		435,507.45

<u>Wells Fargo - A/P / General Ckg #4179</u>		Balance as of August 14, 2023	512.00
Transfer from Wells Fargo #5010			
	Interest Income	0.02	0.02
	TOTAL	0.00	0.00
	Balance as of September 18, 2023		512.02

<u>Wells Fargo - Petty Cash</u>		Balance as of August 14, 2023	400.00
	Balance as of September 18, 2023		400.00

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

TRANSACTION REPORT AS OF September 18, 2023

<u>Wells Fargo - Payroll #4430</u>		Balance as of August 14, 2023	20,000.00
Transfer from Wells Fargo #5010		\$51,280.05	
Interest		1.73	51,281.78
<hr/>			
Net Payroll	Patriot	10,959.65	Net Payroll
Chuck Blower	Ck 1053	144.89	Reimbursement for 580SM Backhoe Hoses
Humana Insurance Co	Bill pay	207.13	Monthly Vision and Dental Insurance
United Healthcare	Bill pay	3,582.13	Monthly Health Insurance
Alhambra/Primo Water	Bill pay	12.25	Monthly Water
TID Systems	Bill pay	3,994.52	Final Payment on Surveillance System
Heather Kelly	Bill pay	75.00	Casual Labor to print documents for Board meeting
Don Otto	Bill pay	345.97	Reimbursement for Personal Vehicle Mileage
Flyers Energy	Bill pay	1,577.18	Fuel
Catherinie A. Glatthar	Patriot	3,725.57	Secretarial \$3,007.50, Accounting/Financial \$620.00, Website Maintenance \$75.00, Office Supplies \$23.07
Vickie DiMambro	Patriot	1,809.71	Bookkeeping \$1,755.00, Office Supplies \$54.71
Kersten Schreier	Patriot	1,088.29	Bookkeeping \$892.50, Office Supplies \$195.79
Hobbs Company Limited	Bill pay	7,394.40	Water Tank Installation on 2000 Peterbilt Water Truck
SK's BECC 9/3/23 Stmt			
Amazon	SK's CC	77.94	Lincoln Grease Gun Battery
The Wave Carwash	SK's CC	9.50	Truck Wash
Waste Management	SK's CC	34.98	Monthly Waste Removal
Sonsray Machinery LLC	SK's CC	85.84	Seal Kit for Backhoe
Office Depot	SK's CC	29.45	Copies for August Meeting
Office Depot	SK's CC	53.56	Copies for August Meeting
Office Depot	SK's CC	5.40	Tape
SK's BECC 10/3/23 Stmt			
DriveLine & Gear Service	SK's CC	365.88	PTO Driveshaft for 2000 Peterbilt Water Truck
Peterbilt Truck Parts & Equipment	SK's CC	207.80	Stock of T-bolt Clamps
United Central Industrial Supply	SK's CC	251.19	Stock & Parts for 10,000 Gallon Water Tank
Silver State International	SK's CC	67.13	2000 Peterbilt Water Truck Adj Band
Peterbilt Truck Parts & Equipment	SK's CC	102.95	2000 Peterbilt Water Tank Transfer
GD's BECC 9/3/23 Stmt			
Peterbilt Truck Parts & Equipment	GD's CC	122.46	Battery for Peterbilt Belly Dump
Sani-Hut Company Inc.	GD's CC	129.64	Portable Restroom
North State Drug & Alcohol Testing	GD's CC	45.00	Drug Testing K Schreier
Washoe County Treasurer	GD's CC	34.97	Annual Water Rights Administration Fee
Patriot Payroll	GD's CC	79.00	Monthly Payroll Processing Fee
Motorola	GD's CC	70.00	Monthly Two Way Radio Service
Intuit	GD's CC	749.00	QuickBooks Software
Dyer Lawrence, LLP	GD's CC	6,596.28	Attorney Fees for June 15 through July 31, 2023
GD's BECC 10/3/23 Stmt			
Knoblock Pump & Well	GD's CC	471.00	Replace Float Switch in 10,000 Gallon Water Tank
Verizon	GD's CC	34.90	Monthly Telephone Bill
NV Energy	Bill pay	134.95	Monthly Electric Bill
Granite Construction	Bill pay	163.98	Concrete, Stop Sign, & Post Hole Digger
Granite Construction	Bill pay	228.73	DuraPatch: 1.42 Tons (Whiskey, RHC, & Broken Spur)
PERS	Bill pay	3,809.30	PERS Monthly Payment
Payroll Taxes - Patriot Payroll	EFT	2,404.26	Payroll taxes (941, NV Unemployment)
		<u>\$51,281.78</u>	
			<u>(\$51,281.78)</u>
			Balance as of September 18, 2023
			<u>20,000.00</u>

Reviewed by Cathy Glatthar, Assistant to the Board:



9/20/2023

PVGID MINUTES SEPTEMBER 21, 2023

ATTACHMENT - Agenda Item 5.b.

Attorney Use/Billing

John Patterson

Sun, Aug 20, 2023 at 10:42 AM

To: Tom Baker

Hello Tom,

After reviewing the itemized bill from the attorney and receiving an unsolicited email (concerning GID contract workers) from Frank, as a Trustee for the PVGID I have some concerns.

Regarding the Letter of Engagement from Schreier, this is the same template used by our District for many years and it clearly states on the back page "non-employee status". I am not interested in utilizing District funds to have the attorney redo what has worked, without issue, for the PVGID in the past.

The role of the GID attorney in the past has primarily been to attend the meetings and monitor adherence to the OML. Under specific direction from the Board, the attorney has researched legal matters, written letters to property owners regarding legal issues and at times has done research/interpretations of NRS statutes. The only specific Board request given to this attorney was at the June meeting, regarding HIPAA and workers' comp. information that is allowable for Board members to receive. Most of the itemized billing was for correspondence (email/phone) or review of items that did not require an attorney and had not been done by the GID attorney in the past. Almost all of the billing is for items or questions that could have easily been handled by one's own research, reaching out to other Trustees, and utilizing our tenured staff that possess decades of experience and history with the District. With limited resources and funding for the District, it is in our best interest as elected representatives to watch and safeguard the "people's" money more closely. The current FY 23-24 budget for legal/attorney is \$8,000.00 and we will surpass that by September of this year, on track to spend over \$30,000.00 this FY for legal/attorney fees. The additional funding needed to fill that budget shortfall can only come from 2 places in our current budget, Capital Outlay or Road Maintenance.

Per the agreement with Mr. Flaherty, the billing items may be disputed and questioned at no charge to the PVGID. It is apparent in the itemized bill that our attorney is acting on his own, at times, without specific direction from the Board. This is evident in the billing item for "reviewing minutes and agendas". Mr. Flaherty confirmed, when questioned by me at the July meeting and recorded in the minutes, that it was not specifically directed or asked for him to accomplish. There has not been an OML complaint filed with the Nevada Attorney General regarding our agendas or minutes. This unsolicited review of our agendas and minutes by the attorney and any other item not specifically directed by a Trustee or the Board should be disputed and reimbursed to the PVGID. This open communication between you and Mr. Flaherty will solidify the actual role and responsibilities of the attorney working on behalf of the PVGID.

With no pending litigation/lawsuits or any great legal crisis about to befall the PVGID, the role of the attorney is to attend the monthly meetings. Any questions for the attorney should happen at the monthly meetings in the course of the Board moving through the agenda. Any specific direction for requested work outside the monthly meeting should be made by the Board, Trustee or staff at the monthly meeting and that request transparent to the public we serve. This transparency is prudent, as the taxpaying public bears the cost.

Thank you.

John

Excerpt from PVGID Board Member's Handbook

Duties of Officers

- President
Prepares agendas and calls special meetings when necessary; conducts and presides over meetings; signs legal documents for and on behalf of the GID; is the primary contact person for the Road Maintenance Operations Manager.
- Vice President
Conducts and presides over meetings when the President is unavailable; assists and supports the President in GID activities.
- Secretary
Maintains minutes, files, and other records of the GID with the assistance of the Assistant to the Secretary; is the contact person for the Registrar of Voters' Office and the State Records Management Division (for records retention matters).
- Treasurer
Maintains financial records of the GID with the assistance of the Assistant to the Secretary.

Trustee Responsibilities

- Trustees are responsible for attending all regular and special GID meetings. A trustee should notify the President of the Board in advance of a meeting if the trustee will be unable to attend (the more notice, the better).
- Trustees are responsible for setting and carrying out the policies related to the basic power(s) granted to the District (as modified in October 1975): operation, maintenance and repair of roads.
- The trustees, as a group, are responsible for the general direction of the GID; not the day-to-day operations.
- General direction policies are established through an affirmative vote of no less than a quorum of the Board (three trustees) during a public, open meeting (see Open Meeting Law Manual, Appendix A).
- Trustees who are contacted by property owners with road maintenance concerns or complaints, are to refer the property owner to the following procedure:

Road Maintenance and Repair Requests:

To notify the PVGID of road maintenance needs, please send an email to palvalgid@gmail.com. Please include "Road Maintenance Request" in the subject line, and include the name of the road, the approximate location, and a brief description of the problem. These requests will be compiled into a weekly report.

Urgent requests:

The palvalgid@gmail.com email account is not necessarily monitored on a daily basis. To notify the PVGID of an urgent problem, please call the Operations Manager at 775-848-6788.

- Trustees who are approached by constituents requesting special road maintenance or a road improvement project, shall inform the constituent that their project request must be agendaized for discussion and consideration by the Board after hearing public comment, if any, on the matter.
- Trustees, when communicating with the public, need to thoroughly explain the policies and procedures which pertain to the particular situation. Trustees should be sure the constituent is fully aware of and understands their responsibilities in the process.

Excerpt from June 15, 2023 PVGID Regular Meeting Minutes

Item 3. - Judicial/Government Affairs:

- a. Review of Proposal and Possible Retention of the Law Firm of Dyer Lawrence, LLP for General Counsel Legal Representation:

"[Mr. Flaherty] explained he would be the PVGID's general counsel, and his client would be the District. He would represent the District by working with the Board and then, to the extent the Board directs him, he would work with staff as well. The Board basically steers the ship and gives him direction. He clarified that he would not represent any individual member of the Board.

Trustee Baker said the actual monthly cost would depend on how much we task Mr. Flaherty with doing, and we don't know how much we're going to have to task him with doing; as of the beginning of this, it's going to be just to monitor the meetings."

FRANCIS C. FLAHERTY
THOMAS J. DONALDSON
SUE S. MATUSKA*

* ALSO ADMITTED IN CALIFORNIA



OF COUNSEL

MICHAEL W. DYER
SANDRA G. LAWRENCE*

June 16, 2023

Via email to [REDACTED]

Thomas Baker
President
Palomino Valley General
Improvement District
9732 Pyramid Highway #407
Sparks, Nevada 89441

Re: *Expression of Interest; Service as Legal Counsel*

Dear Pres. Baker:

This letter confirms that at its meeting last night, the Board of Trustees of the Palomino Valley General Improvement District ("GID") retain us as legal counsel. We appreciate the confidence the Board has expressed by allowing us to be of assistance to the GID. Set forth herein are the terms of our engagement.

Our work will encompass general counsel representation for the GID, including Open Meeting Law compliance, factual investigation, legal research, analysis and litigation. In connection with the services covered by this letter, we will charge \$315 per hour, which is a 10% discount from our current hourly partner rate of \$350 per hour. Additionally, we have agreed that travel time to and from any regular monthly Board meetings that we attend in person will be \$157.50 per hour. We bill in increments of one-tenth of an hour (6 minutes) and round up to the nearest tenth of an hour. Ordinary disbursements, such as court costs, FedEx, postage, photocopies and printing (0.20), mileage reimbursements at the IRS rate, and fees advanced to others are billed separately and in addition to our fees for services.

It is our practice to bill fees and costs on a monthly basis with a detailed summary of the costs incurred and services performed for those fees. We expect payment of the balance due within (30) days of the date of billing. Interest at the rate of 18% per annum may be added to those balances that are outstanding for more than ninety (90) days.

If you think that there is a problem with any bill you receive, we do not charge our time for discussing questions about your bill. While we will promptly correct any errors, it is our policy not to discount our bills for any reason. If you have a particular billing requirement, I would be happy to discuss it with you and will accommodate any reasonable request consistent with our general policies and the capability of our billing system. Please indicate the Board's approval and undertaking of the terms of our representation by signing this letter in the space provided below and returning it to our office.

Pres. Baker
June 16, 2023
Page 2

Thank you for your cooperation in this retainer letter; we are looking forward to working with the *GID*

Sincerely,


DYER LAWRENCE, LLP

Francis C. Flaherty, Esq.

Approved and Accepted

PALOMINO VALLEY GENERAL
IMPROVEMENT DISTRICT

By:


Thomas Baker
President

PVGID MINUTES SEPTEMBER 21, 2023

ATTACHMENT - Agenda Item 5.b. Attorney's Responsibilities/Authorization of Use ...
PUBLIC COMMENT

Public Comment for PVGID meeting 9/21/2023 from resident Pam Roberts

Agenda Item 5(b): I am deeply concerned about the expenses incurred for the new attorney which appears to be at the behest of the President of the PVGID. While I understand that some additional attorney time was needed due to the change of leadership of the Board, it appears to me that the Board President is asking for work done without the prior approval of the Board and/or the attorney is taking on tasks that have historically been outside the role of prior Board attorneys. I respectfully request the Board review the contract and the role and limitations of work the attorney can do without the approval of the Board. Every dollar unnecessarily spent on attorney fees is money away from road maintenance.

ESTIMATED OPERATING FUNDS FOR ROAD IMPROVEMENTS

Submitted by Cathy Glatthar, Assistant to the Board

Attachment - 09/21/2023 Meeting - Agenda Item 5.c.

REVENUE SUMMARY AS OF AUGUST 31, 2023

12-MONTH REPORTING PERIOD: September 1, 2022 - August 31, 2023

TO REPORT:

(1) 12-MONTH REPORTING PERIOD BUDGET VS ACTUAL

(2) 12-MONTH REPORTING PERIOD EST OP FUNDS REPORT FIGURES VS ACTUAL

(3) AUGUST CTX AND LGTA REVENUE

REVENUE - BUDGET VS ACTUAL

	From 2022/2023			
<u>Revenue Source</u>	<u>Final Budget</u>	<u>ACTUAL</u>	<u>Difference</u>	
Ad Valorem	340,854	344,265	3,411	
CTX	645,531	531,846	-113,685	
LGTA	40,000	51,335	11,335	
	1,026,385	927,446	-98,939	

REVENUE - EST OP FUNDS REPORT FIGURES VS ACTUAL

	Figures Used for			
<u>Revenue Source</u>	<u>Est Op Funds Rpt</u>	<u>ACTUAL</u>	<u>Difference</u>	
Ad Valorem	340,000	344,265	4,265	
CTX	615,000	531,846	-83,154	
LGTA	42,000	51,335	9,335	
	997,000	927,446	-69,554	

NOTES:

1. Trustee Patterson secured an ARPA Grant for \$250,000 that was spent on road improvements

2. For fiscal year 2023, \$626,000 was spent on road maintenance and improvement projects

Fiscal year 2023: July 1, 2022 - June 30, 2023

[Asphalt Rehab Projects: \$225,492 & 285,502; Aggregate Surfacing: \$101,531; Other: \$13,475]

REVENUE - ACTUAL AND ESTIMATED

NOTE: As of 8/31/2023, Actual Revenue was LESS Than YTD Estimated By: **-\$69,554.39**

AD VALOREM (Normally received around the 10th of the month)

Payment Posted Date	Estimated	Actual	Difference	YTD Difference
at 09/12/22 (35%)	119,000.00	0.00	-119,000.00	-119,000.00
9/15 and 10/13/22	0.00	129,562.84	129,562.84	10,562.84
11/07/22 (21%)	71,400.00	64,374.03	-7,025.97	3,536.87
at 12/12/22	0.00	0.00	0.00	3,536.87
12/15/22 & 1/12/23	0.00	6,562.02	6,562.02	10,098.89
02/10/2023 (21%)	71,400.00	64,001.77	-7,398.23	2,700.66
3/10/2023	0.00	160.48	160.48	2,861.14
4/7/2023 (21%)	71,400.00	59,888.06	-11,511.94	-8,650.80
5/11/2023	0.00	982.56	982.56	-7,668.24
at 6/12/23	0.00	0.00	0.00	-7,668.24
6/15 & 7/13/2023 (2%)	6,800.00	17,732.90	10,932.90	3,264.66
8/11/2023	0.00	1,000.56	1,000.56	4,265.22
	340,000.00	344,265.22	4,265.22	

CTX (Normally received at the end of the month)

Payment Posted Date	Estimated	Actual	Difference	YTD Difference
9/28/2022	51,250.00	45,936.66	-5,313.34	-5,313.34
10/26/2022	51,250.00	47,237.89	-4,012.11	-9,325.45
11/28/2022	51,250.00	46,585.40	-4,664.60	-13,990.05
12/28/2022	51,250.00	46,204.99	-5,045.01	-19,035.06
1/27/2023	51,250.00	43,409.06	-7,840.94	-26,876.00
2/24/2023	51,250.00	48,938.57	-2,311.43	-29,187.43
3/29/2023	51,250.00	39,446.75	-11,803.25	-40,990.68
4/26/2023	51,250.00	37,351.89	-13,898.11	-54,888.79
5/26/2023	51,250.00	48,515.15	-2,734.85	-57,623.64
6/28/2023	51,250.00	35,357.24	-15,892.76	-73,516.40
7/27/2023	51,250.00	44,284.29	-6,965.71	-80,482.11
8/29/2023	51,250.00	48,577.76	-2,672.24	-83,154.35
	615,000.00	531,845.65	-83,154.35	

LGTA (Normally received mid-month)

Payment Posted Date	Estimated	Actual	Difference	YTD Difference
9/16/2022	3,500.00	377.00	-3,123.00	-3,123.00
10/18/2022	3,500.00	6,016.96	2,516.96	-606.04
11/16/2022	3,500.00	4,116.04	616.04	10.00
12/16/2022	3,500.00	5,282.26	1,782.26	1,792.26
1/17/2023	3,500.00	3,635.55	135.55	1,927.81
2/17/2023	3,500.00	3,848.69	348.69	2,276.50
3/16/2023	3,500.00	5,650.11	2,150.11	4,426.61
4/18/2023	3,500.00	3,022.61	-477.39	3,949.22
5/16/2023	3,500.00	4,637.30	1,137.30	5,086.52
6/16/2023	3,500.00	3,496.98	-3.02	5,083.50
7/12/2023	3,500.00	3,536.03	36.03	5,119.53
8/15 & 8/29/2023	3,500.00	7,715.21	4,215.21	9,334.74
	42,000.00	51,334.74	9,334.74	

ESTIMATED NET OPERATING FUNDS FOR ROAD IMPROVEMENTS

Submitted by Cathy Glatthar, Assistant to the Board

ATTACHMENT - 09/21/2023 Meeting - Agenda Item 5.c.

Total Cash in all Bank Accounts as of September 18, 2023		456,419	
Additional Revenue Expected Through August 31, 2024		795,655	
ESTIMATED OPERATING FUNDS THROUGH AUGUST 31, 2024			1,252,074
LESS Average Monthly Expenses (\$35,000) x 11.5 Months		-402,500	
LESS: Capital Outlay FY23 Carryover \$36,875 + FY24 \$75,000; [Includes \$2,500 for 1 Pickup Truck from TMFire (Pending)]			
Aggregate Surfacing \$102,418;			
Mag-chloride \$19,000 - \$6,300 - \$6,308 = \$6,392;			
Broken Spur Road Improvement Project \$38,000;			
Workers' Comp \$1,902 x 3 (Nov, Feb, May) & \$2,500 (Aug);			
Audit \$14,500 (Oct); Insurance \$12,500 (July)		-293,891	
LESS Reserve Funds (= Ending Fund Balance per Budget)		-60,000	
ESTIMATED EXPENSES & RESERVES THROUGH AUGUST 31, 2024			-756,391
ESTIMATED NET OPERATING FUNDS FOR ROAD IMPROVEMENTS AS OF AUGUST 31, 2024			495,683
Additional Revenue Expected Through AUGUST 31, 2024:			
From 2023/2024	Figures Used for		
<u>Final Budget</u>	<u>Est Op Funds Rpt</u>		
347,256	347,000	Ad Valorem	Oct '23 thru Aug '24
605,034	550,200	CTX	45,850 x 12
42,000	42,000	LGTA	3,500 x 12
994,290	939,200		795,655
	-55,090	Difference between Budget and Estimated Operating Funds Report Projected Revenues	
MONTHLY EXPENSES:			
	Average	Actual	Difference
Payroll	18,000	20,962	-2,962
Other (non Road Maint)	17,000	17,690	-690
	35,000	38,653	-3,653
			A/P Acct Exps
Capital Outlay		12,055	P/R Acct Exps
Road Maintenance		575	Petty Cash Exps
		51,282	0
TOTAL EXPENSES		51,282	51,282

REVENUE - ACTUAL AND ESTIMATED

NOTE: As of 09/18/2023, Actual Revenue was MORE Than YTD Estimated By: **\$22,095.32**

AD VALOREM (Normally received around the 10th of the month)

Payment Date	Estimated	Actual	Difference	YTD Difference
at 09/14/23 (35%)	121,450.00	143,545.32	22,095.32	22,095.32
October	0.00			
November (21%)	72,870.00			
December	0.00			
January	0.00			
February (21%)	72,870.00			
March	0.00			
April (21%)	72,870.00			
May	0.00			
June	0.00			
July (2%)	6,940.00			
August	0.00			
	347,000.00	143,545.32	-203,454.68	

CTX (Normally received at the end of the month)

Payment Date	Estimated	Actual	Difference	YTD Difference
September	45,850.00			
October	45,850.00			
November	45,850.00			
December	45,850.00			
January	45,850.00			
February	45,850.00			
March	45,850.00			
April	45,850.00			
May	45,850.00			
June	45,850.00			
July	45,850.00			
August	45,850.00			
	550,200.00	0.00	-550,200.00	

LGTA (Normally received mid-month)

Payment Date	Estimated	Actual	Difference	YTD Difference
September	3,500.00			
October	3,500.00			
November	3,500.00			
December	3,500.00			
January	3,500.00			
February	3,500.00			
March	3,500.00			
April	3,500.00			
May	3,500.00			
June	3,500.00			
July	3,500.00			
August	3,500.00			
	42,000.00	0.00	-42,000.00	

KERSTEN SCHREIER

LETTER OF ENGAGEMENT

September 8, 2023

Palomino Valley General Improvement District
9732 Pyramid Hwy #407
Sparks, NV 89441

Dear Board of Trustees:

I am pleased to provide you with this Letter of Engagement, which outlines the terms of our agreement.

I will provide Assistant to the Secretary services to the Palomino Valley General Improvement District (PVGID), and the scope of services I will render, the manner of calculating fees, and other aspects of this arrangement, are mutually agreed to be as follows:

Services to be Provided:

- Meeting Preparation: Meeting Packets for Board & Staff and Extra Copies of All Meeting Handouts for the Public, Sign-in Sheet
- Attend Meeting: Record Meeting; Take Notes; Get any documents signed
- Post-Meeting: Upload/send meeting audio recording; File agenda, agenda posted statement, all handouts, and sign-in sheet in minutes binder; File final minutes in binder
- Write Up Meeting Minutes - Draft
- Filing and Records Retention

Fees and Expenses:

My fee for services provided will begin at \$25 per hour, and after 90 days, the fee will increase to \$30 per hour. The billing will be for actual time worked without rounding.

I may incur various expenses in providing my services. The PVGID agrees to pay all such reasonable expenses, and to reimburse me for all out-of-pocket expenses that I pay on your behalf, upon presentation of receipts. Use of my personal vehicle for GID matters will be reimbursed at the per mile rate for business travel, as determined by the Internal Revenue Service.

Non-employee Status:

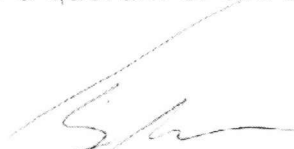
For all purposes, I am an independent contractor and not an employee of the Palomino Valley General Improvement District.

Respectfully yours,



Kersten Schreier

The terms, as outlined above, are hereby agreed to upon a unanimous vote of a quorum of the Board of Trustees on September 21, 2023.



Thomas Baker, President

10/5/23

Date

PVGID MINUTES SEPTEMBER 21, 2023
ATTACHMENT - Agenda Item 6 Possible Action on Closed Session ...
PUBLIC COMMENT

From Vickie DiMambro



PVGID Administrator <palvalgid@gmail.com>

PLEASE READ INTO COMMENTS AT SEPTEMBER MEETING

1 message

My husband and I live on Serenity Place. We have 2 miles of roads, the majority of which are deeded PVGID easements that are NOT accepted or maintained by the PVGID. And after living here since 2003, we have a very solid understanding of the roads, maintained, and not.

We bought our property knowing that our roads were ****horrible****! Our realtor hung on for dear life in 4 wheel drive. We accepted that as the privilege of living here. I have heard a number of people complaining that have at least minimal road maintenance by the GID. I understand, but I also know that they knew when they moved here that these were not maintained or paved roads. For that reason, I believe they do not have reason to complain. Be thankful that the GID does the best they can with the very limited tax dollars they receive (and by the way, I do know the tax revenue is going to decrease).

I especially want to register my support for Shawn Kelly as Operations Manager.

As a long time resident, I have seen the improvements to the Palomino Valley roads. Wilcox Ranch Road on the southern hill was well known to many of us as being extremely treacherous. In summer the basalt rocks would pop tires. Bad, but **REALLY** bad when it would pop the sidewalls (no fixing those tires!)? In winter when it was wet, it was much worse! Most of us who have been here for any length of time remember sliding sideways down the hill (whether you were going up or down). It became a source of pride to be able to keep your vehicle (4 wd, heavy duty all terrain tires or not) on the road.

When the GID added a lot of base on the road, and graded it properly (thank you Larry Johnson for the leadership, and Shawn for doing the work!), we no longer have the threat of sliding off the road on a steep hill! And Shawn has maintained that stretch of road meticulously!

Ironwood Road was scary in wet weather. Many times water completely covering the road in places, and it was very slippery. Maybe it isn't perfect, but knowing the funding and costs, it has been an amazing transformation. Newer residents of this valley have no idea how far we have come, and many thanks to Shawn for his contribution.

Since I started bookkeeping for the GID, I have seen many instances where Shawn considered the best way to get a job done right, at the lowest cost. I know he has negotiated lower costs on supplies and equipment whenever possible, even though "it's not my money." He treats the GID's funds as he would his own.

Attempting to replace Shawn would not only cost more money (salary and benefits), and take time, it is extremely unlikely that you will find someone with Shawn's skills, work ethic, and ability to problem solve. Especially for his current wage!

PLEASE! Do the residents/taxpayers of the Palomino Valley a giant favor!

DO NOT terminate the employment of Shawn Kelly!

Shawn is critical to maintaining the integrity of the Palomino Valley General Improvement District!

Respectfully,
Vickie DiMambro

2023 EMPLOYEE COMPENSATION

Consumer Price Index and Hourly Pay Raise Scenarios

Prepared by Cathy Glatthar, Assistant to the Board, and Reviewed by Trustee Patterson

ATTACHMENT: 09/21/2023 Meeting - Agenda Item 7

CONSUMER PRICE INDEX *

Source: US Bureau of Labor Statistics
[\[https://www.bls.gov/data/\]](https://www.bls.gov/data/)

12-Month Percent Change

Series Id: CWUR0400SA0

Not Seasonally Adjusted

Series Title: All items in West urban, urban wage earners and clerical workers, not seasonally adjusted

Area: West

Item: All items

Base Period: 1982-84=100

Download:  [.xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013	1.5	1.9	1.3	1.0	1.0	1.4	2.0	1.5	1.2	0.6	1.2	1.7	1.4	1.4	1.3
2014	1.6	1.1	1.4	1.7	2.2	2.2	2.2	2.0	1.9	1.8	1.3	0.8	1.7	1.7	1.7
2015	0.0	0.2	0.6	0.5	0.8	0.7	0.9	0.8	0.4	0.6	1.1	1.6	0.7	0.5	0.9
2016	2.6	1.9	1.1	1.5	1.0	1.2	0.9	1.1	1.7	2.1	2.2	2.3	1.6	1.6	1.7
2017	2.3	3.0	3.0	2.8	2.6	2.4	2.5	2.8	3.0	3.0	3.2	3.3	2.8	2.7	3.0
2018	3.3	3.2	3.3	3.5	3.7	3.9	3.9	3.8	3.5	3.7	3.5	3.1	3.5	3.5	3.6
2019	2.6	2.3	2.4	2.8	2.9	2.6	2.5	2.4	2.5	2.7	2.7	2.7	2.6	2.6	2.6
2020	2.9	3.1	2.5	1.2	0.6	1.1	1.7	2.2	1.9	1.3	1.5	1.7	1.8	1.9	1.7
2021	1.7	2.0	2.9	4.4	5.4	6.0	5.9	5.7	5.8	6.5	7.2	7.8	5.1	3.7	6.5
2022	8.4	8.5	9.4	8.9	8.8	9.2	8.7	8.4	8.5	8.5	7.3	6.1	8.4	8.9	7.9
2023	6.2	5.9	4.7	4.5	4.1	3.1	3.1	3.7						4.7	

* CPI Information obtained on September 15, 2023

OPERATIONS MANAGER - SHAWN KELLY

HOURLY PAY RAISE SCENARIOS (AFTER PERS Rate Increase Adjustment)

Operations Manager (OM) is on the PERS Employer Paid Contributions (EPC) plan with the OM and the PVGID each paying half of the rate increase. The EPC rate increases from 29.75% to 33.50% (3.75% increase - Employee's 50% Share = 1.875%)

The Board voted on 7/20/23 to offset SK's share of the PERS contribution rate increase with an equivalent wage increase, as follows:

Current Hourly Rate	40.87
Emps Share of Rate Incr (40.87 x 0.01875)	-0.77
"In Lieu of" Raise Offset (40.87 x 0.01875)	0.77
Hourly Rate Unchanged	\$40.87

Scenario 1 - \$1/hour raise minus \$0.77 rate increase given 7/20/2023 = \$0.33/hour add'l pay raise:

Current Hourly Rate	40.87
\$0.33/hour add'l pay raise	0.33
New Hourly Rate	\$41.20

Scenario 2 - \$2/hour raise minus \$0.77 rate increase given 7/20/2023 = \$1.33/hour add'l pay raise:

Current Hourly Rate	40.87
\$1.33/hour add'l pay raise	1.33
New Hourly Rate	\$42.20

Scenario 3 - 7.375% raise minus 1.875% rate increase given 7/20/2023 = 5.5% add'l pay raise:

Current Hourly Rate	40.87
5.5% add'l pay raise (40.87 x 0.055)	2.25
New Hourly Rate	\$43.12

Scenario 4 - 8.4% raise minus 1.875% rate increase given 7/20/2023 = 6.525% add'l pay raise:

Current Hourly Rate	40.87
6.525% add'l pay raise (40.87 x 0.06525)	2.67
New Hourly Rate	\$43.54

EQUIPMENT OPERATOR - CHUCK BLOWER

HOURLY PAY RAISE SCENARIOS (AFTER PERS Rate Increase Adjustment)

The Equipment Operator (EO) is on the Employee/Employer Pay Contributions plan (aka 50/50 plan) and the EO automatically pays half of the rate increase. The Employee/Employer rate increases from 15.50% to 17.50% = 2% increased deduction.

The Board voted on 7/20/23 to offset CB's share of the PERS contribution rate increase with an equivalent wage increase, as follows:

Current Hourly Rate	30.00
Hourly Rate Increase (30.00 x 0.02)	0.60
New Hourly Rate	<u>\$30.60</u>

Scenario 1 - \$1/hour raise minus \$0.60 rate increase given 7/20/2023 = \$0.40/hour add'l pay raise:

Current Hourly Rate	30.60
\$0.40/hour add'l pay raise	0.40
New Hourly Rate	<u>\$31.00</u>

Scenario 2 - \$2/hour raise minus \$0.60 rate increase given 7/20/2023 = \$1.40/hour add'l pay raise:

Current Hourly Rate	30.60
\$1.40/hour add'l pay raise	1.40
New Hourly Rate	<u>\$32.00</u>

Scenario 3 - 7.5% raise minus 2% rate increase given 7/20/2023 = 5.5% add'l pay raise:

Current Hourly Rate	30.60
5.5% add'l pay raise (30.60 x 0.055)	1.68
New Hourly Rate	<u>\$32.28</u>

Scenario 4 - 8.4% raise minus 2% rate increase given 7/20/2023 = 6.4% add'l pay raise:

Current Hourly Rate	30.60
6.4% add'l pay raise (30.60 x 0.064)	1.96
New Hourly Rate	<u>\$32.56</u>

PVGID OPERATIONS REPORT FOR
VOLUNTEER WORK DONE BY TRUSTEE DON OTTO
Report Period 7/14/2023 to 8/10/2023
ATTACHMENT: 8/17/2023 Meeting Agenda Item 9.a.

Operator: Don Otto worked 124 hrs (Donated time)

Driver: Matt McKibbon (hourly pay)

Roads Partial and Complete Grading:

1. Broken Spur
2. Crazy Horse
3. Yellow Tail
4. Amy South, with import from Ironwood Pit
5. Wild Horse
6. Crossover
7. Silver Horse
8. Bacon Rind (North and South)
9. Twin Springs
10. Grass Valley North, with import from Wayside Pit
11. Range Land
12. Peak
13. Roadrunner
14. Right Hand Canyon
15. Quaking Aspen, with import from Wayside and Ironwood

Other:

1. Replaced Stop Sign at Pyramid Hwy and Whiskey Springs intersection
2. Drove and assessed most system roads, some multiple times

Repairs:

1. Replaced battery in Peterbilt gravel truck
2. Replaced hydraulic hose on 770 grader

PVGID OPERATIONS MANAGER'S REPORT
Report Period 8/14/2023 to 9/17/2023
ATTACHMENT: 7/21/2023 Meeting Agenda Item 8.a.

ROADS GRADED AND/OR COMPACTED:

1. Amy Short
2. Wilcox Ranch: Amy to Twin Springs
3. Range Land: Pyramid to Peak
4. Wilcox Ranch: Near 2850 in the Cottonwood Creek narrows - use the belly dump to put 30 yards of Class E to fill in low spot, spread and compact
5. Wilcox Ranch Hill: Goodher to Mid
6. Hockberry
7. Pony Springs
8. Crossover (N)
9. Sharrock: Amy to Wild Horse

OTHER ROAD WORK:

1. Twin Springs upper culvert: Dig out gravel in creek to get flow back in alignment
2. Ironwood: Pyramid to Ironwood Pit, Restripe center line
3. Whiskey Springs: Pyramid to just past Broken Spur, Restripe center line
4. Amy Short: Applied Mag-chloride
5. Wilcox Ranch: Amy to Quaking Aspen, Applied Mag-chloride
6. Range Land: Cattle guard to Peak (N-S), Applied Mag-chloride
7. Prairie Road: Winnemucca Ranch to Jackrabbit, Applied Mag-chloride
8. Whiskey Springs: Right Hand Canyon to Piute Creek, Fill pot holes with 1 ton patch mix
9. Right Hand Canyon: Paved section, .20 ton patch mix
10. Broken Spur: Paved section, .22 ton patch mix

OTHER:

1. Office work
2. Attend Meetings
3. Post Agenda
4. Road Surveys
5. Town for parts
6. Misc. yard work
7. Holiday

EQUIPMENT:

1. '95 Pete Water Truck: Found suspension shims at Grass Valley mailboxes: Performed safety inspection on truck and the shims found were from this truck, red-tagged. Found a brake chamber mount was missing and had loose mounting nuts; brake shoes worn! Had Cashman's mechanic replace all four rear shoes with new spring kits. All new air lines to the brake chambers were installed. Reinstalled the shims and checked rear axle alignment. Les Schwab R&R 8 rear tires.
2. '05 Backhoe: Lubed all. When I was digging using the extend-a-hoe portion of the hoe, the hydraulic cylinder gland seals failed, so while Cashman was here working on the '95 water truck, I went to town and picked up a seal kit and two hydraulic hoses. Cashman's was able to use their crane to pull it off and reseal the cylinder. Reinstall assembly with new hydraulic hoses, check for leaks.
3. '00 Peterbilt Transfer: Greased all fittings. Performed safety inspection, found bed tarp guide cable was broken. Needs tires, Les Schwab R&R 8 rear tires.
4. '90 Case Loader: Bucket squealing very badly! Checked bucket bushings, "they have play." Greased the entire machine. Performed safety check, found safety bolt on left turn cylinder pin broken and missing part of it, replaced.
5. '02 Pete Tractor: Les Schwab R&R 8 rear tires.
6. '00 Pete Water Truck: Had new 4,000-gallon tank installed and hooked up plumbing and electrical. Had PTO driveshaft built and installed.
7. Wayside shop: Had rollup doors installed.
8. '03 770 Grader: Trans hydraulic pump driveshaft to fan failed, also hitting hydraulic return hose, R&R. Greased machine.
9. '05 772 Grader: Greased machine.

2023 MONTHLY ROADWORK AND REQUESTS REPORT

Report Compiled by Cathy Glatthar from Monthly Operations Manager's Reports

ROADWORK: G=Grading (Incl Watering, Compacting, Escapes), CE=Class E, D=Ditching, CC=Culvert Cleaning, CI=Culvert Install, W=Watering, AM=Asphalt Maint (Patching, Crack Sealing, Striping, Shouldering, Sweeping, etc.), SR=Snow Removal, MC=Mag-chloride, SC=Seal Coats, EP=Edge Paving, ER=Emergency Repairs, DR=Debris Removal, DG=DG Added, R=Request Received

			2023 Operations Manager's Report Date											
P=Paved UP=Unpaved	Road Segment	Miles	01/15	02/12	03/12	04/16	05/14	06/11	07/16	08/13	09/17	10/15	11/12	12/17
UP	Amy (N)	0.1												
UP	Amy (Whiskey Springs - James Ranch)	1.57	SR		G									
P	Amy (James Ranch - Ironwood)	0.88	SR	AM					AM					
UP	Amy (Ironwood - Wilcox Ranch)	0.4	SR	G							G, MC			
UP	Amy (S) (Wilcox Ranch - End)	1.4	R/SR				CC(1)			R/G prtl				
UP	Anniversary	0.5												
P	Axe Handle (Pyramid - Curnow Canyon)	3	SR	AM		ER,AM			R prtl					
P	Bacon Rind (N: Axe Handle - End of Surfacing)	0.5												
UP	Bacon Rind (N: End of Surfacing - End)	1.2								G				
UP	Bacon Rind (S: Axe Handle to Sky Canyon)	1.25								G prtl				
UP	Bacon Rind (S: Sky Canyon - End/Sage Cyn)	0.25												
UP	Big Dog (Prairie - Turn/4700 Big Dog)	0.6												
UP	Bootstrap	0.5												
UP	Broken Spur (N)	0.2												
UP	Broken Spur (S: Whiskey - Tumbleweed)	0.38	SR	R	R	G				R/G	R			
UP	Broken Spur (S: Tumbleweed - Morgan Ranch)	1.12	SR	R	R	G				R/G	R			
P	Broken Spur (S: Morgan Ranch - Sharrock)	0.9	SR								AM prtl			
UP	Chantry Flats	1.1	SR											
UP	Chieftan (Pasture View - Vista Trail)	0.8												
UP	Crazy Horse (Wilcox - Yellow Tail)	0.73	SR				R/CC(1)		R prtl	G				
UP	Crazy Horse (Yellow Tail - End)	0.37	SR											
UP	Crossover (N)	0.2									R/G			
UP	Crossover (Wild Horse - Twin Springs)	0.6								G				
UP	Curnow Cyn (Axe Handle - Quonset)	0.9	SR		G									
UP	Curnow Cyn (Quonset - Top of Hill 455 CCRd)	0.9	SR		G									
UP	Curnow Cyn (Top of Hill - Stop/190 CCRd)	0.8	SR		G									
UP	Easy Jet (Range Land S - End)	0.4												
UP	Flagstone	0.2												
UP	Grass Valley (W) (Pyramid - Flying Eagle Air)	1.6	R Base	R/SR		R/G,ER			R/G					
UP	Grass Valley (W) (Flying Eagle Air - End)	2.25							R/G prtl					
UP	Grass Valley (Pyramid - Wayside)	2.6						G prtl						
UP	Grass Valley (Wayside - Whiskey)	0.5						G		G prtl				

First Reading
Regular Meeting
September 21, 2023

ATTACHMENT 09/21/2023 Meeting Agenda Item 8.b. Submitted by Trustees Otto & Baker

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. F23-R1

LEVEL OF MAINTENANCE DESIGNATIONS CHANGE

NOW, THEREFORE, be it RESOLVED:

1. This resolution supersedes previous resolutions F77-R4, F93-R1, F06-R1, and F20-R1 for maintenance of roads within PVGID purview.

2. All roads within PVGID's purview will no longer be designated any particular "Level of Maintenance" as in the past Resolutions.

3. From this point on, all general road maintenance work within the PVGID's purview will be determined by the board President, or his designated Road Committee of one or two qualified persons.

4. This Committee shall confer with and direct the Operations Manager regularly, as needed, with the OM following instructions.

5. Road Maintenance Requests shall be forwarded promptly from the secretary to the entire board and the OM.

6. Roads throughout the District will not be maintained when weather and/or road conditions are unsafe or hazardous to the public or PVGID personnel or equipment.

7. Acceptance of new roads for maintenance is covered by Resolution No. F16-R2.

BE IT FURTHER RESOLVED that this Resolution be spread at large upon the minutes or attached thereto.

Second Reading and Adoption
Regular Meeting
August 20, 2020

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. F20-R1

ROADS ACCEPTED FOR MAINTENANCE AND
LEVEL OF MAINTENANCE DESIGNATIONS

WHEREAS, Resolution No. F06-R1 - Roads Accepted for Maintenance and Level of Maintenance (LOM) Designation - was intended to supersede Resolution No. F77-R4 - Road Maintenance, Seasonal Roads - but the resolution, as written, did not specifically state that it superseded the earlier resolution; and;

WHEREAS, Resolution No. F93-R1 - Resolution for Accepting Seasonal and Future Roads for Normal Maintenance by Palomino Valley General Improvement District - was revised by Resolution No. F16-R2 - Revision of Resolution No. F93-R1 - Procedure for Accepting Roads for Maintenance by the PVGID and the Requisite Road Standards. The revised resolution did not include any language regarding roads designated and listed as "Seasonal Roads" in the 1977 resolution.

NOW, THEREFORE, be it RESOLVED:

1. This resolution supersedes previous resolutions F77-R4, F93-R1, and F06-R1 for maintenance of existing roads.
2. Acceptance of new roads for maintenance is covered by Resolution No. F16-R2.
3. The classification of "Seasonal Roads" described in previous Resolution No. F77-R4 is hereby terminated. These roads will be elevated to LOM 3. Residents on roads previously listed as seasonal who desire to have road improvements beyond normal grading shall bear the cost of road improvements. It will not be the responsibility of the PVGID to upgrade these roads except where deemed practical and cost effective by the Board. These roads shall be maintained in their present condition and width.
4. The list of Palomino Valley GID Accepted Roads and Level of Maintenance Amended August 20, 2020 is attached and made a part hereto. This list should be reviewed and possibly updated every ten (10) years as growth occurs within the District.
5. Upon a resolution to add, delete, or change the level of maintenance for an accepted road, the Board of Trustees must draft a resolution to amend the list of "Accepted Roads and Level of Maintenance." The resolution must include the following:
 - Name of Road
 - Portion of Road to be Added or Deleted (if applicable)
 - Number of Miles to be Added or Deleted (if applicable)
 - Level of Maintenance Designation (1, 2, or 3)

- 6. The Level of Maintenance designation for each road or road segment was based on the level of traffic when Resolution No. F06-R1 was written in 2006, and generally correlates with the number of residences served. The LOM classifications are not a guarantee of how many times a year any particular road segment will be graded since other factors such as weather events, and subgrade soil characteristics are also involved. The Operations Manager shall, on a regular basis, survey roadways and establish priorities for maintenance. Requests for maintenance received from residents shall be analyzed by the Operations Manager who will determine validity and establish priorities for grading and other maintenance. The LOM designations set standards that can be used as a guide with the understanding that in certain situations a road may require repair or maintenance that is not commensurate with its LOM, but is necessary to keep a road serviceable.
- 7. Roads throughout the District will not be maintained when weather and/or road conditions are unsafe or hazardous to GID personnel and/or equipment.

BE IT FURTHER RESOLVED that this Resolution be spread at large upon the minutes or attached thereto.

Upon motion by Trustee Dennis, and seconded by Trustee Currivan, the foregoing Resolution was passed and adopted this 20th day of August, 2020 by the following vote:

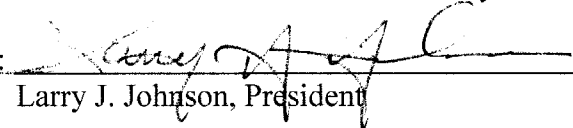
AYES: Trustee Dennis, Trustee Currivan, and Trustee Johnson

NAYS: Trustee Otto

ABSENT: Trustee Breitmeyer

ABSTAIN: None

Board of Trustees of the Palomino Valley General Improvement District

By: 

 Larry J. Johnson, President

NOTE: This Resolution cannot be amended or cancelled without a vote of the PVGID Board of Trustees.

**PALOMINO VALLEY GID ACCEPTED ROADS AND LEVEL OF MAINTENANCE
AMENDED AUGUST 20, 2020**

LEVEL OF MAINT	ROAD NAME	MILES	PORTION ACCEPTED	END GPS
1	Amy	2.45	Whiskey Springs South to	Ironwood
1	Amy	0.4	Ironwood South to	Wilcox Ranch
2	Amy	1.4	Wilcox Ranch South to	End
2	Amy	0.1	Whiskey Springs North to	N end: 39° 47.810N 119° 36.698W
3	Anniversary	0.5	All	
1	Axe Handle	3.0	All	39° 44.138N 119° 38.850W
2	Bacon Rind	1.5	Axe Handle So. to	39° 43.017N 119° 40.652W (Sage Cyn)
2	Bacon Rind	1.7	Axe Handle North to	End
3	Big Dog	0.6	Prairie to	39° 46.389N 119° 42.321W (4700 BD)
3	Bootstrap	0.5	Broken Spur East to	39° 48.336N 119° 36.694W
2	Broken Spur	2.4	Whiskey Springs South to	End
3	Broken Spur	0.2	Whiskey Springs North to	End
3	Chantry Flats	1.1	All	
3	Chieftan	0.8	Pasture View to	Vista Trail
2	Crazy Horse	1.1	All	
2	Crossover	0.6	Wild Horse South to	Twin Springs
3	Crossover	0.2	Wild Horse North to	N end: 39° 45.171N 119° 35.058W
2	Curnow Canyon	0.9	Axe Handle to	39° 43.676N 119° 39.229W (Quonset)
3	Curnow Canyon	1.7	39° 43.676N 119° 39.229W to	39° 43.018N 119° 38.404W (190 CC)
3	Easy Jet	0.4	All	
3	Flagstone	0.2	All	
3	Grass Valley	3.6	Pyramid Hwy West to	End
2	Grass Valley	3.1	Pyramid Hwy Southeast to . . .	Whiskey Springs
2	Grass Valley	0.8	Whiskey Springs South to	Turf Farm--39° 47.582N 119° 37.842W
2	Grass Valley	0.8	Sharrock North to	N End: 39° 46.722N 119° 37.835W
3	Grey Van	1.2	Range Land South to	End
3	Hay Canyon	0.3	All	
3	Hockberry	1.0	All	
1	Ironwood	4.9	Pyramid Hwy to	Amy
3	Ironwood (Little)	1.0	Whiskey Springs South to	Ironwood

Level of Maintenance: 1 = Primary 2 = Secondary 3 = Tertiary

PALOMINO VALLEY GID ACCEPTED ROADS AND LEVEL OF MAINTENANCE
AMENDED AUGUST 20, 2020

LEVEL OF MAINT	ROAD NAME	MILES	PORTION ACCEPTED	END GPS
3	Jackrabbit	1.0	All	
3	Lost Spring	1.0	All	
3	Mid	0.3	All	39° 42.108N 119° 32.838W
3	Morning Dove	0.2	All	
2	Pasture View	2.0	Whiskey Springs South to	End
3	Pasture View	0.8	Whiskey Springs North to	End
2	Peak	0.7	Winnemucca Ranch East to . .	Peak
2	Peak	1.7	Range Land South to	End
3	Pioche	0.2	All	
3	Piute Creek	1.7	Whiskey Springs to	39° 46.650N 119° 31.841W (2155 PC)
3	Pony Springs	0.8	All	
2	Prairie	1.0	All	
2	Quaking Aspen	1.4	Wilcox Ranch to	Hidden Canyon
2	Quaking Aspen	0.6	Hidden Canyon to	O'Hara
3	Quaking Aspen	3.3	O'Hara East to	Mountain Aspen
1	Range Land	2.9	All	
3	Rebel Cause	1.2	Range Land South to	End
2	Right Hand Canyon	3.2	Whiskey Springs to	Raptor: 39° 45.333N 119°32.592W
3	Right Hand Canyon	1.8	Raptor South to	End: 39° 44.853N 119°31.008W
3	Roadrunner	1.4	Winnemucca Ranch to	Ernie: 39° 50.814N 119° 42.884W
3	Sage Flat	1.3	Whiskey Springs North to	End
2	Sharrock	2.1	All	
3	Silver Horse	1.0	Wild Horse to	39° 45.383N 119° 34.498W
3	Space Test	0.5	All	
3	Tartan	0.2	All	
2	Twin Springs	0.3	Wilcox Ranch East to	Crossover
3	Twin Springs	1.9	Crossover East to	End
3	Two Forty	0.4	All	
2	Wayside	0.8	Grass Valley to	End: 39° 48.664N 119° 37.126W
1	Whiskey Springs	7.0	All	

Level of Maintenance: 1 = Primary 2 = Secondary 3 = Tertiary

**PALOMINO VALLEY GID ACCEPTED ROADS AND LEVEL OF MAINTENANCE
AMENDED AUGUST 20, 2020**

LEVEL OF MAINT	ROAD NAME	MILES	PORTION ACCEPTED	END GPS
1	Wilcox Ranch	4.0	Amy to	Goodher
2	Wilcox Ranch	1.0	Goodher to	Mid
2	Wild Horse	3.4	Whiskey Springs South to	End
3	Wild Horse	0.8	Whiskey Springs North to	End
3	Wrangler	0.8	Right Hand Canyon to	39°45.782N 119° 32.381W
2	Yellow Tail	2.1	All	
TOTAL Miles Maintained		93.25		
	Miles of Asphalt	19.95		
	Miles of Dirt	73.30		
LEVEL OF MAINTENANCE (LOM) DEFINITIONS				
PRIMARY -- LOM 1:		24.65	Miles	
	> High Traffic			
	> Main Collector Road (Most of these roads connect with Pyramid Hwy)			
SECONDARY -- LOM 2:		34.7	Miles	
	> Moderate Traffic			
	> Secondary Collector Road (One or more roads connect with these roads)			
	> Seasonal Maintenance--Road will not be maintained when weather and/or road conditions are unsafe or hazardous to GID crew and/or equipment.			
TERTIARY -- LOM 3:		33.9	Miles	
	> Low Traffic			
	> Not a Collector Road			
	> Seasonal Maintenance--Road will not be maintained when weather and/or road conditions are unsafe or hazardous to GID crew and/or equipment.			

Level of Maintenance: 1 = Primary 2 = Secondary 3 = Tertiary

Regular Meeting
March 24, 1977
Minutes: page 44

RESOLUTION NO. F77-R4

**ROAD MAINTENANCE
SEASONAL ROADS**

A Resolution Designating Certain Seasonal Roads and Maintenance Standards for Seasonal Roads was presented to the Trustees. Upon motion by Trustee Tiller, seconded by Trustee Ager and unanimously carried, said Resolution was adopted.

Job # 8676
January 13, 1977

PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

Recommended Maintenance Standards

"Seasonal Roads"

On September 8, 1975 the Palomino Valley General Improvement District adopted road standards as part of the minutes. In those standards, a seasonal road was defined as follows:

"Certain roads far up the canyons are to be for summer use only, i.e. no snow removal. These roads will only serve a few parcels, and due to the rugged terrain the cross section of the travelled way may be as narrow as 12 feet. This section will be restricted for use only in those cases that substantial damage to the terrain would occur if a wider road were to be constructed."

The PVGID at this time identifies, for maintenance standards, the following roads taken from the master plan of Palomino Valley and field inspection as seasonal roads:

1. Right Hand Canyon Road - from the end of the existing pavement to the cul-de-sac.
2. Wrangler Road - all
3. Quaking Aspen Road - from the west line of Section 5, T 21N, R 22E, to the end.
4. Microwave Road - all
5. Curnow Canyon Road - all
6. Space Test Road - all

The following maintenance standards shall apply to the above seasonal roads.

1. No snow removal
2. One spring maintenance with blade
3. Emergency spot maintenance during the months of May through October in the event the road becomes impassable by four wheel drive vehicles.

OPEN MEETING LAW HANDOUT

Compiled by Cathy Glatthar, Assistant to the Board
Contents Reviewed by Patrick Mansfield, Legal Counsel

ATTACHMENT: 02/16/2023 Meeting Agenda Item 3.a.

1. Subcommittees appointed by the Board of Trustees

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, Board-appointed 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 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 OML 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?msckid=5f509abfb88711ec902ff594a1e748c3>