

**Round Hill General Improvement District  
Board of Trustees Meeting  
November 18, 2008**

**Tuesday**

**6:00pm**

**1. Meeting Called to Order. (Side A/c#01)**

Meeting was called to order by Chairman Joe Francoeur.

**2. Pledge of Allegiance. (Side A/c#02)**

Pledge of Allegiance was led by Chairman Francoeur.

**3. Roll Call. (Side A/c#06)**

Chairman Joe Francoeur, Vice Chairman Glen Smith, Trustees Steve Teshara, Wes Rice and Chuck Fagen were present. The District Manager, Secretary, and Engineer were present. Jen Mahe and Joel Locke of Allison MacKenzie were present as District Counsel. Residents Eileen Rice, Herb & Donna Wheeler, Brad Dorton and Michael Murphy were present. Douglas County District Attorney Mark Jackson and Douglas County Clerk-Treasurer Ted Thran were also present.

**4. Public Comment. (Side A/c#10)**

None.

**5. Approval of Agenda. (Side A/c#12)**

Motion to approve the agenda as modified to reverse the position of items 6 and 7.  
Smith/Rice 5-0 approved.

**6. Discussion and possible action to move forward with permitting and construction of a new Round Hill entrance sign as per approved design. (Side A/c#550)**

Motion to proceed with permitting and construction of the new sign design without the existing tree.  
Smith/Rice 5-0 approved.

**7. Discussion and possible action on the November 4, 2008 election results. (Side A/c#17)**

Manager Reed stated that there were three open Trustees positions on the November 4, 2008 election and four candidates vying to fill those seats. The ballots received from Douglas County instructed voters to vote for only two seats. The erroneous ballots rendered the outcome of the vote questionable.

Manager Reed introduced Douglas County District Attorney Mark Jackson. DA Jackson stated that he was representing Ted Thran, the Douglas County Clerk-Treasurer. He stated that the issue would be going before the Douglas County Board of Commissioners at their regular meeting on December 4, 2008. He will provide them with the necessary background information. He stated that the only alternative is to have a new election with all four candidates running again. He will be advising the Board of Commissioners that there are no other potential actions for decision making by the Board of Commissioners. There is one specific statute 293.465 that will be controlling the outcome. Mr. Jackson reported that only the 359 voters that voted at the general election would be able to re-vote and the candidates can not withdraw their names for the re-vote.

He stated that the soonest the election would be able to be held would be on Tuesday, January 13, 2009. The Board of County Commissioners regular meeting would be January 15, 2009. The votes could be canvassed at that time and the elected candidates could be sworn in on January 16, 2009. That would prevent any disruption for the RHGID regular Board meeting on January 20, 2009.

Mr. Jackson stated that all costs and expenses for the re-election will be the responsibility of the Round Hill General Improvement District. The estimated costs would be approximately \$6,450.

Joel Locke from the Allison MacKenzie Law Firm stated that all information from Mr. Jackson was in fact correct and the Round Hill General Improvement District would be responsible for the costs incurred for the re-election.

Trustee Teshara asked how the County vests the draft ballot, finalizes the draft and sends it to the printer for production and mailing. Mr. Jackson stated that former Clerk-Treasurer, Barbara Griffin mailed a letter dated August 22, 2008 to the RHGID Board of Trustees. That letter advised the Board that with all the information she was provided, it was her understanding that there were in fact two Trustee open seats for the upcoming general election on November 4, 2008. The letter requested a response by September 4, 2008 from the GID staff as to the accuracy of Ms. Griffins understanding.

Both Manager Reed and District Secretary, Patti stated that they did not recall receiving any such letter. Because there was an obvious mis-communication between RHGID staff and the County Clerk's office, Trustee Teshara requested that the two entities split the expenses that will be incurred in performing the re-election. RHGID Chairman Joe Francoeur and District Manager Reed will be attending the December 4, 2008 Douglas County Board of Commissioners meeting.

Consistent with NRS 293.465, a motion was made that the Board of the Round Hill General Improvement District comply with the provisions of NRS 293.465 as they have been articulated on the record by the Douglas County District Attorney and Round Hill District Counsel and to ask that an agenda item be placed on the December 4, 2008 Douglas County Commission agenda that would include both the District Attorney's recommendation for how the District proceeds and an opportunity for the Round Hill General Improvement District to request the Board of Commissioners to consider splitting the costs of the re-election with the County. Teshara/Francoeur 5-0 approved.

**8. Discussion and possible action to authorize staff to proceed with filing Claim of Lien.**  
**(Side B/c#4)**

District Secretary, Patti reported that she and Manager Reed have spoken to and sent letters to Ms. Martin regarding her past due status. Manager Reed offered her a payment plan. She agreed with the payment plan but to date has made no payments.

Motion to approve staff to proceed with Claim of Lien against the property located at 482B McFaul Way in accordance with Ordinance 5.J and NRS 318.917. Rice/Fagen 5-0 approved.

**9. Discussion and possible action for processes and procedures on plowing private roads in the Round Hill District. (Side B/c#18)**

At the October Board of Trustees meeting, Chairman Francoeur requested that RHGID staff research information available on snow plowing of private roads in the Round Hill District.

Manager Reed reported that the information uncovered at the District office did not formalize any plowing relationship between the District and any of the owners of the private roads. He stated that he did

not feel the District should be responsible for the clearing of berms from private driveways but agreed that staff should do their best to minimize the amount of berm created when plowing the streets.

Manager Reed asked Jen Mahe, District Counsel if she knew about any documents held at their offices regarding plowing of private roads in the District. She stated that she had spoken with Pat Fagan and he was not aware of being in possession of any documents related to this issue.

Motion authorizing staff to prepare a proposal for a future Board meeting for a language policy regarding plowing private roads in the Round Hill District. Smith/Teshara 5-0 approved.

**10. Discussion and possible approval to file Beneficial Use Permit #68876. (Side B/c#131)**

Manager Reed reported that he would like to file proof of Beneficial Use for Permit #68876 which is the Trendwest property. Trendwest is using their total allotment and RHGID can show proof of beneficial use for that property.

Motion approving staff to file Proof of Beneficial Use Permit #68876 on the Trendwest property. Rice/Teshara 5-0 approved.

**11. Discussion and possible action to abate sewer fees for Selective Properties located at 188 Hwy 50. (Side B/c#167)**

Vice Chairman Smith asked if the RHGID Tariffs allowed for the abatement of sewer fees. Manager Reed stated that he personally, is not permitted to abate any fees.

RHGID staff was contacted by Selective Properties regarding their larger than normal water and sewer bill for the month of October 2008. The crew was immediately dispatched to re-check the meter and observed water coming up in front of the building and determined that there was a leak on the owner's side of the service. Selective Properties had the leak repaired immediately.

Peter Quenzer contacted Manager Reed requesting an abatement of the sewer charges. Manager Reed told him that the tariffs did not allow for abatement but that he could appeal to the Board of Trustees. Mr. Quenzer acknowledged that the water did run through the meter and he had no problem paying for the water usage, but rather was asking that the water lost due to the leak be treated as irrigation water and requested abatement of only the sewer charges.

The potential consensus of the Board was to grant Mr. Quenzers' request for abatement of the sewer charges however, the Board felt that they wanted to be on solid ground such that if this issue came up again in the future, they would have a basis on which to judge these appeals.

Motion requesting District Manager to create a policy for such an abatement and bring it back to a future meeting with the specifics of the Selective Properties request. Teshara/Smith 5-0 approved.

**12. Discussion and possible approval of modifications to the Round Hill General Improvement District personnel policies. (Side C/c#88)**

Manager Reed supplied the Board with his and staff's recommended changes. Vice Chairman Smith questioned the policy item regarding "Weapons and Firearms". It was his opinion that an authorized carrier should be able to bring a weapon in their vehicle.

Manager Reed's contention was to eliminate a person's ability to have a weapon "In the District Building or Facility". District Counsel, Jen Mahe stated that she would look further into the legal aspects of this issue and advise Manager Reed of her findings prior to coming to the Board for approval.

Trustee Teshara would like to have all changes to the personnel policies reviewed by District Counsel to ensure that the District is in compliance with current California and Nevada laws.

Motion to direct staff to address the concerns and issues brought up by the Board members and work with Counsel to ensure a comprehensive update of the Round Hill General Improvement District's personnel policies to be brought back at a future meeting. Teshara/Rice 5-0 approved.

**13. Consent Calendar. (Side C/c#203)**

Motion to approve item i of the minutes of October 21, 2008 as presented. Teshara/Rice 4-0 approved.

Motion to approve items ii through v of the consent calendar as presented. Smith/Rice 5-0 approved.

**14. Staff Reports. (Side C/c#224)**

Manager Reed reported that staff and Counsel continue to follow the progress of the Public Utilities Commission with regard to marking sewer laterals. Verizon continues to work on the new cellular tower and ground work has been completed.

Mr. Reed attended the LTWIP meeting to discuss development of a basin wide GIS Program and had reviewed and commented on the latest papers prepared by HDR in support of the project. The Nevada Bureau of Safe Drinking Water conducted its annual sanitary survey of the District in October and staff's response has been drafted and delivered to the State. The TWSA Annual Watershed Report has been issued and a copy is available for review at the District office.

District Engineer Brien Walters, met with Manager Reed to draft and submit an application to the State of Nevada for grant funding to replace and rehabilitate the District's water tanks. Brien is in the process of developing an analysis/life cycle cost of different tank design options.

Manager Reed reported that the RHGID crew had replaced the screens on the tops of the clarifiers due to an air leak in the diffuser header. He also ordered a new meter to replace the failed meter at the Castle Rock property. Manager Reed gave a brief presentation of the new RHGID website designed by Hanna Bernard of Highmark Designs.

District Counsel, Jen Mahe reported that Pat Fagan had spent a considerable amount of time preparing comments for the sewer laterals with the PUC and working on the election issues.

Vice Chairman Smith reported that the Fire Safe Chapter grant funds had been received. The grant period started on July 1, 2008 and had 43 people on the list with work to be done. Contractor Frank Cody has been going through the neighborhood giving quotes and Block Captains are picking up paperwork. Frank has also completed three properties so far and will continue as long as the weather permits.

Trustee Teshara reported that the Tahoe Douglas Fire Protection District question on the November 4, 2008 ballot passed. He urged everyone to go to [votefiresafe.org](http://votefiresafe.org) in order to calculate what their cost would be for services. The website will be available until the end of 2008.

Vice Chairman Smith reported that the Nevada Tahoe Conservation District offices would be moving its offices to Dorla Court on December 1, 2008.

**15. Correspondence. (Side C/c#350)**

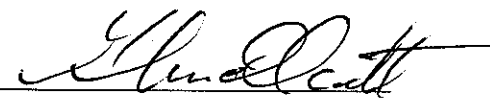
Trustee Teshara asked if Manager Reed had received any response to his letter regarding the sanitary survey from the NDEP. Manager Reed reported that he had not but didn't expect a response unless there was a problem.

**16. Adjournment. (Side C/c#370)**

Move to adjourn made by Trustee Teshara/Fagen.

Attest:

  
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Joe Francoeur  
Chairman

  
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Glen Smith  
Vice Chairman

**Round Hill General Improvement District  
Board of Trustees Meeting  
December 2, 2008**

Tuesday

6:00am

**1. Meeting Called to Order. (Side A/c#01)**

Meeting was called to order by Chairman Joe Francoeur.

**2. Pledge of Allegiance. (Side A/c#02)**

Pledge of Allegiance was led by Joe Francoeur.

**3. Roll Call. (Side A/c#05)**

Chairman Francoeur, Vice Chairman Glen Smith, Trustees Chuck Fagen and Wesley Rice were present. The District Manager, Secretary and District Counsel were present. The District Engineer and Trustee Steve Teshara were absent. Residents Frank & Lucille Hays, Clayton Johnson, Brad Dorton, Michael Carney and Carl Aynedder were present.

**4. Public Comment. (Side A/c#7)**

None

**5. Approval of Agenda. (Side A/c#8)**

Motion to approve the agenda as published. Rice/ Fagen 4-0 approved.

**6. Discussion and possible action on the November 4, 2008 election results. (Side A/c#10)**

District Counsel, Pat Fagan stated that Joel Locke from his firm did extensive research on the matter of re-elections. In his letter drafted to the Douglas County Commission he requested assistance from the County in order to defray the costs of a new election.

Resident Clayton Johnson stated that he had also spoken to the State and the County Treasurer and was in agreement with Counsel but did want to know how voters were going to be notified of the re-election and how the District could minimize the costs being incurred.

Resident Lucille Hays was concerned that many Round Hill residents have already left the hill for the winter season and hoped that they would have the opportunity to vote again.

Chairman Francoeur and Manager Reed stated that these would be questions asked when they attended the County Commissioners meeting on December 4, 2008.


After further discussion it was agreed that Chairman Francoeur, Vice Chairman Smith, District Counsel Pat Fagan and Manager Reed would attend the Board of Commissioners meeting and voice three concerns:

- 1) That the County share the costs of the re-election.
- 2) That the re-election be held as an absentee ballot vote, and
- 3) That a letter of notification be sent to all eligible voters prior to the re-election.

**7. Adjournment. (Side A/c#340)**


Move to adjourn made by Vice Chairman Smith/Fagen 4-0 approved.

Attest:



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Joe Francoeur  
Chairman



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Glen Smith  
Vice Chairman