

**TOPAZ RANCH ESTATES GENERAL IMPROVEMENT DISTRICT  
AND  
TOPAZ RANCH ESTATES WATER COMPANY**

Address: 3924 Carter Drive, Wellington, Nevada, 89444 / Telephone: 775.266.3000

**MEETING MINUTES**

**SPECIAL MEETING MINUTES**

**DATE:** February 16, 2023  
**TIME:** 4:00 P.M.  
**LOCATION:** TOPAZ RANCH ESTATES COMMUNITY CENTER  
3939 Carter Way, Wellington, NV 89444

Supporting material and the audio tape is available for public inspection at the TREGID office during regular business hours (8:00 a.m. to 4:00 a.m.), Monday through Friday, except legal holidays. Please make your request to the TRE GID office at the address and phone number above OR by email directed to: [TREGID2023@gmail.com](mailto:TREGID2023@gmail.com)

**CALL MEETING TO ORDER:** Led by Chairman Brandon Taylor **TIME: 4:04pm**  
**PLEDGE OF ALLEGIANCE:** Led by Chairman Brandon Taylor  
**BOARD MEMBERS PRESENT:** Brandon Taylor, Dave Akola, Lisa Sandbo, Michael Tanner, and Kaitlyn Insell  
**STAFF MEMBERS PRESENT:** none  
**INTRODUCTION OF GUESTS:** Frank Flaherty

**AGENDA APPROVAL: For Possible Action:** Board action to approve the February 16, 2023, Special Meeting Agenda.

**Public Comment:** No Public comment.

Dave Akola made a motion to approve the February 16, 2023, Special Meeting Agenda. Mike Tanner seconded the motion.  
The motion carried 5-0.

**MINUTES APPROVAL: For Possible Action:** Board action to approve the Minutes of the December 14, 2022, Regular Board Meeting.

No Board Action. No public comment.

**PUBLIC COMMENT:**

Not for Board Action: None

**CONSENT CALENDAR**

For Possible Action: Bills to be Paid for: N/A

- 1. Water Bills: \$ N/A
- 2. Road Bills: \$ N/A
- 3. Bergkamp: \$ N/A

**Public Comment:** N/A

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**MEETING MINUTES**

**REPORTS**

**REPORTS: For Discussion**

- A. Treasurer's Report: N/A
- B. Water Operator's Report: N/A
- C. Road Report: N/A
- D. Attorney's Report: N/A
- E. Engineer's Report: N/A

**ADMINISTRATIVE CALENDAR**

**ADMINISTRATIVE AGENDA**

*(Any items removed from the Consent Calendar will be added and heard at this point.)*

**1. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:**

Interview attorneys and / or review their written submissions. And selection of new counsel.

- Brandon Taylor – there were two attorneys present at the meeting held on February 8, 2023, regarding the information put in the newspaper seeking new counsel for the GID (agenda item number 3). We have received responses from all attorney's that are interested in fulfilling the position.
  - Frank Flaherty present from Dyer Lawrence, LLP. Has been practicing law for 27 years, there are 2 other lawyers at the same office (25 to 35 years practicing law). Has a lot of experience working with administrative agencies, has appeared in Federal Court, State Court, and Nevada Supreme Court. Some experience with open meeting law. A lot of experience working with Boards and labor and employment law matters. Has spent time with NRS Chapter 241 looking at it from the side of ensuring compliance. Also looked at NRS Chapter 318.
- Brandon Taylor – question to the attorney – how did you come about deciding to make the application with the GID?
  - Frank Flaherty – someone had recommended me for this position in relation to my work with the Pine View Estates Homeowners Association.
- Brandon Taylor –What is your average response time, as this is an issue we have run into in the past and so we want to ensure that we will have a relatively quick response time from any new counsel. When you receive an email what do you think your estimated response time would be?
  - Frank Flaherty – If I am sitting at my desk and I am not tied up or in the middle of another case, I will take the call / reply to the email right then. If I am in court, I will usually get back to you same day or within a day or so. There are also 3 other lawyers in the office, and if it is an emergency scenario, my assistant would get one of the other attorneys involved.
- Brandon Taylor – The email or phone number that we would have, is that one that your assistant would see as well? If not, then how would your assistant get one of the other attorneys involved?
  - Frank Flaherty – I would ensure that you have my assistant's email, and if I am on vacation there is always an autoreply that will report I am gone and to reach out to my assistant. There may be times that I may receive an email that I need to do more research on, and I will respond with a rough time frame as to when I will respond after doing a little research.

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- Brandon Taylor – you mentioned experience with employee law or HR law, what experience do you have in that aside from just general basic?
  - Frank Flaherty – I have represented unions, public sector mostly, but one private sector union. Have encountered different situations. Done employment law matters as well, I have represented both employees against their employers and employers against their employees.
- Dave Akola – we have a parcel that is owned by Douglas County, about a month ago after the rains we had material come down from the burn scar and cause an issue in the TRE culverts downstream from it. There has been requests for a letter to be written to Douglas County about this issue from the previous attorney, they gave the GID an estimate for the GID to pay for Douglas County to clean it up. Do you have a problem with writing a letter to Douglas County stating that they need to fix it, or we seek litigations?
  - Frank Flaherty – I wouldn't have an issue, but I would want to conduct my own assessment first and conclude that everything is how we have been told it is. When I threaten litigation, I want to ensure that we truly are going to go through with the litigations, so we don't become the "boy who cried wolf" and the County or whomever doesn't take the GID seriously.

**Open for Public Comment before Board action:** None.

Dave Akola made a motion to engage the service of Frank Flaherty with Dyer Lawrence, LLP, Attorneys and Counsel at Law at an hourly basis of \$315 per hour billed at 1/10 of per hour increments, subject to letter dated February 9, 2023.

Mike Tanner seconded the motion.

The motion carried 5-0

**PUBLIC COMMENT:**

- Steve Mitchell – if we were to review public records regarding disciplinary actions would we find any against you in the state of Nevada?
  - Frank Flaherty – There would not be any found.
- Fred Farley – if there were to be any disciplinary action resulting in termination of any employee, would you be able to give guidance on that?
  - Frank Flaherty – I would bring it to the entire Board and get any information about the concern and the facts. That would be something discussed in closed session.

**A COMPLETE RECORDING OF THIS MEETINGS DISCUSSION CAN BE FOUND AT THE GID OFFICE**

**TRUSTEES' REPORTS.** N/A

**ADJOURNMENT:** Dave Akola made a motion to adjourn. Lisa Sandbo seconded the motion. The motion carried 5-0.

**TIME: 4:34 pm**

Minutes submitted by Board Secretary Kaitlyn Insell