

TOPAZ RANCH ESTATES GENERAL IMPROVEMENT DISTRICT

Address: 1490 Albite Road, Arden Square, Suite 8, (Topaz Ranch Estates) Wellington, Nevada, 89444 / Telephone: 775.266.3000

MEETING MINUTES

REGULAR MEETING MINUTES

DATE: Wednesday, February 14, 2024
TIME: 6:00 P.M.
LOCATION: TOPAZ RANCH ESTATES COMMUNITY CENTER
3939 Carter Drive, 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

- 1) **CALL MEETING TO ORDER:** Led by Chairperson Sharon Becker **TIME: 6:02 PM**
- 2) **PLEDGE OF ALLEGIANCE:** Led by Trustee David Akola
- 3) **BOARD MEMBERS PRESENT:** Dave Akola, Lisa Sandbo, Michael Tanner, Sharon Becker, Alton Randall
- 4) **STAFF MEMBERS PRESENT:** Robert McVicker TREGID DOM
- 5) **INTRODUCTION OF GUESTS:**
- 6) **AGENDA APPROVAL:** For Possible Action: Board action to approve the **February 14, 2024**, Agenda.

No Board Comments

Public Comment before Board Action: No Public comment.

Trustee Becker made a motion to approve the Agenda for the January 31, 2024 Regular Meeting. Trustee Tanner seconded. Motion carried 5-0.

7) **MINUTES APPROVAL:**

For Possible Action: Board action to approve the minutes of the January 10, 2024 Regular Meeting.

Public Comment before Board Action: No comments.

Trustee Becker moved to approve the January 10, 2024, minutes. Seconded by Trustee Tanner.

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Motion carried 5-0.

- 8) PUBLIC COMMENT:** Not for Board Action: This portion of the meeting is open to the public to speak on any topic within the authority of the Board that is not on tonight's agenda. Public comment is limited to 2 minutes per speaker, and speakers will be asked to sign in for the record. The Board will not take action. The Board is not required to respond to Public Comment.

Shelly Gonzales: Request for recorded minutes follow up. Trustee Becker assured her the request will be fulfilled this evening. NRS states 45 days from the date of the request. Also, who is responsible for website update, contact information on the website, trustee phone numbers and email addresses, who has the phone number which is the emergency contact for TREGID residents on the website. Trustee Randall addressed

Michael May: Is Granite Way owned by TREGID? It is the perfect site for a TREGID office space. Are property taxes due? Trustee Sandbo addressed since TREGID is a government property tax and these fees are waived. The property must be rezoned to allow for a TREGID office to be placed on the property.

CONSENT CALENDAR

A. FOR DISCUSSION ONLY: Bills to be paid **February 2024**

- | | |
|------------------|----------|
| 1. Water Bills: | \$32,840 |
| 2. Road Bills: | \$20,560 |
| 3. Debt Service: | \$16,953 |
| 4. Attorney: | \$3,600 |

- B. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Resolution for BOM job description approved by TREGID board on November 8, 2023

Pulled from the agenda.

- C. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Resolution for Water Manager approved by TREGID Board on November 8, 2023.

Pulled from the agenda.

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D. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny: Resolution for Late Payment Agreement by TREGID Board on January 10, 2024.

Pulled from the agenda.

E. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny: Approve the invoice form 3D Enterprises for \$1800. This is for the snow removal on February 4, 2024.

F. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny: Approve a \$3 convenience fee for payments of water bills taken over the phone.

Trustee Becker explained this is for taking payments over the phone only. It is a reduction in the convenience fee.

All Consent Agenda Items open for public Comment Before any Board action:

Trustee Tanner moved to approve the Consent Calendar. Seconded by Trustee Sandbo.

Motion carried 5-0.

REPORTS

9) REPORTS: For Discussion Only:

A. Treasurer's Report:

Bank and Investment Accounts	\$298,310	Restricted
	\$1,110,506	Unrestricted
	\$68,548	Deposits
	\$65,335	Debits
Cash Accounts:		
	\$570,617	Water Operations
	\$59,419	Water Projects Account
	\$100,416	Cash in Transit to bank
	\$300	Petty Cash
Investment Funds		
	\$88,236	Capital Projects
	\$122,838	Short Lived Assets
	\$3,632	TREWRT

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	\$196,841	LGIP Investment WCO
	\$28,410	Equipment
Income	\$3,445	Grant Revenue
	\$45,795	Interest on Investments
	\$22,155	Customer Payments
	\$71,395	Road Tax/Consolidated Tax

- B. Water Operator's Report: None
- C. Road Report: None
- D. Attorney's Report: Election protocol
- E. Engineer's Report: There was a water discharge from well # On Feb 10. It is being corrected with the help of Cody Black and Shaw Engineering. Problem with the SCATA reporting system due to frequency disruption. SCATA vendor will be helping to correct this. There are some dig outs to the old system. That part of the paving will be included in this repair per our engineer.
- F. FEMA Report: Application for protective measures approved and in NV Dept of Energy portal and being reviewed. The reimbursements will be for the immediate non-permanent (in kind) work during the emergency. Culvert bids are coming in for FEMA. It is public knowledge and must be SAM approved. Most roads will be chipped sealed with regular maintenance. Trustee Becker presented Bruce Peyton recommendations for road maintenance.

10) 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:** Send a letter to the Douglas County Board of Commissioners expressing opposition to the Board of Commissioners assuming ex-officio trustees status for the District, disputing certain factual representations made to the Commissioners and otherwise opposing ex-officio trusteeship. As noted in NRS 318.264, an objection to the petition may be withdrawn due to an objection of fraud or misrepresentation. (State of Nevada Legislation).

Trustee Tanner spoke about this item. The numbers put before the public were incorrect. The complete board was not in agreement. The State taxation was contacted by a member of the board, not the taxation board contacting the TREGID.

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Frank Flaherty-The NRS refers to a petition to annexation rather than the petition. The board recommended this action of having the BOCC become ex-officio trustees. The board has changed since that time, yet they have not taken any other position as to their last recommendation of having the county become the ex-officio trustees. Recommended having a board vote to voice a differing opinion than before. Attaching documentation would be best as it is public information.

Trustee Becker – Once the BOCC takes over as ex-officio trustees they become the deciding faction. This will affect the USDA grants and possibly FEMA funding. The BOCC pays little attention to those “south of the 7-11”.

Alton Randall – It is easier to get rid of a TREGID trustee than a BOCC member. We have the means, and we have a plan to go forward as the TREGID road management.

Trustee Akola – Reviewed his numbers from the checking account and stated we are 100K over budget. Stated Trustee Tanner has violated standing rules many times. Trustee Becker interrupted this and recommended this is not proper board etiquette. Trustee Akola verbally tendered his resignation and handed a written resignation moments later.

Trustee Randall: Reviewed Trustee Akola’s position of lack of funds and position in favor of the BOCC as ex-officio trustees for TREGID.

Trustee Becker motioned to have Frank Flaherty send a letter to the BOCC opposing the ex-officio trusteeship with supporting documentation. Seconded by Trustee Randall.

Open for Public Comment before Board action:

Donna Tanner: From the BOCC minutes in September and November. If the BOCC becomes ex-officio nothing changes, no more funds or equipment. The BOCC cited a historical struggle to submit the yearly audits timely as well as limited resources for projecting shortfalls. In contrast, the County has a balanced budget and broad expertise and equipment.

Michael May – supports the TREGID decision to revise and oppose the BOCC becoming the ex-officio trustees. The gold is in the water.

Board comment:

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Trustee Akola reiterated the county must hold a hearing as per NRS.

Trustee Sandbo recalled the BOCC wants the entire board to agree on their position with their position as the BOCC as the ex-officio trustees.

Motion carried 4-1 (Trustee Akola opposed)

2. Send a letter to the Douglas County Board of County Commissioners expressing concern and opposition to any effort by the Board of County Commissioners to dissolve the District or subject it to a merger or consolidation and disputing certain factual representations made to the Commissioners. **NRS 318.490.3** If a majority of the members of the board of county commissioners of a county deems it to be in the best interests of the county and of a district with annual revenues of more than \$1,000,000 that was, on October 1, 2005, exercising powers pursuant to **NRS 318.140, 318.142, 318.144**, that the district by merged, consolidated or dissolved, the board of the county commissioners shall submit the question of the merger, consolidation, or dissolution to the board of trustees of the district. If the board of trustees of the district, by resolution, does not agree to the merger, consolidation, or dissolution within 90 days after the question was submitted to it, the district may not be merged, consolidated, or dissolved.

Trustee Becker – Concerned that if they take over as ex-officio they could consider dissolving, merging, or consolidating. This allows

Frank Flaherty – The BOCC as ex-officio trustees may have the power to dissolve, merge, consolidate the district.

Trustee Becker motioned to move the board adopt a resolution expressing its opposition to any effort by the county to merge, consolidate, or dissolve the district pursuant to NRS 318.490 and state as a matter of record that the board of trustees of the TREGID is in opposition to such action and include this is the letter being sent to the county pursuant to Item 1 of this agenda. Trustee Randall seconded.

Open for Public Comment before Board action:

Motion carried 4-1(Trustee Akola opposed)

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3. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Direct the District's legal; counsel, Frank Flaherty, to work on behalf of the District on the County takeover:

As this was covered in the above agenda items, it was changed to discussion only:

Open for Public Comment before Board action: No public comment

4. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** The Trustees shall request the District's legal counsel to respond to the County's recent requests for financial information.

This was changed to discussion.

The County's former CFO is the person the County hired to do the investigation and fact finding for the county's possible action as ex-officio trustees. She has only been retired for less than 60 days from the county and was there when this was brought to the BOCC.

Trustee Becker: Concerned about not being transparent could be viewed in a negative light and stir up a hornet's nest. By working with the investigator will be seen more favorably.

Trustee Tanner agrees that there is concern about the investigator, however, should supply information.

NRS 286.5233 Employment of a retired employee: Exception for reemployment of certain retired employees to fill positions for which critical labor shortage exists.

Open for Public Comment before Board action:

Donna Tanner - does the County and a private entity asking for same information?

Shelly Gonzales – Can we wait to see if the investigator is openly hostile?

Sandra Offenstien – Is this something that can be reviewed later if necessary?

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5. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Approve the Grant Management Policy of the TREGID by the District Financial Department. **See Attachment A**

This is a required document to submit to the state.

Trustee Becker – Motion to adopt the Grant Management Policy as attached to the agenda as Attachment A. Trustee Tanner seconded.

Open for Public Comment Before Board action:

Sandra Offenstien : Is this a new a new policy?

Motion carried 5-0

6. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Creation of an official Facebook page for public access and streaming for TREGID meetings. This is a discussion only item.

Trustee Becker informed the audience that the previous board has approved this Facebook streaming item in 2022.

Trustee Randall reviewed how a FB page could be used by the TREGID board. The TREGID website page is inadequate and hard to manage. Zoom meetings are also an avenue that could be done. This set up would serve the community better and have better transparency with regards to the board.

Trustee Becker: Who would be moderators and possible OML violations.

Frank Flaherty – It should be informational only. Do not allow comments. Admins could be a board member and a staff if necessary. Could have a FAQ. Staff could direct inquiries to files and other websites. Opinions of trustees must be limited to 2 due to walking quorum.

Open for Public Comment before Board action:

Donna Tanner: Would it replace the website? USDA requires a website, I believe.

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Cynthia Sanchez – Recommended board members are not allowed as admins due to the Federal OML violations. Any questions could be directed to be put on the next meeting agenda. Also, can do Zoom meetings from FB page.

Board discussion:

Trustee Randall – Would FB overkill.

Trustee Becker – I believe many people prefer a FB page.

Trustee Sandbo – Suggested a staff member and board member. All comments need to be approved. Frank Flaherty advised no comments, only questions. It also needs to be an entity not a personal page.

- 7. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Select and hire Jennifer Schofield to serve as Part Time Accounts Receivable/Receivable/Clerk.

Trustee Akola noted that the resume and application was not disseminated to the board members 5 days prior to the meeting as per the Standing Rules.

Trustee Becker motion to tentatively offer employment subject to background check, drug test and the full board reviewing her resume and application pursuant to Standing Rule 25.5.6. Trustee Tanner seconded.

Trustee Akola – Can not vote for this since it violates the stand rules.

Trustee Randall – Will can still vote at the next meeting to vote and deny, correct?

Open for Public Comment before Board action:

Motion carried 4-1 (Trustee Akola opposed)

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- 8. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Discuss the proration of overhead expenses for roads operations and water operations and adjust/modify the current proration between road expenses and water expenses. (DA)

This item was tabled from December 2023 regular meeting.

Trustee Akola – analyzing the checking account, there is not enough money to cover expenses. Corrected mistakes noted in the numbers on the handout. No way to meet the budget constraints. Not enough even with FEMA money. Recommended 3 or 4 years ago, having a geotechnical engineer review the road base. If the Board goes over or uses water money on the roads, will file with the Secretary of State and the State Attorney General. Standing Rule 16 states the board should review the budgetary percentages every 6 months and it has not been done in several years.

Trustee Randall – What is the 40/60 split? 40% comes from the road budget and 60% comes from the water budget.

Trustee Sandbo – Why are we not using the current treasurer's report? You used the first 7 months of a check book for analysis. Why not using the treasurer's report for the number? Can we legally change the split?

Trustee Becker – First quarterly report showed the water as unfavorable, yet the road was favorable. The 60/40 split is close (64/46 in the 1st qt). Our unrestricted funds went from 800K to 1.4M in the last 5 months. The board can ask for interfund loans within its entities.

Open for Public Comment before Board action:

Donna Tanner - can take loans between entities. The money is split as to how it comes into the district which

Brad Becker – Revenue stream has stabilized. Use your money wisely between the departments by taking loans.

Motion to change the proration to 75 water/25roads.

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Motion failed to carry - 4-1 (Trustee Akola approved)

9. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Discuss the need to raise water rates and by how much. Raise the rates starting with the next water bill. (DA)

Trustee Akola – did we have NvRW do a rate study. Since it was not completed, table this item. Will have a rate study on the next month agenda.

10. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Reimburse customer \$1,860 for the difference between the “Re-establishment Service Fee” and the “Connecting Water Service Fee”.(Jim Greyback)

Explained the circumstances of having an account started when he moved in.

Trustee Becker motioned to credit Mr. Greyback the late fee of \$9. Trustee Randall seconded. Trustee Becker will check for the refund of \$1655.

Open for Public Comment before Board action: No public comment

Motion carried 5-0

11. **For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:** Water Meters: equipment installed, pulled, and changed more than once; meters are with property from day 1; understanding and accommodation customers for past mistakes; not charging customers of the error; and communication with residents on utilities and what is expected. (M Deaton/ M. May)

Michael May – Reviewed the circumstances of the hook up fees. No meter in the pit. Outstanding bill of \$209. Sent wife/girlfriend to have meter reinstalled. Asking the board to investigate. Paid deposit and set up fee. Feels the fee should be a fee to put the meter back-\$50. Ms. Deaton requested her water service from Ballman to be transferred to the new residence. The bill came in Ms. Deaton name or in Liz or Laurence in c/o Ms. Deaton. The water payment will continue to be paid, however, if owed I understand.

Trustee Sandbo – sounds like she just wanted a transfer.

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Trustee Tanner – Did she have the water shut off properly? Mr. May was not sure.

Trustee Becker read the re-establishment fee from the standing rule. If the circumstances are correct, it may be a transfer rather than a re-establishment fee. It will require some investigation.

Table this item as the board cannot make a decision without the complete picture.

Mr. May also noted a possible replacement date for the meter.

12. For Discussion only: Fix our roads. (Don Youmans)

The public member was not present to present the item.

11) TRUSTEE'S REPORTS (IF ANY, FOR Discussion Only):

Trustee Tanner: Reviewed the overall road conditions. Mapped all the roads in TRE and discussed what is covered by FEMA, the old valve dig-outs, and the remaining road conditions and repairs for the future. Trusted Akola spoke about the placements of the remaining fire hydrants. The bid process is public.

Trustee Becker: Water discussion- Made copies of the water contract. Reviewed the charges. \$2.75 for every 1000 gals is the charge for TREGID contract. People use 150-200 gals a day per GIS or EPA sites, including the daily use such as showers, dishes, and laundry. Studies show an average of 180 gals a month from unknown leaks.

TREGID is \$45.50 monthly service fee and \$2.75 for every portion of

12) PUBLIC COMMENT:

Not for Board Action: This portion of the meeting is open to the public to speak on any topic within the authority of the Board that is not on tonight's agenda. Public comment is limited to 2 minutes per speaker, and speakers will be asked to sign in for the record. Public comment may be further limited due to time constraints. The Board will not take action. The Board is not required to respond to Public Comment.

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13) ADJOURNMENT:

TIME: 9:27 PM

Motion to adjourn by Trustee Becker and seconded by Trustee Akola, carried 5-0.

Minutes submitted by Board Chairperson Sharon Becker.

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

DRAFT