

**ROUND MOUNTAIN TOWN BOARD  
SPECIAL MEETING  
DONALD L. SIMPSON COMMUNITY CENTER  
650 CIVIC DRIVE, HADLEY SUBDIVISION  
ROUND MOUNTAIN, NEVADA  
[rmtownadmin@gmail.com](mailto:rmtownadmin@gmail.com)  
WEDNESDAY, FEBRUARY 17, 2016 – 12:00 P.M.**

**MINUTES**

Members Present: Lisa Davila, Clerk – via telephone  
Greg Schoen, Member  
James Swigart, Member

Members Absent: Wesley Hubred, Member

Also Present: Pearl Olmedo, Interim Town Manager



**CALL MEETING TO ORDER**

**ACTION:** Schoen called the meeting to order at approximately 12:00 p.m.

**PLEDGE OF ALLEGIANCE**

The pledge was recited.

**GENERAL PUBLIC COMMENT (first)**

There was none.

**ELECTION OF ROUND MOUNTAIN TOWN BOARD OFFICERS FOR THE YEAR 2016**

Schoen explained with only three of the four members present and was told Wes Hubred will be at the February 23, 2016 meeting; he requested to table until four of the five members were present.

Davila agreed.

**ACTION:** Davila motioned to table until the next regular scheduled board meeting. Swigart seconded the motion; motion passed 3-0.

**APPROVAL OF FEBRUARY 17, 2016 AGENDA**

Olmedo noted there were no changes but to please note that item 3 was tabled.

**ACTION:** Schoen motion to accept agenda as presented and noted by Olmedo. Davila seconded; motion passed 3-0.

**REQUEST FOR ROUND MOUNTAIN TOWN BOARD TO APPROVE TOWN OF ROUND MOUNTAIN TO REQUEST ASPEN DEVELOPERS CORP. POST A BOND WITH THEIR PROTEST PURSUANT TO NRS 338.142(3)**

Olmedo explained with the aid of Lumos & Associates and Nye County Districts Attorney's office a reply letter in response to the five questions Aspen sent in their February 1, 2016 e-mail was drafted; within the response letter the Town is requesting Aspen to post a bond with their protest in the amount of \$250,000.00 or 25% of the total value of the bid or whichever is less. She went on to explain the protest is based on their bid being the lowest and Aspen felt they should have received the bid award. She then read a statement from the February 1<sup>st</sup> e-mail from Jon Winfield stated "Gentlemen and Ladies, Aspen Developers Corp. feels like there has been a mistake with the award of this project. Aspen has worked very hard putting a good faith bid together on this project and we do not feel there was anything allowed for Round Mountain or Lumos to not accept the low bid."

Swigart questioned historically this has happened in past and was this how it was handled in past?

Olmedo remembered a situation happening about twenty years ago and remembered the Town went in front of the Nevada State Contractors Board and explained she is going above and beyond abiding by the NRS to avoid having to go in front of the State Contractors Board.

Davila questioned if there was a concern with the timing of the project.

Olmedo explained there would be a delay until the outcome was resolved.

Davila questioned the amount of time until it was resolved.

Olmedo explained when the letter was received, they'll have five business days to submit a bond with their protest. The timeframe was unknown.

Schoen noted from a regulatory standpoint once the State becomes aware of this situation, since we're held by law we can't proceed with the award this contract then NDEP will realize that and they're not going to force the issue of the Administrative Order until the issue resolved.

Swigart questioned if a letter should be sent to the State.

Schoen noted they should be formally notified so it could become a part of the file.

Olmedo mentioned she would be meeting with NDEP tomorrow with Mike Hardy.

Davila noted to Olmedo, excellent letter and she was very comfortable with the response to their questions and concerns and thanked her.

Olmedo thanked all for trusting her to handle this and she didn't want to take all the credit, that it was a huge effort from Mike Hardy of Lumos & Associates and Nye County District Attorney's Office.

**ACTION:** Schoen made a motion to request of Aspen Developers a \$250,000 bond to be submitted with their official protest. Davila seconded the motion. Schoen amended the motion to include, pursuant to NRS 338.142(3). Swigart seconded the amended motion; motion passed 3-0.

**REQUEST FOR ROUND MOUNTAIN TOWN BOARD TO APPROVE A RESPONSE LETTER TO ASPEN DEVELOPERS CORP. IN REGARDS TO E-MAIL DATED FEBRUARY 1, 2016 FROM JON WINFIELD WITH A SUBJECT LINE "OFFICIAL PROTEST FROM ASPEN DEVELOPERS 2-1-16"**

**ACTION:** Schoen authorized Pearl Olmedo to sign and mail the response letter on behalf of Town of Round Mountain. Davila seconded the motion; motion passed 3-0.

**GENERAL PUBLIC COMMENT (second)**

There was none.

**ADJOURN MEETING**

**ACTION:** Swigart motioned to adjourn. Schoen adjourned at approximately 12:15 p.m.