

**ROUND MOUNTAIN TOWN BOARD
REGULAR MEETING
DONALD L. SIMPSON COMMUNITY CENTER
650 CIVIC DRIVE, HADLEY SUBDIVISION
ROUND MOUNTAIN, NEVADA
rmtownadmin@gmail.com
TUESDAY, SEPTEMBER 26, 2017 – 4:30 P.M.**

MINUTES

Members Present: James Swigart, Chair
Roger Morones, Vice Chair
Liandra Dutton, Clerk
Lisa Davila, Member
Tyfini Brown, Member

Also Present: Pearl Olmedo, Town Manager
Rebecca Hansen, Administrative Supervisor
Joshua Christensen, Utility Manager
Anna Berg, Recreation Director

Citizens Present:	Dina Snow	Pearlene Nockideneh	Emily Hendrickson
	Teah Court	Brenda Teeple	Tristan Olmedo
	Madison Hill	Polly Alstatt	



CALL MEETING TO ORDER

James Swigart: Let's call this meeting to order. I am Jim Swigart, I am the chair person.

Roger Morones: Roger Morones, vice chair.

Liandra Dutton: Liandra Dutton, clerk.

Lisa Davila: Lisa Davila, member.

Tyfini Brown: Tyfini Brown, member.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

GENERAL PUBLIC COMMENT (FIRST)

Swigart: Public comment anyone?

Dina Snow: I do.

Swigart: Come on up to the podium there. Introduce yourself please.

Olmedo: Oh, oh timer!

Morones: I've got it here too however you'd like to do that.

Snow: Um, I'm Dina Snow and I would like to take the opportunity to respectfully thank the board for allowing me the opportunity to express my concerns. Let me begin by saying, for those of again, who don't know me, my name is Dina Snow. I am a resident of Round Mountain for approximately six years. I have four children that attend the school here and am vested in my community. I have been active in my community and feel a sense of obligation to others. Having said that, I've finally came to the realization that the people in this community have expressed their concerns about speaking out against good old boys in this town due to retaliation. I personally now know exactly what they are talking about. Most recently I expressed a shared concern of mine with the town manager, Pearl, about some rumors floating around that could possibly have some adverse reactions on the town and its reputation. After having expressed my concerns, this particular town employee entered, about a town employee, entered my place of employment somewhere between ten and ten thirty, and I'll refer to. Do I have to say that? Person arrived to my employment and was under the influence. I must add that I have been a bartender and cocktail waitress for approximately seven years and know when customers are under the influence, or waitressing. When they have consumed their limit of alcohol, in most cases the pupil of the eye becomes dilated and in most cases speech becomes slurred. Their sense of reasoning at times also becomes impaired. It was very apparent that this person was under the influence. Upon their arrival, another intoxicated individual with another intoxicated individual, they began acting as if they were going to engage in physical altercation. I knew it was a joke. There was only other one customer in the place of employment at one time. They began attempting to take food product from a counter without permission. I had told them several times that they needed to leave and the person, the town employee came to me and said that quote you told several board members and Pearl that I am under the influence. And I stated that's not what was said. I won't talk about this right now because you're drunk and I am at work. He began to proceed that no we will talk about this, it's not over. And I said no, there is nothing to talk about. I should not be harassed at my place of employment for any reason. This behavior is not suitable for anyone of any position. I specifically took my concerns to the town manager as a concern, not an attempt to cause trouble for anyone, but to allow her and the employee to attempt to correct the statements before further actions or concerns were dealt upon. I say with the utmost confidence that I will never bring a concern of the town to the town manager again. I am coming to you as a representative for the town. I do not belong to the good 'ole boy club, but I should be treated no differently than one of their own members. I know that I would have been instructed to contact the town manager if my concern was first addressed to this board. Well I did and now in fear of the repercussions of the actions, just as I am in fear of the repercussions of being up here now.

Morones: Dina I am going to have to stop you that's your three minutes, a little over actually, we gave you a little extra twenty to at least finish your last thought. Thank you.

Snow: Thank you.

Swigart: You're more than welcome to go to the town manager or the town office and put it as one of our agenda items.

Snow: Kay.

Swigart: For the next meeting. Thank you Roger. Anyone else three minute comment? Ok, moving on then.

APPROVAL OF SEPTEMBER 26, 2017 AGENDA

Pearl Olmedo: No changes.

Swigart: No changes.

Dutton: I move that we approve the agenda for September 26th, 2017 meeting as written.

Davila: Ok I have one quick question just for clarification. I know that we're supposed to go into a closed meeting when it comes to a town employee that you supervise, but as our employee aren't we supposed to have an open meeting in regards to concerns regarding you.

Olmedo: Yes. You can never go into a close session with me, with the town management position.

Morones: Number eight I think is what you're referring to.

Davila: Number eight, yeah. I'm not reading that.

Morones: There's nothing in there that says.

Swigart: There's nothing in there that shows that it's a closed session, it's an open session for discussion.

Olmedo: There's nothing in there that shows that it's a closed session.

Davila: Ok, it is? Ok. Ok. Then ok I second your motion. I just wanted to make sure that, ok.

Dutton moved to approve the September 26th, 2017 agenda as written. Davila seconded the motion; motioned passed 5-0.

DISCUSSION, DELIBERATION AND POSSIBLE ACTION TO APPROVE ROUND MOUNTAIN FIRE DEPARTMENT SPENDING PLAN FOR PUBLIC SAFETY SALES TAX FUND – ROUND MOUNTAIN FOR FISCAL YEAR 2017-2018

Olmedo: In your packet this evening you have the budget plan for the public safety sales tax for the fire department. Dan and I have been working on this and our annual PSST budgeted revenue for the physical year 2017-18. We anticipate receiving \$20,000; we budgeted to spend \$30,000 between Capital and operating expenses. Therefore, the amount requested this evening is \$12,218.90 for supplies and equipment. Below you'll see an itemized list of what they are proposing to spend on. So you have a \$179.70 on six Chemical Hazard's Pocket books. You have \$4,976 on twelve 2-toned voice pagers and these are additional pagers for the influx of new volunteers that we have accrued. We have \$999.00 for one portable generator, \$218 for two 30" cutters, \$1,238 for two Portable Scene Lights with chargers, \$150.40 for four single head adjustable hydrant and spanner wrenches, \$60.80 for four universal spanner wrenches, \$1,050 for two automatic G-Force Nozzles at 100 pounds of pressure, \$1,300 for twenty LED helmet lights with batteries and helmet brackets, \$1,798 for two thirty foot hose assemblies, and \$249 for one fifty foot coupled cast brass booster hose. And then you know, as the need arrives for more equipment we will bring forth proposals for approval. Do you have any questions on it? They are basic, a lot of the equipment will go on rescue or the fire trucks, the pagers of course are for the volunteers themselves, the pocket books are for volunteers.

Swigart: I think that I'll, I'll stay out of this vote being the assistant fire chief. But I will comment that a lot of these prices are like medical, when you say fire they have to meet NFPA codes so that's why a lot of the pricing is higher than what you could probably get down at the hardware store or Wal-Mart or something. They have to meet the NFPA code.

Davila: Jim can you explain the difference for the adjustable hydrate and spanner wrenches in comparison to just universal spanner wrenches?

Swigart: Yeah these are, they're adjustable so they are not a set one. You can use them on different hydrants and you can also use them on the truck also. So they're not just for a hydrant wrench, all your hose adapters on all of the trucks, they're adjustable so you don't have to buy six wrenches, you can use it, this one adjustable, for six trucks and a hydrant.

Davila: Ok, thank you.

Swigart: Which is a lot, I mean it saves a lot of money right there.

Davila: Thank you. And the nozzles Jim, what is? Is that just because of once again "codes" and how much pressure and.

Swigart: Yep, exactly.

Dutton: So this money has already been allocated for the fire department, right?

Olmedo: Yeah, as stated we had \$30,000 set at this fire fund to spend.

Dutton: Ok.

Brown: So this is \$12,218 of that?

Olmedo: With this list of them.

Brown: Got it, ok.

Olmedo: And then just, to clarify, everything on this list except for the last item in the amount of \$249 is in the invoice approval list for tonight. Again, you know these are much needed items that we need.

Dutton: How does that work though? That we haven't approved this yet but then they're purchased.

Davila: They've already been bought.

Olmedo: It hasn't been bought yet, but you know the invoices have come in so we went ahead and included them.

Dutton: But wouldn't an invoice mean it's already been purchased?

Olmedo: Everything's on back order right now.

Dutton: But the purchase has been made, whether it's on back order or.

Olmedo: The purchase orders yes. In a sense, yes, I went ahead and approved purchase orders so.

Dutton: That's my only question. If we haven't, I mean I don't see why we wouldn't approve, but if we have not approved this yet, then how did the purchases already get made before approval? That's my only question.

Olmedo: I know some of the things that if we didn't go ahead and place these orders, a lot of the entities are grabbing you know equipment like I said.

Dutton: Then why do we even need to approve it?

Olmedo: It's per resolution by the county, so we've got to do this.

Dutton: But you understand what I'm saying?

Olmedo: Yeah, I get what you're saying yeah, we went ahead and put forth, you know approved the purchase order, and then we're now finally bringing this back to you. I understand, I tried to get the Chief in a few meetings ago but due to family constraints, you know, I finally said, I'll go ahead and present this for you. So, it should have been approved about a month ago.

Brown: Who's the current chief?

Olmedo: Dan Sweeny.

Brown: Ok.

Olmedo: So yes, we are both pretty much late in coming forward with this request to you all.

Davila: So let me just, hypothetically just you know entertain something, just so I understand once again, strictly for clarification. Let's just say hypothetically we said "nay" to this. What would then that do with everything that was ordered?

Olmedo: It'll come out of the general fund for the fire fund because we currently have money set aside for operating supplies to spend or equipment.

Dutton: Can we table this to after number eight?

Davila: Mmhmm

Dutton: Just move it around?

Swigart: I don't have a problem with that.

Davila: We can.

Morones: I think you have to move the motion. I believe. I don't know do we need to move to table till number eight Pearl? Do we just table it or do we need to move to table it?

Davila: I think you just table it. We've always just tabled it.

Brown: Yeah, I was gonna say just table.

Dutton: And move on to the next one.

Morones: Just making sure I was covering it. Okay.

Swigart: So, we don't forget, let's draw a little arrow here.

Davila: Making an arrow to remind yourself?

Swigart: Number five. The discussion of DELIBERATION AND POSSIBLE ACTION TO APPROVE ROUND MOUNTAIN FIRE DEPARTMENT SPENDING PLAN FOR PUBLIC SAFETY SALES TAX FUND – ROUND MOUNTAIN FOR FISCAL YEAR 2017-2018 year. Let me just make one comment. Ok, in the future, I would recommend to the town manager that you do two things, don't present this to the board for approval when it's already been invoices sent off and, or bring it to the board first. Or is that kind of the same thing?

Dutton: Well it was on the agenda for last week.

Olmedo: Yeah it was on the agenda. I finally took the reins from fire and did it because this is something that we've been tabling for quite some time and I am saying I need it done, I'm gonna have to present without you, you go deal with what you have to go deal with, I need to deal with what I've got to deal with, I've got things to clean up and put to bed.

Dutton: Right.

Morones: Per NRS you have a dollar value that you do not have to come to the board with. What is that value?

Swigart: Fifty.

Olmedo: Fifty thous- twenty-five, no that's for bidding procedures. So, my suggestion for you guys, if you would like. Without a dollar value without having to come to before the board, that would be he five of you to decide to make that threshold.

Morones: So, NRS does not give you a dollar value that you can.

Olmedo: Nope.

Morones: That you don't have to come to the board. The bylaw specifies that you have to come to the board for any financial spending but in the bylaws we do not have a cap.

Olmedo: Nope. Is that something?

Brown: Our 4 page bylaws.

Davila: But it does say that you need to come to us for approval for.

Olmedo: For this specific document.

Dutton: Well like even for reimbursing.

Davila: Okay, this is, so having said that I want to just repeat that. Our bylaws indicate that you must come to us as a board to approve any spending. Any town spending. Okay? Herein lies a problem. And I think what has caused somewhat of some, for the lack of a better word, some discording, and understanding different roles in people's positions, is that when I hear, okay our bylaws will indicate that you as our town manager cannot spend without our approval and then you come and have spent money without our approval, there's an issue. There's an issue. I will not speak on any other member of this board, there's an issue for me. Is that, okay, what

if I were to have questions, what if I had to do, it's the same thing as I am going to go to you, hey Pearl, what about.

Swigart: Is that all monies Lisa or is that budgeted or non-budgeted? Because if it's already budgeted, it's already been approved.

Morones: And in all fairness Jim, it's budgeted.

Olmedo: It's budgeted, everything.

Morones: Still has to be approved.

Davila: Has to be approved.

Brown: Yeah, all.

Olmedo: With the PSST tax only because that's what the BOCC.

Morones: Or any tax dollars right?

Davila: Yeah.

Morones: Because we had the sheriff come in and it's their money.

Hansen: That's just the specific, public safety tax.

Olmedo: Public safety tax.

Davila: Yeah but with any spending please feel free to chime in if I'm.

Olmedo: I understand. I see both sides, I see both sides of the coin.

Morones: I know they needed to get it done, right, and timing was of the essence, but this is not the way to go about it.

Davila: But it's always, but it's always of the essence. I don't think there's any, once again Lisa's opinion.

Olmedo: Once again, it's.

Swigart: I don't think.

Olmedo: I'm gonna sound pretty mean when I say this, no disrespect.

Morones: Please, please.

Olmedo: This is how I feel, when we presented the 17-18 budget, you guys approved the spending plan of that point. And I want to say we had a previous chairman, Mr. Schoen, who is now retired from this board that had said we approved their spending for the physical year. We bring the invoices as a courtesy so that you see what we, an itemized list of what we spend the monies on.

Morones: That makes sense.

Dutton: But then why do we have to approve this?

Brown: A budget is different than an expense report though.

Olmedo: But this is different because that's not a Round Mountain Town Board regulation, that's a BOCC regulation.

Dutton: Ok. No, I understand that we've already approved the budget, but spend money that hasn't been approved yet is an issue.

Davila: So once again this raises another question. So if we approve a budget, an overall budget for the town, meaning this is how much you've allocated for electricity, this is how much you've allocated for whatever particular crime, then why do we have anything at town boards to sign off in terms of where we spend money? And why do we have to have a vote to say yay or nay on the thing.

Brown: On the invoices.

Davila: That's to me that does that they're not meeting, those two are not meeting when you say that to me. So that is my question.

Swigart: I think we should put a dollar figure on it cause do I want to know every.

Davila: No.

Swigart: Every penny they spent? You know the fuel filter that was \$19.33 at Napa Auto. No I don't want to know that. I think we need to set a \$5,000, \$2,000, \$1,000. Just an idea, I'm just throwing it out there.

Davila: So, going back to my question. Those two are just not melding for me, they're just not melding. And I'm not under, so if we're here collectively as a board and need to sign off on the vouchers, why do we need to do that if you've already.

Brown: That are \$15. That are \$20.

Davila: Or that are, if we're already saying this moneys been allocated for this particular expense, then why is it being brought here for us to say yay or nay to it.

Olmedo: I say in my mind, if I were sitting in your seat it would be to ensure we are spending the monies properly. That we're not just throwing in receipts to a trip to Tahiti is how I'm gonna, if I were in your seats.

Davila: Ok, but once again that raises another question. If.

Olmedo: And as a courtesy for the public if they should so choose to look at the invoice voucher, they're more than welcome to come up and take a look at what you know public monies are being spent on. I look at it as a courtesy to not only the board but the public.

Davila: Okay yeah which makes sense.

Olmedo: To see what we spend the monies on.

Davila: Yeah which makes sense but let's just say you buy a statue of yourself for the front thing, you spent the money, it's been allocated in the budget, and so you go out and you buy your statue and then you come back and then we say no, it's not gonna have any effect on the statue because the statues already been bought and paid for.

Olmedo: Then you in turn say Pearl, you're gonna have to pay that statue out of your own dollars, we're rejecting this one line item and write us a check right now.

Davila: Hmm.

Morones: Are you saying we can do that?

Davila: I was gonna say yeah, where does that say that in the bylaws?

Morones: For twelve thousand two hundred and fifteen dollars. I would be careful because what you're.

Davila: I'd like a couple checks right now please.

Morones: What you're saying is if you guys went ahead and bought it and we hadn't approved it, which is what happened, and it arrived, we're asking you to pay us \$12,218. So it'd need to be.

Olmedo: And I would say.

Morones: Be careful on that.

Davila: Yeah.

Hansen: Does it say in the bylaws that any spending or does it just say the budget?

Davila: I don't have them with me right now.

Brown: I have them.

Davila: And of course you're gonna make me think.

Brown: Wait these ones? The four page one?

Dutton: Mmhmm.

Davila: Yes.

Brown: Yeah.

Dutton: They're the only ones we get.

Brown: K, well.

Davila: You got that Tyfini?

Brown: I sure do.

Morones: We all should have it.

Brown: I've been studying it.

Dutton: I don't know if it's specific.

Davila: I mean if it was, someone throw me a bone cause I'm completely.

Olmedo: I mean, is it overall all the bills or just Fire Department specifically?

Brown: Assistance.

Morones: Ok, it's the value.

Davila: We had discussion before when Jim brought up the whole thing about running to Napa and there was a fuel filter block for and we had come up with a dollar amount at that time. Um, there was discussion that you needed to come to us and we identified a dollar amount so. What happened with all that? Alrighty then. I cannot see I don't have my glasses.

Brown: I am not seeing. This is.

Olmedo: I have the bylaws right now and I'm reading them.

Hansen: She's got them too.

Brown: So do I.

Olmedo: Okay.

Hansen: I mean this could be one of those things where.

Brown: Sure.

Hansen: We've always done it, past practice.

Brown: We have purpose, we have members, we have officers. That goes into we have quorum and attendance, and we have meetings. Meetings here, I'm assuming it would be somewhere within the meetings, meetings place, would be application, Round Mountain prepared agenda, special meetings, definition containing the open meeting law.

Davila: Jim do you have another pair of cheaters?

Swigart: I do, they're scratched up real bad.

Brown: And they're pretty and pink.

Swigart: Here you can have my Lady Gaga ones.

Brown: I can honestly tell you I really don't think so. I've been doing quite a bit of research on exactly what our.

Davila: Jim do you remember that meeting where we had that discussion?

Swigart: No.

Davila: That doesn't help, thank you.

Hansen: The Napa one I remember was not going the same day.

Davila: What's wrong?

Hansen: The Napa one I remember was having our guys not go the same day.

Morones: Yeah, I was why did they make.

Davila: There was one about us having to approve every little fuel filter and stuff.

Hansen: It was a dollar amount?

Morones: Yeah that fuel filter one was they went three times in a day to get a fuel filter.

Brown: I think.

Morones: Three separate trips, I remember that. We, we talked and that and maybe we were, and it was on the bid process, is that the number we threw out before because I thought it was 20,000.

Olmedo: It was the process. 25.

Morones: I thought it was 25. So that's not on your spending that you have to come to us that was on a bid process, right?

Olmedo: A bid process, yeah.

Dutton: But the point of the board is to oversee spending. Spending right? I don't think there is a limit on that.

Anna Berg: Is it; is it just for checks and balances to make sure that we're not?

Dutton: Yes.

Morones: Yeah so here's the issue, let's not, lump the dollar value. The issue was these were bought before us even knowing they were bought.

Dutton: Yeah.

Morones: The issue is we're spending \$12,000 of money that was already spent. What do we do? It's not a \$5 pocket. It's not a \$10 pocket. We're getting away from.

Davila: Yeah.

Morones: We're getting away from number 5. Presented that we're trying to approve \$12,218.90.

Brown: It's not. That's where I'd like to see.

Morones: I have an issue with it too, or not an issue but mostly a concern. The monies already spent, what do we do? We got to move forward, we, we, we as a board stew on things for so long, this is in front of us, it's \$12, 218.90, its already spent, what do we do? How do we approach it?

Davila: I.

Morones: Exactly.

Davila: Um.

Berg: Can I ask another question?

Morones: By all means, please.

Berg: So let's just say that they didn't bring it to you all in one packet. Say next time budget they just brought you one thing for that was for whatever, they spent \$250 out of the budget. Would that still be a concern? Or is it.

Morones: If they bought it before asking to spend it. That's the.

Brown: If they bought it before approval that's.

Morones: I don't care about the dollar value. I don't care if they went out and they spent \$179 on six niosh chemicals. And said oh they're already here, and said we'd like to spend this money because it was budgeted. Still have to atone for the money that was budgeted, where did it go?

Dutton: So she's bringing in to us for approval but she's already spent it.

Berg: Ok, but.

Morones: There's a way to, there's a way to, I understand about getting the system, hey if we did this at \$1 value a thousand, 20, 12 thousand times, would that be a concern?

Berg: Ok, no yeah I know.

Swigart: When we approve the vouchers, that's money that's already been spent.

Berg: Yeah.

Dutton: Yes.

Morones: Yeah we question it too.

Brown: Yeah we do question it.

Morones: But if I were to see.

Dutton: But this is an actual budget plan. How do you bring a budget plan after you've already written the checks?

Swigart: Well I think she's already explained that Dan Sweeny was out of town.

Morones: Then we wait.

Dutton: Then we wait.

Morones: Then nothing should have been bought until this was approved. That I agree with that concern.

Brown: I completely agree with that.

Morones: Now what?

Dutton: Now we just pass it because what else are we gonna do.

Davila: Ok, here's.

Morones: There you go.

Dutton: Right?

Morones: There you go.

Dutton: It is for our town and the safety, I get that. The only.

Morones: Or, or.

Davila: We can justify that every single time. You know, I mean I try to.

Dutton: Yeah.

Davila: Minimize what, we can justify that every time.

Morones: Sure.

Davila: It's for the town and it's for, and it's for our community members, and definitely everything that we do should reflect in the best interest of every member of this community, however I think at this. Yes?

Snow: I have a question. This is for the bill with the new pagers that the fire department has.

Brown: Mmhmm.

Snow: Kay, I have a question about that because if you turn it to a specific channel, whatever county you're in will pick up that radio frequency. Doesn't that fall under HIPPA violations?

Davila: Yeah that's something else.

Morones: That's not, I mean that's .

Davila: Yeah that's true. That's a whole other issue.

Morones: They sell pagers all the time right? HIPPA not HIPPA, other kinds.

Hansen: HIPPA has to do with your actual specific name.

Snow: Oh I'm very aware with what HIPPA has to do with because.

Morones: So HIPPA's held accountable to the individual that's using it. It's not a HIPPA violation here, if they sign a confidentiality agreement, and they break it, then that individual's in trouble. If you're a doctor and you perform a procedure the doctors held accountable.

Snow: No, we've had the discussion Roger, I know how the violation, it works but I'm curious is for have you have people that carry the pagers that aren't on call.

Morones: So, I'm gonna hold that because that's not the topic.

Snow: Okay.

Morones: The topic is the spending of \$12,000, \$12,218.90 for approval.

Davila: K. Given this particular situation.

Morones: It's gonna go.

Davila: Let's eliminate the vouchers that we do on our meetings, ok. Having discussed this particular Volunteer Fire Department request, I have a concern the cart was placed before the horse. It's my opinion.

Morones: Valid concern.

Davila: I do not agree with how it was handled. Once again this is just me; I'm not speaking for any other board member. I would like in the future to see that these things are brought to the board so we can say yay or nay because I think it's important that it's not you know it's almost like minimizing our role in a sense. Saying I'm gonna do this regardless of what the outcome may or may not be. And that's not what we're here for. We're actually our role has been defined in many trainings that we are required to attend so having said that I think that for me that speaks loud that we're gonna bring you here for this particular one.

Dutton: With that being said. I don't have an issue with the plan.

Davila: I don't have an issue with the plan.

Dutton moved to approve the Round Mountain Fire Department spending plan for the public safety sales tax fund. Morones seconded the motion; motion passed 4-0.

Swigart: Remember I'm out of this one.

Davila: Any abstain?

Olmedo: One abstain.

Morones: One abstain.

Swigart: One abstainer. Alright. Ok.

Morones: Yeah, it's not there.

Hansen: It's no there!

Morones: I wasn't going to address it.

Hansen: I'll go ahead and take full responsibility for that one.

Morones: So there's nothing to approve.

Hansen: I didn't put the vouchers on there.

Morones: That is correct. No.

Swigart: Vouchers on there.

Morones: That is correct.

Hansen: That would be me.

Swigart: Ok, if they're not there then.

Morones: They're not there.

Swigart: If they're not there, they're not there.

CLOSED MEETING PURSUANT TO NRS 241.030 – DISCUSSION TO CONSIDER THE CHARACTER, ALLEGED MISCONDUCT, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF JOSH CHRISTENSEN, UTILITY MANAGER

Swigart: Yes. Okay, let's move onto number six. This will be a closed meeting.

Rebecca Hansen: So we'll adjourn at the time and then.

Olmedo: Yeah you've got to adjourn.

Morones: Do we move or do they again?

Davila: We move.

Morones: We move or they move? What's the most convenient?

Olmedo: I would say to close down the building would probably.

Morones: Would be the best? Similar to what we did with the last one?

Swigart: Ok, we are gonna be talking about personnel issues now so this is a closed session.

Brown: No we didn't move last time we closed down the building.

Swigart: We will adjourn the meeting at 4:45pm.

Morones: Thank you.

Swigart: If you received a letter and this action item is concerning you, you can stay, otherwise you can't. Everyone step outside for a bit.

DISCUSSION AND POSSIBLE DECISION AS DISCUSSED IN THE CLOSED MEETING

Swigart: Okay we'll open the meeting back up for the recorder at 5:35 p.m.

Olmedo: After discussion said employee presented what he did, I feel that the January 1st of 2018 is the date that we should be looking at, stated that there's three more opportunities to take for testing. At that point, in the meantime, we're gonna have to take a look at the two in maintenance that we currently have to see if they would be willing to step up and train alongside him, and at least that's three months under the belt of operator in training credits, if that's allowed. Also, we'll look into talking to the state to see if there is any more help that can be afforded for the testing. Some of the things you brought up, you know that there's different testing's for different things. Maybe, maybe that could help us. At that time, if the employee does pass it, I will bring to the table for that \$1.50 increase for you all to decide everything. You know I agree the \$1,389 has cost the town quite a bit. So I'd like to present that for you to see if that's the desire to allow that or not. Or we could, if the employees are not willing to step up and you know possibly assume the position, we might be looking at advertising and I just need you all to know that the cost of this monthly fee could increase. So knowing all that, in a nutshell, January 1st, 2018 is my drop dead date and reimburse the employee for the amount of testing he's paid out of pocket at \$120 per test he's paid for.

Morones: That's, that's well within your range, that's nothing we have, we've agreed to pay that but do we to move on that so that it's crystal clear or do we just give you directions.

Davila: Yes.

Brown: Yes.

Olmedo: I would say move on it, so it's crystal clear. Please.

Morones moved to reimburse the employee for out of pocket expenses for testing at \$120.00 per test. Dutton seconded the motion; motion passed 5-0.

Swigart: You're reimbursed. What about your decision do we need a motion on your decision?

Olmedo: Just so it's crystal clear.

Morones: So it's on the record.

Swigart: Ok, it's on the record, let's move on then.

DISCUSSION TO CONSIDER THE CHARACTER, ALLEGED MISCONDUCT, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF THE APPOINTED TOWN MANAGER, PEARL OLMEDO

Olmedo: Do you want me to step down there?

Morones: No.

Dutton: No.

Swigart: Not at all.

Pearl: Ok.

Morones: So, I'll, I mean I'll start it was, it was. I asked for this to be on this because we've gone through quite a bit over the last two months and we've always asked each other where do we go from here, how do we hold our town manager accountable which is essentially our only employee. So, it started with the investigation and granted it's over and it's done, it's put to bed, but I wanted it on record and we had discussed this and I had had an opportunity to talk to Pearl, but there is still some concerns, and it still needs to be recognized. Although, we're not gonna change the outcome and we can't, it's good, cut dry, we agreed to take the investigators final decision and that was done. It was also brought up in that investigation that it was done wrong, and it was also done unfairly. That, to me, falls on how it was handled by the town manager, as it is her job to hire the employee. So my concern, or what I want on record, and is to be discussed, each person in this that worked for the town has a personnel file. We went through that in our closed session. I would either like this meeting to reflect, as it's open, that she did not do it correctly and that be consider part of her personnel files for future reviews or should anything else come back, that we have something to roll back on, or also, get feedback from the board whether this will suffice or we start looking at means of putting something in an actual personnel file. I think we've, the second item, I think we've pretty much beat to death in a closed meeting and we have a solution, a couple parties at fault there, and I appreciate the one standing up but, we need to recognize that the hiring process was done wrong. I asked for this to be on there so I'd like to get input from the rest of the board as to how we'd want to proceed with this.

Dutton: Do you have the personnel file that, I mean, as an employer we would have one of an employee, but I don't know how that, how the board works that.

Olmedo: Yes. Every employee has a personnel file. Yes, I do have one.

Dutton: Ok.

Olmedo: Since I started September 9th of 2009.

Dutton: Right. Is there, I don't know of any formalities with the town, is there a write up process for the town manager? I mean if something, if I have an employee in a private business and they do something wrong, I write them up, so as your employers, as the board, how do we do that if something is done wrong?

Olmedo: So we discussed that at last Tuesday, we follow. I'm your only employee but I still have to follow the personnel policy manual. There could be a verbal written, a verbal but its' written.

Morones: I was gonna say a verbal written?

Olmedo: A verbal but it is written.

Morones: Ok.

Olmedo: It's just the desire of what you all want to do.

Morones: And we also discussed whether or not having it open recorded, constituted, the written, the write-up. However, however, what we deem to reflect what we're trying to accomplish. When we talked about it, we even came to a mutual agreement that this open forum, the recording, it being logged, would suffice. Hearing you, it might be something that we do write what we have here in a letter to say this is a written, this is a strike, we feel that it was done wrong and we sign it. As far as the repercussions, you know it's a write up, and it's a log for us, and it's a history for us if this continues we have something to fall back on. So I think it's important that we have something for that. Does one incident make it wrong, or does one incident constitute the world to fall? Probably not, but we have to recognize it. We can't let it drop.

Dutton: Well and in a year it may be a whole new board.

Brown: Mmhmm.

Morones: That's true. Yes.

Dutton: To me that's the only concrete way of knowing what has happened in the past.

Morones: Agreed.

Brown: And I think we've all agreed that based on other situations, not having that concrete, has made it very hard for us as a board to actually be able to say ok well, show me something.

Morones: As presented, in the yes, we just went through that.

Brown: Show me something show me something, I have nothing.

Morones: Mmhmm.

Swigart: So at the end of the year, we're gonna be doing an evaluation. Each board member will evaluate the town manager, the good, the bad, where she succeeded, where she failed, and where she needs to improve in, and hopefully, we'll put on there, where we want, what direction that we want her to go in. The thing I have a problem with, with this, and you haven't had an opportunity to speak yet so but it's ok to make mistakes. It's ok to say hey I made a mistake. And I haven't heard that, I haven't heard that, that there was from the town manager, that there was any mistakes at all made through this whole process. So that's where I have a problem.

Olmedo: Again, you know, I have, wasn't given the opportunity to say, so let's make that clear. I listened to the feedback from you as board members, I've listened to feedback from the investigator, I've listened to feedback from the community. Someone told me that in this position I have to have thick skin. So I'm sitting here, taking what he said to heart, and I've listened to all the criticism. So yes you are right, I haven't said anything. But this is what this meeting is for, to not only look at and this is essentially a performance evaluation on me. So critique, praise, this is what we're here for today.

Morones: I, you know, I disagree. We're, I'm here, or this isn't on your overall evaluation. That's coming by the board. I'm gonna narrow it down to a specific item on number 8 professional misconduct, in regards to the hiring process. There's no doubt you've done good things for the town as town manager, and and we recognize those, and we will continue to recognize those. But I'm not using this form to evaluate your performance to date. I'm using the moment on eight to discuss the professional misconduct on the hiring process. That that that's my only, I don't think we are in a position at this point to look at a complete performance evaluation.

Brown: Mmhmm.

Swigart: No.

Dutton: That comes in January.

Morones: That will most certainly come.

Brown: What he is saying is coming the end of the year. Correct?

Morones: Which we will.

Brown: The performance, right.

Morones: Sure, whenever that' falls yeah, March or whenever that falls. We will look at everything as a whole and that will include the good, and it will include the bad, and it will include the ugly. And it's, look, its business and its unfortunate that it's a part of business but it's still a part of business. We need something to go back on. Great point. Next crew that's in this position, wanting to know what happened prior, we we don't have specific instances and that could be a testament. We don't have specific instances. And now we do. And now we have to address it. And again, it's not your overall, we, we, our job is to support you. Our job is also to make sure it's done correctly. So I'm using this more on the professional misconduct in relation to the hiring process than your overall work.

Swigart: And the findings from the investigator and what he presented to the board.

Davila: You know Pearl, having um when we look at the words professional misconduct, you know if we have to go through a whole thing we look it up as to Webster's, it's definitely defined. Definitely, for me, for me. And in trying to really grasp this and sitting back and reading the report and reading about any and just simply reading the report is that I kind of have to um piggy back off of what Jim says in terms of accountability. Accountability for everything because that speaks volumes to me to say because I make mistakes every day of my life, every day of my life we make mistakes and we're capable of making mistakes but I would like to hear the language a little bit more, we failed, or we neglected, or we overlooked, whatever term that you need to use. I don't think for me, I'm not hearing that, and I would just like to hear that because I don't expect you to be 100% and vice versa, I don't think you expect 100% from me. But I would just like to know that we're humbled enough to say I made a mistake. That's that's it.

Morones: I'm gonna go back to our meeting. So you in all fairness at that meeting, she did and and maybe we do need to hear a forum cause we're here.

Olmedo: Yeah.

Davila: Yeah.

Morones: But in that meeting she recognized that things weren't done correctly. And she and and I'll let you go back but I, I again without having to break any open meeting laws, I really wanted to sit with her and get her thoughts and her process on it. And she was really open with it about it and then you can tell that there was a point she recognized oh boy.

Davila: Oh boy. Okay.

Morones: Oh boy this is not right, she did, and I'm not gonna speak for her but what I heard was she recognized at some point this could have gone differently. So maybe not in public forum, and maybe she will, but I know that she has.

Davila: Thank you. Thank you.

Morones: So I'll leave it back to Pearl on thoughts, comments, processes.

Olmedo: Before I, do you guys have any thoughts Tyfini, Liandra?

Dutton: I just think if we just had something, like I said before, just put it in writing put it in the folder, we're done. Like it doesn't need to keep beating it.

Morones: I agree.

Brown: I would have to agree in writing because of just the short bit of time I have been serving on this board it has been very challenging to actually ok well show me something show me what happened here and during this instances without having to go back and read minute for minute five years ago, four years ago.

Davila: Me too honey.

Brown: Huh? I know. So I think something in writing would be beneficial for a board later on down the road whether it's myself or any of these people. I think that would just be me, well not. Or to get rid of someone, but.

Olmedo: So from that meeting that he was talking about was last Tuesday, we did, there was some good, good dialogue between the three of us. They presented, you know Roger was very open with how he felt, expressed a lot of, you know things. I believe we helped each other understand.

Morones: Agreed.

Olmedo: Going through the process step by step, we agreed that the hang up with the help wanted ad, you know I saw what he was saying. He called it, it was you know it was pretty, it was ambiguous, you weren't in the meeting, he said it was ambiguous.

Davila: That's the term he used?

Olmedo: Yes. The desired, you know it was the wording, desired, required, you know there should have been some verbiage changes. And we recognize that to help in the future. We're just gonna have to make a help wanted ad about this long. We also discussed things that could have been done. Decided that we probably will, not probably, we will go back to interviewing all candidates. It's just gonna eliminate somethings that happen in the future. You know PoolPact was very helpful with us with our template, it's, this was the first time we'd ever used a template, change that practice you know. We also talked about, refresh my memory, we talked a lot, and we were, just certainly over everything.

Morones: I think the one thing we're looking for now and we have to put it to a close. And it hurts, but you did it there and I think what Lisa and Liandra are even still looking for is we have to admit it was still done wrong. We talked about, right now we're talking about how we're moving forward and what they found and how we're going to address it. That's great, but we all have to recognize also, it was done wrong. And we have to be honest with ourselves and know that, that is the case. It's hard, it's difficult, but we all do make mistakes, and it's the nature of business. You're running a multi-million dollar business so to speak, you're gonna make mistakes.

Brown: I think one of the things he stated is multiple times is it was done wrong, but it was also done unfair. So that was a huge part of this coming as a, I think a lot of that was a part of where the community was coming from.

Morones: So Jim, Mr. Chairman, I would expect you would put together a letter?

Jim: Yes.

Morones: Pearl do you understand where we're coming from?

Olmedo: Yes, I do, you guys made it crystal clear from our meeting last week. I have three forms of document.

Morones: Mmhmm.

Olmedo: Rather than delaying the process here you go. I agree with you all, you know.

Hansen: Those are the forms we use.

Olmedo: Those are the forms so you do have to decide what you want to do with the report.

Dutton: It is a verbal written.

Morones: It is a verbal written, it even says it right there on the thing Verbal Written.

Olmedo: So take a look at all that, and we do apologize we didn't make copies for everyone.

Morones: Thank you for being so professional.

Olmedo: Mmhmm.

Brown: Give us the hacking one.

Morones: Cool. So, to move on, do we need to go through this tonight and have it done? Is that where we're headed?

Olmedo: That's, if that's your desire, yes.

Dutton: I prefer to be done tonight.

Morones: Amen. So we have employee, supervisor, and then a witness.

Hansen: That's just one report.

Swigart: Ok well I don't like this one.

Hansen: Okay well then don't.

Olmedo: Okay then discard that one.

Morones: When I read the title on that one, I don't think I like that one either. I mean.

Hansen: Those are the three steps.

Morones: Last chance performance/ behavior agreement.

Brown: Where? Wait. I'm like wait a second.

Morones: So there's two documents that she presented that we can use.

Swigart: Discipline, let me.

Dutton: Are there two or three?

Olmedo: You have three separate documents that you that you have to choose from.

Hansen: That are the progressive steps that we use.

Brown: Ok.

Morones: Ok. Two verbal's then we get to that one.

Davila: I'm like we have to fill out three forms?

Hansen: No.

Olmedo: No.

Davila: Sweet Jesus.

Morones: You're just going to fill one out, this one. Then you'll sign it.

Swigart: Choose the one that you like.

Hansen: There's a verbal, there's a verbal that you sign and an actual written that you sign.

Swigart: This one I will, discipline and I've been in management for over thirty years. Discipline should be progressive.

Morones: Yeah.

Swigart: Unless it's a fatal flaw.

Morones: We're so not there.

Swigart: Last chance performance agreement, no.

Brown: No.

Morones: Yeah, so not there. Here you go Jim.

Dutton: Is yours the same that we have?

Davila: Written reprimand.

Dutton: No.

Hansen: There's a written reprimand then there's a verbal warning.

Morones: So there's a, oh okay yes.

Brown: So this is the written reprimand.

Davila: Oh for the love.

Brown: That is what you are looking for.

Morones: Here's number one. Here's number one but read it. That's what we're going to do today is the verbal warning. It goes in her file, written, signed by the board. Step two is a written reprimand. Step three is what Jim has in his hand which is the action.

Hansen: Last chance.

Morones: Last chance actions. K.

Brown: Final written essentially. Let's just get real we all relate to up there.

Morones: Yes. So this leads to that, so Jim will work on that. Jim, can I make a suggestion that you work on this as we do the vouchers later in the evening?

Swigart: I more than uh.

Morones: Thank you.

Swigart: I'd need more than.

Morones: Can you work on this and present it at next meeting?

Swigart: Yes.

Morones: Thank you. Good?

Dutton: Oh come on you don't want to do it now?

Olmedo: I'm with Liandra.

Morones: Ok. You.

Swigart: No.

Morones: You work on that and we'll do the vouchers.

Olmedo: Let's lay it to bed.

Dutton: Just use a pencil and you can erase.

Morones: Do one liners, one sentences, something to document this that's all we're looking for.

Dutton: We don't need a story.

Morones: But let's go onto.

Dutton: Number 5. We'll go back to number 5.

Morones: Yeah but you do it.

Dutton: So my only issue. Sorry chair.

Morones: Can I do this?

Dutton: I will not take over.

Morones: Do we need to? I move Jim fill out, cause it says for possible action.

Morones moved the chair complete a verbal warning in regards to professional misconduct in regards to the hiring process. Dutton seconded the motion; motion passed 5-0.

Morones: Okay.

Swigart: Let's move onto number

Davila: Five.

Olmedo: Back to five.

GENERAL PUBLIC COMMENT (SECOND)

None.

ADJOURN MEETING

Morones moved to adjourn the meeting at 6:13 p.m. approximately. Davila seconded the motion; motion passed 5-0.