



STATE OF NEVADA
COMMISSION ON ETHICS

<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, April 16, 2014 at 8:30 a.m.
PLACE OF MEETING: This meeting will be held at the following location:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

Members of the public may attend any open session at the above location.

The open session of this public meeting will be available via the Internet at
<https://www.leg.state.nv.us/App/Calendar/A/>

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment.

CLOSED SESSION:

These matters are exempt from the provisions of NRS Chapter 241, the Open Meeting Law.

*	1. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Opinion No. 14-33A , submitted pursuant to NRS 281A.440(1). This agenda item will not be available to the public.
*	2. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-43C regarding Cam Walker, City Councilman, Boulder City , submitted pursuant to NRS 281A.440(2).

*	3. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-85C regarding Dean Bullock, Commissioner, Lander County , submitted pursuant to NRS 281A.440(2).
*	4. Closed Session to consider a jurisdictional matter regarding Third-Party Request for Opinion No. 14-32C , submitted pursuant to NRS 281A.440(2).
	5. Closed Session to discuss potential or pending litigation.

OPEN SESSION:

To be held upon completion of the closed session.

	1. Call to Order , Roll Call, and Pledge of Allegiance to the Flag.
	2. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
*For Possible Action	3. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-43C regarding Cam Walker, City Councilman, Boulder City , submitted pursuant to NRS 281A.440(2).
*For Possible Action	4. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-85C regarding Dean Bullock, Commissioner, Lander County , submitted pursuant to NRS 281A.440(2).
For Possible Action	5. Open Session for report and recommendation from the Commission on Ethics' 2015 BDR Subcommittee.
	6. Open Session for report by Executive Director and Commission Counsel on agency status and operations.
	7. Open Session for presentation by Valerie M. Carter, participant in the Nevada Certified Public Manager Program regarding her recommendations to increase agency efficiency.
	8. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.
	9. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
	10. Adjournment.

* A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, known as The Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Caren Cafferata-Jenkins, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

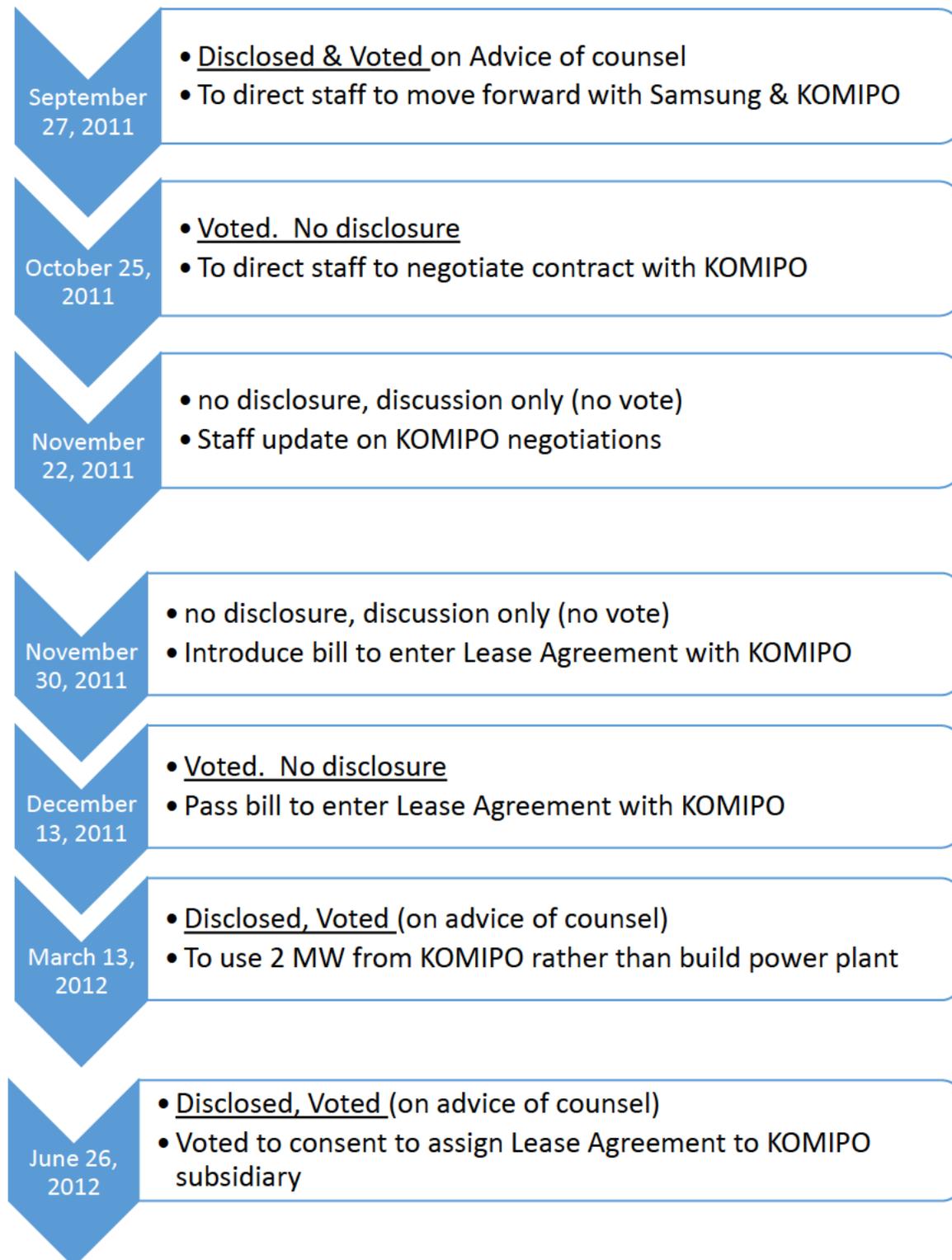
This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3

WALKER 13-43C TIMELINE OF ACTION



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RECEIVED

APR 15 2013

COMMISSION ON ETHICS

NEVADA COMMISSION ON ETHICS
THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

13-43C

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: <small>(Last, First)</small>	Walker, Cam		TITLE OF PUBLIC OFFICE: <small>(Position: e.g. city manager)</small>	City Councilman
PUBLIC ENTITY: <small>(Name of the entity employing this position: e.g. the City of XYZ)</small>	City of Boulder City			
ADDRESS: <small>(Street number and name)</small>	401 California Avenue	CITY, STATE, ZIP CODE	Boulder City, NV 89005	
TELEPHONE:	Work: 702-293-9210	Other: (Home, cell) H: 702-294-4471	E-MAIL:	cwalker@mccarthy.com

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS chapter 281A. (You must include specific facts and circumstances to support your allegations, times, places, and the name and position of each person involved.)

Check here if additional pages are attached.

I filed this complaint with Clark County District Attorney Steven Wolfson on April 5, 2013 as a misdemeanor violation of the Boulder City Charter. I am also requesting to have this complaint reviewed as a violation of the Nevada Ethics in Government Law. Boulder City Councilman Cam Walker is the Director of Business Development for McCarthy Construction, and he has an irrefutable pecuniary interest in the KOMIPO solar energy lease with Boulder City.

3. Describe in specific detail whether the alleged conduct is the subject of any action currently pending before another administrative or judicial body.

Yes, it was also sent to the Clark County District Attorney's Office on April 5, 2013.

4. What provision(s) of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

	Statute	Essence of Statute:
<input checked="" type="checkbox"/>	NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/>	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/>	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input checked="" type="checkbox"/>	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input checked="" type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input checked="" type="checkbox"/>	NRS 281A.430	Engaging in government contracts in which public officer or employee has interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide.

Check here if additional pages are attached.

NAME and TITLE: (Person #1)	Dave Olsen, City Attorney			
ADDRESS:	401 California Avenue	CITY, STATE, ZIP	Boulder City, NV 89005	
TELEPHONE:	Work: 702-293-9264	Other: (Home, cell) C: 702-308-5880	E-MAIL:	dolsen@bcnv.org
NATURE OF TESTIMONY:	He was present at the June 26, 2012 city council meeting when Walker introduced and cast his affirmative vote on the consent agenda. He advised Walker that he did not have to abstain from voting even though Walker had an obvious pecuniary interest in the KOMIPO contract.			
NAME and TITLE: (Person #2)	Roger Tobler, Mayor of Boulder City			
ADDRESS:	401 California Avenue	CITY, STATE, ZIP	Boulder City, NV 89005	
TELEPHONE:	Work: 702-293-9264	Other: (Home, cell) C: 702-521-4418	E-MAIL:	rtobler@bcnv.org
NATURE OF TESTIMONY:	As mayor he presided over the June 26, 2012 city council meeting when Walker introduced the consent agenda and cast his affirmative vote. The consent agenda included the KOMIPO contract amendment. He failed to demand that Walker abstain from voting on the consent agenda which was a clear conflict of interest.			

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS (NRS 281A.400(2)(b)(1). Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

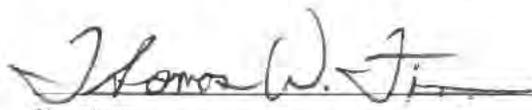
State the total number of additional pages attached (including evidence) 4.

7. REQUESTER'S INFORMATION:

YOUR NAME:	Thomas W. Finn		
YOUR ADDRESS:	308 Venice Lane	CITY, STATE, ZIP:	Boulder City, NV 89005
YOUR TELEPHONE:	Day: 702-994-9355	Evening: Same	E-MAIL: tfinn101@aol.com

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the subject of the allegation authorizes their release.


Signature:

April 10, 2013

Date:

Thomas W. Finn

Print Name:

You must submit an original and two copies of this form bearing your signature, and three copies of the evidence to:



**Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703**

Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

**Thomas W. Finn
308 Venice Lane
Boulder City, NV 89005-1528
Cell: 702-994-9355**

April 10, 2013

Executive Director Caren Cafferata-Jenkins
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

Dear Director Cafferata-Jenkins:

I am the Chief of Police in Boulder City, Nevada, and I have served the city as its Chief of Police since March 22, 2006. I believe that on June 26, 2012, Boulder City Councilman Cam Walker committed a violation of the Boulder City Charter that is also a violation under the Nevada Ethics in Government Law. I forwarded the enclosed information to the Clark County District Attorney's Office on April 5th for an investigation and possible misdemeanor prosecution.

During the city council meeting on June 26, 2012 when the "consent agenda" came up for discussion and approval, one of the items on the agenda was Item #6, a resolution involving the Korea Midland Power Company (KOMIPO) project. The KOMIPO project is a billion dollar solar energy plant scheduled to be built on land leased from the city. Walker is employed as the Director of Business Development for McCarthy Construction, which was one of the companies bidding the project. Eight minutes and twenty seconds into the meeting, which can be viewed on the Boulder City website (www.bcnv.org) Councilman Cam Walker stated he was going to abstain from voting on item number six. He then stated, "My company in Arizona is one of seven proposals that were submitted for construction on the KOMIPO, Korea Midland Power Company project." City Attorney Dave Olsen then told Walker, "You certainly could vote on that I think as long as you've disclosed it. If you feel that might affect your judgment then uh..." Walker then stated, "No, I'm fine I just didn't get to chat with you Mr. City Attorney, so you're comfortable if I do vote on it?" Olsen stated, "Yes." Walker then made a motion to approve the consent agenda, which was unanimously approved.

Although Walker initially stated he was going to abstain from voting, City Attorney Dave Olsen advised him he could vote because he disclosed his company as one of the project's bidders. Section 116 of the Boulder City Charter states, "No elective or appointive officer shall take any official action on any contract or other matter in which he has any financial interest." Although Olsen gave advice that was in violation of the city charter, that does not excuse Walker from responsibility for his failure to comply with Section 116, which is a misdemeanor offense.

Sincerely,



Thomas W. Finn, Chief of Police

STATE OF NEVADA)

DATE: 03/21/13

) SS: BOULDER CITY

COUNTY OF CLARK)

KLAS-TV Investigative Reporter GEORGE KNAPP interviewing Boulder City Attorney DAVE OLSEN at Boulder City Hall on 03/21/13. The following is an excerpt from that interview where Olsen is questioned about Councilman Cam Walker voting on the KOMIPO agenda item on June 26, 2012:

GEORGE KNAPP: With regard to the complaint of -- about Mr. Walker. You gave Mr. Walker advice that he was -- okay for him to cast a vote on whether or not, regarding this project that his company bid on. It sounds like your charter says -- I mean, in a cursory reading, and it says that a member of the City Council should not be voting on something in which they have a personal, financial interest. Is it okay?

DAVE OLSEN: That is correct. And Mr. Walker did not have a personal, financial interest in this.

GEORGE KNAPP: His company is bidding on this project?

DAVE OLSEN: Right.

GEORGE KNAPP: And he votes on this project.

DAVE OLSEN: Right.

GEORGE KNAPP: That's not a financial interest? He's
the --

DAVE OLSEN: But --

GEORGE KNAPP: -- Director of Business Development for his company.

DAVE OLSEN: That is correct. But, no, on this particular project, Mr. Walker wasn't involved in it any way, shape, or form. So his duty was to disclose the fact that he was a -- a employee of this company. And that's what he did. He disclosed that he was affiliated with the company, but then he could vote on it. There's no reason why he shouldn't be allowed to vote on that particular project.

GEORGE KNAPP: There's no reason he should be allowed to vote on a project that his company is bidding on, him being the Director of Business Development? You don't see any problem with that at all?

DAVE OLSEN: If he's not connected with that particular project in any way.

GEORGE KNAPP: His company's bidding on it. Did this (incomprehensible).

DAVE OLSEN: That -- there are different civilians and departments within these companies. And this particular case, we -- when we looked at it we determined that this was not something Councilman Walker was involved in so --

GEORGE KNAPP: Okay. This -- this project is up for bid. It's a big project. It's a lucrative project. His job with his company is Director of Business Development. He is out there for his company --

DAVE OLSEN: Right.

GEORGE KNAPP: -- trying to land contracts. He's voting on this

huge contract as a councilman, a contract that he is trying to land for his company. That's not a conflict?

DAVE OLSEN: No. He didn't -- he didn't advocate for or against the company. He wasn't there as a member of the audience lobbying in favor of this. He merely voted on whether or not this was an appropriate contract for the city to enter into.

GEORGE KNAPP: So you don't think if anybody else on the council who knows that his company is bidding on it, and then they're not -- it's not registering even on a subconscious level?

DAVE OLSEN: Well, of course it -- it's going to register because he disclosed. That's the important part here. He disclosed that there was that relationship. The idea under the open meeting law is not to -- or the ethics law is not to prevent people like Mr. Walker from voting on issues. It's to make sure that the public is aware of the nature of their relationship with some of these (incomprehensible).

GEORGE KNAPP: Well, I'm looking at your -- the section 116. Your charter says no elective or appointed officials to take any action on a contract or other matter in which he has a financial interest. You were just saying he has no financial interest.

DAVE OLSEN: I don't believe he had financial interest in this particular project.

GEORGE KNAPP: You can see how that could be a subject to interpretation.

DAVE OLSEN: Certainly.

AGENDA ITEM NO. 4

AGENDA ITEM NO. 4

NEVADA COMMISSION ON ETHICS
 THIRD-PARTY REQUEST FOR OPINION
 NRS 281A.440(2)

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: <small>(Last, First)</small>	BULLOCK, DEAN Gamer Braun		TITLE OF PUBLIC OFFICE: <small>(Position: e.g. city manager)</small>	Commissioner
PUBLIC ENTITY: <small>(Name of the entity employing this position: e.g. the City of XYZ)</small>	Lander County			
ADDRESS: <small>(Street number and name)</small>	2225 Arabian Rd	CITY, STATE, ZIP CODE:	Battle Mountain NV 89800	
TELEPHONE:	Work: 775-374-0365	Other: (Home, cell)	E-MAIL:	nrstouguy@yahoo.com

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here if additional pages are attached.

- Dean Bullock (Commissioner) Voted on 2 occasions on his Sons Contract with County Golf course.
- Clearly took two items off Agenda to make only his Sons appear in Commissioners packet

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body? If yes, describe:

?

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input checked="" type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input checked="" type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input checked="" type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input checked="" type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input checked="" type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input checked="" type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here if additional pages are attached.

NAME and TITLE: (Person #1)	Patsy Warts Commissioner		
ADDRESS:		CITY, STATE, ZIP	
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:	Was Present in Meeting Voted Nae		
NAME and TITLE: (Person #2)	Steve Steinmetz Commissioner		
ADDRESS:		CITY, STATE, ZIP	
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:	Was Present in Meeting Voted Yae		

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).

Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) _____.

7. REQUESTER'S INFORMATION:

YOUR NAME:	Brian Garner		
YOUR ADDRESS:	PO Box 595	CITY, STATE, ZIP:	Battle MTN NV 89820
YOUR TELEPHONE:	Day: 775-635-5007	Evening: 775-374-0365	E-MAIL: Nvtouguy@yahoo.com

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.


Signature:

11-14-13
Date:

Brian Garner
Print Name:

You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703



Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

DOC # 0263533

03/23/2012 09:11 AM

Official Record

Recording requested By
LANDER COUNTY CLERK

Lander County - NV

Idonna Trevino - Recorder

Fee: Page 1 of 7

RPTT: Recorded By: TO

Book- 631 Page-0662



0263533

RECORDING REQUEST BY:

Lander County Clerk

315 South Humboldt Street

Battle Mountain, Nevada 89820

MOUNTAIN VIEW GOLF COURSE MANAGEMENT AGREEMENT BETWEEN
LANDER COUNTY & SCOTT BULLOCK/BULLOCK MANAGMENT

TITLE OF DOCUMENT

*This page added to provide additional information required by NRS 111.312 Section 1-2.
This cover page must be typed or printed.*



MOUNTAIN VIEW GOLF COURSE MANAGEMENT AGREEMENT

This MOUNTAIN VIEW GOLF COURSE AGREEMENT, hereinafter referred to as "Agreement" is made by and between Lander County, a political subdivision of the State of Nevada, hereinafter referred to as ("Lander County"), and BULLOCK MANAGEMENT SERVICES, hereinafter referred to as ("Bullock").

RECITALS

WHEREAS, Bullock desires to provide professional management services for the Mountain View Golf Course in Battle Mountain, Nevada; and

NOW, THEREFORE, in consideration of the mutual covenants, conditions and other good and valuable consideration contained herein, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. Purpose:

- a. Bullock shall, subject to all terms, conditions, and limitations specified hereinafter, perform the following professional services:
 - i. On behalf of Lander County, Bullock shall collect all green fees, trail fees, private cart storage fees, and annual pass fees solely on behalf of Lander County and shall be held by Bullock in a fiduciary capacity, and Bullock shall not make any personal or other use of those fees. Green fees, trail fees, private cart storage fees, annual pass fees and other Lander County revenue shall be collected and deposited at least twice per week on Mondays and Thursdays by close of business with the Lander County Treasurer. Daily reports of gross revenues shall include a breakdown of revenue collected by specific source, e.g. green fees, trail fees, private cart storage fees, annual pass fees and any other revenues and faxed to the County Treasurers Office and the Executive Director's Office weekly.
 - ii. Bullock shall be entitled to the profits of all cart rental fees, pro shop revenues, bar revenues, restaurant revenues, driving range revenues, and food and beverage revenues.
 - iii. Bullock will provide modern and efficient golf course clubhouse services, including the operation of a restaurant, food and beverage service, a limited pro shop, and the promotion of the use of the golf course and tournaments, while maintaining a clean, golfer friendly atmosphere.



- iv. Bullock shall keep the golf course and clubhouse open seven (7) days per week from at least 6:30 am until thirty minutes past sundown. Bullock shall insure that the clubhouse is open and manned during those hours. At all times there will be present at least one (1) legal adult on the premises with the knowledge and expertise to make decisions regarding operations.
- v. Within 30 days of the signing of this agreement, Bullock understands and agrees that Bullock shall be required to apply for, receive and provide proof of the following: a Lander County business license, Nevada Sales Tax License, industrial insurance on all principals and employees, Lander County Liquor License, Liability Insurance in the amount of at least \$500,000/\$1,000,000 (naming Lander County as an additional insured), a credit card machine for collection of all fees, both for Lander County and for Bullock's business, and any other licenses or insurance required by law. Inability of Bullock to acquire and provide proof to the Executive Director within 30 days any of the licenses or other requirements as set forth herein shall terminate the contract without recourse.
- vi. Bullock shall pay any and all fees related to its operation. Bullock shall pay any and all applicable income taxes, payroll taxes, or other taxes relating to its operation.
- vii. Lander County will provide (5) five working and serviceable golf carts for use at the Mountain View Golf Course, the fees for which shall be retained by Bullock. Bullock will be responsible for all maintenance on said carts, including replacement of batteries and tires. If any of the provided golf carts run off of gasoline, Bullock will be responsible for filling the golf carts with gasoline, which will be provided by Lander County.

2. Maintenance and Utilities:

- a. Lander County shall be responsible for the maintenance of the buildings, Lander County equipment, landscape, grounds, deck area and the parking lot.
- b. Lander County shall be responsible for the maintenance and repair to the plumbing, heating and electrical services and systems inside the buildings and upon the grounds.
- c. Lander County shall provide the maintenance and repairs required under this paragraph upon the submission of maintenance/repair requests submitted by Bullock and approved by Lander County.
- d. Bullock shall provide general maintenance and cleaning of the interior of the buildings, cart barn, deck, grounds, and parking lot and shall keep the facilities in good, clean and safe order.



- e. Bullock shall be responsible for any and all maintenance and/or replacement of any property owned by Bullock.
 - f. Lander County shall pay for utilities to run the clubhouse.
3. Bookkeeping Records: Bullock shall maintain proper bookkeeping records in a manner set forth and approved by Lander County. Such books shall be open and available for Lander County inspection at any time. Bullock shall provide receipts for all fees collected for submission to Lander County. The receipt shall be in duplicate and sequentially numbered, with the duplicate given to the Lander County Treasurer. Bullock shall process, through a cash register and in a manner consistent with generally accepted accounting and cash controls, all money collected from the operation of the golf course, including green fees, trail fees, private golf cart storage fees, and annual pass fees.
 4. Collection Fee Payments: Lander County shall pay to Bullock, per year, the sum of \$10,000.00 as payment for collecting Lander County fees.
 5. Term: This Agreement shall remain in effect from the date it is approved by both parties to the 1st day of March 2014. Upon expiration of the term, this Agreement may be renewed for an additional two year period if agreed upon by both parties.
 6. Effective Date: This Agreement shall not become effective until and unless approved by appropriate official action of the governing body/official of each of the parties.
 7. Liability and Hold Harmless: To the extent authorized by law, Bullock agrees to indemnify and hold harmless Lander County from any loss, damage, liability, cost or expense to the person or property of another, which is caused by the intentional or negligent acts of Bullock, its officers, employees or agents. Moreover, Bullock agrees to indemnify and hold harmless Lander County from any claim or potential claim from Bullock, its officers, employees, agents or guests resulting from any loss, damage, liability, cost or expense caused by any reason.
 8. Amendment or Modification: Both parties acknowledge and agree that they have not relied upon any statements, representations, agreements, or warranties, in entering into this Agreement, except as are stated herein, and no amendment or modification of this Agreement shall be valid or binding unless expressed in writing and executed by both the parties.
 9. Termination: This Agreement may be Terminated prior to the expiration of the term as follows:
 - a. Lander County or Bullock may terminate this Agreement with or without cause upon thirty (30) days written notice served upon the other party as provided in this Agreement.



b. Lander County and Bullock may agree in writing to terminate this Agreement at any time.

10. Notices: All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below:

Bullock:

Scott Bullock
205 Fairway Drive
Battle Mountain, Nevada 89820

Lander County:

Lander County Commissioners
315 South Humboldt Street
Battle Mountain, Nevada 89820

11. Waiver: Any waiver by either party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of, or consent to, any subsequent breach of this Agreement.

12. Assignment: The rights granted and responsibilities incurred under this Agreement may not be assigned without the written consent of Lander County.

13. Third Party Beneficiaries: The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties of the Agreement. There are no third party beneficiaries to this Agreement, and nothing contained in or implied by this Agreement shall give or allow any such claim or right of action by any other or third person.

14. Governing Law: This Agreement shall be construed and governed by the laws of the State of Nevada. Any action arising from this Agreement must be filed in the Sixth Judicial District Court in and for the County of Lander.

15. Attorney's Fees: Should either party be required to pursue legal action to enforce the terms and conditions of this agreement, the prevailing party shall be entitled reasonable attorney fees and court costs.

16. Governmental Immunity: Nothing contained herein waives or is intended to waive any protections that may be applicable to Lander County or any of its elected or appointed officials, employees, or agents under any applicable statutes, rules or regulations providing governmental immunity, or any other rights, protections, immunities, defenses or limitations on liability to Lander County or such related parties that are provided by law.

17. Captions: The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the



meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

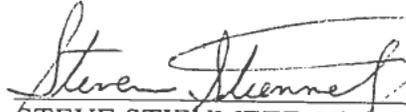
18. Integration: This Agreement shall constitute the entire agreement between the parties; all prior agreements between the parties, whether written or oral, are merged into this Agreement and shall be of no force or effect.
19. Relationship: This Agreement shall not be deemed to create a partnership between the parties in their respective endeavors or otherwise, nor cause them to be considered joint venturers or members of any joint enterprise.
20. Force Majeure: Neither party shall be responsible for any failure or delay in its performance under this Agreement due to causes beyond its reasonable control, including but not limited to, labor disputes, strikes, lockouts, shortages of or inability to obtain labor, energy, raw materials or supplies, war, riot, acts of God or governmental action.
21. Severability: If any covenant, phrase, clause, paragraph, section, condition or provision contained within this Agreement is invalidated by a court of competent jurisdiction, then the invalidity shall in no way affect any other covenant, phrase, clause, paragraph, section, condition, or provision contained in this Agreement.
22. Construction: This Agreement shall be construed without to the identity of the party who drafted various provisions of the Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not apply.
23. Confidentiality: Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Agreement.
24. Proper Authority: The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to perform the services set forth in this Agreement.
25. Compliance with Law: The parties hereto represent and warrant that they will comply with all relevant local, state, and federal laws and regulations and further represent and warrant that any failure to comply with such laws is a material breach of contract and that the breaching party will indemnify the other party from any and all claims or damages arising out of such breach.



IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the signatures indicated below:

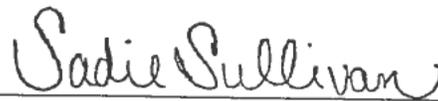
LANDER COUNTY

LANDER COUNTY BOARD OF COMMISSIONERS

By: 
STEVE STIENMETZ, Vice Chair

Date: 3/22/12

Attest:


SADIE SULLIVAN, County Clerk and Ex-Officio
Clerk of the Board of Commissioners of Lander
County, Nevada

BULLOCK

By: 
SCOTT BULLOCK

Date: 03/22/12

October 22, 2013

To Whom It May Concern:

On October 1, 2013, I received an e-mail and attachment from Aly Guaman of the Public Works Department stating that there were two individuals who wanted to be put on the next agenda. (See Attachment #1)

The attachment contained two letters of intent to bid on the management position at the Mountain View Golf Course clubhouse for the 2014-2015 seasons. The letters of intent were from Fallon Hill and Brian Garner. (See Attachment #2)

The next commission meeting after I received the e-mail would have been on October 10th, with agenda setting scheduled for October 2nd at 4:00 p.m.

Sometime after I received the e-mail and before agenda setting, Commission Chair Dean Bullock came into the office. I showed him the two letters of intent and asked him about the process of going out to bid and whether or not the items should be placed on the next commission meeting agenda. He stated that pursuant to the terms of the current golf course management contract, the Contractor had the opportunity to request an extension of his contract.

On October 2nd, I received another e-mail and attachment from Ms. Guaman. (See attachment #3)

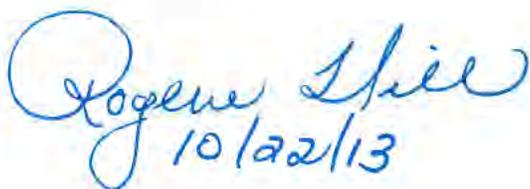
The attachment contained a letter from Scott Bullock, Bullock Management Owner, requesting that the contract between Bullock Management and Lander County be renewed. (See attachment #4)

I put Mr. Bullock's renewal request on the potential agenda list for the October 10, 2013 commission meeting & included the two letters of intent in the file I sent in for agenda setting on October 2, 2013. I asked a member of the agenda setting team to be sure to find out what the committee wanted to do about the two letters of intent.

After agenda setting (which I do not attend), I was directed by a member of the agenda setting staff to keep the item for renewal and not put the letters of intent on the next agenda, which I did.



Donna J. Bohall
Executive Secretary





Donna Bohall <dbohall@landercountynv.org>

Agenda Item

1 message

Aly Rodriguez <water@landercountynv.org>
Reply-To: water@landercountynv.org
To: dbohall@landercountynv.org

Wed, Oct 2, 2013 at 12:28 PM

Hi Donna,

Here is another item for the agenda. I will put the original in your mailbox.

Thanks,

Aly Guaman

Executive Secretary

Lander County

Battle Mountain Water & Sewer

Landfill Billing

Office: (775) 635-2190

Fax: (775) 635-2801

Water@LanderCountyNV.org

 **Bullock.pdf**
225K

Attachment #1

Lander County Commissioners
315 South Humboldt Street
Battle Mountain, NV 89820

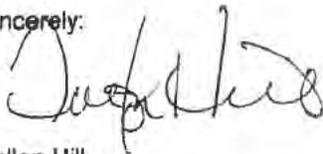
September 20, 2013

Lander County Commissioners:

This letter is to inform you of my intent to bid for the management position at the Mountain View Golf Course clubhouse for the 2014 and 2015 seasons.

I would like to be put on the Commissioners' meeting agenda to be considered for this position and to submit a proposed contract.

Sincerely:



Fallon Hill
316 W 2nd Street
Battle Mountain, NV
775-385-5694

Attachment #2

Lander County Commissioners
315 South Humboldt Street
Battle Mountain, NV 89820

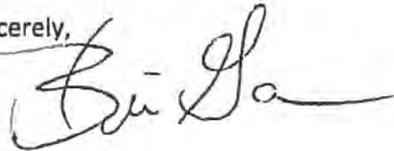
October 1, 2013

Lander County Commissioners:

This letter is to inform you of my intent to bid for the management position of the Mountain View Golf Course Clubhouse for season's 2014 and 2015.

I would like to be put on the Commissioners' meeting agenda to be considered for this position and to submit a proposed contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Garner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Garner
Brian's B-Bque Pit
10 N 2nd Street
Battle Mountain, NV
775-374-0365

Attachment #2



Donna Bohall <dbohall@landercountynv.org>

Agenda Items

1 message

Aly Rodriguez <water@landercountynv.org>

Tue, Oct 1, 2013 at 2:37 PM

Reply-To: water@landercountynv.org

To: dbohall@landercountynv.org

Hi Donna,

Please see the attachment letters. They are from 2 individuals that would like to be put on the next agenda. Their contact information is on the letter if anything else is needed from them.

Thank you,

Aly Guaman

Executive Secretary

Lander County

Battle Mountain Water & Sewer

Landfill Billing

Office: (775) 635-2190

Fax: (775) 635-2801

Water@LanderCountyNV.org

 **MX-3110N_20131001_163318.pdf**
218K

Attachment #3

Bullock Management
P.O. Box 246
Battle Mountain, NV 89820
(775)741-0542

September 30, 2013

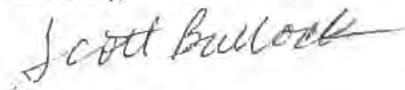
Jacob Edgar
Public Works Foreman
550 West Second Street
Battle Mountain, NV 89820

Re: Renewal of Contract for Mountain View Golf Course Management

The contract between Bullock Management and Lander County will be completed on November 1, 2013. I would like to request a renewal of our contract beginning March 1, 2014 with the following amendment. I request that the annual contract amount payable to Bullock Management be increased from \$10,000 to \$16,000 with the stipulation that Bullock Management provide 10 golf carts and routine cart maintenance. Previously, the carts were leased from The Cart Barn and maintenance was provided by Bullock Management. By allowing Bullock Management to provide the carts, the county would save a little over \$2,000 annually.

I would be happy to discuss this with you at your earliest convenience. If you have any questions or would like to schedule a meeting, please contact me at (775)741-0542.

Sincerely,



Scott Bullock
Bullock Management, Owner

Attachment #4

①
- this is the 1st time this summer Bullock Voted on Son.

1 COMMISSIONER GARNER: We know what the problem is.
2 CHAIRMAN BULLOCK: We know where we're going.
3 COMMISSIONER WAITS: We had no idea before he sat down what
4 was going on.
5 COMMISSIONER MASON: Okay.
6 COMMISSIONER STIENMETZ: Now we know it.
7

8 **17) Discussion for possible action regarding payment for usage of**
9 **the Porta Cool air cooler at the Mountain View Golf Course**
10 **Clubhouse and other matters properly related thereto.**
11

12 CHAIRMAN BULLOCK: Item number 17, discussion for possible
13 action regarding payment for usage of the Porta Cool air cooler at
14 the Mountain View Golf Course Clubhouse and other matters properly
15 related thereto.

16 Before we get started, pursuant to NRS 281(A).420, I am
17 disclosing that I may have an interest in a private capacity in
18 this decision because of my son is Scott Bullock. And his company
19 has a lease with the golf course. Even though I have an interest
20 in a private capacity in this matter because my son is Scott
21 Bullock, I believe my decision will not be affected by that
22 interest. And any decision would not give me any more financial
23 and/or personal gain or loss than anyone else that would be
24 affected by this decision; therefore, I will not be abstaining
25 from this decision.

26 COMMISSIONER WAITS: Okay, so help me here. This is the
27 actual swamp cooler, the one that's fighting against the other
28 one? And so we want to lease a swamp cooler in the interim? Or
29 can we lease an air conditioner?

30 COMMISSIONER STIENMETZ: What this is for is a swamp cooler
31 has been being used out there to keep it cool in the interim.

32 COMMISSIONER WAITS: Right.

33 COMMISSIONER STIENMETZ: But he's not got paid for it.

34 ANNA PENOLA: I would like to defer this until Joe can be
35 here.

36 CHAIRMAN BULLOCK: And where is Joe?

37 ANNA PENOLA: Family emergency.

38 CHAIRMAN BULLOCK: Family emergency?

39 So meanwhile are we supposed to leave that in there or take
40 it out?

1 We need to decide where we're going with this, regardless of
2 Joe's here or not. This could be used somewhere else. Now, he's
3 good enough to put it in there, because we as a county did not do
4 anything to cool this building down. And we had people
5 complaining. People were calling Joe complaining, friends of his,
6 and I don't want to use the terminology that he used to me to --
7 what had transpired.

8 ANNA PENOLA: I just think it's only fair for Joe to be here
9 to defend himself.

10 CHAIRMAN BULLOCK: It's not a matter of defending himself.

11 COMMISSIONER MASON: No, it's a matter of what it is.

12 CHAIRMAN BULLOCK: It's a matter of, as a county, we have an
13 obligation to cool this building. And this is how we were able to
14 cool it. So are we going to --

15 COMMISSIONER STIENMETZ: Are we continuing to use it?

16 CHAIRMAN BULLOCK: -- do you want to continue it or take it
17 out and let people be hot? It's not a matter -- of, you know,
18 defending Joe. It's a matter of what are we going to do?

19 ANNA PENOLA: So do I have the authority to say, go ahead,
20 Snyder, do to the ductwork and take the cooler out and go that
21 way?

22 CHAIRMAN BULLOCK: You're missing the point.

23 ANNA PENOLA: Okay.

24 CHAIRMAN BULLOCK: We, as a county, did not go buy anything
25 to cool down this building.

26 COMMISSIONER STIENMETZ: We could have went to someplace and
27 bought one of these coolers and put it in there.

28 CHAIRMAN BULLOCK: We have not done anything to cool it down,
29 even though this function was -- so something was put in there --

30 COMMISSIONER GARNER: We put the AC.

31 CHAIRMAN BULLOCK: And I'm not going to -- huh?

32 COMMISSIONER GARNER: We put the AC unit in.

33 UNIDENTIFIED PARTICIPANT: It didn't work.

34 CHAIRMAN BULLOCK: I know, but it didn't cool it down.

35 COMMISSIONER GARNER: I know, but we did do something.

36 CHAIRMAN BULLOCK: I know. I understand that. Meanwhile if
37 you've ever been out at the golf course when there's just that AC,
38 it is extremely hot. Okay. So the matter --

39 ANNA PENOLA: I think what -- there was the -- well, I'll let
40 you guys finish, and then I'll --

1 CHAIRMAN BULLOCK: Okay.

2 SCOTT BULLOCK: Guys, this unit was put in before they ever
3 even started putting the central air unit in.

4 The reason this unit was put in, because I had, for instance,
5 I had a BLM state tournament that we held out there, getting a lot
6 of people here to golf. Um, it's so hot inside the clubhouse, I
7 had literally people leaving right after.

8 My contract -- I'm supposed to promote and maintain a place
9 for people to come to golf and a nice place to come to that the
10 county has. Um, so I used what resources I have and brought that
11 in there because nothing had been done.

12 We've known that we needed something to cool the building
13 since last year. And that's why this was put in because nothing
14 had been done.

15 COMMISSIONER GARNER: I think -- was Joe aware of this? Was
16 Joe asked for a portable cooling device?

17 SCOTT BULLOCK: I had talked to Joe about getting it fixed.
18 And he kept telling me to wait. And I said, well, if I have to,
19 I'm going bring my own cooler out here. Because I can't -- I
20 can't keep -- I don't know how much money I've lost this year over
21 this issue. I have to provide cooling for my customers if the
22 county doesn't.

23 COMMISSIONER WAITS: So is the old one still working at all?
24 And is that what he's calling talking about with the swamp
25 cooler versus the air conditioner?

26 CHAIRMAN BULLOCK: They took the old swamp cooler out --

27 COMMISSIONER WAITS: Okay.

28 CHAIRMAN BULLOCK: -- that was cooling the building. They
29 took it out before they ever installed the AC.

30 COMMISSIONER WAITS: Okay. So the A --

31 CHAIRMAN BULLOCK: This is part of the problem.

32 COMMISSIONER WAITS: -- the AC is not working. And so Scott
33 brought in this one, which is a swamp cooler, right?

34 SCOTT BULLOCK: Evaporative cooler.

35 COMMISSIONER STIENMETZ: Yeah, a portable one.

36 SCOTT BULLOCK: Yeah.

37 COMMISSIONER WAITS: But that's still fighting against the
38 other one that's still --

39 CHAIRMAN BULLOCK: Even before. Even before there was
40 nothing going.

1 SCOTT BULLOCK: Even before they installed this.
2 CHAIRMAN BULLOCK: We had to cool it down. When we had the
3 100-degree weather, there was no AC.
4 COMMISSIONER STIENMETZ: As soon as they pulled out the old
5 swamp cooler, you brought this in, right?
6 COMMISSIONER WAITS: You're saying the AC --
7 SCOTT BULLOCK: As soon as the temperatures got high enough
8 we needed cooling.
9 COMMISSIONER WAITS: -- isn't working at all, not at all.
10 CHAIRMAN BULLOCK: It was not working in June until
11 June 20th.
12 COMMISSIONER WAITS: You didn't even turn it on?
13 SCOTT BULLOCK: What's that?
14 COMMISSIONER WAITS: You didn't even turn it on? This is the
15 only unit we have right now, right?
16 SCOTT BULLOCK: We tried to run that unit when we can. But
17 it -- we tried when they first installed it, and it didn't work
18 correctly.
19 COMMISSIONER WAITS: It didn't work in June, and it hasn't
20 worked, and it's not working today.
21 SCOTT BULLOCK: It's not working correctly today.
22 COMMISSIONER WAITS: So the only thing working is the swamp
23 cooler?
24 CHAIRMAN BULLOCK: Hold on. In June, there was no AC until
25 June 28th.
26 COMMISSIONER WAITS: Right. Right. But I'm saying but in
27 June when they installed that -- June 28th.
28 SCOTT BULLOCK: June 28th.
29 CHAIRMAN BULLOCK: Up until June 28th, there was no
30 air-conditioning whatsoever.
31 COMMISSIONER WAITS: I understand that. I understand that.
32 I'm just trying to get -- so when they installed it in June 28th,
33 it still never worked at all?
34 COMMISSIONER GARNER: It still works, but its --
35 SCOTT BULLOCK: Not working correctly.
36 COMMISSIONER GARNER: -- from June 28th on it works, but
37 marginally.
38 COMMISSIONER WAITS: Okay. Okay.
39 COMMISSIONER GARNER: That's why this was used as an
40 additional type of the capacity.

1 COMMISSIONER WAITS: So that's what we've got fighting.
2 That's what I'm saying. And we definitely needs something. I
3 mean I understand that.
4 COMMISSIONER GARNER: That's what he's saying. This was
5 something.
6 COMMISSIONER WAITS: But rather than fighting.
7 COMMISSIONER STIENMETZ: But the whole thing about it is if
8 you didn't have that, you wouldn't have enough cooling in there to
9 cool people.
10 COMMISSIONER WAITS: Can we -- can't we still buy a window
11 commercial air conditioner or something?
12 ANNA PENOLA: Just don't use the AC and use the portable.
13 COMMISSIONER STIENMETZ: That's what you're doing.
14 ANNA PENOLA: So they're not fighting against each other.
15 COMMISSIONER STIENMETZ: That's what you're doing, right?
16 COMMISSIONER WAITS: Yeah, but that's what he's saying is
17 fighting. One's taking humidity and one's putting it in.
18 ANNA PENOLA: Not if you turn off the AC unit.
19 COMMISSIONER GARNER: Which that's --
20 COMMISSIONER STIENMETZ: The AC isn't adequate enough, so
21 they leave the AC off and use the portable cooler.
22 COMMISSIONER WAITS: I understand that.
23 COUNTY CLERK SULLIVAN: And also too, I don't know if Patsy
24 knows this, but there was a swamp cooler above the bar, correct?
25 And then there's the central AC unit. So they took the swamp
26 cooler out above the bar and covered that hole up in the inside.
27 So that ductwork did not go that direction also. Just to clarify
28 for you so that you know that previous to all this, there was a
29 separate -- a separate swamp cooler versus that that he replaced.
30 COMMISSIONER WAITS: I understand that. I just don't
31 understand the fighting. I understand why we did this, but I'm
32 saying, if we can buy a commercial air conditioner and stick it in
33 there until all these things get fixed.
34 CHAIRMAN BULLOCK: We should have.
35 COMMISSIONER STIENMETZ: We didn't.
36 SCOTT BULLOCK: Nothing --
37 CHAIRMAN BULLOCK: We didn't.
38 SCOTT BULLOCK: Nothing was done.
39 CHAIRMAN BULLOCK: The county didn't do anything. That's
40 what I'm trying to say.

1 COMMISSIONER WAITS: Okay. But now all this is to simply pay
2 Scott for bringing in his swamp cooler. Is that it?
3 COMMISSIONER STIENMETZ: Yeah. Do we continue to do this?
4 Or do we go buy one of the units and stick it in there?
5 COMMISSIONER GARNER: How much is a -- how much is a unit?
6 900?
7 SCOTT BULLOCK: For what?
8 COMMISSIONER WAITS: Yeah, around a thousand.
9 COMMISSIONER STIENMETZ: The commercial wall unit?
10 COMMISSIONER WAITS: Yeah.
11 COMMISSIONER GARNER: A portable unit?
12 COMMISSIONER WAITS: Around a thousand.
13 SCOTT BULLOCK: If you go to NAPA, they're \$1400.
14 COMMISSIONER GARNER: So what if the county just buys the
15 unit and we keep it at the golf course?
16 COMMISSIONER WAITS: Why would we buy it from NAPA? That's a
17 terrible --
18 COMMISSIONER GARNER: That's where you buy them.
19 COMMISSIONER STIENMETZ: That's the only place that carries
20 them.
21 COMMISSIONER WAITS: No, no, no. I didn't mean it that way.
22 COMMISSIONER MASON: Withdraw that.
23 COMMISSIONER WAITS: No, I meant, why would we go to -- why
24 wouldn't we use our purchasing power and -- and certainly get a
25 county discount? I mean, just to go buy something wholesale? I
26 mean retail, like that --
27 COUNTY CLERK SULLIVAN: You're speaking about the Porta
28 Cooler.
29 COMMISSIONER WAITS: -- is not the way to look at it.
30 COUNTY CLERK SULLIVAN: -- and she's speaking of the window
31 mount, I think. Is that correct? Are you speaking of a window
32 mount?
33 COMMISSIONER WAITS: Yeah. I'd be happy -- big units.
34 COUNTY CLERK SULLIVAN: And he's speaking of this Porta Cool,
35 which is different.
36 ANNA PENOLA: And that was the whole problem of taking the
37 swamp cooler out. It was leaking and destroying the ceilings.
38 COMMISSIONER GARNER: Yes.
39 ANNA PENOLA: So yes, we need a decision --
40 COMMISSIONER GARNER: This is a --

1 ANNA PENOLA: -- about which way to go. How to fix it, what
2 to fix.
3 COMMISSIONER MASON: Well, we're back to that other question.
4 COMMISSIONER GARNER: This unit's a large commercial portable
5 unit.
6 ANNA PENOLA: It's like the big black thing that has --
7 COMMISSIONER GARNER: Yeah, yeah. It's not something you buy
8 at your local hardware store.
9 CHAIRMAN BULLOCK: There's company in Sparks that charges
10 \$250 a day to rent one.
11 COMMISSIONER WAITS: I don't think we want to go there.
12 CHAIRMAN BULLOCK: No, here's the point, yeah, we should've
13 done something a long time ago. The fact of it is this has been
14 sitting out there saving our bacon for two months, two and a half,
15 three.
16 SCOTT BULLOCK: June 17th.
17 ANNA PENOLA: I guess the reason this was brought up is that
18 Joe was unaware that Scott was charging for the use of the Porta
19 Cooler. He said, I'll bring it out and use it. And Joe said,
20 fine. And when the bill came in, that's where the issue -- that's
21 why it was brought to you guys.
22 CHAIRMAN BULLOCK: So we just thought out of the goodness of
23 our heart people donate things to the county all the time.
24 COMMISSIONER GARNER: They do.
25 ANNA PENOLA: There was nothing brought up. No contract.
26 That's all I'm saying. And that's all I have to say. And I'm
27 going to go about my business.
28 COMMISSIONER MASON: Don't leave.
29 ANNA PENOLA: No, I've got things to do.
30 COMMISSIONER MASON: This is something to do.
31 SCOTT BULLOCK: What it is is --
32 COMMISSIONER GARNER: Well, I think we should just buy the
33 unit and reimburse -- or buy the unit for the use of the unit
34 and keep the -- keep the Porta Cool in the county system for other
35 emergencies.
36 COMMISSIONER STIENMETZ: (Indiscernible.)
37 COMMISSIONER WAITS: Buy the unit from Scott?
38 COMMISSIONER GARNER: Yes.
39 COMMISSIONER WAITS: The swamp cooler?
40 COMMISSIONER GARNER: Yes. Reimburse him for the price of

1 the unit and keep it within our county facilities. Donnie can --
2 Donnie knows where it's at. Jake knows where it's at. And if we
3 an emergency somewhere else, we can use that cooler for an
4 emergency.

5 COMMISSIONER MASON: Put a proper drain pan under it.

6 COMMISSIONER GARNER: Until the system is adequate, he can
7 use it.

8 COMMISSIONER WAITS: What -- what kind of cost are we looking
9 at?

10 COMMISSIONER STIENMETZ: That isn't fair to Scott. He's been
11 using it this whole time.

12 COMMISSIONER GARNER: It doesn't --

13 COMMISSIONER STIENMETZ: He has his money tied up in it.

14 COMMISSIONER GARNER: It's -- it is the county's
15 responsibility, within our contract, to provide the building, to
16 provide it power, to provide --

17 COMMISSIONER STIENMETZ: Yeah.

18 COMMISSIONER GARNER: -- adequate AC cooling.

19 COMMISSIONER STIENMETZ: We provide the AC and everything out
20 there in that building. It's not Scott's responsibility.

21 COMMISSIONER WAITS: Oh, I understand that. I don't have any
22 problem with that at all. But I'm saying, we're now buying the
23 unit. We're not going to pay him to use it. We're going to pay
24 him for using it and buy the total unit from him. Is that --

25 COMMISSIONER GARNER: No, just simply buy the unit.

26 COMMISSIONER WAITS: And what kind of cost are we looking for
27 reimbursement?

28 COMMISSIONER GARNER: We can pull up the NAPA receipt, bring
29 it back to the budget -- or bring it back to the meeting and
30 decide on it.

31 SCOTT BULLOCK: I could have been using this Porta Cool
32 elsewhere I have a second one I rent out too.

33 CHAIRMAN BULLOCK: Like I said, there's lost revenue.

34 SCOTT BULLOCK: I've rented them out to the Hide-A-Way last
35 year.

36 COMMISSIONER STIENMETZ: He should get reimbursed for some of
37 his usage of it. I mean, it's a simple fact, he's had his money
38 tied up in it.

39 SCOTT BULLOCK: Part of my business.

40 COMMISSIONER WAITS: Okay, it's just that --

1 SCOTT BULLOCK: If the county wants to go buy a Porta Cool,
2 I'm not against that, putting it in out there.
3 COMMISSIONER MASON: That doesn't make sense if we're going
4 to fix the unit. If we're going to fix the whole building --
5 SCOTT BULLOCK: The problem is --
6 COMMISSIONER WAITS: We have to have something today.
7 COUNTY CLERK SULLIVAN: (To Commissioner Garner) What was the
8 amount of the bill he submitted?
9 COMMISSIONER GARNER: (To County Clerk) I don't know.
10 SCOTT BULLOCK: Yeah, you don't have anything that's been
11 fixed already. I have an issue right now.
12 COMMISSIONER WAITS: And it's still hot.
13 COMMISSIONER STIENMETZ: Scott, what's the rental charge on
14 that unit?
15 COMMISSIONER GARNER: (To County Clerk) There was no
16 correspondence.
17 SCOTT BULLOCK: A hundred dollars a day.
18 COMMISSIONER WAITS: A hundred dollars a day?
19 COMMISSIONER GARNER: For how long?
20 SCOTT BULLOCK: How long?
21 COMMISSIONER GARNER: Three months.
22 SCOTT BULLOCK: It's been in there since June 17th. And, um
23 --
24 COMMISSIONER GARNER: So tell me the dollar amount of the --
25 SCOTT BULLOCK: The -- I submitted it.
26 COMMISSIONER MASON: Does that include the electricity?
27 COMMISSIONER WAITS: No.
28 SCOTT BULLOCK: I submitted the bill to Joe originally for
29 \$46-- or \$4700 and that was through the end of July -- through
30 July 31st. And it's still out there today. And we still have
31 to use it.
32 COMMISSIONER WAITS: It seems like when we have a choice of
33 leasing or buying, that that's what we need to look at to see
34 which is more economical, not just to continue to rent at that
35 type of --
36 COMMISSIONER GARNER: I don't.
37 COMMISSIONER WAITS: -- cost.
38 SCOTT BULLOCK: You can call the Rental Guys in Susanville.
39 It's \$150 a day for the same type of unit. And Camelot Rentals
40 out of Sparks is \$250 a day.

1 COMMISSIONER WAITS: I don't doubt that. But what I'm saying
2 is, if it's your personal unit, why -- why didn't you think about
3 coming to us and buying one or something?

4 COMMISSIONER STIENMETZ: He talked to Joe.

5 SCOTT BULLOCK: I've talked to Joe. I've been out there.
6 This is my second year. And it's been a headache the whole time.
7 We took a unit out last year. We've known since last year. We
8 didn't want it to ruin the sheetrock again and pay to get that
9 done. This isn't like this just surprised and happened.

10 COMMISSIONER WAITS: I understand.

11 SCOTT BULLOCK: Nothing has been -- nothing was done. I
12 talked to him about them getting the air-conditioning in March, in
13 April, in May. All those months we talked about getting the
14 air-conditioning put in because the heat's coming. And I have to
15 cool down. I have a business to run. I have customers to cool.
16 And, you know, fortunately I can't -- you know, because it's a
17 contract with the county and the county maintains the building. I
18 just can't jump and install a new unit and fix it. But none of
19 that was done.

20 COMMISSIONER WAITS: I understand the position you were in.
21 And I understand that you had to do something with the cooling. I
22 -- I'm with you all the way. And I even understand that you've
23 lost business because of it.

24 But I'm saying a hundred dollars a day, way after the fact,
25 for the county to turn around and reimburse, I think is a bit more
26 than -- than we had bargained for. And I think this should have
27 presented much earlier in the game. I really do. I mean, we
28 could've bought this unit several times over, Scott. And I don't
29 know what you paid for it, but I don't think -- I think you should
30 have just sold it to the county or done something or come to us
31 sooner.

32 SCOTT BULLOCK: I would have rather not even put it in there.
33 But the county didn't cool the building down.

34 CHAIRMAN BULLOCK: The county should have done something.

35 COMMISSIONER STIENMETZ: Right.

36 CHAIRMAN BULLOCK: It's not his responsibility. We failed as
37 a county to do our job.

38 COMMISSIONER STIENMETZ: Right. It's our responsibility to
39 cool that building.

40 CHAIRMAN BULLOCK: It's not his fault. He was just trying to

1 help his customers.
2 COMMISSIONER STIENMETZ: He's the one that made it happen and
3 Joe should have.
4 COMMISSIONER WAITS: And I understand what he did.
5 COMMISSIONER STIENMETZ: It should have been -- the Building
6 Department should have been taking care of this. He knew about
7 it.
8 COMMISSIONER WAITS: Well, that's why Anna said, you know,
9 why Joe isn't here to defend himself on that part, I understand
10 that. Um, but what are we going to do from this point on?
11 I mean, I'm -- I think a hundred dollars a day is bit
12 excessive when we can buy -- buy it.
13 COMMISSIONER MASON: Well, I thought in the -- today's agenda
14 we talked about fixing the air -- air conditioner. What -- what's
15 the deal?
16 SCOTT BULLOCK: Okay, are they going to fix it today, Dave?
17 COMMISSIONER MASON: Well, he said it would take a week and a
18 half.
19 COMMISSIONER WAITS: Yeah, but we haven't even approved it
20 yet.
21 SCOTT BULLOCK: From the time you approve it.
22 COMMISSIONER STIENMETZ: From the time we give him permission
23 to do it.
24 SCOTT BULLOCK: Time to schedule and you're still three, four
25 weeks out.
26 CHAIRMAN BULLOCK: Meanwhile, they're still not cooled.
27 COMMISSIONER STIENMETZ: And we haven't been cooled.
28 COMMISSIONER MASON: Well, let's give this guy permission to
29 fix the air conditioner and get on with it.
30 COMMISSIONER WAITS: That's -- that's not what we're looking
31 at now.
32 COMMISSIONER GARNER: That's not what we're talking about.
33 COMMISSIONER MASON: Well, I understand, but --
34 COMMISSIONER WAITS: We're looking at reimbursing.
35 COMMISSIONER STIENMETZ: We already told him to give us a
36 proposal of what it would take to fix everything.
37 COMMISSIONER GARNER: I don't -- I don't have a problem with
38 buying the unit. I have a problem with renting the unit because
39 at the time that you bought it and you took it there, you could --
40 should have been on the next agenda to say, hey, this is a huge

1 problem. You know, if Joe's not going to do nothing, you know the
2 next step where to come. You should have brought it towards us,
3 because I've got five of these units, and I would love to rent
4 them for a hundred bucks a day. And I would gladly have brought
5 you one for a hundred dollars a day. And if we were going to
6 spend that kind of money, we should have put that out to bid for a
7 hundred dollars a day.

8 I understand emergency, but two months later is not an
9 emergency. Two months ago, you should have been on the agenda, I
10 think, saying we have an emergency. What are we going to do?

11 And we would have totally -- I would have totally allotted
12 for that time. But now, being it's been so long and now you want
13 reimbursed for it. Where's my opportunity to rent mine out is
14 what I'm trying to say.

15 COUNTY CLERK SULLIVAN: In the courtroom. We have the same
16 problem that started last year and has not been fixed with the
17 cooling unit.

18 COMMISSIONER GARNER: I'll rent you one.

19 I understand your -- I understand your -- your frustration
20 and everything. Trust me.

21 SCOTT BULLOCK: The -- the thing is is--

22 COMMISSIONER GARNER: But you see where I'm at, see, if it
23 was going to go into a rental program, we should have been
24 notified immediately.

25 SCOTT BULLOCK: I didn't.

26 CHAIRMAN BULLOCK: That should have come from the Building
27 Department.

28 COUNTY CLERK SULLIVAN: The Building Department.

29 CHAIRMAN BULLOCK: It's not his responsibility to come to us.
30 That's the Building Department.

31 SCOTT BULLOCK: I didn't even know there was a conflict.
32 I've been trying to work with Joe and trying to get this fixed. I
33 didn't know there was a conflict until I took him a bill. And as
34 soon as I took him a bill and he refused to pay it, then I got on
35 the agenda immediately.

36 COMMISSIONER GARNER: But if you've been -- you just said
37 you -- for a year and a half you knew this was a conflict. Joe
38 wasn't getting something done. We should have been notified
39 immediately.

40 COMMISSIONER MASON: True.

1 COMMISSIONER GARNER: Via agenda request, I'm saying.
2 Because I -- we don't know what every department personnel, if
3 they're doing their job properly or not until the public tells us.
4 Until somebody --
5 SCOTT BULLOCK: So do I need to get on the agenda every time
6 I see a county employee doing something they're not supposed to?
7 COMMISSIONER GARNER: Well, you tell their supervisor. And
8 if their supervisor, via -- via Joe, is not doing his job, then,
9 yeah, absolutely somebody needs to be aware of that.
10 SCOTT BULLOCK: I'd be here a lot.
11 COMMISSIONER MASON: The immediate problem is to get the air
12 conditioner fixed and rent whatever we have to for the next two
13 weeks, and let's get on with it.
14 COMMISSIONER WAITS: Or buy. Or buy.
15 COMMISSIONER MASON: I don't want to buy another unit.
16 COMMISSIONER WAITS: If you rented this unit, it's going to
17 cost you \$14,000 [sic] for the next two weeks. And that's just
18 pretty much what we're --
19 SCOTT BULLOCK: \$14,000?
20 COMMISSIONER WAITS: -- spending on the duct work.
21 COMMISSIONER MASON: It's a hundred dollars a day.
22 COMMISSIONER GARNER: A hundred.
23 SCOTT BULLOCK: But if you want \$1,000 a day, we can work
24 that out.
25 COUNTY CLERK SULLIVAN: But he's been using it.
26 COMMISSIONER MASON: Yeah. It's \$1400.
27 COMMISSIONER GARNER: Yeah, but how much do we still owe for
28 it?
29 COMMISSIONER MASON: We need to get the building fixed.
30 SCOTT BULLOCK: My -- my problem is I could have been renting
31 this elsewhere. That's why.
32 COMMISSIONER GARNER: But you should have told us. That --
33 that's my problem.
34 COMMISSIONER MASON: It should have been brought to our
35 attention. But we've got to move on right now.
36 COMMISSIONER GARNER: We could have -- we could have bought
37 one under emergency. We have a emergency fund too where we could
38 have just bought one and put it in that position. And then we're
39 not paying rent for a month and a half.
40 SCOTT BULLOCK: So you want --

1 COMMISSIONER GARNER: Donnie has a budget to do that. We
2 have an emergency budget.

3 SCOTT BULLOCK: I mean, do you want me to come here every
4 something doesn't get done?

5 COMMISSIONER GARNER: Yeah, absolutely. If it's -- if that's
6 what we need to do.

7 SCOTT BULLOCK: Then we're going to have to be on the agenda
8 a lot.

9 COMMISSIONER WAITS: If it's -- if it's --

10 SCOTT BULLOCK: Because I didn't know that's the procedure
11 you wanted --

12 COMMISSIONER GARNER: Well, you should obviously you should
13 take it to Joe. And if something's not happening in a year and a
14 half, like you said, I would -- I would like know as a
15 commissioner that -- you know. I understand -- I understood -- I
16 understood the system got renewed. But I thought it was a looping
17 problem is what I was under the understanding.

18 COMMISSIONER MASON: What are we going to with this problem
19 we got right in front of us?

20 COMMISSIONER WAITS: How much would it cost us to buy that
21 unit you have in right not?

22 SCOTT BULLOCK: That one's not for sale.

23 COMMISSIONER WAITS: That one's not for sale?

24 SCOTT BULLOCK: I rent them out.

25 COMMISSIONER WAITS: Yeah. Yeah. I can see why you would.

26 COMMISSIONER MASON: All right. It's costing us a hundred
27 dollars a day to use yours. So let's continue to use it and get
28 the stupid thing fixed.

29 COMMISSIONER WAITS: Well, he doesn't have anything to do
30 with fixing it. That's something that has to come back before us.
31 And even after it comes back before us, they may not be able to do
32 it that time. It could be still 90 degrees next month. And even
33 if we give him the contract. So we've got to look at more than
34 just two weeks, Dave. You've got to look farther out here. So I
35 think we need to buy a unit.

36 UNIDENTIFIED PARTICIPANT: Exactly.

37 COMMISSIONER WAITS: I think we need to replace this. And
38 now on the agenda is paying for usage of this. And after the
39 fact, I think is really poor to come in to us on that kind of
40 money like that. What's your pleasure?

1 COMMISSIONER MASON: So your rent of the unit doesn't include
2 the electric bill that's coming in?
3 COMMISSIONER WAITS: No.
4 COMMISSIONER STIENMETZ: That has nothing do with it.
5 COMMISSIONER WAITS: That has nothing do with it.
6 COMMISSIONER GARNER: No, we pay that.
7 COMMISSIONER MASON: Well -- it sure does. It's part of the
8 cost.
9 COMMISSIONER WAITS: No.
10 COMMISSIONER STIENMETZ: No.
11 COMMISSIONER WAITS: He's renting. This is --
12 COMMISSIONER GARNER: He's not charging us for that.
13 COMMISSIONER MASON: Okay.
14 COMMISSIONER WAITS: Whether it's Scott or XYZ rental.
15 SCOTT BULLOCK: You pay for the electric bill.
16 COMMISSIONER WAITS: Um, I would like to see us defer it
17 until Joe's -- Joe's here to talk us to about the actual payment.
18 I really would.
19 COMMISSIONER GARNER: So if you want to defer it --
20 COMMISSIONER WAITS: But we still have to do something.
21 COMMISSIONER GARNER: Do you want to make --
22 COUNTY CLERK SULLIVAN: -- safety for cooling.
23 COMMISSIONER GARNER: Or is the safety guy here? Do we have
24 to make the decision to buy one?
25 COMMISSIONER WAITS: Yes, we do. Yes, we do.
26 COMMISSIONER GARNER: And replace his unit, if that's what
27 you -- and wait for Joe to negotiate your price or to approve your
28 price or whatever.
29 SCOTT BULLOCK: He's not gonna approve it. We already went
30 through this.
31 COMMISSIONER GARNER: Well, I mean, this Commission will --
32 can --
33 SCOTT BULLOCK: That's why we ended up here.
34 COMMISSIONER WAITS: Now, the only thing on the agenda is the
35 payment of the usage. So should we still have the authority under
36 an emergency to -- to buy something to --
37 COMMISSIONER GARNER: Can we make that kind of decision?
38 ANNA PENOLA: I don't know that you need to. You can talk to
39 Building or Safety or what to do about that.
40 COMMISSIONER WAITS: To say buy the other one now.

1 COMMISSIONER STIENMETZ: -- and replace it --
2 CHAIRMAN BULLOCK: Something we should have done all along.
3 COMMISSIONER STIENMETZ: Should have been done.
4 COMMISSIONER WAITS: Because we have to have something in
5 there now.
6 COMMISSIONER GARNER: And I'm not against giving you some --
7 we just need to find Joe's side of the story and get it all
8 together.
9 COMMISSIONER WAITS: I think we should.
10 COMMISSIONER GARNER: And you need to be reimbursed for
11 something, because you have the loss of revenue. But I make a
12 motion we defer the payment of the rental until Joe's -- can
13 attend a meeting and --
14 COMMISSIONER WAITS: Are you putting any termination? Like
15 --
16 COMMISSIONER STIENMETZ: Well.
17 COMMISSIONER GARNER: Until the next scheduled meeting that
18 Joe can attend.
19 COMMISSIONER MASON: Or can we just instruct staff --
20 COMMISSIONER GARNER: -- he'll be back on --
21 COMMISSIONER MASON: -- to purchase a air conditioner.
22 COMMISSIONER GARNER: -- and instruct staff to.
23 COMMISSIONER WAITS: Make a motion first.
24 COMMISSIONER STIENMETZ: -- to replace the unit.
25 COMMISSIONER GARNER: Instruct Jake to get a temporary,
26 similar unit immediately.
27 COMMISSIONER WAITS: I'll second that.
28 CHAIRMAN BULLOCK: Any public comment?
29 COMMISSIONER GARNER: Jake -- Jake needs to -- did you hear
30 that, Jake?
31 Can you get one out there right away?
32 JAKE EDGAR: Yep.
33 COMMISSIONER STIENMETZ: All right.
34 CHAIRMAN BULLOCK: Okay. All those in favor?
35 COMMISSIONERS: Aye.
36 CHAIRMAN BULLOCK: Those opposed?
37 (None opposed.)
38 COMMISSIONER STIENMETZ: Thanks, Scott.
39 CHAIRMAN BULLOCK: Let's go ahead and take a ten-minute
40 recess.

1 COMMISSIONER GARNER: Thanks.
2 COUNTY CLERK SULLIVAN: Joy, we're going to take a recess.
3 JOY BRANDT: Okay.
4 CHAIRMAN BULLOCK: I know we only got three items, but --
5 COMMISSIONER WAITS: It's still been a grueling morning.
6
7 [Break from 11:07 a.m. to 11:19 a.m.]
8
9 CHAIRMAN BULLOCK: Item Number 18, discussion for po --
10 Oh, let me call the meeting back to order first.
11 COMMISSIONER WAITS: Good idea.
12
13 **18) Discussion for possible action regarding the Lander County**
14 **Engineer's job description and responsibilities and other**
15 **matters properly related thereto.**
16
17 CHAIRMAN BULLOCK: Item Number 18, discussion for possible
18 action regarding Lander County Engineer's job description and
19 responsibilities and other matters properly related thereto.
20 MARK BRETHAUER: (Indiscernible.)
21 CHAIRMAN BULLOCK: We have one in front of us. Just three
22 months on the job.
23 MARK BRETHAUER: Finally know who I'm responsible for.
24 CHAIRMAN BULLOCK: Hm?
25 MARK BRETHAUER: I'll finally know who I'm responsible for.
26 CHAIRMAN BULLOCK: Oh, we just wanted to make sure we're on
27 the same page.
28 MARK BRETHAUER: Yeah, that's good.
29 CHAIRMAN BULLOCK: As far as what we expect and -- and I
30 guess, what you expect. So -- I guess my concern is you have an
31 understanding. And we have assumption that you're project manager
32 over all projects.
33 MARK BRETHAUER: Correct.
34 CHAIRMAN BULLOCK: And should be on-site visits and -- and
35 follow-up with all -- you know inspections and everything, because
36 that was the assumption that we had. So --
37 MARK BRETHAUER: Right.
38 CHAIRMAN BULLOCK: So for instance, let's see, lately we've
39 had, of course, the Well Project. We expect you do be there.
40 Third and Fourth Street alleyways, checking on that regularly. We

2

- This is the Second time Bullock Voted on Son

1 19) Discussion for possible action regarding renewal of the
2 Mountain View Golf Course Management contract between
3 Lander County and Scott Bullock, dba Bullock Management
4 Services, and other matters properly related thereto.
5

6 CHAIRMAN BULLOCK: Item Number 19, discussion for possible
7 action regarding renewal of the Mountain View Golf Course
8 Management contract between Lander County and Scott Bullock, dba
9 Bullock Management Services, and other matters properly related
10 thereto.

11 SCOTT BULLOCK: Good morning, Commissioners. Uh, Scott
12 Bullock. Um, I currently have the contract at the Mountain View
13 Golf Course to manage the clubhouse and just re -- wish to renew
14 that contract.

15 At this time, um, I feel we've done a good job in the last
16 two years getting a lot new faces out to the golf course and
17 seeing what facility the county has to offer, you know, out
18 there for the public.

19 COMMISSIONER GARNER: What -- are we opening this back up?
20 To bid?

21 We have people.

22 CHAIRMAN BULLOCK: Not if we negotiate it. We don't -- um,
23 let me read this before I say anything. Okay.

24 Pursuant to NRS 281A.420, I am disclosing that have an
25 interest in a private capacity in this decision because of my
26 son is Scott Bullock, and his company has a lease with the golf
27 course. Even though I have an interest in a private capacity in
28 this matter, because my son is Scott Bullock, I believe my
29 decision will not be affected by that interest. And any
30 decision would not give me any more financial and/or personal
31 gain or loss than anyone else that would be affected by this
32 decision. Therefore, I will not be abstaining from this
33 decision.

34 It's no -- this -- now that I've said that. This is no
35 different than the lawns, the airport, the janitorial. We give
36 them to option to renew. And that's the way -- that's -- that's
37 kind of the precedence that's been set. I mean, it's up to the
38 Commission if they want to renew it or go back out for bids.
39 That's why it's here.

40 COMMISSIONER WAITS: I have a couple concerns. I certainly

1 don't have any problem with the renewal. I think we've had
2 some -- some excellent feedback on the type of establishment
3 that -- that Scott has been doing and the dedication that he's
4 put in. But I do have a couple of concerns on, again, taking a
5 look at the contract and perhaps tightening it up a little bit.

6 One, I don't understand, we're -- we're getting green fees
7 and cart rental. And I don't know -- I asked Rogene how often
8 we were getting those and what was set, because all it said was
9 what was proper bookkeeping. And she said the -- that we get
10 them at different periods. I want to know if there was any kind
11 of an audit done. And she said Jane gets all the information
12 from you, but like this last time she got it, it was almost a
13 three-month delay before she got it. And I think that puts
14 extra pressure on her when she should be getting it on a more
15 routine basis: weekly, bi-weekly, whatever we decide. But I
16 think we should tighten that up.

17 The other thing I looked at was the collection fee. It
18 says, Lander County shall pay to Bullock, per year, the sum of
19 10,000 as payment for collecting these fees. I think it is a
20 little bit different than when we go out to bid for other
21 janitorial services, because we're -- we're giving you the
22 actual rental. And we're supposedly taking care of the building
23 and the repairs. And we take care of -- of utilities. And yet,
24 I don't understand if you're getting that, I think that's a
25 great plus for a business, but why are we still giving you
26 \$10,000 a year?

27 So I did ask on the background on that. And Rogene was
28 kind enough to fill me in, if you would like to make --

29 ROGENE HILL: Okay, basically, the way the contract has
30 always read, before this last contract, was the 10,000 was just
31 paid to a new contractor the first year. Basically, that was to
32 help them get their license, get their inventory. And it was
33 just a one shot for that first year. It was never set up to be
34 a yearly payment. And the -- and I believe in that contract, it
35 reads the 10,000 is for collecting the fees. That was not a
36 fact, the \$10,000 was basically just to help that contractor get
37 set up in their business.

38 The -- in return for collecting the fees for the county,
39 that was for the -- basically, getting your free rent, your
40 utilities paid, and the repair and maintenance being paid. So

1 -- just a clarification of the contract before this last
2 contract.

3 SCOTT BULLOCK: Before my contract, um, the people that ran
4 it, all they had do was collect the green fees, fill out one
5 form, deposit it in the bank, hand that form over to Grace.
6 Now, the process to collect the fees, you have to fill out
7 different reports, provide a bunch more information in that
8 report, and turn it over to --

9 ROGENE HILL: No, that's been ongoing since Falzones were
10 out there.

11 SCOTT BULLOCK: No, I talked to Jeannie and she told me how
12 it was done.

13 ROGENE HILL: I -- come to the office. I've got the --

14 SCOTT BULLOCK: I -- so it takes at least three hours a
15 week to do each one of them reports. But to do the report, take
16 to the bank, take it to all the officers. So just like they get
17 paid to do reports in the Financial Department, I thought 10,000
18 was fair to collect your money and do your reports.

19 COMMISSIONER WAITS: And you don't feel the offset of the
20 rent and utilities and the repairs is enough offset? Is that
21 it?

22 SCOTT BULLOCK: I mean. I -- no.

23 COMMISSIONER STIENMETZ: But I feel --

24 SCOTT BULLOCK: I feel -- I feel I'm collecting the money
25 for the county. I'm providing services. I advertise for the
26 county to get people out there to golf, all part of, you know,
27 to help the county get more money. So -- I'm not asking for a
28 ton of money to collect money and do reports just like you
29 already pay people to. If you want to get rid of the 10,000,
30 all I have to do is collect the money, fill out one paper, and
31 put it in the bank, and they can do the reports, great. I'm
32 happy.

33 NICOLE TING: I'm Nicole Ting, for the record. Scott, what
34 also is in here? You do all the special events in here, too?

35 SCOTT BULLOCK: Yeah. Yeah.

36 COMMISSIONER GARNER: But like -- all contracts we've had
37 for grass and everything else, if anybody's interested in the --
38 we've put them back out the bid, correct?

39 CHAIRMAN BULLOCK: No. We've always give the contractor
40 the option to renew.

1 COMMISSIONER GARNER: Since when?
2 CHAIRMAN BULLOCK: That's been set for years. I don't
3 think anybody's bid the airport in I don't know how many years.
4 COMMISSIONER GARNER: But we've never had a letter of
5 intent for anybody to bid it.
6 CHAIRMAN BULLOCK: Well, I know personally there was a
7 letter of intent to do the lawns and that never got put out to
8 the bid.
9 COMMISSIONER GARNER: Why not?
10 CHAIRMAN BULLOCK: Because that's just been the precedent.
11 That's just what I'm saying. It's always been the option to
12 give the contractor that option, unless there's -- there's
13 problems. That's just been the way it -- the precedence has
14 been set for years.
15 COMMISSIONER STIENMETZ: But in here, you're asking to
16 raise that fee from 10,000 to 16,000.
17 SCOTT BULLOCK: Right, but eliminate -- I will provide ten
18 golf carts. Right now the county provides five golf carts for
19 me, which costs them in the range of \$7- to \$8,000 a year. So I
20 would get rid of that part of my contract, save the county a
21 couple thousand dollars, and make sure that there's five more
22 carts than normal for people to golf with. I'd have ten carts
23 out there at all times for people to use to golf on the course.
24 And the county would no longer need to provide the five golf
25 carts that they already do. So it would be saving you money.
26 ROGENE HILL: Well, basically, we would be renting them
27 from -- we would just change our lease. I would not say that
28 you would put that in this contract. It would be no different
29 than we have the rental with the Cart Barn, I think, --
30 SCOTT BULLOCK: No --
31 ROGENE HILL: -- is where we get it from.
32 SCOTT BULLOCK: On my -- on my request for renewal, I put
33 that as a change in there, to just change the amount of money I
34 get and to get away with -- with the county renting that.
35 ROGENE HILL: No, I think you need a separate -- I think
36 you're talking two different things. Right now, you provide the
37 five carts --
38 SCOTT BULLOCK: You --
39 ROGENE HILL: -- on your own.
40 SCOTT BULLOCK: You provide the five carts.

1 CHAIRMAN BULLOCK: No. No. The county does.
2 ROGENE HILL: We do. Yes. But then he bought some carts
3 too.
4 CHAIRMAN BULLOCK: Which we didn't have to.
5 SCOTT BULLOCK: I don't have to.
6 ROGENE HILL: No, he didn't have to. That was -- that was
7 for him, and he collects the fees.
8 SCOTT BULLOCK: Right.
9 COMMISSIONER MASON: If -- if we sign this, you do have to.
10 SCOTT BULLOCK: Yeah, I --
11 CHAIRMAN BULLOCK: Yeah, he's required to.
12 SCOTT BULLOCK: -- ten carts.
13 COMMISSIONER MASON: Now we don't have to supply the five
14 carts and maintain them.
15 SCOTT BULLOCK: Right. Correct.
16 ROGENE HILL: Right. You're just doing -- the five cart
17 part, you would just be eliminating your lease that you have
18 with the Cart Barn out of Reno. And instead, you would be
19 leasing the carts from Scott.
20 SCOTT BULLOCK: It wouldn't be a lease. It's just the
21 contract provides more.
22 ROGENE HILL: A monthly -- or not a monthly. It's not a
23 lease. We do a yearly -- Jake, what is it?
24 JAKE EDGAR: But he's saying -- he's saying something
25 completely different.
26 CHAIRMAN BULLOCK: Yeah, just put it in the contract that
27 we don't provide anything. He's just --
28 JAKE EDGAR: We don't provide anything anymore. He's
29 providing it.
30 CHAIRMAN BULLOCK: It's no lease. It's no nothing.
31 JAKE EDGAR: But what he's asking for to me, and I'm not
32 saying -- you're going to save the county an extra couple
33 thousand dollars, but you're really not, because you're asking
34 for 16,000 instead of 10,000. So --
35 ROGENE HILL: But the --
36 JAKE EDGAR: We're only going to save 2,000 bucks. But
37 really, you're doing the maintenance and all that anyway. So, I
38 mean, it's pretty much a wash. So -- I'm just saying.
39 SCOTT BULLOCK: No. Two thousand's --
40 JAKE EDGAR: Doesn't matter what you look upon --

← "we"?

1 SCOTT BULLOCK: Two thousand's two thousand. I guess.
2 COMMISSIONER WAITS: Okay, clarify for me then -- because
3 I'm still a bit confused on this. Right now we have five golf
4 carts, and you have -- personally.
5 SCOTT BULLOCK: I personally own by my own golf carts.
6 COMMISSIONER WAITS: How many?
7 SCOTT BULLOCK: Eight, ten.
8 COMMISSIONER WAITS: Okay. So when we rent those five, you
9 collect the money for us and send it to the county?
10 SCOTT BULLOCK: No.
11 CHAIRMAN BULLOCK: Cart fees have always --
12 SCOTT BULLOCK: You get the green fees, the trail fees, and
13 the Cart Barn storage fees. That's what the county gets.
14 COMMISSIONER WAITS: Okay. Okay.
15 COMMISSIONER MASON: The extra carts are his.
16 COMMISSIONER WAITS: So it doesn't make any difference if
17 you rent your carts or our carts. It all goes to you on the
18 carts.
19 SCOTT BULLOCK: Yeah.
20 COMMISSIONER WAITS: So now you're saying that if we rented
21 them from you, if we --
22 SCOTT BULLOCK: I'm not even saying rent them. I'm just
23 saying --
24 COMMISSIONER WAITS: We pay you an additional 6,000 --
25 SCOTT BULLOCK: One month --
26 ROGENE HILL: It's one -- either you're paying Cart Barn or
27 him.
28 COMMISSIONER MASON: He's committing himself.
29 COMMISSIONER WAITS: We pay you an additional \$6,000 a year
30 instead of the Cart Barn. That's what you're saying.
31 SCOTT BULLOCK: Right.
32 COMMISSIONER WAITS: Right.
33 SCOTT BULLOCK: More or less.
34 COMMISSIONER WAITS: Okay.
35 COMMISSIONER MASON: He's also saying he's going to provide
36 ten carts.
37 SCOTT BULLOCK: I'll provide -- I'll make sure there's ten
38 running carts at all times.
39 COMMISSIONER MASON: At all times.
40 SCOTT BULLOCK: With the new greens, there's an influx in

1 golfers. So -- you know, a lot of people want a cart when they
2 golf to rent.

3 COMMISSIONER WAITS: And we've had a problem with a
4 shortage of carts before?

5 SCOTT BULLOCK: Well, if I only had five carts, I'd always
6 be short. That's why I bought my own. Like some tournaments,
7 you need up to 20 rental carts. But ten on a daily basis will
8 be fine.

9 COMMISSIONER GARNER: Jake, how many letters of intent do
10 we have?

11 JAKE EDGAR: Including Scott's, three.

12 SCOTT BULLOCK: I think that probably just shows you what a
13 job I've done. People -- a lot of people that haven't normally
14 gone to -- come to the golf course have come out there now.
15 They've seen what we've done in the last two years. And now
16 there's a lot of interest in other people wanting to run that
17 because they see the possibility of what we've been able to do.

18 COMMISSIONER MASON: Good.

19 COMMISSIONER WAITS: I have no problems with the renewal.
20 I only have a problem with the \$10,000 that was not initially
21 supposed to be a continuing thing for you to --

22 CHAIRMAN BULLOCK: Yeah. It was redone by the
23 Commissioners two years ago. It was approved as a \$10,000 a
24 year.

25 COMMISSIONER MASON: Yes.

26 CHAIRMAN BULLOCK: You go back to the commission meeting.
27 Rogene is stuck on the old contract. It was agreed with
28 Commission --

29 ROGENE HILL: But why would you?

30 CHAIRMAN BULLOCK: It was agreed by the Commission to pay
31 \$10,000 a year. We can go back all we want. That was agreed by
32 the Commission.

33 COMMISSIONER WAITS: But don't you feel with the way we've
34 improved the golf course and with what we are giving to this
35 individual to conduct a business, that we wouldn't have to pay
36 somebody to be in there also.

37 CHAIRMAN BULLOCK: So are we going to pay the extra help
38 any time we have functions out there that we has to take care of
39 on behalf of the county. He has to hire extra employees and
40 people to maintain and take care of the extra thing and more

1 cleaning of the toilets and whatever you want to go, because
2 we've elected to have activities out there?
3 COMMISSIONER WAITS: But you don't think he would make that
4 up on the liquor or the other?
5 SCOTT BULLOCK: Doesn't matter?
6 COMMISSIONER WAITS: Increases.
7 CHAIRMAN BULLOCK: We've increased what he has to do on our
8 part. This is our increase.
9 COMMISSIONER WAITS: Okay. I guess it comes down -- and I
10 have no idea what you're making per year. So I'm assuming
11 you're a good, smart business person. So it would probably
12 would take care of it. I mean, I've been in the business for a
13 long time. I know if I got free rent and free utilities, I
14 certainly would be able to make a go at that business or I
15 wouldn't be in it. I have a problem with the county paying
16 additional funds. That's all. I think.
17 COMMISSIONER MASON: I'd -- I'd like to say this. The
18 county owns the golf course. It's our baby. Now, we've turned
19 management of the golf course over to an individual. And he's
20 taken control of the management of the golf course and all the
21 parts thereto. And that's the way you have to look at it. We
22 have hired a guy to take care of our enterprise. And he's -- in
23 this case here, he's saying, I'll provide another five golf
24 carts, absolutely, maintain them.
25 COMMISSIONER GARNER: For another 6,000.
26 COMMISSIONER MASON: For another 6,000.
27 COMMISSIONER WAITS: I have no problem with the 6,000.
28 SCOTT BULLOCK: Which is 2,000 cheaper than what the
29 county's already paying.
30 COMMISSIONER MASON: It's just management.
31 COMMISSIONER GARNER: I make a motion we put it back up to
32 bid.
33 COMMISSIONER MASON: Put what back?
34 COMMISSIONER GARNER: Put it back out to bid.
35 SCOTT BULLOCK: Is that because of personal interest?
36 COMMISSIONER GARNER: No.
37 SCOTT BULLOCK: No?
38 COMMISSIONER STIENMETZ: County employees can't bid on it
39 anyway.
40 SCOTT BULLOCK: There wasn't a letter submitted?

1 CHAIRMAN BULLOCK: Is there a second?
2 COMMISSIONER WAITS: I'll second it. But I -- but I have
3 question on it. Um, give us our background here again. You're
4 saying we always offer them the opportunity.
5 NICOLE TING: I think if we were to go out to bid, first
6 we'd have to deny the renewal and then --
7 CHAIRMAN BULLOCK: We do. We've got to deny it.
8 NICOLE TING: First, we're going to have to deny the
9 renewal. And then -- and then we go out to bid.
10 COMMISSIONER GARNER: So you --
11 COMMISSIONER WAITS: Okay, because we need to give him the
12 opportunity to accept what we would be offering --
13 COMMISSIONER GARNER: So --
14 COMMISSIONER WAITS: -- in lieu of this --
15 COMMISSIONER GARNER: I retract my motion.
16 COMMISSIONER WAITS: -- before we go off to bid, right?
17 COMMISSIONER GARNER: I'll retract my motion.
18 COMMISSIONER WAITS: Okay. I'll retract my second.
19 COMMISSIONER GARNER: And I'll make a motion to deny the
20 renewal.
21 COMMISSIONER MASON: Then I'll make a motion that we --
22 COMMISSIONER WAITS: He just --
23 COMMISSIONER GARNER: Hold on.
24 COMMISSIONER WAITS: He just did.
25 COMMISSIONER MASON: No, he withdrew his motion.
26 COMMISSIONER WAITS: No, he just --
27 COMMISSIONER STIENMETZ: Then he made another one.
28 NICOLE TING: Retracted.
29 COMMISSIONER MASON: I didn't hear the last part.
30 COMMISSIONER GARNER: I retracted my motion and made a new
31 re -- a new motion to retract or to -- what did I say?
32 COMMISSIONER STIENMETZ: Deny the renewal.
33 COMMISSIONER GARNER: Deny the renewal.
34 And then we can put it on the agenda later.
35 COMMISSIONER WAITS: Okay, I'll second that motion.
36 CHAIRMAN BULLOCK: Any public comment or discussion?
37 JAY FISCHER: Uh, why would -- do you have to have grounds
38 to deny renewal or -- I mean, is -- is there any reason? What
39 --
40 CHAIRMAN BULLOCK: In order to be legal.

1 NICOLE TING: Um, according to the contract now, with the
2 --
3 CHAIRMAN BULLOCK: You have the right for 30 days --
4 NICOLE TING: Yeah.
5 CHAIRMAN BULLOCK: -- to give them notice.
6 NICOLE TING: Thirty days before, with --
7 JAY FISCHER: With.
8 NICOLE TING: -- or without cause.
9 JAY FISCHER: Without cause?
10 CHAIRMAN BULLOCK: Okay. Any other comments?
11 JUDGE BUNCH: I have a comment.
12 COMMISSIONER MASON: Yeah, I --
13 COMMISSIONER GARNER: Go ahead.
14 JUDGE BUNCH: I -- I'm Max Bunch for the record. Um, I'm
15 pretty happy with what's going on out there. Um, I've -- I've
16 been at that golf course for a lot of years. I've seen where
17 the county has had to -- has to pay an employee to sit out there
18 from sunrise to sundown, because that's what the contract said,
19 in order to accommodate those people out there golfing. And
20 when you look at it, you -- you put an employee out there just
21 to start out in the morning and just say you run it from 7:00 to
22 7:00. We know in June that it gets dark at 9:00 o'clock, so
23 you're paying somebody to be out there from about 7:00 to 8:30.
24 And if you just paid minimum wage, you figure out how many hours
25 are there, you're going to spend a lot more money than the
26 10,000 -- 6- , 10,000. You don't have to approve his request
27 for the five carts or the ten carts that's there that you guys
28 are discussing. I think you've got something going on very good
29 now at this point in time.
30 COMMISSIONER MASON: I do too.
31 JUDGE BUNCH: You guys ought to leave it the way it is.
32 Just my personal opinion. Golf tournaments have picked up.
33 I've been there when you've had managers or the county's had
34 managers in there. And there's nobody that sticks around.
35 They'll go play in a golf tournament, and they will leave. And
36 that -- and that business just sinks. There's been more than
37 one of those people out there, because they haven't treated the
38 people the way they should be treated. And I think that you
39 guys are making a big mistake and jumping the gun to do this.
40 You -- you've had two pretty good years. One year you didn't

1 even have greens and you still had a good year. Now, you've got
2 new greens. And you've got a lot of people out there. And I'm
3 out there pretty close to every weekend.

4 COMMISSIONER MASON: I want to say that I've -- I've never
5 seen anything come before the Commission as a complaint about
6 your service. And -- um -- I don't see why we should disturb a
7 good contract. I'll call it a good contract at this point. And
8 whatever increase we want to do about the five carts. Um, I
9 just don't see the value for the county to open this up to bid
10 again when we've got something going that's already proven
11 itself to be reliable.

12 CHAIRMAN BULLOCK: Okay, any other discussion?

13 JAY FISCHER: I would just add to that, that you go out to
14 bid, you hire somebody else, this \$10,000 that's an issue,
15 you're going to give it to them as described as that startup
16 fee. So we're not saving any money here. And I would -- I
17 would second that the golf course and -- and the business that's
18 conducted out there, has -- has grown and turned into something
19 very, very enjoyable for the community, myself included.

20 COMMISSIONER WAITS: I would like to ask if we have any
21 idea what kind of utility costs we pay per month?

22 COMMISSIONER GARNER: It's (indiscernible).

23 ROGENE HILL: I just tracked the utilities from March to
24 November, and, um, last year \$4,777 --

25 COMMISSIONER STIENMETZ: No.

26 ROGENE HILL: -- for those months, which is basically your
27 running time.

28 COMMISSIONER MASON: Is that gas and --

29 ROGENE HILL: I didn't track the other ones. That's gas
30 and electricity.

31 COMMISSIONER MASON: Gas and electricity.

32 ROGENE HILL: Yes. Yes.

33 COMMISSIONER WAITS: Thank you.

34 CHAIRMAN BULLOCK: Okay. Any other discussion?
35 (No comment.)

36 CHAIRMAN BULLOCK: All those in favor?

37 COMMISSIONER GARNER: Aye.

38 COMMISSIONER WAITS: Aye.

39 CHAIRMAN BULLOCK: Those opposed?
40 Aye.

1 COMMISSIONER STIENMETZ: Aye.
2 COMMISSIONER MASON: Aye.
3 CHAIRMAN BULLOCK: Okay. The motion does not carry.
4 COMMISSIONER MASON: Now, I make a motion that we renew the
5 contract as presented on Item 19, agenda Item 19, along with the
6 increase from 10- to 16,000 for the carts, as in that agreement.
7 COMMISSIONER STIENMETZ: I don't agree with the 16,000. I
8 think we should leave it at 10-, and we'll keep our carts out
9 there.
10 SCOTT BULLOCK: Keep leasing?
11 ROGENE HILL: That --
12 CHAIRMAN BULLOCK: That means we have to go spend 8,000 on
13 carts. You understand that?
14 COMMISSIONER STIENMETZ: Right.
15 CHAIRMAN BULLOCK: So -- okay. And we only have five
16 carts.
17 ROGENE HILL: I --
18 COMMISSIONER STIENMETZ: Well, maybe --
19 CHAIRMAN BULLOCK: That's all right.
20 ROGENE HILL: On -- on behalf of that, on the carts, his
21 offer for the additional carts is totally a savings for the
22 county.
23 COMMISSIONER MASON: Yes, ma'am.
24 COMMISSIONER STIENMETZ: All right, if that's the way, then
25 I'll --
26 ROGENE HILL: It is. Because I think right now, we're
27 paying --
28 COMMISSIONER WAITS: Eight thousand plus delivery.
29 COMMISSIONER STIENMETZ: All right.
30 ROGENE HILL: Eighty two hundred.
31 COMMISSIONER STIENMETZ: Under that, I'll second Dave's
32 motion then.
33 ROGENE HILL: And he's offering it for 6,000. So it is
34 definitely a savings for the county for the carts.
35 CHAIRMAN BULLOCK: Okay, any other public comment or
36 discussion?
37 All those in favor.
38 Aye.
39 COMMISSIONER MASON: Aye.
40 COMMISSIONER STIENMETZ: Aye.

1 CHAIRMAN BULLOCK: Those opposed.
2 COMMISSIONER GARNER: No.
3 COMMISSIONER WAITS: No.
4 CHAIRMAN BULLOCK: Okay.
5 SCOTT BULLOCK: Thank you.
6 CHAIRMAN BULLOCK: Mm-hm.

7
8 20) Discussion for possible action regarding request from
9 Angela Alexander, Battle Mountain Archery Club, for a
10 donation of land from Lander County in order to establish a
11 permanent structure for the Archery Club, and other matters
12 properly related thereto.
13

14 CHAIRMAN BULLOCK: Item Number 20, discussion for possible
15 action regarding request from Angela Alexander, Battle Mountain
16 Archery Club, for a donation of land from Lander County in order
17 to establish a permanent structure for the Archery Club, and
18 other matters properly related thereto.

19 JAKE EDGAR: He had to go to a mandatory meeting. So --

20 COMMISSIONER GARNER: I've been in contact with him. I can
21 kind of take the lead.

22 JAKE EDGAR: Okay.

23 COMMISSIONER GARNER: There's a bunch of different land
24 they're looking at. I talked to Gina. Gina did some
25 background.

26 I did talk to the motor sports complex out there. We've
27 got Troy Liebhardt is the, I guess, the President of the
28 Motorcycle Club.

29 But at end of that, there's kind of a marshy land, kind of
30 a different scenario, but perfect for archery. And I think
31 there's -- I can't really tell off of what she's got here on the
32 map, but there's about 25-, 30-acres back there. He was very
33 interested. He said that would be great.

34 All the county would have to do is -- possibly Donnie -- is
35 help them to provide a -- maybe just a little bit of road base
36 all the way to end, on the inside of the fence. Then they could
37 keep their stuff locked up.

38 And then the possibility of the white -- the old Elks Lodge
39 that was supposed to be in front of --

40 DONNIE NEGRO: Museum.

AGENDA ITEM NO. 5

AGENDA ITEM NO. 5

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

The 2015 BDR Subcommittee considered a full range of potential changes to NRS 281A, including vetting a variety of new ideas and re-evaluating proposals that the Commission considered in 2013. All of those concepts are presented in this document, however, only the seven (7) concepts in Section I are recommended to the Commission to be pursued in the upcoming 2015 Legislative session. However, we have provided Section II (NRS 281A AMENDMENTS CONSIDERED FOR 2013 LEGISLATIVE SESSION (NOT recommended for 2015)), and Section III (*NEW* NRS 281A AMENDMENTS NOT RECOMMENDED FOR 2015) for your review, in the event a majority of the Commission wishes to move an item from one of those sections into the Bill Draft Request, or to move an item from Section I to another section.

SECTION I: PROPOSED NRS 281A AMENDMENTS RECOMMENDED FOR 2015 LEGISLATIVE SESSION:

Item #	Statute Change	Reason for Change
1	Amend NRS 281A.480(5) to provide that for safe harbor to apply, the subject must be able to prove that s/he sought specific legal advice related to the conduct, advice was given by the appropriate counsel and that subject determined that no prior commission opinion applied BEFORE taking action. <u>Also require request, date and advice to be memorialized or proven by substantial evidence.</u>	During a third-party request for opinion process, the Commission may at times determine that a public officer's or employee's past conduct violated NRS 281A, although if the subject relied in good faith on the advice of counsel and the advice was not contrary to a published Commission opinion, the violation could not be deemed "willful." Since this safe harbor provision was amended in 2013, many subjects and their attorneys have argued that the conduct was on the advice of counsel, though it was not clear whether the subject sought the advice or came by it second hand, and whether or when the attorney considered prior Commission opinions and statutes before offering the advice. Reasonable application of the "safe harbor" provisions is important, but should not be available unless both the subject and the attorney have acted within narrow circumstances and in good faith. If affidavits or other evidence are presented that attempt to manipulate the application of the intent of the safe harbor or are vague attempts to obtain safe harbor when the officer or employee knew the conduct violated ethics laws, safe harbor should not be offered.
2	Allow NCOE to accept anonymous Third-Party RFOs, so long as they contain sufficient supporting evidence. (NRS 281A.440(2)(c)) (NRS 281A.440(12))	Currently NRS 281A.440 (2)(c) prohibits the Commission from initiating an RFO based solely on an anonymous complaint. NRS 281A.440(12) prohibits the Commission from accepting an anonymous complaint from a third-party by requiring the requester to testify. The Legislature should delete NRS 281A.440(12)(b) and the language which prohibits the anonymous complaint in NRS 281A.440(2)(c). It has been the practice of the Commission to reject anonymous complaints as a matter of course; however should sufficient evidence come to its attention, such evidence should not be ignored.
3	Amend willful standards so not too restrictive. (NRS 281A.475) (NRS 281A.480(5))	NRS 281A.480(5) and NRS 281A.475 have made it nearly impossible for the Commission to find a willful violation. Change "shall" to "may" for Commission's duty to consider the factors.

Item #	Statute Change	Reason for Change
4	Make materials provided to panels and panel transcripts confidential. (NRS 281A.440(8)(9) and (16))	NRS 281A.440 may need to be modified to determine when such materials become public records, if ever. Under current language, the record of the proceedings of the investigatory panel are confidential until the panel determination or waiver. The definition of "investigatory file" does not specify that (investigatory) panel materials are part of the investigatory file.
5	Amend NRS 281A.420 (3) and (4) to also discuss abstention by public <u>employees</u> .	These abstention laws, as written, are only directed to public officers. There may be instances (e.g., advisory board members who make recommendations to a governing body) where public employees may vote on agenda items or otherwise participate in decision-making actions. Therefore, these two paragraphs should be amended to include public employees.
6	Clarify NRS 281A.270 State and Local Government funding for Commission operations to address return of money during biennia. Our current process is not reflected in the statute, but is necessary to avoid IFC requests for 100% State funds (if needed) when unspent Local Government funds are available during a biennium.	SB 228 amended NRS 281A.270 consistent with Commission intent offered in 2011 legislative BDR solely to prevent budget reversions to local governments when the State imposed budget reductions. (In 2009/2010 the State imposed mandatory budget reductions, requiring the Commission to reimburse the local governments in proportion to the legislatively approved state/local distributions.) However, the language in SB 228 created confusion regarding reversions of excess local government funds, and the State Executive Budget Office and LCB Fiscal Division did not understand the original intent. The Commission should clarify the language to ensure that excess local government funds are reserved until after the following fiscal year in the event the Commission requests additional interim funds. (This structure will ensure proportionate distribution between the State General Fund and the Local Government shares)
7*	Amend NRS 281A.440(7)(b) and NRS 281A.550(7)(b) to allow a public officer or employee to disclose the results of an ethics opinion to certain individuals while retaining confidentiality.	After the Commission opines on a first-party opinion request, a public officer should be able to disclose the disposition of the request to an employer or agency attorney for internal use only, and still preserve the confidentiality of the opinion. Similarly, if a witness accompanies the public officer or employee to a first-party request for opinion Commission hearing, confidentiality should still be retained. NRS 281A.440(7) and NRS 281A.550(7)(b) currently deem such disclosures a waiver.

*= Initially presented in 2013, S.B. 228

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

SECTION II: NRS 281A AMENDMENTS CONSIDERED FOR 2013 LEGISLATIVE SESSION (NOT recommended for 2015):

Item #	Statute Change	Reason for Change
A	Move the counseling disclosure filing requirement of NRS 281A.410(3) to a new section in NRS 281A.	The form filing requirements for counseling a private party before a State agency should be a separate section in law, rather than being a subsection of NRS 281A.410. This change should make NRS 281A more user friendly.
B	Clarify the "public officer" definition by adding words to explain how such position is created or allowed to be created. (NRS 281A.182)	<p>For example, county school superintendents and county hospital administrators have been determined by the Commission <u>not</u> to be public officers due to the wording of the current definition. Accordingly, they are not required to comply with requirements that are unique to public officers (e.g., the filing of a financial disclosure statement). By expanding the definition, superintendents and hospital administrators, among other government positions of trust, will meet the public officer criteria.</p> <p>(S.B. 228 from 2013 included school administrators, but excluded county hospital administrators from definition of "Public Officer". County hospital administrators should be added to the list of officers that were added by the 2013 Legislature at NRS 281A.182.)</p>
C	Amend NRS 281A.290 to allow for <u>any</u> necessary regulations to be adopted by the Commission.	Current statute wording is too limiting regarding the Commission's authority to adopt only certain types of <u>procedural</u> regulations.
D	Make several changes to the Code of Ethical Standards (NRS 281A.400)	Amend NRS 281A.400(3) and (10) to clarify potential conflicts involving contracts. Amend provisions to include "commitments in a private capacity" to all sections (same as conflicts involving pecuniary interests).
E	Amend NRS 281A.410(1)(a) to clarify that government employees can't accept compensation from a private person to counsel that person on any issues pending before a government body. Also, reword NRS 281A.410(1)(b) for clarity.	Several public employees have requested guidance regarding NRS 281A.410(1) due to the current wording of this law. These changes should provide better guidance.

Item #	Statute Change	Reason for Change
F	Move NRS 281A.550 to NRS 281A.410.	By combining these statutes, all employment-related statutes (post government service) will be located in the same section. The one-year cooling off period for employment will also apply to local government officers and employees. The waiver provisions of NRS 281A.550(6) will be expanded to include waivers of NRS 281A.410(1) and (2).
G	Amend NRS 281A.500 to require all public officers to attend an ethics training class conducted by the Ethics Commission within 6 months of taking office. Statute should allow waivers or extensions of 6-month requirement for just cause.	Although reading the ethics laws is important, attending a course where such laws are explained and past Commission opinions are discussed is an important step in understanding the ethics requirements with which all new public officers must comply. Several times the Commission has observed that where ethics violations have occurred, the officer has not read the ethics laws and/or attended an ethics training class.
H	Expand definition of "unwarranted" in NRS 281A.400(2)	The Commission may wish to provide more guidance as to what is considered "unwarranted" based on past Commission opinions.
I	Define "personal interest".	A new "personal interest" definition was removed from the Commission's bill draft request before the introduction of SB 391 in the Senate in 2011. Reconsider defining this term, and using in the definition of "commitment in a private capacity to the interests of others" and throughout NRS 281A.400 and NRS 281A.420 (see Commission Counsel's BDR Request for 2011 Legislature for wording). This approach would clarify that other interests, not pecuniary in nature, may cause a conflict of interest (e.g., revenge, personal agendas)
J	Amend NRS 281A.230(4) and NRS 281A.250(4) to allow the Executive Director and Commission Counsel to have outside employment upon approval of the Commission.	The issue of outside employment for the Executive Director and Commission Counsel should be addressed either through Commission regulations or internal policies and procedures. However, these two statutes require amending to allow both individuals to pursue outside employment, and for the Commission to establish an approval process to include types of outside employment that cannot be pursued.
K	Amend NRS 281A.020 so that this statute may form the basis for a violation or be exempt from the same.	This statute currently reads as a statement of public policy. There may be times when the actions of a public officer or employee are a violation of the public trust, but such actions may not be a clear violation of a specific requirement within NRS 281A. Similarly, the Commission may also provide advice on future conduct through the request for first-party opinion process, and NRS 281A may not specifically address the future conduct. In such limited instances, it may be beneficial to cite NRS 281A.020(1)(b) as a basis for such advice or violation. This statute should be amended, as appropriate and if necessary, to provide the Commission with such regulatory discretion.

Item #	Statute Change	Reason for Change
L	Amend NRS 281A.410(1)(b) to clarify that no forms of counseling or representation may be performed for compensation for one year after leaving government service.	This cooling off law could be read to apply only to consultants or other professional advisors (e.g., attorney, CPA) providing direct counseling or representation. The law should clarify that if the former government employee accepts employment with a private advisory business (e.g., law firm, CPA firm, consulting practice), the former employee cannot provide counseling or representation on behalf of his firm on any issue that was under consideration by his former agency for one year after leaving government service, even if he does not bill the client for his services. This is because his firm provides him with a compensation package. Additionally, the Commission has opined that a former government employee who accepts private sector employment cannot counsel his new employer on any issue that was under consideration by his former agency since his salary is compensation for purposes of compliance with this statute. He would have to wait one year after leaving government service before he can counsel his employer.
M	Amend NRS 281A.400 to prohibit an officer or employee from concurrently holding two government agency positions where one position is in the chain of command of the other position (“boss of boss prohibition”).	The Commission has rendered several opinions regarding this issue. For example, the Commission has advised that a school teacher may not concurrently serve as a School Board trustee. The Commission has also advised that a county hospital employee cannot also serve as an elected member of the hospital’s Board of Trustees. In both situations, as an elected member of a Board, the person would technically be supervising the agency head, who is the elected official’s “boss” when that person is performing his full-time public employee duties. Since this relationship has been determined to be a conflict of interest, the statute should clearly articulate and prohibit this conflict in the Code of Ethical Standards so that public employees who are contemplating a run for office will know they cannot hold both positions.
N	Amend NRS 281A.420 to address minimum requirements for a disclosure to be considered adequate. (NRS 281A.420(1))	This statute generally requires that “sufficient information” be disclosed, and the disclosure must be made at the time the matter is considered. The Commission has recently published materials to informally advise public officers how to make an adequate disclosure. However, there is no statutory or regulatory requirement that such guidelines be followed. This statute should be amended providing the Commission with the authority to adopt regulations that specify minimum standards for an adequate disclosure, and that a public officer must meet these minimum standards for his disclosure to be considered “sufficient”. The Commission recently heard a request for third-party opinion where a disclosure did not disclose all pertinent information, and also the disclosure referred to a past disclosure. Should this law be amended, such a disclosure would not meet the minimum standards of disclosure.

Item #	Statute Change	Reason for Change
O	Define "gift"	The term "gift" is used in NRS 281A, but no definition currently exists in the chapter. The Commission should define the term, and provide general guidance as to what is and is not a gift. Immateriality of gifts should be addressed in the definition. Additionally, the Governor's Executive Order No. 2011-02 should be reviewed for examples of the types of gifts that can be accepted by a public officer or employee. Preferably, work with Governor and Sec. of State to develop a definition that might cross into FDS and campaigns. Consider researching gift definitions in other states' ethics statutes.
P	Define "public money".	This term "public money" is used in the definition of "public officer" in NRS 281A.160(1)(b)(2). Some high ranking government officials in this state are not classified as public officers only because their agencies are funded by fees instead of from general fund appropriations. Their agencies may collect hundreds of thousands of dollars in such fees. The definition of "public money" in this chapter should include these fee collections and, as a result, these individuals will be classified as public officers and must meet the requirements unique to public officers, such as the filing of financial disclosure statements.
Q	Amend NRS 281A to indicate that if, during a request for first-party opinion, it is determined that a violation of NRS 281A may have occurred, the Commission may determine that the officer or employee has a "safe harbor" from the consequences of such violation if the request was made in good faith.	During the first-party request for opinion process, the Commission may at times determine that a public officer's or employee's past conduct was in violation of NRS 281A. The Commission should have the authority to evaluate the circumstances of the request, and the past conduct, and determine whether the Commission should act on the violation, or provide "safe harbor" to the requestor for coming forward and requesting an opinion. Such "safe harbor" determination should be concluded only if the officer or employee acted in good faith. If it is determined that a first-party request for opinion is filed in order to obtain safe harbor when the officer or employee knows that an ethics violation has occurred, safe harbor will not be offered.
R	Define "employ" and "employment" for purposes of NRS 281A.550.	Since the Commission has determined that these terms relate to independent contractors in addition to employees on a company's payroll, such determination should be made clear through a definition of terms.
S	Amend NRS 281A.200 to address changing of political parties for commission members.	This statute should clarify that NRS 281.057 does not apply to commission member appointments. It is acceptable for a member to have changed political parties within the last two years.

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

SECTION III: NEW NRS 281A AMENDMENTS NOT RECOMMENDED FOR 2015:

Item #	Statute Change	Reason for Change
T	Provide a more tangible measure for when abstention is required. (NRS 281A.420(4)(b))	NRS 281A.420(4)(b) currently requires abstention in a clear case when the independence of judgment of a reasonable person in the public officer's or employee's circumstances would be materially affected. Reasonable minds certainly have differed over the years as to when abstention is required under this standard. A more clear standard would assist the public officers and the NCOE.
U	Allow imposition of civil penalties, or required action, for non-willful violations. (NRS 281A.480)	NRS 281A.480 - Requiring civil penalties, disgorgement of benefits, restitution to damaged parties or attending ethics training are some potential penalties even if a violation is deemed non-willful.
V	Relief from the strict application of cooling off provisions for Public Utilities Commission members, Gaming Control Board members, and Gaming Commission members. (NRS 281A.550(1) and (2))	A waiver provision similar to those set forth in NRS 281A.410(3) and NRS 281A.550(6) should be made applicable to NRS 281A.550 (1) and (2), for the Commission to authorize former members of the Public Utilities Commission, Gaming Control Board and Nevada Gaming Commission to become consultants in certain circumstances. (This exemption should not extend to employment relationships.)
W	Specify the dates of service for Commission members' appointments. (NRS 281A.200)	NRS 281A.200 should provide for the staggering of Commission member terms so that no more than two members' terms expire in a year. Currently 5 of the 8 Commission members' terms expire in 2015 and 2 more in 2016. This creates an imbalance of new and more experienced members, and does not allow for a smooth transition process. The Legislature may need to grandfather in current members terms. (If a Commissioner is appointed to a new term prior to/during the Legislative Session/effective date of bill, those terms likely grandfathered.)
X	Expand reporting of Representation and Counseling before government bodies to all bodies. (NRS 281A.410(5))	NRS 281A.410(5) requires public officers to report to the Commission compensated work that goes before only State agencies of the Executive Branch. Public officers should also be required to report this type of work performed before local governments.

Item #	Statute Change	Reason for Change
Y	Expand narrow application of "incur an expense" and "make an expenditure" to support a ballot measure or candidate. (NRS 281A.520)	NRS 281A.520 should be expanded to prohibit using staff, email server, warehousing, and other existing government resources even if the agency doesn't expend additional government funds or incur an additional expense.
Z	Revise duties of Executive Director, Commission Counsel and Associate Counsel to conform to expected and current practices.	Many "E.D. shall" provisions in statute do not align with current practice and responsibility - - the Commission should take all specific tasks out of statute and refer to the staff responsibilities and Commission responsibilities. General descriptions of ED and CC positions are fine, but tasks are too specific to be in statute. Those can be in regulations if required at all.
AA	Amend NRS 281A.200(5)(b), 281A.230(5)(a), and 281A.250(5)(a) to specify whether these public officers may file for election and participate in their own campaigns.	"Be actively involved in the work of any political party or political campaign" be reworded to specifically address the issue of campaigning one way or the other. (Commission needs to decide on which approach to recommend.)

AGENDA ITEM NO. 6

AGENDA ITEM NO. 6

**State of Nevada Commission on Ethics
Requests for Opinion Log**

Color Key:	3rd Party RFO	1st Party RFO	No Jurisdiction/ lack of Evidence	RFO Withdrawn	Pending Investigation/ Panel Determination	Pending Hearing/ Written Opinion		Pending Investigations/ Panels = 7	Opinions to be written = 10 Abstracts = 1 Stips. pending approval/signature = 5	
RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info. <u>Time/Confidentiality</u> Other NOTES	# days to Opinion From Hearing
14-33A	4/3/2014	XXXXXXXX	XXXXXXXX	Self		Hrg expected 4/16/14				
14-32C	3/31/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX		Hrg re: Jurisdiction Expected 4/16/14				
14-31N	3/18/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-30N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-29N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-28N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-27N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-26N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-25N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-24N	3/17/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-23W	3/10/2014	XXXXXXXX	XXXXXXXX	Self					Withdrawn	
14-22C	3/5/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending				Waiver of time (I&H) 4/7/14	
14-21C	3/5/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending				Waiver of time pending	
14-20N	3/5/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						

**State of Nevada Commission on Ethics
Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
14-19N	2/26/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-18A	2/27/2014	XXXXXXXX	XXXXXXXX	Self		Hrg Re: Jurisdiction 3/19/14	Order Deferring Jurisdiction			
14-17C	2/26/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending				Waiver of time (I&H) rec'd 3/13/14	
14-16N	2/24/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal Pending					
14-15C	2/19/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending				Waiver of Time (I & H) rec'd 3/4/14	
14-14A	2/18/2014	XXXXXXXX	XXXXXXXX	Self		Hrg Re: Jurisdiction 3/19/14	Order Deferring Jurisdiction 3/31/14			
14-13N	2/13/2014	XXXXXXXX	XXXXXXXX	Self						
14-12C	1/30/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending					
14-11C	1/30/2014	Clark County	Dr. Rene Cantu, Jr., Former Trustee, CCSD	Self	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520		13
14-10N	1/29/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-09A	1/29/2014	XXXXXXXX	XXXXXXXX	Self		3/18/14	Pending			
14-08C	1/29/2014	Clark County	Lorraine Alderman	Self	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520		13

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
14-07C	1/21/2014	Clark County	Linda Young, Trustee, CCSD	Joe Spencer	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Consolidated w/ RFO 14-02	13
14-06C	1/21/2014	Clark County	Chris Garvey, Trustee, CCSD	Joe Spencer	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Consolidated w/ RFO 14-01C	13
14-05C	1/13/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX	Pending				Waiver of Inv. Time only 2/18/14	
14-04N	1/13/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-03N	1/13/2014	XXXXXXXX	XXXXXXXX	XXXXXXXX						
14-02C	1/8/2013	Clark County	Linda Young, Trustee, CCSD	Self	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Consolidated w/ RFO 14-07C	
14-01C	1/8/2013	Clark County	Chris Garvey, Trustee, CCSD	Self	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Consolidated w/ RFO 14-06C	
13-87N	12/9/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-86A	11/27/2013	XXXXXXXX	XXXXXXXX	Self		1/15/13	Pending			
13-85C	11/25/2013	Lander County	Dean Bullock, Commissioner, Lander County	Brian Garner	Panel Hearing Waived	Hrg. on Stip expected 4/16/14			Waiver of Inv./Hrg time 1/9/14, Waiver of Conf./Panel 4/2/14	
13-84N	11/25/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
13-83C	11/20/2013	Clark County	Deanna Wright, CCSD Trustee	Joe Spencer	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Waiver of Conf./Panel Rec'd 1/21/13	13
13-82C	11/20/2013	Clark County	Erin Cranor, Trustee District G, Clark County School District	Joe Spencer	Panel Hearing Waived	Stip. Approved 2/12/14	Stipulated Agreement 2/25/14	520	Waiver of Conf./Panel Rec'd 1/21/13	13
13-81C	11/18/2013	Humboldt County	Gary Wilson, Member, McDermitt Fire District	Dale Hartley	Panel Hearing Waived	Pending			Waiver of time (I & H) 12/26/13, waiver of Conf./Panel 3/31/14	
13-80N	11/6/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 2/12/14 - UPHELD					
13-79N	10/28/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-78A	10/28/2013	XXXXXXXX	XXXXXXXX	Self		12/18/13	Pending			
13-77A	10/24/2013	XXXXXXXX	XXXXXXXX	Self		11/20/13	Pending			
13-76N	10/23/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-75A	10/7/2013	XXXXXXXX	XXXXXXXX	Self		11/20/13	4/3/14, Abstract Pending			
13-74N	9/17/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-73N	9/5/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-72A	8/28/2013	XXXXXXXX	XXXXXXXX	self		10/16/13	Pending			
13-71A	8/28/2013	XXXXXXXX	XXXXXXXX	Self		10/16/13	Pending			

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RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info. <u>Time/Confidentiality</u> Other NOTES	# days to Opinion From Hearing
13-70N	8/19/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 9/18/13 UPHELD					
13-69N	8/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-68C	8/5/2013	City of Ely	Dale Derbidge, Ely City Councilman and Trustee, Hospital Board of Trustees	Keith Carson	2/12/14	Hrg on Stip. 3/19/14	Executed Stip. Pending		Waiver of time (I & H) 9/23/13	
13-67W	8/5/2013	XXXXXXXX	XXXXXXXX	Self		8/21/13			Consolidated w/ 13-66A, Withdrawn during Hearing	
13-66A	8/5/2013	XXXXXXXX	XXXXXXXX	Self		8/21/13	Pending		Consolidated w/ 13-67W	
13-65N	7/29/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-64N	7/15/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-63N	7/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-62N	7/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-61N	7/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-60N	7/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
 FISCAL YEAR 2013-2014 										
13-59W	6/27/2013	XXXXXXXX	XXXXXXXX	Self					WITHDRAWN	

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info. <u>Time/Confidentiality</u> Other NOTES	# days to Opinion From Hearing
13-58N	6/25/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-57N	6/25/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-56N	6/24/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-55N	6/20/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-54A	6/20/2013	XXXXXXXX	XXXXXXXX	Self		7/17/13	Pending			
13-53N	6/18/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-52N	6/13/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-51N	6/12/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-50N	6/17/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-49N	6/17/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-48N	5/29/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 9/18/13 - UPHELD					
13-47N	5/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-46A	5/22/2013	XXXXXXXX	XXXXXXXX	Self		6/18/13	Pending			
13-45N	5/22/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-44A	5/6/2013	State of Nevada	William Theobald, Mortgage Lending Examiner, Division of Mortgage Lending	Self		6/18/13	12/4/13	020, 550(3), (6), 410(1)(b)	Waived Confidentiality	169

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
13-43C	4/15/2013	City of Boulder City	Cam Walker, Councilman, City of Boulder City	Thomas Finn	2/12/14	Hrg on Stip. Expected 4/16/14			Waiver of time rec'd 5/15/13	
13-42N	4/15/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-41N	4/11/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-40N	4/8/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-39C	4/2/2013	Washoe County (IVGID)	Bruce Simonian, Trustee, IVGID Board of Trustees	Frank Wright	Dismissed by Panel 11/20/13				Waiver of Investigatory time rec'd 5/16/13	
13-38W	4/1/2013	XXXXXXXX	XXXXXXXX	Self					WITHDRAWN	
13-37C	3/21/2013	Nye County	Danelle Shamrell, HR Manager, Nye County	Andrew Alberti	Dismissed by Panel 9/18/13				Waiver of time rec'd 4/25/13	
13-36C	3/21/2013	Nye County	Pam Webster, HR. Manager, Nye County	Andrew Alberti	Dismissed by Panel 9/18/13				Waiver of time rec'd 4/25/13	
13-35N	3/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-34N	3/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-33N	3/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-32N	3/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-31N	3/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						

**State of Nevada Commission on Ethics
Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
13-30C	3/21/2013	Nye County	Joni Eastley, Nye County Commissioner	Andrew Alberti	Dismissed by Panel 9/18/13				Waiver of time rec'd 4/17/13	
13-29A	3/12/2013	XXXXXXXX	XXXXXXXX	Self		4/17/13	12/4/13	550(3), (5), (6), 410(1)(b), 020	Abstract 1/14/14	231
13-28A	3/4/2013	XXXXXXXX	XXXXXXXX	Self		4/17/13	Pending			
13-27N	3/4/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-26N	2/26/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-25C	2/25/2013	Clark County	Joyce Haldeman, Assoc. Superintendent for Community and Gov. Relations CCSD	Michael Silbergleid	5/20/2013	Hearing on Stip 11/20/13	Stipulated Agreement 12/4/13	520	Waiver of Time rec'd 7/1/13	14
13-24C	2/25/2013	Clark County	Carolyn Edwards, Trustee, CCSD	Michael Silbergleid	5/20/2013	Hearing on Mtn: 9/18/13; Stip.: 11/20/13	Stipulated Agreement 12/4/13	520	Waiver of Time rec'd 7/1/13	14
13-23N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-22N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					

**State of Nevada Commission on Ethics
Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
13-21N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-20N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-19N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-18N	2/21/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 4/25/13 UPHELD					
13-17C	2/21/2013	State of Nevada	Ellen Spiegel, State Legislator, Assembly District 20, State of Nevada	James Adams	Dismissed by Panel 4/25/13					
13-16N	2/12/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX					Jurisdictional Appeal Withdrawn	
13-15N	2/12/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX					Jurisdictional Appeal Withdrawn	
13-14N	2/12/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX					Jurisdictional Appeal Withdrawn	
13-13N	2/12/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX					Jurisdictional Appeal Withdrawn	

**State of Nevada Commission on Ethics
Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info. <u>Time/Confidentiality</u> Other NOTES	# days to Opinion From Hearing
13-12N	2/7/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 2/20/13 UPHELD					
13-11C	2/7/2013	IVGID (Washoe County)	Rich Blalock, Diamond Peak Bartender	Aaron Katz	Dismissed by Panel 11/20/13				Waiver of Time Rec'd 3/13/13	
13-10N	1/30/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-09A	1/28/2013	XXXXXXXX	XXXXXXXX	Self		2/20/13	10/21/13;	550(2)(3), 410(1)(b)	Abstract 2/4/14	243
13-08C	1/28/2013	IVGID (Washoe County)	Lee Ann A. Mulford, Diamond Peak Cashier	Aaron Katz	Dismissed by Panel 11/20/13				Waiver of Time Rec'd 3/13/13	
13-07C	1/28/2013	IVGID (Washoe County)	Emily Kennedy, Diamond Peak Cashier	Aaron Katz	Dismissed by Panel 11/20/13				Waiver of Time Rec'd 3/13/13	
13-06N	1/28/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX	Jurisdictional Appeal 2/20/13 UPHELD					
13-05C	1/14/2013	City of Ely	Dale Derbidge, Ely City Councilman and Trustee, Hospital Board of Trustees	Keith Carson	4/22/2013	Hearing on Stipulation 6/19/13	Stipulation 7/16/13	NRS 281A.420(1)(3)	Waiver of Time Rec'd 1/28/13	27
13-04N	1/14/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-03N	1/14/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						

**State of Nevada Commission on Ethics
Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
13-02N	1/14/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
13-01N	1/14/2013	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-77N	12/24/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-76N	12/24/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-75N	12/24/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-74C	12/24/2012	IVGID (Washoe County)	Beatrice Epstein, Trustee, IVGID Board of Trustees	Frank Wright	4/17/2013	Hrg on Stip/MTN 8/21/13	Stipulated Agreement & Order 9/9/13	020, 400(1)(2)(7), 420(1)(3)	Waiver received 6/6/13 Consolidated w/ 13-72C	19
12-73C	12/24/2012	IVGID (Washoe County)	Charles Weinberger, Trustee, IVGID Board of Trustees	Frank Wright	Dismissed by Panel 4/17/13					
12-72C	12/24/2012	IVGID (Washoe County)	Theodore Fuller, Trustee, IVGID Board of Trustees	Frank Wright	4/17/2013	Hrg on Stip/MTN 8/21/13	Stipulated Agreement & Order 9/9/13	020, 400(1)(2)(7), 420(1)(3)	Waiver received 3/7/13 Consolidated w/ 13-74C	19
12-71N	12/20/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-70N	12/17/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-69A	12/10/2012	XXXXXXXX	XXXXXXXX	Self		2/20/13	7/1/13	020, 420(1)(3)	Abstract 8/9/13	131
12-68A	12/10/2012	XXXXXXXX	XXXXXXXX	Self		2/20/13	7/1/13	020, 400(1)(2), 400(10), 420(1)(3), 430(1)(4)	Waived Confidentiality via email	131
12-67N	12/3/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info.	# days to Opinion From Hearing
									<u>Time/Confidentiality</u> Other NOTES	
12-66A	11/21/2012	Washoe County	Vicky Maltman, Trustee, Sun Valley GID	Self		12/12/12	1/24/13	400(2)(10); 420(1), 020(1)	Waived confidentiality at hearing	43
12-65N	11/14/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-64C	11/7/2012	Humboldt County	James Parrish, CEO/Administrator Humboldt General Hospital	Joseph L. Gough	3/20/13, Additional Alleg. 6/11/13	Hrg. On Stip 7/17/13; 8/21/13	Stipulated Agreement 8/27/13	520	Waiver of Time Rec'd 12/20/12	6
12-63C	11/5/2012	City of Reno	Dan Gustin, City Councilman, City of Reno	Elizabeth Dodson	Dismissed by Panel 1/2/13				Waiver of Time Rec'd 1/10/13	
12-62N	11/5/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-61C	10/15/2012	Overton	Mike Fetherston, Board Member, Overton Power District Board of Trustees	Barbara Ellestad	Dismissed by Panel 1/2/13					
12-60N	10/10/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-59N	10/1/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-58N	9/27/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-57N	9/27/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-56N	9/27/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-55N	9/27/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						

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Requests for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Panel date	Hearing date	Opinion Issued (date)	Statutes implicated	Waiver Info. <u>Time/Confidentiality</u> Other NOTES	# days to Opinion From Hearing
12-54C	9/26/2012	City of Fernley	Donald Ralph Parsons, City Councilman, City of Fernley	Keith Penner	3/20/2013	5/15/2013, Stipulation approved 6/19/13	Stipulation 7/17/13 Published 8/28/13	400(2)(7), 420(1)(3)	Waiver of time rec'd 9/13/12, Consolidated w/ 13-50C	63
12-53A	9/19/2012	XXXXXXXX	XXXXXXXX	Self		10/17/12	1/31/13	020(1), 410(1)(b), 550(3)(5)(6)	Abstract: 1/31/13	106
12-52A	9/17/2012	City of Reno	Dwight Dortch, Council Member, City of Reno	Self		10/17/12	3/5/13	020(1), 420(1)(3)(4)(8), 550(3)(5)(6)	Conf. waived by conduct	139
12-51N	8/30/2012	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-50C	8/14/2012	City of Fernley	Donald Parsons, City Councilman, City of Fernley	Keith Penner	3/20/2013	5/15/2013, Stipulation approved 6/19/13	Stipulation 7/17/13 Published 8/28/13	400(2)(7), 420(1)(3)	Waiver of time rec'd 9/13/12, Consolidated w/ 13-50C	63
12-49N	8/13/12	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-48N	8/6/12	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-47N	8/6/12	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-46A	8/6/12	XXXXXXXX	XXXXXXXX	Self		10/17/12	1/24/13	020, 400(1)(7) 420(1)(3)(4)(8)	Abstract: 1/24/13	99
12-45N	7/31/12	XXXXXXXX	XXXXXXXX	XXXXXXXX						
12-44N	7/23/12	XXXXXXXX	XXXXXXXX	XXXXXXXX						



FISCAL YEAR 2012-2013



AGENDA ITEM NO. 7

AGENDA ITEM NO. 7



**State of Nevada
COMMISSION ON ETHICS**

M E M O R A N D U M

DATE: April 8, 2014
TO: Commission Members
FROM: Valerie M. Carter
RE: Nevada Certified Public Manager Program, Quality Improvement Project

Last summer I was nominated for and accepted as a participant in the prestigious Nevada Certified Public Manager (CPM) Program. The CPM Program is a state-sponsored, nationally recognized and nationally accredited leadership development program designed for public administrators who wish to learn both current management theory and useful techniques to improve their performance as managers in the public sector. The vision of the CPM Program is to develop "world class leaders and managers for public service."

Participants of the CPM program devote 314 hours of study consisting of six (6) one-week courses titled "Managing Government in Nevada", written examinations, seventy-six (76) professional Development elective hours, attendance at an Executive Seminar, and three (3) job-related projects, including a "Capstone Quality Improvement Project".

I recently began working on my Quality Improvement Project, which must focus on changes to improve efficiency and effectiveness of my employing agency, be related to the agency's mission, have a high organizational impact, and have a realized cost savings to the State. After attending several weeks of CPM courses and brainstorming with other members of the Nevada Commission on Ethics' staff and, with the support of the Executive Director and Commission Counsel, I have decided to focus on examining and streamlining some of our internal processes. My goal is to eliminate, or at least reduce the causes for the Opinion backlog by working with the Executive Director and staff to examine and define each staff position's role, and re-organize or re-structure some of our internal processes to become more efficient with the time and resources available to both staff and Commissioners.

After evaluating where time and money could be saved, the Commission's meetings became an obvious consideration. In response to one of my colleague's questions regarding why the Commission meets every month, the response was "that is just what we have always done." My experience with the Commission for nearly 3 years prompted an assessment of the staff and Commission effort involved in preparing for and conducting the meetings. This idea seemed to warrant further review and stimulated additional discussions with staff.

Through my discussions it became obvious that Commissioners and the agency staff live in a deadline-driven environment, jumping from deadline to deadline, meeting to meeting, often focused on meeting preparation rather than meeting results. Staff currently has only 3-4 weeks between meetings to conduct investigations, write opinions, keep the administration side of the agency functioning, and address frequent miscellaneous issues (Subcommittees, Legislative Sessions etc.) in addition to coordinating and preparing materials for the upcoming monthly meeting.

A significant part of the Commission's resources are invested in preparing for meetings in the weeks prior to the actual meeting. If staff had more time to draft formal opinions between meetings, conduct settlement negotiations and prepare Stipulations, the Commission's priorities would be better managed by staff. Consequently, staff would have more time to create useful meeting materials for Commissioners, ensure more efficient Commission meetings, and focus on eliminating the current opinion back-log. The nature of Commission meetings/hearings has changed significantly over the last few years, involving a more significant investment of staff time and resources. What was once necessary has simply become the accepted norm, and I believe eliminating monthly meetings and implementing a policy requiring meetings every other month will serve as a foundational principle for my project.

Arranging for regular meetings to occur bi-monthly will require consideration of statutory deadlines and related time constraints, but staff supports the effort to streamline in this manner and has committed to ensure efficiencies. I hope to address these timelines and issues with the Executive Director as we identify and finalize job descriptions and duties for each staff person.

In support of my Quality Improvement Project, and with the agreement of the Commission Counsel and the Executive Director, I propose holding Commission Meetings every-other month, with the possibility of scheduling additional meetings to address rare events that require the Commission's immediate attention; e.g., First-Party RFOs, budget-related matters or legislative/regulatory issues.

Interesting Facts:

- The Commission had held four (4) Third-Party RFO hearings in the last 3 years.
- The Commission has heard three (3) Dispositive Motions in the last 2 years.
- The Commission hears an average of eight (8) First-Party RFOs per year (based on last 3 years)
- The Commission currently holds regular meetings on average ten (10) times per year (based on last 3 years, not including subcommittees or panels)

Pros for Bi-monthly Commission Meetings:

- More quality time between meetings for Staff to conduct business:
 - Write/circulate/finalize/issue Opinions
 - Conduct thorough investigations, prepare panel materials and engage in settlement negotiations (as appropriate)
 - Perform outreach and education

- Handle administrative business
 - Prepare for next Commission meeting
- Commissioner time more efficient:
 - Meet less frequently
 - Spend less time preparing/traveling
- Opportunity to meet in person for most meetings (when necessary/valuable)
- Cost savings on meeting expenses
 - Meeting rooms
 - Court reporting/appearance fees
 - Staff hours preparing for and attending meeting
 - Travel

Although reducing the meeting schedule addresses only a small part of my Quality Improvement Project, I believe the impact could be significant in facilitating some of the changes needed to increase staff efficiency and productivity and focus the Commission's mission. I hope to have your support and cooperation as we implement this change. I will be happy to respond to any questions or concerns you may have.