



STOREY COUNTY COMMISSION MEETING

WEDNESDAY, JANUARY 23RD, 2013 10:00 A.M.
COUNTY TRAINING CENTER
141 NORTH C STREET, VIRGINIA CITY, NEVADA

SPECIAL MEETING MINUTES

BILL SJOVANGEN
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

MARSHALL MCBRIDE
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

Roll Call: Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Bill Maddox, County Manager Pat Whiten, Clerk-Treasurer Vanessa DuFresne, Fire Chief Gary Hames and Special Counsel Charlie Cockerill

1. **CALL TO ORDER AT 10:00 A.M.**

The meeting was called to order by the Chairman at 10:00 a.m.

2. **PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance

3. **PUBLIC COMMENT (No Action)**

Dale Beach stated that in the last 12 years there have been 3 different collective bargaining agreements. It is the obligation of the county to have collective bargaining agreements from surrounding counties prior to going into negotiations. He is being disserved by his county. Mr. Beach wants to be involved in the prep work for union negotiations and the budget from day one. He stated that an additional issue is 5 commissioners, they are the cheapest employees and you're dealing with a man who is running for office. The Commissioners would be able to oversee departments rather than the current department heads that the people have no say in. If we knew what we were doing we would make the unions go to arbitration on every issue, like Clark County does. Mr. Beach continued that Storey County has the same union as the State and our wages and benefits are 30-45% higher. He added that if you meet with him and Janet you will be recorded, if it's just one on one no there is no recording.

Mark Joseph Phillips addressed the Board regarding the January 5th meeting at the Mark Twain Fire Station hosted by residents of Mark Twain. In attendance at the meeting were Vice-

Chairman Hess and Commissioners Elect McBride and Gilman. Commissioner Gilman brought forth his concerns at that meeting of a possible quorum. Mr. Phillips stated that Vice-Chairman Hess could have stayed home, after 14 years in office he should have known that it was an open meeting law violation. There was deliberation at that time about unions, specifically the fire union. He added that people need to know that there was deliberation and a quorum, the entire meeting is on record. Chairman Sjovangen questioned if decisions were made at the meeting. Mr. Phillips stated that Vice-Chairman Hess admitted that there were mistakes over the years regarding negotiations with the unions. There was talk regarding a range of issues.

Mr. Phillips commented on his removal by Chairman Sjovangen from the last Commission meeting. He stated that it was truly against his will and the Attorney General is allowed to fine \$500 for a violation. Mr. Phillips hopes the Chairman Sjovangen will just pay the fine, saving him from having to do all the paperwork.

Commissioner Gilman stated that they were invited to Mark Twain as a group to have discussions and understand the problems that Mark Twain perceives and what they would like to have in their community. At the meeting Mr. Beach made a long presentation as did Janet Houts. Commissioner Gilman is offended that Mr. Phillips would an open meeting law violation. He gave his Saturday to meet with the people; it was an open discussion with the leaders of the Mark Twain community on the areas of concern. It is inappropriate of Mr. Phillips to come back at the first meeting on January 7th and say he is filing an open meeting law violation against these folks who gave up their time to work with the neighborhood on problems on a Saturday. Commissioner Gilman asked that Mr. Phillips reconsidered his decision to file the complaint as he would like to hold additional meeting throughout the County. Mr. Phillips needs to reevaluate his process in this group. If he is going to attend these meetings and then challenge with open meeting law he will shut down the very elements that are important to every neighborhood in this community and he must stop that.

Vice-Chairman McBride pointed out that he attended the meeting in Mark Twain as a concerned citizen as he was not sworn in at the time. There was no deliberation amongst the commissioner and no decisions were made. The only comments that were made about fire department negotiations or firing the county manager were brought on by Mr. Beach who was the foreman of the meeting.

Commissioner Gilman added that we must have the opportunity to have open meetings and meet with the neighborhoods without the threat of retribution, otherwise you are muzzling us.

District Attorney Maddox stated that in the future we are planning to notice a possible quorum. He has prepared a copy of the open meeting law for all the board members. Advanced notice of the meetings will be needed so that notice can be provided. In addition the VCTC and Planning Commission will be placing a notice on their agenda.

County Manager Whitten will be working with each of the commissioners on their schedules and the meetings they plan to attend.

Commissioner Gilman stated that we have to follow the proper procedure but to represent or communities we have to be able to attend these meetings.

Mr. Phillips rebutted that the \$500 fine is from the Attorney General Office's rather than the voiding of an action or going to district court. It is a more appropriate way of dealing with a flagrant violation. Chairman Sjovangen commented that Mr. Phillips can do what he needs to do. Mr. Phillips added that the fine is issued against the Board member who committed the violation. His being ejected, that fine would be directed to Chairman Sjovangen.

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for January 23, 2013

Mr. Whitten stated that items 7, 8 and 9 are put in there as a place mark. Should the congressional delegation arrive prior to the end of this meeting they will address the Board as a whole. If not Chairman Sjovangen and he will meet with them this afternoon.

Motion: Approve agenda for January 23, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

5. **RECESS TO CONVENE AS THE 474 FIRE DISTRICT BOARD**

The 474 Fire District Board was called to order at 10:17 a.m.

Mr. Phillips stated that he has studied chapter 288, recessing is allowed but not required, closing the meeting is not a requirement. Chairman Sjovangen responded that it was necessary.

6. **CALL TO ORDER 474 FIRE DISTRICT BOARD CLOSED SESSION** (Closed meeting pursuant to NRS 288.220(4) for the purpose of conferring with the County's management regarding labor negotiations.)

The Board entered into a closed session.

***Items 7, 8, 9 and 10 were not utilized as the Congressional Delegation was unable to attend the meeting.**

7. **RECESS TO RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

8. **DISCUSSION (No Action):** Update and briefing by Congressional Delegation Staff

9. **RECESS TO RECONVENE AS THE 474 FIRE DISTRICT BOARD**

10. **CONTINUATION OF CLOSED SESSION (#6 ABOVE) IF NECESSARY**

11. DISCUSSION/POSSIBLE ACTION: Approval of collective bargaining agreement between Storey County Fire Protection District (Employer) and International Association of Fire Fighters Local 4227 (Union)

Mr. Whitten stated that it is staff's recommendation that the agreement be approved subject to a minor change on holidays and ratification by the IAFF local 4227. As required by NRS Mr. Whitten read a cost impact statement in to the record. Should the terms of the original agreement remain in place the cost for salaries and benefits would have been \$3,025,239.14 under the new agreement the cost is calculated to be \$2,951,693.96 with a savings of \$73,545.19 for the first year. Looking at the second year under the new contract the cost will go up to \$3,049,267.76 with an increase of \$24,028.62.

Motion: Approve the agreement with a correction under article 9 as follows: 5.5% is corrected to read to 5.5 hours for 56 hour employees and 3.7% is corrected to read 3.7 hours for 40 hour employees subject to union ratification. He added that in the future the Comptroller be given the opportunity to review all contracts and their fiscal impacts on the county prior to ratification and the county considered to formulate a strategy workshop committee to look at all future negotiation on all contracts coming in and pre discuss those negotiations, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

12. RECESS TO CONVENE AS BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners was reconvened at 12:13 p.m.

BOARD COMMENT

None

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 12:14 p.m.

Respectfully submitted,

By _____
Vanessa DuFresne, Clerk-Treasurer