

**MINUTES  
MOAPA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
HELD  
THURSDAY, FEBRUARY 10, 2011**

**PRESENT:** Kenneth Staton  
Jonathan Blackwell  
Randy Tobler  
  
Brad Huza  
Joe Davis  
Ken Bessey  
  
Byron Mills  
  
Mary Abbott

Lindsey Dalley  
Scott Carson  
  
Susan Rose  
Bryan Mortensen  
  
Ryan Wheeler, Forsgren & Associates

**ORDER OF BUSINESS:** At 4:00 p.m., Chairman Ken Staton called to order the regular meeting of the Moapa Valley Water District Board of Directors. The agenda items were addressed in the following order:

**1. Approve the minutes of the previous meeting held on January 13, 2011 (Action Item)**

On motion of Ken Staton and seconded by Lindsey Dalley, the Board voted 5-0 in favor to approve the minutes of the previous meeting with the correction to agenda item #7 which states that James Robison seconded the motion when it was actually Lindsey Dalley.

A couple of Directors asked about the minutes of the closed door session. No minutes were taken. In the future they will be recorded, saved on a disc, and the put in a locked file cabinet in the vault.

**2. Public Comment**

There was no public comment.

**3. Discussion and possible action regarding billing issue for account #1909 (Action Item)**

Mrs. Abbott told the Directors that she lives on Pinwheel and has lived there since 1993. She recently found out that she has been on the two residence one meter rate (rate code 4) for quite some time. She doesn't understand why she was placed on that rate since she only has one residence on her property. There is another trailer on her property but it is used only for storage. This was verified by Kiley Bradshaw. At that time her rate was changed back to a rate code 1 (one residence on one meter) and she received a credit for around \$15.00 for that month. When she received the \$15.00 credit she called to talk to Mr. Huza. He explained to Mrs. Abbott that he could credit her account for the last years overage which was about \$182. Mr. Huza explained to the Directors that no credit allowance is found in policy but the District has offered the one year credit allowance for many years as a show of customer service.

After thinking about the one year credit, Mrs. Abbott decided to bring the issue to the Board. She felt that she should receive a credit back to when her rate was change to a rate code 4.

Mr. Huza explained to the Directors that Staff has researched the issue and found that the rate code for two residences went into effect sometime between January 1996 and May 9, 1996. It appears that the parcel has been on this rate since the 1996 time frame. The second mobile was again noted in 2007 as part of the meter reader notes. The present residence has what appears to be a second mobile home in placed and in use. Of course the meter reader would have had no reason to question the second residence. Pictures of the property and the two trailers were available for the Director's review.

The difference in base rates would tabulate to \$2,127.39 if allowed to go back to the 1996 date.

There was some discussion on the fact that it does look like two livable residences are on the property, when the trailer was actually moved there, if it was ever lived in, and that the county shows that she's being taxed for two residences,

On motion of Ken Staton and seconded by Lindsey Dalley, the Board voted 5-0 in favor to give Mrs. Abbott a credit for \$2,127.39 minus the amount already credited to her account.

Mr. Huza asked the Directors if they would like modify the policy regarding Staff making adjustments to customer's accounts so that these kinds of issues don't have to be addressed by the Board. Chairman Staton feels that the Directors would like know what going on so he would like to continue to see these kinds of issues brought before them.

#### **4. Discussion and possible action regarding Board and Staff communications (Action Item)**

At the January Board Meeting, there was a request by Scott Carson to place on the agenda a policy for Board / Staff communications. Mr. Huza provided the following information and his thoughts on the subject.

From a historical perspective, the past Board, which had members with tenure in excess of 40 years, was very orientated toward the established District policy and the organizational "chain of command" of the District. This practice was in place when he arrived and he would guess that it has been in place for many years.

The past Board gave what Mr. Huza would classify as a directive to Staff to follow the Board approved policies as close as possible while still maintaining a high degree of customer service. In the event that issues could not be resolved with the latitude extended to Staff then the Board became involved.

The past Board also wanted the flow of authority, including communications, for the management of the District to pass through the General Manager. The General Manager was to be the liaison between the Board of Directors and the employees. This concept is a standard for most governmental agencies. For the most part, Mr. Huza feels that Staff has followed this directive.

At the last meeting, the subject was brought up on Board / Staff communications and where it was located in policy. The flow of authority and the requirement for the Manager to be the liaison between Board and Staff is located in the Manager's job description. The only other communication policy is located in Section V., A. of the policy manual where the Chairman and General Manager shall be the individuals making official statements in the matter of policy and /or interpretation of policy. Other than those two areas, all other Staff policies have been given via Board directives.

Board directives given to Staff, as least since Mr. Huza has been at the District, are not given via a minute motion. Directives have been given through the Chairman after consensus has been reached by the full board.

Scott Carson found a couple of other places where it mentioned the Boards interaction with employees. The first one was in section 10 of the personnel policy manual where it outlines communication procedures pertaining to grievances. It states that grievances need to be addressed with the general manager before it goes to the Board. Scott agrees with that policy. However, in Section 1, paragraph 4, of the policy and procedures manual it says, "It shall be the policy of the members of the Board of Directors to refrain, as individuals, from discussing management problems with the personnel of the Moapa Valley Water District, except in cases where the Board deems it necessary to confer with personnel at regular or special meetings". Scott feels like the Board needs to be able to talk to employees about water district business at any time. He also thinks that if an employee feels like they can't talk to their direct supervisor or the general manager, then they should be able to talk to Board members.

Chairman Staton said that in Section 3.1.1 of the personnel policy manual it states, "The General Manager Is employed by the Board. The flow of authority for the management of the Water District shall pass through the General Manager, and he/she shall be the liaison between the Board of Directors and the employees." He would like to add "However should the manager be unavailable or should any issue of concern arise among staff that they feel they feel they cannot take to the manager that they should be free to discuss said matter with any board member".

Lindsey Dalley said he that would like to be able to just have chats with staff to get familiar with each

employee and what they do at the District.

There was a lot of discussion on how the policy should be written.

On motion of Scott Carson and seconded by Randy Tobler, the Board voted 5-0 in favor to add to Section 1. a., paragraph 4, of the policy manual the following verbiage pending legal review, "Board members reserve the right to initiate any discussion with any employee at any time regarding water district business".

## 5. Manager's Reports

**Senior Accountant-** Ken Bessey explained that he has been helping to get the numbers together for the final budget. He reviewed the budget numbers with the Directors. Everything looks good on the budget. He also explained that Jennifer and Julie are doing well in their new positions.

Scott Carson said that in the future he would like to see more detail on the monthly budget report and especially on the visa bill. Ken will make sure that next month's report has more detail of what the expenditures are being used for.

**Water Production Superintendent -** Bryan Mortensen updated the Directors on some of the things that the water production crew did last month.

- 1) Repaired a leak on the sodium hypochlorite tanks at Arrow Canyon
- 2) Flushed the arsenic vessels to maintain residuals
- 3) Rebuilt cell #3 on the chlorinator at Arrow Canyon
- 4) Serviced the gate valve for production & distribution staff
- 5) Performed weekly & monthly preventative maintenance on production assets & equipment
- 6) Repaired rain damage to the vault & easement at Bowman Discharge
- 7) Worked with the contractor on the booster pumps at Coyote Springs to resolve start-up sequence
- 8) Performed AVAR maintenance at 40 sites on the 24" transmission line
- 9) Worked with EFI on warranty items at the dechlorination facility
- 10) Performed weekly & monthly preventative maintenance on 340A assets & equipment

**Water Distribution Superintendent -** Joe Davis informed the Directors that no new meters were installed last month. One meter was relocated to a new parcel in Logandale. The standpipe on the corner of Deer and Lewis was replaced with a hydrant. Also, a new 12" line was installed across Moapa Valley Blvd & Steven. The 4" line was leaking under the Blvd.

Crews have begun installing 2" blow offs on dead end mains in the East Bench portion of the distribution system. This will help facilitate the unidirectional main flushing program.

Lasco Bathware had trouble with an altitude valve leading to their fire system which caused the line to fail. 1.8 million gallons of water was dumped on the ground.

Crews repaired three 1" leaks, one 2" leak, and one 8" leak in the system.

There were six customer service requests last month. One for psi fluctuation, one for air in the line, one for odor (in the customers bathroom), one for a sink hole in front of a house, one for meter location, and one regarding a hydrant that was leaning. The meter had obviously been hit.

Scott Carson asked what the District is doing to find out where the lost and unaccounted for water is going. Mr. Huza and Joe Davis explained the different ways the District is taking to try to get to the bottom of that issue.

**General Manager- 340A Coyote Springs Groundwater Importation Project -** The 340A Coyote Springs Groundwater Importation Project has been in operation for the past 60 plus days. The system has experienced some issues but these type of issues are typical in the startup process for this type of project. MVWD Staff and SNWA Staff have been able to solve the operational problems and for the most part have kept the water flowing on a 7/24 basis.

**Upcoming Budget -** The time to start the budget process for fiscal year 2012 is fast approaching. The required State forms have been received. Staff is planning on meeting in early February to outline upcoming needs, review revenue projects, etc. After that meeting Staff will put together the first draft of the tentative budget for Board review and discussion. The tentative schedule for the upcoming budget process is as follows:

Staff completion of the draft "tentative budget"	February 25
Board's review and comment of the budget	March 10
Board's adoption of the Tentative Budget	April 14
Submission of Tentative Budget to State	April 15
Adoption of Final Budget	May 19
Submission of Final Budget to State	May 25

The three key State mandated dates are the submission of the tentative budget by April 15<sup>th</sup>, the public hearing on the third Thursday of May and the submission of the final budget by May 31<sup>st</sup>.

Lindsey Dalley asked for a workshop on the budget before the next Board meeting so that the Directors will have a better understanding of the District's finances and budget before they look at the tentative budget at the March meeting. The general consensus was to have a workshop on March 4<sup>th</sup>.

## **6. Ratify payment of January Expenditures**

On motion of Jon Blackwell and seconded by Ken Staton, the Board voted 5-0 in favor to refer the issued checks for future audit.

## **7. Director's Preference**

### **- Director's Training**

Attorney Byron Mills gave the Directors some training on the open meeting laws. He explained that three or more of them can never meet and discuss District issues. This creates a quorum and anytime a quorum meets an agenda has to be posted. Directors cannot contact other Directors and poll them on their thoughts regarding District issues. All decisions must be made in a posted public meeting.

He explained that they must never speak for the Water District. If anyone contacts them regarding an issue they have with the District, they can listen to them but they should always refer them to the general manager. He also told them that they should never speak with the press. That is Brad's responsibility.

He also explained that they have to be careful in making decisions because they are creating precedence. If policies are created or changed they should always go from that date forward.

He reminded the Directors again that everything has to be posted on the agenda to be acted upon.

### **- Litigation**

There's been another hearing. It was regarding Bowen & Collins motion to dismiss because the experts statement saying that it's a reasonable cause to bring a lawsuit was not in his report. The judge wouldn't dismiss the lawsuit. He just asked for the expert to put the statement on his report which has since been done. Byron has met with Bowen & Collins attorney. She's new to the case and doesn't understand why it wasn't settled earlier. She is going to find out why it wasn't. Hopefully she will get back to him with news that Bowen & Collins is ready to come to some kind of settlement.

## **8. Personnel- Closed Door Session**

## **9. Approval of March 10, 2011 Board Meeting**

The general consensus was to hold the next board meeting on March 10, 2011 at 4 pm.

## **10. Adjournment**

The meeting adjourned at 6:10 pm.