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NTCD Board Minutes

April 18, 2013

The Douglas County Library, Board Room

233 Warrior Way, Zephyr Cove, NV

10:00 AM Start Time

Present:

Supervisor Smith
Supervisor Sarnoff
Supervisor Perlman-Whyman
Supervisor McCarthy (via telephone)
Supervisor Penzel (arrived approx. 10:15am)
Supervisor Freeman
Supervisor Endicott (via telephone)

Staff/Others

D. Martin, District Manager
M. Thorpe, Administrator
M. Pook, ES III

Absent:

Supervisor Berkbigler

1. Call to Order by Chair Smith.
2. Oath of Office for appointed Supervisor Freeman. The oath of office was administered to appointed Supervisor Freeman.
3. Supervisor Roll Call: see above
4. Approval of the Agenda: Supervisor Freeman moved to approve the Agenda, seconded by Supervisor Sarnoff, motion carried unanimously.
5. Public Interests Comments: None.

CONSENT CALENDAR

Items 6e and 7b were pulled from the consent calendar for further discussion.

Supervisor Sarnoff moved to approve the Consent Calendar (items 6 and 7, with items 6e and 7b pulled), seconded by Supervisor Freeman, motion carried unanimously.

6. Agency Reports, Discussion/Possible Action
 - a. For Possible Action: NRCS report.
 - b. For Possible Action: NACD report. See item 10, Supervisor's Comments.
 - c. For Possible Action: Department of Conservation and Natural Resources Conservation District Program report. No update provided.
 - d. For Possible Action: NvACD report. See item 10, Supervisor's Comments.
 - e. Moved to Administrative calendar.

7. Discussion/Possible Action (Business)
 - a. For Possible Action: Approval of the Board of Supervisors meeting minutes for March 21, 2013.
 - b. Moved to Administrative calendar.

ADMINISTRATIVE CALENDAR

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION

Item 6e) For Possible Action: Staff report. District Manager Martin presented a letter recently received from The Pointe at Third Creek HOA. The homeowners feel the elimination of the vegetation from the Rosewood Creek project has increased noise pollution. The homeowners would like a row of evergreens planted in the NDOT right of way. The District responded with a letter, which was approved by the District's attorney. Copies of the letters were handed out. A noise abatement consultant said trees do little to reduce noise pollution, dense pine trees only provide a reduction of 5db. The new creek could provide a masking of the noise. Noise was considered during the assessment of the project and was deemed not an issue. Maintenance to the road could have caused more noise. Future District Douglas County Board meetings will be at the Douglas County Library.

Item 7b) For Possible Action: Approval of the NTCD financial reports for March 2013. As of 3/31/13, the District's Fund balance was \$115,321. This represents the District's available spendable resources, or assets less liabilities. March had a deficit of \$1,837. Year to date the deficit is \$25,304. March's deficit was less than projected (\$5,000), due to only two equivalent weeks of unbillable time (Staff limited their time off). Cash was not an issue for March, and cash for April is also projected to be favorable. The NDOT accounts receivable is expected to be received soon. Supervisor Perlman-Whyman moved to approve the March 2013 financial reports, seconded by Supervisor Freeman, motion carried unanimously.

8. For Possible Action: Review and Approval of Assurances for NDSL regarding the Burke Creek Hwy 50 crossing and realignment project, and the Zephyr Cove GID Water Quality Improvement project. Environmental Scientist Pook presented two letters of maintenance commitment from NDOT and Douglas County for the Burke Creek project. Sierra Colina will sign an MOU with Douglas County. Supervisor Sarnoff moved to approve the assurances for the Burke Creek project, seconded by Supervisor Perlman-Whyman, motion carried unanimously. The District is waiting for a copy of the Zephyr Cove GID's Board minutes approving the maintenance commitment for their project. Supervisor Sarnoff moved to approve the assurances for the Zephyr Cove GID project subject to receiving a copy of the Zephyr Cove GID Board minutes approving maintenance of the assets, seconded by Supervisor Perlman-Whyman, motion carried unanimously.
9. For Possible Action: Re-designation of District Manager as a position for which there is a critical labor shortage, and make necessary findings pursuant to NRS 286.523(5). A staff report regarding this subject was handed out and presented. Supervisor Sarnoff moved that the factors required by NRS 286.523 have been met and based thereon determines that the District Manager position is re-designated as a critical labor shortage position for no more than two years under 286.523, and the staff report become a record of the minutes, seconded by Supervisor Perlman-Whyman, motion carried unanimously.

10. Supervisor Comments: Supervisor Perlman-Whyman has been re-appointed to NACD's district management operations, which want to educate the district Boards. This month's topic is voting. There was a hand out listing eight items of interest regarding voting. Supervisor Perlman-Whyman also handed out the NACD Board Briefs and the NACD eResource newsletter. Supervisor Perlman-Whyman asked everyone to start thinking about ideas/concerns for her to bring to the NACD meetings. There was a brief discussion regarding how to fund stormwater issues, and is it a governmental responsibility. Supervisor Perlman-Whyman reported NvACD's annual meeting is November 5 – 6, in Elko. Supervisor McCarthy reported California is moving ahead with Senate Bill 630, which will pull California out of the TRPA if Nevada does not repeal their Senate Bill 271. If Bills go through, there could be three TRPAs for the basin. Supervisor Smith reported the Round Hill GID donated \$50,000 to help fund fire defensible space efforts.
11. Public Interest Comments: District Manager Martin reported Rob Roy, President elect, of the California-Nevada chapter of SWCS (Soil and Water Conservation Society) will attend the District's next Board meeting to discuss planning a tour, by the District, at the SWCS international conference in Reno, July 21 – 24.
12. Motion to Adjourn: Supervisor Sarnoff moved to adjourn, seconded by Supervisor Freeman, motion carried unanimously.



Staff Report for Board of Supervisors Meeting April 18, 2013

Subject: Board of Supervisors designation of District Manager as a position for which there is a critical labor shortage, and make necessary findings pursuant to NRS 286.523(5).

Summary: In accordance with NRS 286.523, the Board of Supervisors is requested to designate as a critical labor shortage position the District Manager position, due to special circumstances.

Background: Under Nevada law, the Board of Supervisors is authorized to designate a District position within the Public Employee Retirement System (PERS) for which there is a "critical labor shortage". NRS 286.523(4)(f) (as amended by AB 488, 2009 Nevada Legislature). The designation of a critical labor shortage is done by the governing body and enables the District to continue the employment of a retired District employee without subjecting that employee to certain restrictions on receiving PERS benefits. To designate a position as one of critical shortage, the governing body need make this designation in an open meeting based upon making findings pursuant to NRS 286.523(5) upon the following criteria:

- The history of the rate of turnover for the position;
- The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;
- The length of time the position has been vacant;
- The difficulty in filling the position due to special circumstances, including special educational or experience requirements for the position; and
- The history and success of the efforts to recruit for the position, including efforts made to recruit outside of this state and other efforts.

NRS 286.523(7) permits the re-designation of the critical labor shortage every two years upon new findings if the position continues to meet the criteria set forth above.

Discussion: District Manager Doug Martin retired from the District on July 30, 2011. Due to projected reduced budgets, which may require reorganization of the District as well as reductions to the General Fund expenditures, it would assist the District to maintain the knowledge, skills and experience of the current retired District Manager in the position of District Manager under a critical labor shortage designation to allow managed transition of the District. The purpose of this particular designation of critical labor shortage is to maintain organizational knowledge, skills and effectiveness during these

challenging times including reduced general operational funds of the District, the reduction in overall revenue sources, and internal staffing challenges.

The position of District Manager has been fairly transitory (five years or under) over the past ten years. Since 2001, the history of turnover rate for this position ranges from four to five years. Currently the position is filled by Doug Martin, who retired on July 30, 2011.

An appropriate amount of time is needed to recruit, fully assess the qualifications of candidates, whether internal or outside candidates, and appoint a successful candidate. That assessment cannot be made immediately and requires a minimum of six months. The designation of critical labor shortage would permit transition so the position does not remain vacant. A vacancy in the position at this juncture of District operations would be detrimental.

There will be difficulty in immediately filling the position because of the educational and experience requirements of the position and the reduction of salary. In addition the current Lake Tahoe working dynamic is shifting and funding is reducing overall thus the retention of the expertise and relationships of the current district manager is determined to be critical. The search and hiring process when the current district manager was recruited took over six months and further a new district manager needs up to a year to become effective. Under a declaration of critical labor shortage the pay and benefit structure for District Manager will be less than accorded previously and has the potential to save the District \$50,000, or more, for a full fiscal year if the District continues employment with the retired District Manager on a part time basis. The summary of the finding is as follows:

- The history of the rate of turnover for the position;
 - a. District Response: Previous District Manager turn over is approximately every 5 years.
- The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;
 - a. District Response: the previous recruitment effort in 2005 yielded five candidates to be interviewed.
- The length of time the position has been vacant;
 - a. District Response: the previous vacancy was over 6 months.
- The difficulty in filling the position due to special circumstances, including special educational or experience requirements for the position; and
 - a. District Response: the funding available for the project must be reduced in order to balance the budget of the district. This will reduce the position from full time to part time. Therefore the District Manager must be able to work part time.
 - b. District Response: the operational conditions in the district requires that the District Manager maintain close communication and relationship attention with over 20 partners in and out of the Lake Tahoe Basin, including fire protection districts, county and city elects and appointed officials and their staffs, state and federal elected, appointed and staff positions and their staffs, as well as property owners, business owners and natural resource and environmental interest groups.

- c. District Response. The District Manager must have knowledge of the existing funding opportunities and partnerships necessary to maintain District operations.
- The history and success of the efforts to recruit for the position, including efforts made to recruit outside of this state and other efforts.
 - a. District Response: the previous recruitment process took 6 months and after two attempts the current district manager was recruited.

NRS 286.523(7) permits the re-designation of the critical labor shortage every two years upon new findings if the position continues to meet the criteria set forth above.

Proposed Motion: The Board of Supervisors finds that the factors required by NRS 286.523 have been met and based thereon determines that the District Manager position is re-designated as a critical labor shortage position for no more than a two year period under NRS 286.523, and this staff report become a record of the minutes.