



**PO Box 915
Zephyr Cove, NV 89448
775-586-1610 ext 21**

BOARD MEETING AGENDA

April 18, 2013

10:00 AM (estimated duration 2 hours)

**The Douglas County Library
Lake Tahoe Branch
Board Room
233 Warrior Way
Zephyr Cove, Nevada**

Agenda Items

- 1. Call to Order**
- 2. Oath of Office for appointed Supervisor Freeman**
- 3. Supervisor Roll Call**
- 4. Approval of the Agenda:** This is the tentative schedule for the meeting. The Board reserves the right to take items in a different order to accomplish business in the most efficient manner. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay the discussion relating to an item on the agenda at anytime.
- 5. Public Interest Comments (No Action)**

Posted: Nevada Tahoe Conservation District Administrative Office, Douglas County Clerk, Washoe County Clerk, NV Division of Conservation Districts.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to telephone the NTCD Administrative Office at (775) 586-1610 x21 three days prior to the Board meeting.

CONSENT CALENDAR

The consent calendar consists of items 6 and 7 below. Items appearing on the Consent Calendar are items that can be adopted with one motion unless pulled by a Supervisor or a member of the public. Members of the public who wish to have a consent item placed on the Administrative Agenda shall make that request during the public comment section at the beginning of the meeting and specifically state why they are making the request. When items are pulled for discussion, they will be automatically placed at the beginning of the Administrative Agenda or may be continued until another meeting.

Motion to approve the Consent Calendar.

- | | <u>Page #</u> |
|--|---------------|
| 6. Agency Reports, Discussion/Possible Action | |
| a. For Possible Action: NRCS report | |
| b. For Possible Action: NACD report. | |
| c. For Possible Action: Department of Conservation and Natural Resources Conservation District Program report. | |
| d. For Possible Action: NvACD report. | |
| e. For Possible Action: Staff report. | |
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| 7. Discussion/Possible Action (Business) | |
| a. For Possible Action: Approval of the Board of Supervisors meeting minutes for March 21, 2013. | 1 - 4 |
| b. 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. | 5 - 10 |

Posted: Nevada Tahoe Conservation District Administrative Office, Douglas County Clerk, Washoe County Clerk, NV Division of Conservation Districts.

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ADMINISTRATIVE CALENDAR

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

Item(s) pulled from the Consent Calendar will be heard at this time.

	<u>Page #</u>
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	11 - 15
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)	16 - 21
10. Supervisor's Comments	
11. Public Interest Comments	
12. Motion to Adjourn	

Posted: Nevada Tahoe Conservation District Administrative Office, Douglas County Clerk, Washoe County Clerk, NV Division of Conservation Districts.

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Po Box 915
Zephyr Cove, Nevada 89448
775-586-1610 x21

NTCD Board Minutes
March 21, 2013
The Parasol, Trepp Room
948 Incline Way, Incline Village, NV
10:00 AM Start Time

Present:

Supervisor Smith
Supervisor Sarnoff (left approx. 11:15am)
Supervisor Perlman-Whyman
Supervisor McCarthy
Supervisor Penzel

Staff/Others

D. Martin, District Manager
M. Thorpe, Administrator
D. Smith, Washoe County
W. Loftis, NRCS
M. Kelly, Senior Engineer

Absent:

Supervisor Endicott, and Supervisor Berkbigler

1. Call to Order by Chair Smith.
2. Oath of Office for newly elected and appointed Supervisors. This item was not needed.
3. Supervisor Roll Call: see above
4. Approval of the Agenda: Supervisor Sarnoff moved to approve the Agenda (with item 8 moved to after item 5), seconded by Supervisor Penzel, motion carried unanimously.
5. Public Interests Comments: None.

Note: Item 8 was discussed at this time.

CONSENT CALENDAR

Items 6a, 7b, and 7c were pulled from the consent calendar for further discussion.

Supervisor Sarnoff moved to approve the Consent Calendar (items 6 and 7, with items 6a, 7b, and 7c pulled), seconded by Supervisor Perlman-Whyman, motion carried unanimously.

6. Agency Reports, Discussion/Possible Action
 - a. Moved to Administrative calendar.
 - b. For Possible Action: NACD report. No update provided.
 - c. For Possible Action: Department of Conservation and Natural Resources Conservation District Program report. No update provided.
 - d. For Possible Action: NvACD report and approval of annual dues, \$600. This amount has been budgeted and is consistent with previous years of contributions.
 - e. For Possible Action: Staff report. No update provided.

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

ADMINISTRATIVE CALENDAR

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION

Item 6a) For Possible Action: NRCS report. W. Loftis of NRCS presented recent information from the NRCS data center. January and February were the driest in history. In the past, NRCS has extended engineer delegation of authority to some District employees; currently, NRCS will continue this process. SWCS (Soil and Water Conservation Society) is having its annual international conference in Reno, July 21 – 24. SWCS is interested in NTCD giving a field trip during the conference.

Item 7b) For Possible Action: Approval of the NTCD financial reports for February 2013. As of 2/28/13, the District's Fund balance was \$117,615. This represents the District's available spendable resources, or assets less liabilities. February had a surplus of \$6,264. Year to date the deficit is \$23,122. February's surplus was the result of receiving \$10,000 from Douglas County for a community service grant. March is projected to be a deficit of approximately \$5,000. Cash was not an issue for February, and March is also projected to be favorable. The District has been verbally notified that Carson City has approved \$3,000 to support the General Fund. The District's indirect rate goes up in July, to approximately 34%. Supervisor Penzel moved to approve the February 2013 financial reports, seconded by Supervisor Perlman-Whyman, motion carried unanimously.

Item 7c) For Possible Action: Approval of new lease for existing office. FYI, Washoe County had made a generous offer of space but the District was able to get a long term lease from the existing landlord at a new rate that made moving not economically viable. District Manager Martin presented the analysis used for the decision to stay at the current location. Considering all costs, the Washoe county office had minimal savings. Supervisors Perlman-Whyman and McCarthy would like the District to have some presence in Incline Village. Supervisor Sarnoff supports the new lease. There was some discussion regarding the District's boundary. If the RPU fails, the District still has work. A small portion of the District's work is TRPA related. Supervisor Penzel moved to approve the new lease and allow Staff to negotiate corrections (in the best interests of the District) to the lease, seconded by Supervisor McCarthy, motion carried unanimously.

8. For Possible Action: Review and Approval of Contractor for Construction of Glenbrook Creek Restoration project. Senior Project Engineer Kelly presented the project. There were eleven bidders; Campbell Construction was the lowest bid. Their bid package was complete, and four references provided good feedback. Campbell Construction was reviewed/approved by GHOA. The District plans to have an engineer on the project at all times. The work must be completed before Memorial Day or after Labor Day, due to summer traffic. Supervisor Penzel asked how a small district with minimal cash on hand can make payments of \$305,000. NDSL, the main funder, pays promptly and Glenbrook has a good track record and is very excited by the project. Supervisor Sarnoff moved to approve Campbell Construction as Contractor and the agreement with Campbell Construction, seconded by Supervisor Perlman-Whyman, motion carried unanimously

9. For Possible Action: Discussion and Possible approval of Scholarships for the local high schools. Supervisor Perlman-Whyman stated the NvACD scholarship is more directed toward agriculture and rural high schools, not Tahoe basin high schools. Therefore, she endorses a way to support Tahoe basin school students. Supervisor Perlman-Whyman moved to approve a \$250 scholarship for each high school (Whittell and Incline Village), seconded by Supervisor McCarthy, motion carried unanimously. Note: It was originally thought the funding for the scholarships would be provided by Mahmood's memorial donations, but Supervisor Perlman-Whyman donated \$500 to fund the scholarships.
10. Supervisor Comments: Supervisor McCarthy has been asked by the US Geological Survey to run an emergency response group, and will need various people of interest to participate, including the District. The scenario will be a large rain on snow event, a large category 1000 storm. Supervisor Perlman-Whyman reported the NACD resolution regarding Pinyon Juniper missed the deadline but will be considered next year. And stated we need to strengthen our partnerships with regional, state, and national connections. Supervisor Smith thanked Senior Project Engineer Kelly and District Manager Martin for their work on the Glenbrook project. Round Hill GID is enhancing its emergency action plan to include an EMP event.
11. Public Interest Comments: District Manager Martin stated the new president of NvACD is very competent and professional.
12. Motion to Adjourn: Supervisor McCarthy moved to adjourn, seconded by Supervisor Penzel, motion carried unanimously.

		INCOME AND EXPENSE REPORT		GENERAL FUND	GENERAL FUND		
		NV TAHOE CONSERVATION DIST.	March 2013	YTD July 2012-June 2013	Budget	Variance Favorable (Unfavorable)	% of Budget
INCOME	General Fund						
Community Grants-Income							
	Carson City				3,000.00	(3,000.00)	0%
	Douglas County			10,000.00	10,000.00	0.00	100%
	NV Division of Conser. District			2,500.00	2,500.00	0.00	100%
	Washoe County Community Grant					0.00	0%
Total Community Grants-Income			0.00	12,500.00	15,500.00	(3,000.00)	81%
Grants-Income							
	Administration Fee Income					0.00	
	Personnel Cost Income					0.00	
	Wages Weighted Rate-Grant Income					0.00	
	Grants-Income - Other					0.00	
Total Grants-Income			0.00	0.00		0.00	
Income-Pass Thru Subcontractor							
Interest						0.00	
Miscellaneous Income							
Prior Year Income						0.00	
Services Rendered							
Vehicle Use Income						0.00	
Wage Reimbursements						0.00	
Indirect Cost Income-General (GL Shows In Expense Category)			11,348.25	117,861.17	205,000.00	(87,138.83)	0.57
TOTAL INCOME			11,348.25	130,361.17	220,500.00	(90,138.83)	0.59
EXPENSES							
Advertising-Expense							
Building Expense				278.45		(278.45)	1.00
	Building Repairs/Maint-Expense		180.00	1,710.00	2,340.00	630.00	
Total Building Expense			180.00	1,710.00	2,340.00	630.00	
Conference & Training-Expense							
	Food					0.00	
	Lodging					0.00	
	Parking					0.00	
	Registration Fees					0.00	
	Travel/Transportation				1,360.00	1,360.00	
	Conference & Training-Expense - Other					0.00	0.00
Total Conference & Training-Expense			0.00	0.00	1,360.00	1,360.00	0.00
Deposit Security					0.00	0.00	0.00
Donation-Expense						0.00	0.00
Dues and Subscriptions-Expense							
	Membership/Dues District		600.00	800.00		(800.00)	1.00
	Membership/Dues Staff			115.00		(115.00)	1.00
	Dues and Subscriptions-Expense - Other				1,000.00	1,000.00	
Total Dues and Subscriptions-Expense			600.00	915.00	1,000.00	85.00	0.92
Equipment-Expense							
	Cell Phones					0.00	
	Computer Hardware & Software			161.90	500.00	338.10	
	Computer Maintenance & Repair			152.90	500.00	347.10	
	Office Equipment & Furniture					0.00	
	Rental/Leasing Fees Equipment		422.07	4,853.04	6,500.00	1,646.96	
	Repairs & Maintenance Equipment					0.00	0.00
	Telephone System					0.00	
	Equipment-Expense - Other					0.00	0.00
Total Equipment-Expense			422.07	5,167.84	7,500.00	2,332.16	0.69

	INCOME AND EXPENSE REPORT	GENERAL FUND	GENERAL FUND			
	NV TAHOE CONSERVATION DIST.	March 2013	YTD July 2012-June 2013	Budget	Variance Favorable (Unfavorable)	% of Budget
Indirect Cost	(See Excel Income Section)					
	Administrative Cost-Grants				0.00	
	Indirect Cost - Other				0.00	
Total Indirect Cost	See Revenues above	0.00	0.00	0.00	0.00	0.00
Insurance-Expense				5,000.00	5,000.00	
	E&O/Prop/ Liability Insurance				0.00	0.00
Total Insurance-Expense		0.00	0.00	5,000.00	5,000.00	0.00
Meetings Expense						
	Meals-Expense		110.13	500.00	389.87	0.22
Miscellaneous Expense			122.05			
Other Expenses				0.00		
Professional Fees-Expense						
	Audit		12,000.00	12,000.00	0.00	
	Bank fees	21.67	158.39	600.00		
	Professional Fees-Expense - Other	24.65	663.90	750.00	86.10	
Total Professional Fees-Expense		46.32	12,822.29	13,350.00	527.71	0.96
Rents and Leases						
	Office Space Lease	3,500.00	31,500.00	42,000.00	10,500.00	0.75
	Storage Rents		4.00			
	Rents and Leases-Other		(1,199.30)	(1,500.00)	(300.70)	0.80
Total Rents and Leases		3,500.00	30,304.70	40,500.00	10,195.30	0.75
Service Charges					0.00	0.00
Subcontractor Fees-Expense					0.00	
	2nd Nature				0.00	
	Biological by Design				0.00	
	High Sierra Water Lab				0.00	
	Hughes Weed Control				0.00	
	Jacobs, Jack P.E.				0.00	
	Nichols Consulting Engineers				0.00	
	Round Hill GID				0.00	
	Other			0.00	0.00	
Total Subcontractor Fees-Expense		0.00	0.00	0.00	0.00	
Supplies-Expense						
	Office Supplies	19.10	1,269.41	2,000.00		
	Photocopies					
	Postage and Delivery	(102.92)	660.78	1,000.00		
	Publication/Printing					
	Supplies-Expense - Other			500.00	500.00	
Total Supplies-Expense		(83.82)	1,930.19	3,500.00	1,569.81	0.55
Telecommunications						
	Cell Phone	133.14	1,210.68	1,700.00	489.32	
	Internet Fees		120.00		(120.00)	
	Long Distance				0.00	
	Phone Services	385.73	3,495.35	5,000.00	1,504.65	
	Telephone-Expense - Other				0.00	
Total Telecommunications-Expense		518.87	4,826.03	6,700.00	1,873.97	0.72
Vehicles-Expense					0.00	
	District Vehicle Use	(74.58)	(4,155.20)	(6,500.00)		
	Fuel-Expense	55.46	1,589.62	2,500.00	910.38	

		INCOME AND EXPENSE REPORT	GENERAL FUND	GENERAL FUND			
		NV TAHOE CONSERVATION DIST.	March 2013	YTD July 2012-June 2013	Budget	Variance Favorable (Unfavorable)	% of Budget
	License & Maintenance			53.55	650.00	596.45	
	Mileage Reimbursement Expense				100.00		
	Vehicle Fuel Reimbursement Expense						
	Vehicle						
	Total Vehicles-Expense		(19.12)	(2,512.03)	(3,250.00)	(737.97)	0.77
	Wages						
	Payroll Clearing Account		(1,392.21)	490.70			
	Professional Engineer		1,890.31	8,565.53			
	Professional Engineer (2)			1,722.94			
	Wages-Senior PM-CPG			9,630.22			
	Wages-Senior PM-WRG			88.26			
	Wages-Administrator		6,023.28	53,820.88			
	Wages-ES II-CPG (1)						
	Wages-District Manager		2,358.44	31,809.92			
	Wages-ES III (1)-WRG		249.78	5,800.82			
	Wages-ES III (2)-WRG		91.67	7,425.15			
	Wages-ES III-WRG		1,067.38	10,518.48			
	Wages-Senior Engineer Technician		1,876.65	11,358.29			
	Wages - Other		(1.38)	22.47			
	Uncompensated Absence-Reimb Exp		(4,372.57)	(43,368.94)			
	Total Wages		7,791.35	97,884.72	142,000.00	44,115.28	0.69
	Wages-Overhead/Fringe					0.00	
	Long Term Disability		230.29	2,106.21	3,000.00		
	Total Wages-Overhead/Fringe		230.29	2,106.21		(2,108.21)	
	Total Wages/Ovrhead		8,021.64	99,990.93	142,000.00	42,009.07	0.69
	Revolving Account						
	TOTAL EXPENSES (No Indirect Included)		13,185.96	155,665.58	220,500.00	64,834.42	0.71
	NET REVENUE OVER/(UNDER) EXPENSES		(1,837.71)	(25,304.41)			
	Fund Balance		\$ 115,321				

Nevada Tahoe Conservation District
Balance Sheet
 As of March 31, 2013

	Mar 31, 13
ASSETS	
Current Assets	
Checking/Savings	
Petty Cash	50.00
Wells Fargo - General 2513204	69,208.81
Total Checking/Savings	69,258.81
Accounts Receivable	
Accounts Receivable	142,275.17
Total Accounts Receivable	142,275.17
Other Current Assets	
Employee Third Party payments	27.79
Total Other Current Assets	27.79
Total Current Assets	211,561.77
Other Assets	
Prepaid expenses	2,200.00
Total Other Assets	2,200.00
TOTAL ASSETS	213,761.77
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	33,488.92
Total Accounts Payable	33,488.92
Other Current Liabilities	
Deferred Income-Glenbrk Prposal	-15.45
Deferred Income-Moody donations	806.91
Deferred Income-USBOR #10	23,833.06
Deferred Income - DC TMDL Cost	-0.06
Deferred Income - Demo garden	750.00
Deferred Income - Rwd Crk Mace	0.90
Deferred Income - TRPA Mit - Hy	-2.24
Deferred Income - TRPA Mit - W	-1.76
Liab.Uncompensated Absences	35,232.62
Payroll Liabilities	
457 Payable	355.39
CA withholding	190.38
Colonial Payable	98.21
Fed withholding	1,845.00
Medicare Company Payable	232.69
Medicare Employee Payable	232.69
NV Unemployment Payable	1,393.30
Total Payroll Liabilities	4,347.66
Total Other Current Liabilities	64,951.64
Total Current Liabilities	98,440.56
Total Liabilities	98,440.56
Equity	
Opening Balance	11,724.59
Prior Earnings	126,875.63
Net Income	-23,279.01
Total Equity	115,321.21
TOTAL LIABILITIES & EQUITY	213,761.77

10:49 AM

04/10/13

Nevada Tahoe Conservation District A/R Aging Summary As of March 31, 2013

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Cave Rock	1,768.93	0.00	267.81	0.00	0.00	2,036.74
Douglas Co - MEP	465.35	0.00	0.00	0.00	0.00	465.35
Douglas Co - SEZ BRC	15,957.63	0.00	8,314.36	0.00	0.00	24,271.99
Douglas County - PLRM	4,088.60	0.00	1,256.86	0.00	0.00	5,345.46
Douglas County - Stormwater	0.00	0.00	127.23	0.00	0.00	127.23
ENLC	0.00	0.00	0.00	0.00	84.14	84.14
Glenbrook Homeowners Assoc.	0.00	0.00	0.00	0.00	99.29	99.29
Miscellaneous1	0.00	0.00	0.00	0.00	0.00	0.00
NDEP - MPD	4,383.00	0.00	1,060.15	0.00	0.00	5,443.15
NDEP 319 (03-07)	13,355.12	0.00	0.00	0.00	0.00	13,355.12
NDF	0.00	0.00	2,295.41	0.00	0.00	2,295.41
NDF TYC	2,168.04	0.00	710.35	0.00	0.00	2,878.39
NDOT WCI	0.00	0.00	0.00	0.00	4,537.44	4,537.44
NDSL-Invasive Weeds	414.91	0.00	524.11	686.22	0.00	1,625.24
NDSL - Glenbrook	3,749.18	0.00	3,828.73	0.00	0.00	7,577.91
NDSL - Hybrid	1,390.42	0.00	4,094.43	0.00	0.00	5,484.85
NDSL - MPD	267.00	0.00	2,949.27	0.00	0.00	3,216.27
NDSL - WQ EC	0.00	0.00	0.00	0.00	2,791.15	2,791.15
NDSL RWC Construction	214.53	0.00	95.13	0.00	0.00	309.66
NRCS CPG	4,480.94	0.00	6,019.80	0.00	0.00	10,500.74
SLRP	20,270.48	0.00	19,305.25	0.00	0.00	39,575.73
SSWA	1,300.15	0.00	0.00	0.00	0.00	1,300.15
The Glenbrook Project	0.00	0.00	2,755.76	0.00	224.74	2,980.50
USFS - BRC	0.00	0.00	2,269.75	0.00	0.00	2,269.75
USFS R10 WCI	0.00	0.00	2,032.81	0.00	0.00	2,032.81
USFS ZC GID	665.17	0.00	1,005.53	0.00	0.00	1,670.70
TOTAL	74,939.45	0.00	58,912.74	686.22	7,736.76	142,275.17

Nevada Tahoe Conservation District
A/R Aging Summary
 As of April 12, 2013

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Cave Rock	0.00	1,768.93	0.00	0.00	0.00	1,768.93
Douglas Co - MEP	0.00	465.35	0.00	0.00	0.00	465.35
Douglas Co - SEZ BRC	0.00	15,957.63	0.00	0.00	0.00	15,957.63
Douglas County - PLRM	0.00	4,088.60	1,256.86	0.00	0.00	5,345.46
Douglas County - Stormwater	0.00	0.00	127.23	0.00	0.00	127.23
ENLC	0.00	0.00	0.00	0.00	84.14	84.14
Glenbrook Homeowners Assoc.	0.00	0.00	0.00	0.00	99.29	99.29
Miscellaneous1	0.00	0.00	0.00	0.00	0.00	0.00
NDEP - MPD	0.00	4,383.00	0.00	0.00	0.00	4,383.00
NDEP 319 (03-07)	0.00	13,355.12	0.00	0.00	0.00	13,355.12
NDF	0.00	0.00	1,635.74	659.67	0.00	2,295.41
NDF TYC	0.00	2,168.04	710.35	0.00	0.00	2,878.39
NDOT WCI	0.00	0.00	0.00	0.00	4,537.44	4,537.44
NDSL-Invasive Weeds	0.00	414.91	145.46	378.65	686.22	1,625.24
NDSL - Glenbrook	0.00	3,749.18	0.00	0.00	0.00	3,749.18
NDSL - Hybrid	0.00	1,390.42	0.00	0.00	0.00	1,390.42
NDSL - MPD	0.00	267.00	1,404.46	1,544.81	0.00	3,216.27
NDSL RWC Construction	0.00	214.53	0.00	95.13	0.00	309.66
NRCS CPG	0.00	4,480.94	0.00	0.00	0.00	4,480.94
SSWA	0.00	1,300.15	0.00	0.00	0.00	1,300.15
The Glenbrook Project	0.00	0.00	2,755.76	0.00	224.74	2,980.50
USFS - BRC	0.00	0.00	2,269.75	0.00	0.00	2,269.75
USFS R10 WCI	0.00	0.00	2,032.81	0.00	0.00	2,032.81
USFS ZC GID	0.00	665.17	1,005.53	0.00	0.00	1,670.70
TOTAL	0.00	54,668.97	13,343.95	2,678.26	5,631.83	76,323.01

ASSURANCES

State of Nevada, Division of State Lands Lake Tahoe Water Quality Grant Program

The Nevada Tahoe Conservation District (Applicant) hereby assures and certifies that they will comply with the regulations, policies, guidelines and requirements of the Division of State Lands (the "DIVISION"). Also, the Applicant gives assurance and certifies with respect to the grant that:

- A. The Applicant possesses legal authority to apply for the grant, along with the ability to finance and construct the proposed facilities.
- B. The Applicant gives assurance that a resolution, motion, statute, authority or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- C. The Applicant will have sufficient funds available to meet the non-Bond Act share of the costs (match). The option of meeting this through a combination of conservation easements on real property within the project area and private funds will be a priority and the Division will assist in the easement valuation process. It is understood that Grant payments are on a reimbursement basis and payments will be made to the application in a timely manner. The application will enter into construction agreements that will stipulate payment upon receipt of grantor funds. The Application understands that payments will be made to the District on an accrual basis. The non-Bond Act share of costs claimed as match will be documented to the same standards as expenditures reimbursed by Bond-Act funds.
- D. The Applicant will have sufficient funds available when construction is completed to assure effective operation and maintenance of the facilities for at least 20 (twenty) years after project completion for the purposes constructed. The Applicant will not dispose of or encumber its title or other interests in the site and facilities for 20 years without state approval. The applicant will maintain the project and associated infrastructure for a minimum of 20 years. The application may enter into sub-agreements with the land owners of the project for the purposes of this assurance.
- E. To the fullest extent permitted by law, the applicant will agree to indemnify, hold harmless and defend the State of Nevada, its officers, employees, agents and invitees from and against all liabilities, claims, actions, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of any alleged negligent or willful acts or omissions of the Applicant, its officers, employees and agents.
- F. The Applicant will furnish progress reports and such other information as the DIVISION may require. At a minimum the DIVISION and the Nevada Tahoe Conservation District

(the "DISTRICT") will be notified and given the opportunity to review the project design and construction at multiple project milestones:

- Project Initiation after grant award
 - Completion of 25, 50, and 90 percent of the Project design
 - Final design prior to advertisement and award of contract
 - Preconstruction Meeting
 - Completion of 25, 50 and 75% of construction
 - Project completion prior to release of contractor
- G. The Applicant will provide and maintain competent and adequate engineering supervision and inspection at the construction site to insure that completed work conforms to the approved plans and specifications.
- H. The Applicant will operate and maintain the work done in accordance with the minimum standards as may be required or prescribed by the applicable state and local agencies.
- I. The Applicant will obtain all permits, easements and other private and governmental agency approvals required for the project prior to the commencement of construction.
- J. The Applicant must receive notice to proceed from the DIVISION prior to advertisement of bids and commencement of construction.
- K. The Applicant will give the DIVISION or its designate, access to and the right to audit project records.
- L. The Applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving state agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
- M. The Applicant will comply with Title IV of the Civil Rights Act of 1964 (P. O. 88-352).
- N. The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- O. The Applicant will comply with the provisions of the Hatch Act which limit the political activity of employees.
- P. The applicant understands that competitive opening bidding is required as outlined in Nevada Revised Statutes Chapter 338.

Name _____

Signature _____ Date: _____

RESOLUTION

Resolution of the *Nevada Tahoe Conservation District* approving the application for State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds.

Project: Zephyr Cove GID Water Quality Improvement project

WHEREAS, the *Nevada Tahoe Conservation District* is submitting an application to the Division of State Lands (the "Division") for financial assistance; and,

WHEREAS, the Nevada Tahoe Conservation District has been assigned to assist the administration of the program and development of procedures governing the program; and,

WHEREAS, the adopted procedures established by the Division require that the applicant must certify by resolution the approval of proposed project, application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the Division.

NOW THEREFORE, BE IT RESOLVED that the proposed Zephyr Cove GID Water Quality Improvement project is approved for implementation;

BE IT FURTHER RESOLVED that the *District* does hereby certify that said agency can finance 100% of their share of the project upon execution of financial assistance agreements from the Division.

BE IT FURTHER RESOLVED that the *District* does hereby appoint *Doug Martin, District Manager*. as agent of the *District* to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

Introduced, passed and approved this _____ day of _____ 2013

Name

Title

Attest:

Name

Title

RESOLUTION

Resolution of the *Nevada Tahoe Conservation District* approving the application for State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds.

Project: Burke Creek Hwy 50 crossing and realignment project

WHEREAS, the *Nevada Tahoe Conservation District* is submitting an application to the Division of State Lands (the "Division") for financial assistance; and,

WHEREAS, the Nevada Tahoe Conservation District has been assigned to assist the administration of the program and development of procedures governing the program; and,

WHEREAS, the adopted procedures established by the Division require that the applicant must certify by resolution the approval of proposed project, application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the Division.

NOW THEREFORE, BE IT RESOLVED that the proposed Burke Creek Hwy 50 crossing and realignment project is approved for implementation;

BE IT FURTHER RESOLVED that the *District* does hereby certify that said agency can finance 100% of their share of the project upon execution of financial assistance agreements from the Division.

BE IT FURTHER RESOLVED that the *District* does hereby appoint *Doug Martin, District Manager. as* agent of the *District* to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

Introduced, passed and approved this day of 2013

Name

Title

Attest:

Name

Title



BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Minden, Nevada 89423

Steve Mokrohisky
COUNTY MANAGER
775-782-9821

COMMISSIONERS:
Greg Lynn, CHAIRMAN
Doug Johnson, VICE-CHAIR
Lee Bonner
Nancy McDermid
Barry Penzel

March 27, 2013

Michael Pook, Environmental Scientist
Nevada Tahoe Conservation District
PO Box 915
400 Dorla Court
Zephyr Cove, NV 89448

RECEIVED
MAR 27 2013
DOUGLAS COUNTY
COMMUNITY DEVELOPMENT

Re: Douglas County Maintenance Commitment for Burke Creek HWY 50 Crossing & Realignment Project, Phases I & II

Dear Michael,

Douglas County understands that the Nevada Tahoe Conservation District (NTCD) is seeking funding from the Nevada Division of State Lands, Lake Tahoe—Environmental Impact Project Water Quality and Erosion Control Grants Program (NV Bond Funds) for a portion of the funding for the design and construction of the Burke Creek HWY 50 Crossing and Realignment Project, Phases I & II. If NTCD obtains the requested funding, Douglas County agrees to assist in the bidding process, own the improvements constructed on County property and maintain all improvements within the area funded by the NV Bond Funds consistent with Douglas County standard maintenance practices, for the 20-year maintenance period required by the NV Bond Funds. Douglas County requires an appropriate maintenance easement for all areas to be maintained outside of County property, and the ability to perform the maintenance with standard equipment. Douglas County understands that specific maintenance requirements in areas outside of County property will be further defined in a Memorandum of Understanding between NTCD, the property owner and Douglas County.

Please contact me if you have any questions or require additional information about Douglas County's ability to maintain the portion of the Burke Creek HWY 50 Crossing and Realignment Project, Phases I & II to be funded with NV Bond Funds. I can be reached at (775) 782-9821, or you may contact Erik Nilssen, County Engineer, at (775) 782-9063.

Sincerely,

Steve Mokrohisky
Douglas County Manager

Cc: Erik Nilssen, County Engineer
Mimi Moss, Community Development Director

Mailing Address: P.O. Box 218, Minden, NV 89423



Hiring Retirees into Critical Labor Shortage Positions (HR Briefing)

Many public employers suffer the loss of experienced employees and are rightly concerned about filling the experience gap creating a "critical labor shortage." The critical labor shortage issue may be influenced by the Public Employees' Retirement System (PERS) which grants employers the opportunity to rehire retired Nevada public employees to positions of extreme need. It is incumbent on the retired employee who is being considered for a position that has been identified as "**critical**" to advise PERS of their status.

The following information is intended to assist employers in determining how to fill positions with retired employees during a critical labor shortage.

NRS 286 was amended to address this concern, however the law is set to sunset on June 30, 2015. NRS 286.523 provides in part that a retired employee who is reemployed pursuant to a critical labor shortage may enroll in PERS in addition to being exempt from any reemployment restrictions. This language applies only to positions that have been approved in open meeting by the governing body of the public employer as "critical labor shortage" positions and which must be recertified every two years as a critical labor shortage.

The designating authority must submit their written findings (on a form prescribed by PERS) supporting the designation of position as "critical labor shortage."

The written findings must include:

1. The history of the rate of turnover for the position;
2. 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;
3. The length of time the position has been vacant.
4. The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and
5. The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State, and all other efforts made.

Employers may submit additional information, as justification that describes any extenuating or mitigating circumstances that could be used to support the designation of positions in which a critical labor shortage is believed to exist.

NOTE: IT IS IMPORTANT TO DOCUMENT THIS ENTIRE PROCESS IN THE EVENT YOUR ORGANIZATION'S DECISION IS CHALLENGED.

A position shall not be designated as "critical labor shortage" for a period of longer than 2 years unless the above process is followed again and the position is redesignated as meeting all criteria. At the end of that time, the governing body must reconsider whether the position continues to

Hiring Retirees into Critical Shortage Positions, (continued)

meet the above criteria. PERS requires notification, in writing, from the employer and the reemployed retired person filling the identified position.

PERS emphasizes that employment after retirement with a public employer in Nevada can have serious effects on a retirement allowance. A person would be well advised to contact a PERS counselor prior to entering any employment or an independent contract with a public employer after retirement to discuss the conditions of that employment or contract to avoid any future problems.

Effective July 1, 2009, NRS 286.520 was amended to allow those who are employed with a volunteer fire department, at which all of the volunteers are members of PERS, to continue to receive PERS benefits throughout the duration of their employment with the volunteer fire department without penalty nor loss of PERS benefit.



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.

NRS 286.523 Employment of retired employee: Exception for reemployment of certain retired employees to fill positions for which critical labor shortage exists; determination and designation of such positions; limitation on length of designation of position. [Effective through June 30, 2015.]

1. It is the policy of this State to ensure that the reemployment of a retired public employee pursuant to this section is limited to positions of extreme need. An employer who desires to employ such a retired public employee to fill a position for which there is a critical labor shortage must make the determination of reemployment based upon the appropriate and necessary delivery of services to the public.

2. The provisions of subsections 1 and 2 of NRS 286.520 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the System if:

(a) The retired employee fills a position for which there is a critical labor shortage; and

(b) At the time of the retired employee's reemployment, the retired employee is receiving:

(1) A benefit that is not actuarially reduced pursuant to subsection 6 of NRS 286.510; or

(2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which the retired employee could have retired with a benefit that was not actuarially reduced pursuant to subsection 6 of NRS 286.510.

3. A retired employee who is reemployed under the circumstances set forth in subsection 2 may reenroll in the System as provided in NRS 286.525.

4. Positions for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows:

(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.

(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.

(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.

(d) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.

(e) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.

(f) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.

(g) The Board shall designate positions within the System for which there are critical labor shortages.

5. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:

(a) The history of the rate of turnover for the position;

(b) 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;

(c) The length of time the position has been vacant;

(d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and

(e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

6. A designating authority that designates a position as a critical need position shall submit to the System its written findings which support that designation made pursuant to subsection 5 on a form prescribed by the System. The System shall compile the forms received from each designating authority and provide a biennial report on the compilation to the Interim Retirement and Benefits Committee of the Legislature.

7. A designating authority shall not designate a position pursuant to subsection 4 as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in subsection 5.

(Added to NRS by 2001, 2400; A 2003, 2062; 2005, 1077; 2009, 1549, 1550; R 2011, 90, effective June 30, 2015)