



## GARDNERVILLE TOWN BOARD

### Special Meeting Minutes

Mary Wenner, Chairwoman  
Ken Miller, Vice Chairman  
Cassandra Jones, Board Member  
Linda Slater, Board Member  
Lloyd Higuera, Board Member

1407 Highway 395 N.  
Gardnerville, Nevada 89410  
(p)775-782-7134 (f): 775-782-7135  
[www.gardnerville-nv.gov](http://www.gardnerville-nv.gov)

Contact: Carol Louthan, Office Manager  
Senior for any questions or additional  
information. You may also view the  
board packet online at the town's website.

Monday, October 10, 2016

5:00 p.m.

Gardnerville Town Hall

5:00 P.M. Chairwoman Wenner called the meeting to order and made the determination a quorum is present.


#### PRESENT:

Mary Wenner, Chairwoman  
Ken Miller, Vice-Chairman  
Lloyd Higuera  
Cassandra Jones  
Linda Slater

Mike Rowe, Town Counsel  
Tom Dallaire, Town Manager  
Carol Louthan, Administrative Services Manager

Cassandra Jones joined the meeting at 5:04 p.m.

#### PLEDGE OF ALLEGIANCE – Linda Slater

 **FOR POSSIBLE ACTION: APPROVAL OF AGENDA, with public comment prior to Board action.**  
The Gardnerville Town Board reserves the right to take items in a different order to accomplish business in the most efficient manner.

No public comment.

Motion Higuera/Slater to approve the agenda. Motion carried unanimously.

#### ADMINISTRATIVE AGENDA

*(Any agenda items pulled from the Consent Calendar will be heard at this point)*

1.  **For Possible Action: Discussion on the questions, process and procedure for interviews at tonight's special meeting; with public comment prior to Board action.**

Discussion by board members on questions to be asked.

No formal action taken.

2. **Not For Possible Action: Interviews for legal counsel to Advise and Represent the Town of Gardnerville in Conjunction with All General Civil and Legal Matters.**

Chairwoman Wenner read an opening statement to each applicant which is included with these minutes.

**Each applicant was asked the following questions:** (A recording of the answers to the questions by each individual attorney is available upon request).

1. Do you see a perceived or actual conflict of interest with your desire to provide the town legal guidance and counsel?
2. Please describe your experience and comfort level when it comes to dealing with the State of Nevada Legislature, and would you be comfortable representing the town should a Bill Draft Request be proposed that would affect the town?
3. Do you represent any other political subdivision within the State of Nevada? If so, please share them with us.
4. What is the governing statute that allowed the establishment of the town? How familiar are you with that Nevada Revised Statute?
5. What is the section of county code dealing with the town governance?

6. A grand jury is being impaneled in Douglas County and there is a good chance that the Town of Gardnerville, as well as the other towns and general improvement districts are going to be of topic. How qualified do you feel you would be to represent the interests of the town or do you feel special counsel would be needed?
7. How do you see the working relationship between you and or your firm and the town board and town staff?
8. Besides, submitting the Request for Proposal, what kind of preparation did you do for this interview?
9. Mike Rowe represented Main Street Gardnerville pro-bono would you consider doing that also?
10. Are you a member of, or volunteer for any non-profit organization?
11. This concludes your structured questions. Do you have any questions of the board?

**Ryan D. Russell 5:30 PM**

Additional questions for Ryan Russell:

Cassandra Jones – You mentioned talking with one voice. With the Park presentation last month we voted five in favor and Minden voted five down. One of the potential problems there is the alignment of Zerolene that could put us in direct conflict with Minden. How would you handle that if we continue to have completely opposite opinions on the same development which directly affects the town boundaries?

Ryan Russell – There would probably be another conflict in there because we've done work for the parks as well. I would first look at the deliberation that occurred. My first goal would be to find out what everybody's actual priorities and objectives were in reviewing the project. One thing that would be uniquely at your disposal is the exception to the open meeting law, which allows for an attorney-client gathering to receive information about an actual, potential or threatened litigation. With shared counsel we could do that together. My first goal would be to bring the boards together and figure out the common ground. If there was an actual conflict that would arise I would recommend waiving the conflict. If I am lucky enough to be chosen, I hope it is because you have faith not only in my confidence as an attorney but in my ethics. By waiving the conflict and allowing me to participate on one side you would have the advantage of knowing if there is a fight being fought, it's at least based in law and fact. I will come back when you are done with the interviews and prepared to deliberate.

**Charles S. Zumpft 6:00 PM**

Additional questions for Charles Zumpft:

Vice-Chairman Miller - Why did you pick Cassandra Jones to go to lunch with and not one of the other board members?

Mr. Zumpft picked Cassandra for two reasons. One I had a prior relationship with Cassandra. Two she is the guru of estate planning. This past summer we adopted a 5 year old special needs child and I wanted to get some information on how best to design things for him.

Vice-Chairman Miller asked if the discussion had anything to do with the town.

Mr. Zumpft had a prior relationship and wanted to get together with her on that topic anyway.

Mr. Zumpft - When I drafted my proposal it was based on a conversation with Mike. The packet that came out showed that the time spent working with the town was probably half that. The proposal still stands in principal. I have had clients that only wanted to pay by the hour. I have had those clients not reach out to counsel because they didn't want to get a bill for the time. Good counsel can keep clients out of trouble. The retainer concept has taken that fear factor out. It can be crafted with any number of hours in mind. I just wanted the board to know if you want to have a conversation about a monthly retainer it doesn't have to be for the 13 hours. I'd certainly be willing to talk about half the time. The other thing is all of the other public entities have used outside counsel for their collective bargaining agreements. If they are, has Mike historically done that work for the town?

Mr. Rowe answered it is handled by the county.

Mr. Rowe - In your response you mention the water company. You put in your application that one or more Gardnerville Water Company board members opposed dual representation and may not allow your continued representation of GWC. Considering you've been with them for 20 plus years and the choice came down between the two where does that put you?

Mr. Zumpft - If this offer was extended to me and I accepted; if either the town or the water company said no then that is the answer. They both have to agree that I can represent both or I can only represent one. I have enjoyed my relationship with the water company and hope I am able to continue. The difference is that body doesn't have term limits like this body. I realize I would have to choose and my practice has been moving toward representation of government entities. I assisted Scott with all of his GID's and it's a more refined area of practice. I do not know what I would do. I would consider it very seriously and I wouldn't be here if I weren't intent on representing the town.

(10 minute break @ 6:30 PM)

**Jennifer A. Yturbide 6:40 PM**

Additional questions for Jennifer Yturbide:

Vice-Chairman Miller - Why did you choose Mrs. Jones as the person to speak with?

Mrs. Yturbide talked with Mrs. Jones early on before I put in for the position. I knew that you weren't sure I was going to put in for the position. I wanted to speak about that a little because I am interested. I initially wasn't sure I wanted to go through an RFP because standing here in the hot seat is not fun. But I also wanted to be sure the board felt comfortable with me and didn't have some reason in asking for the RFP that they were somehow not confident in my services. I just asked generically whether they had that feeling and whether they thought it would be an appropriate thing.

Mrs. Yturbide asked what the board is looking for? What are you most interested in?  
I have a pretty strong work ethic. I represent my clients very effectively. I am not a pushover. I definitely know who I am representing. I am a team player.

Mrs. Jones believed one of the most important roles of town counsel is to keep us legal. How would you respond?

Mrs. Yturbide - One of the things they talked about is when people come up and present you with evidence, it's your role to weigh whatever the facts are people present and my role to provide you with legal guidance. I try and give you that guidance when I think you need it. I try to do that preemptively by reviewing the agendas and seeing what is coming up. If there is something that has a legal tone or I spot an issue that might be a problem I will bring it up to you. That also brings up the ethics in government. If you believe you have any kind of interest in the matter that is in front of you I always think disclosure is the most important thing. I think it's important to follow the law. I will tend to be on the side of conservative. We can also call the AG's office if you aren't sure.

Mrs. Slater – In which courts are you able to practice.

Mrs. Yturbide - I am able to practice in all of the courts in the state of Nevada, federal court and in the northern division, the federal court in California northern division. I continue to have my California license and can practice there as well, and in the Supreme Court of the United States.

Mrs. Yturbide read a closing remark.

**Steven P. Handelin 7:10 PM**

Additional questions for Steve Handelin:

Mr. Handelin asked what would your ideal scenario be for interaction?

Chairwoman Wenner answered dealing with Tom mostly.

Vice-Chairman Miller added a board might contact you with a conflict of interest question.

Mr. Handelin asked what is the budgetary expectation for legal counsel?

Mr. Dallaire answered annually we have gone with historic numbers. I believe around \$22,000 to \$25,000 or \$25,000 to \$27,000 is in the budget.

Vice-Chairman Miller mentioned we had an issue with the trash truck this year.

Mrs. Slater asked if he is the only one that would provide service.

Mr. Handelin answered his associates would be available.

Mrs. Jones asked if his associates had done a jury trial yet.

Mr. Handelin answered no.

**(For details of each attorney's responses a recording of this meeting is available upon request. The tally of board members' rankings is attached to these minutes.)**

**(10 minute break)**

Mr. Dallaire explained we devised a plan after going through Todd's example of how they picked the East Fork Fire board. I thought that process he devised was a great opportunity for putting the attorneys through the process. We sent out the request for proposals. I prepared an evaluation form. The board members filled that out and we have another spreadsheet similar to this that tallies the RFP. It basically equaled an additional question, 12 questions total, for the score that you see tonight. What you have before you is the total score for all the board members based on your responses to the interview questions and the additional question was the response to the RFP.

No public comment.

3.  **For Possible Action: Discussion on selection of legal counsel; with public comment prior to board action.**

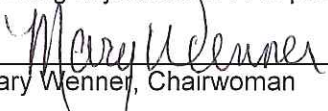
No public comment.

**Motion Miller/Higuera to select Jennifer Yturbide as our town attorney starting January 1, 2017. Motion carried unanimously.**

**2<sup>nd</sup> PUBLIC INTEREST COMMENTS period (No action will be taken)**

No public comment.

Meeting adjourned at 7:40 p.m.

  
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Mary Wenner, Chairwoman

  
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Tom Dallaire, Town Manager