

IVGID

**Board of Trustees Workshop
January 5, 1999**

1. The Public Trust

PUBLIC

Responsibilities

Take care of our needs

Authority

Take what is
necessary from us

COMMUNICATE

Tell us what you are doing & why

2. The Job of the Trustee

2.1 Represent the Public

- * Now a public official
- * "Flash your business card"
- * Solicit input from the public

2.2 Define the District's Mission

- * Recall why the District was formed
- * Is that still true today?
- * Consider (long-term) changing, expanding, or contracting the Mission

2.3 Plan & Guide the District

- * Diligence - learn all you can. student
- * Plan
 - Identify the issues
 - Determine what actions to take to resolve the issue
 - Provide the resources to do it
- * Direction
 - Who, When and How
 - Assess what the community is willing to pay
- * Monitoring results
 - Managers' accountability
 - Hear reports
 - Take corrective action

2.4 With Each Other

- * Find ways for Board to meet, discuss, learn and become acquainted:
 - Committees
 - Commissions
 - Workshops
- * Other than at Board meetings
- * With the staff
- * Finding ways to really communicate with the GM
 - He is ready to talk
- * With the community
 - Go public with big issues
- * With other governments
 - County, state, federal, etc.
 - You represent votes

3. Legal Guidelines for the Board

3.1 Nevada Revised Statutes

- * Each board member has a binder concerning pertinent NRS

3.2 Legal Counsel

- * Generally works with/for General Manager
- * Board has open access to attorney
- * Attorney has time and materials contract covering his services

3.3 Lawsuits

- * Very common, because of wide range of services the District provides
- * Subject to most kinds of liabilities that private businesses are

3.4 General Improvement Districts

- * Covers usual structural activities of the Board (see notes provided)
- * "Statutes to be liberally (broadly) construed" = wide range of powers of Board
- * Focus of all activities must be a public purpose, expressly defined or implied
- * Cannot simply use money because it seems nice or right
- * Besides powers currently enjoyed by District (which are considerable), can expand powers, but must get County approval
- * District has broad powers to borrow money, can do this using many financial investments
- * Assessments imposed must result in benefits to the assessees equal to the amount of the assessment
- * Board generally has powers to borrow or impose fees/charges, etc.. without a vote of the people
- * Architectural Control Committee, created by CC&Rs. Should District consider this issue.

3.5 Public Records

- * Just about any information possessed by the District is legally available to the public
- * Some limitations (e.g. personal files of employees) pertain confidential information
- * Can occasionally cause concern when this power is unscrupulously used by opponents of District actions
- * Board has limited access to employee files, and must have a good business reason

3.6 Public Works Projects (Contracts)

- * Issued on lowest qualified bidder - must make clear when factors other than price are considered
- * Professional services are often excluded from the low price requirement, with emphasis on qualification

3.7 Purchasing Requirements

- * Competitive bidding required, but these are many exceptions such as professional qualifications, specialized equipment, etc.

3.8 Intergovernmental Agreements

- * Can agree on services, personnel, insurance, etc. with other governments
- * Attorney General must approve

3.9 Governmental Immunity

- * Limited sovereign immunity to liability

3.10 Insurance Provisions

- * We are connected to a public agency insurance pool and claims administrator
- * Board Resolutions: integrate these into a policy manual? (So that Board knows what the previous Boards have laid down as policies.)

3.11 Open Meetings

- * Presumption is that all District business must be carried out in public
- * Individual trustees have a great deal of freedom in public, but this is frequently challenged and it is wrongly claimed that the Board has acted in violation of open meeting law
- * A quorum of the Board present at one time leads to the presumption that a public meeting is being held and full notice, agenda and posting are required
- * Must confine discussion to the statement on the agenda and must allow for public comment
- * Actions determined to be in violation of open meeting laws are voided and individual Board members can be held guilty of a misdemeanor
- * Minutes of a closed session must be kept but are not made public.
- * Board can exclude persons who act in a disruptive and disrespectful manner
- * A majority of those Trustees present can vote and bind the District

3.12 Ethics

- * Commission on Ethics can resolve ethical issues concerning conflicts of interest
- * Cannot use public assets, privileges, people, etc. for personal gain

6062

4. Building a Working Relationship with the Staff

4.1 The General Manager as a Sole Employee of Board

- * Annual performance evaluation of manager

4.2 Relationship of Board and Staff:

<u>Board</u>	<u>General Manager</u>	<u>Board</u>
Plans	<u>Operations</u>	<u>Results</u>
Policies	-People	
Directions	-Facilities	Monitoring
Resources	-Equipment	
Budget	-Operates by Budget	

4.3 Relationship of Board to Other Employees

- * Arm's length relationship

4.4 The Gray Boundary Between Policy and Operations

- * A gray boundary which is best defined clearly
- * Trust is vital
- * Board must focus on its job

5.1 Public Decorum

5.2 Committee System

5.3 Consultants

5.4 Money

- * Little money
- * Big money