

MINUTES OF THE CC COMMUNICATIONS MANAGEMENT

**155 N. Taylor St., Fallon, NV 89406
February 2, 2023**

Call to Order:

The regular meeting of the CC Communications was called to order at 1:45 PM on February 2, 2023.

PRESENT: Planning Commissioner Myles Getto
 Commissioner Harry Scharmann
 General Manager Mark Feest
 Chief Financial Officer Jamie Hyde
 Administrative Assistant Shelly Bunyard

ABSENT: Commissioner Justin Heath

Public Comment:

Chairman Myles Getto asked if there was any public comment but there was none.

Verification of Posting of Agenda:

It was verified by Shelly Bunyard, Administrative Assistant, that the Agenda for this meeting was posted on the 27th day of January, 2023 between the hours of 1 pm and 5 pm at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

Commissioner Harry Scharmann made a motion to approve the Agenda as submitted. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- January 3, 2023

Commissioner Harry Scharmann made a motion to approve the Minutes of the meeting held on January 3, 2023 as submitted. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: application for purchase of retirement credit [Policy 7.6 Retirement Incentive Plan] for Rudy McElvain

Mark Feest, CC Communications. I have out a supplement document that wasn't ready when we posted the agenda packet. There are copies placed in the back of the room for the public as well.

The same information applies for both items 6A and 6B. Our Policy 7.6 Retirement Incentive Plan is a purchase retirement policy for retirement time up to one year for employees who will otherwise be eligible to retire. That purchase is subject to a showing of cost savings as well as limited to one employee per year. The policy explicitly states the Board can waive anything in that policy. Two employees have requested up to one year be purchased on their behalf. These two employees are eligible to retire. Both employees are currently in the Broadband Engineering group, which is a workgroup that CC Communications has struggled to hire experienced employees in. Currently, we have overfilled the department internally with junior positions in order to try to get them up to speed so that we have succession planning in that department. The

first employee we brought into that department lasted about one year and then resigned their position with the company. At that time, one of these employees, Krista, had expressed interest in applying for the Retirement Incentive Plan. When that employee had resigned, Krista advised she didn't want to apply for the plan and leave us shorthanded.

The other employee, Rudy McElvain, also expressed interest in applying for the program last year, but again, didn't want to leave the company in a bad position.

We have interviewed and offered three positions to external applicants with more experience for that work group. We were just rejected last week by the third person we have offered the position too. I don't think it is the salary amount. This applicant advised that after discussions with his wife, she didn't want to move.

It would be a benefit to CC Communications to reach an agreement with these two senior employees, which is Rudy McElvain and Krista Smith, whereby CC Communications purchases some amount of retirement with the understanding that the employees will return for 6 to 12 months as contract employees. I got this idea from the County Manager. In discussing our situation, they had done something similar with an employee in the Accounting Department who came back after they had retired. This was done under a provision for a critical need employee. We would like to do something similar in our situation. This would allow those junior employees additional time to gain experience and knowledge as well as provide CC Communications with the opportunity to hire a Senior Broadband Engineer.

The cost to purchase both of the requested employees 6 months each retirement, is approximately \$43,345.98. The reason the number is combined is because we have overfilled that department with those junior employees to build up the staff. We are actually only going to replace these two employees with only one employee. That has always been the plan. If we take that combined cost of purchasing their time of \$43,345.98, we are really comparing it to the cost savings due to bringing on only one employee instead of two. The first year, we will save \$71,219.00. It's clearly a cost savings.

I have listed two motions, one is for 6A that would have been in the agenda packet had we had all the information ready. The first motion I am requesting is the approval of the purchase of 6 months for Rudy McElvain subject to the management entering into a six-month agreement for the employee to return on a contract basis. The second motion would be the same motion except for Krista Smith. Everything pertinent applies to both of them, I just went over all of it.

Commissioner Harry Scharmann. Is letting two of them retire and replacing them with only one employee, going to cause a hardship for the company.

Mark Feest, CC Communications. The anticipation was no and that's why we overfilled those junior positions. We will actually have one more position than we previously did three years ago.

Commissioner Harry Scharmann made a motion to approve the purchase of PERS service credit for Rudy McElvain pursuant to CC Communications Policy 7.6 Retirement Incentive Plan

subject to their being employable as a critical needs hire. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Commissioner Myles Getto. Does that work for you Mark, or do you want to read the motion from the attachment?

Mark Feest, CC Communications. It's up to you. Joe Sanford can speak on this.

Joseph Sanford, Chief Civil Deputy District Attorney. If you want it to have the subject to certain conditions, then I would add those. Otherwise, it makes it seem whether or not they agree to the contract they are getting it purchased.

Mark Feest, CC Communications. They are not getting a purchase, unless they agree to the six months.

Sherry Wideman, Comptroller. You have to file a critical need document to PERS. They will still be employees.

Mark Feest, CC Communications. Wasn't the employee in the Comptroller's office brought back as a contract employee.

Sherry Wideman, Comptroller. No, that employee was brought back as a critical need employee. You have to apply for a critical need through PERS. It has to be approved by the PERS Board. They have to have a day off in between before they are in the critical need position, according to PERS. Then they are a social security employee not a retirement employee. Otherwise, their earnings may disqualify them for their retirement.

Commissioner Harry Scharmann. Is there a problem leaving the motion just the way it is?

Joseph Sanford, Chief Civil Deputy District Attorney. I'm not sure how to answer this without one more look.

Commissioner Harry Scharmann. Then, I will just leave it the way it is and make the motion.

Joseph Sanford, Chief Civil Deputy District Attorney. I guess what I would say is you want to purchase Six months retirement credit and then subject to management entering into an agreement or returning as a critical need employee. That way we are covered.

Mark Feest, CC Communications. If that is what Joe is comfortable with, that's what we need to do. It is absolutely intent that they return.

Commissioner Myles Getto. Joe is the motion that currently sits ok, or do we need to modify it at all.

Joseph Sanford, Chief Civil Deputy District Attorney. I would just add, subject to them being employable as a critical needs hire.

Commissioner Harry Scharmann added to his motion subject with them being employed as a critical needs hire. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Commissioner Harry Scharmann. That is for Rudy McElvain.

Mark Feest, CC Communications. Correct then we will go onto the next one.

B- Consideration and possible action re: application for purchase of retirement credit [Policy 7.6 Retirement Incentive Plan] for Krista Smith.

Commissioner Myles Getto. This is the same item we just discussed in item 6A, but for a different employee, Krista Smith. Do you want to go over anything else or the same thing?

Mark Feest, CC Communications. No, everything is the same.

Commissioner Harry Scharmann made a motion to approve the purchase of PERS service credit for Krista Smith pursuant to CC Communications Policy 7.6 Retirement Incentive Plan subject to the rehire on a critical needs basis. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: adoption of Procurement Policy for Federal Grants.

Mark Feest, CC Communications. We were told by NIST and Elko County last month, in order to start collecting the money in Elko County and to commence construction under the NTIA Bip Grant in Spring Creek, we have to adopt a Procurement Policy for Federal Grants. They provided a sample of a Procurement Policy. Joe Sanford has reviewed it. They have accepted all of the changes Joe made in the policy. That is what is presented to you and is required for us to collect the money. The board is adopting the policy stating we will comply with the federal rules on procurement.

Commissioner Harry Scharmann. Let me get this clear. They are going to start paying.

Mark Feest, CC Communications. Yes. They said before they start paying, we have to make all procurement, pursuant to this policy. We have to adopt the policy first.

Commissioner Harry Scharmann. The grants that you have written are all subject to reimbursement.

Mark Feest, CC Communications. Correct, this is specific for the NTIA Bip Grant in Spring Creek, which is a reimbursement model. It will probably only be applied to construction because of the dollar amounts.

Commissioner Harry Scharmann. Does that cover numerous federal grants that you have written?

Mark Feest, CC Communications. One would assume that each different agency that gets assigned to administer these grants going forward, will follow the same rules. Right now, sometimes it feels like they have different rules every time we have our bi-weekly call. This was the latest thing that needed to be completed before we can start collecting the money. They will be the same agency that administers the other grants going forward that we have applied for and are applying for. Hopefully all of their rules will be ironed out and finalized.

Commissioner Harry Scharmann made a motion to approve the adoption of the Procurement Policy for Federal Grants. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: approval of the Memorandum of Understanding between Communications Workers of America (CWA), Local 9413 and CC Communications

Mark Feest, CC Communications. Management determined the need to modify our on-call pay for Network Operation Center employees. Due to current staffing levels, NOC employees are required to be on-call more than twice as often as other employees. The attached MOU drafted by our attorney at Allison, MacKenzie increases the pay for NOC employees when on-call. That is a wage issue that is subject to collective bargaining. The union has to enter a MOU to change that. The MOU provides that management, at its sole discretion, may provide 30 days' notice to eliminate the additional pay when the NOC weekend rotation reduces the disparity.

Commissioner Harry Scharmann made a motion to approve the Memorandum of Understanding between the Communications Workers of America (CWA), Local 9413 and CC Communications. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Reports: General Manager Report:

1. Grants
 - a. SCA
 - i. Subject to the Federal Purchasing Policy submitted today, CC Communications will put the portions out to bid as required by NTIA and Elko County. Thereafter, construction will commence.
 - b. Te-Moak Elko Band
 - i. Awarded 8/26/2022
 - ii. CC Communications anticipates entering the Service Agreement with Te-Moak council at their February meeting
 - iii. EAS
 - iv. 6-month plan
 - v. BIA to provide authorization
 - c. Yerington Paiute
 - i. Awarded 8/26/2022
 - ii. CC Communications anticipates entering the Service Agreement with Yerington council at their March meeting
 - iii. EAS
 - iv. 6-month plan

- v. BIA to provide authorization
 - d. WRPT and FPST
 - i. Awarded 11/30/22
 - 1. WRPT to provide agreement
 - 2. BIA to provide authorization
 - e. Upcoming Grant Opportunities
 - i. OSIT RFP Due December 19, 2022
 - 1. RFP's submitted
 - 2. Follow up questions are ongoing
2. Network
 - a. Lumen OC 192 went down in January
 - i. Improved communication with ATT with respect to determining cause and ETA on resolution.
 3. Audits
 - a. USAC (no new updates, but still open)
 - b. PERS (no new updates, but still open)
 4. Human Resources
 - a. Senior Sales Engineer is retiring
 - i. Zoom interviews have been conducted
 - ii. Two quality candidates have been interview.
 1. Expectation is that offers will be made next week.
 - b. Zoom interviews set up for
 - i. Network Engineering
 - ii. COO

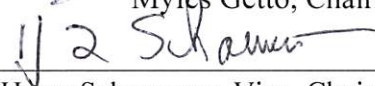
Public Comment:

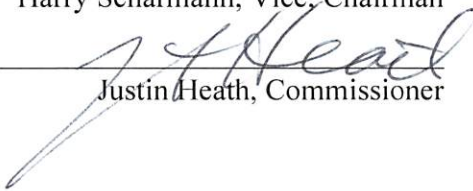
Chairman Myles Getto asked if there was any public comment but there was none.


Adjournment:

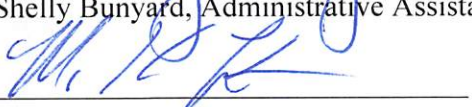
The meeting was adjourned at 2:12 p.m.

APPROVED: 
Myles Getto, Chairman

APPROVED: 
Harry Scharmann, Vice, Chairman

APPROVED: 
Justin Heath, Commissioner


Shelly Bunyard, Administrative Assistant


Mark Feest, General Manager/CEO