

**MINUTES OF THE
FERNLEY CITY COUNCIL
BUDGET MEETING
MAY 28, 2025**

Mayor Neal E. McIntyre called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilman Joe Mendoza, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, City Treasurer Robert Carson, HR Manager Mitzi Carter, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, City Engineer Maria Paz Fernandez, Utilities Director Seong Kim, Muni Court Judge Lori Matheus, Court Administrator Sierra Keathley-Dunn.

1.3. Public Forum

Floyd Rowley, Fernley resident, commented on the current city budget impasse. The city absolutely needs the services of a qualified city manager.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

2. PUBLIC HEARINGS

2.1. (For possible action) Discussion regarding the Fiscal Year 2025/2026 proposed final budget including but not limited to: All funds within the Water Enterprise Fund; Wastewater Enterprise Fund; General Fund; Special Revenue Funds; Capital Improvement Program; rates; all city departments; the budget process; timelines, goals, and existing budget; debt, staffing, including but not limited to reorganization, reclassification, employee positions and contracts, new positions, and other matters related thereto.

Mayor McIntyre stated this is a good budget that has been presented. The reason he vetoed the motion on May 21st is because there were no reasons why they wanted to defund the position. The city of Fernley needs a city manager. Last Wednesday he notified Mr. Marchant that the council would have the opportunity to talk about his competence, character, and job performance, and nobody said a word. The council stated that they were advised not to talk about his character and competence. It's really disheartening that this Council wants to sit up

here and defund a position that the city truly does need and nobody talked about the person in the position. We need to pass this budget one way or another.

Councilman Albert Torres read a statement into record (attached).

Mayor McIntyre thanked Councilman Torres for those comments.

Councilwoman Zoberski read a statement into record (attached).

Councilman Mendoza stated inquired what was the average number of Mr. Marchant's annual was, and how did you get to that average?

Mayor McIntyre stated that he averaged fives, fours, threes, added them up and divided by how many people submitted a review and that came up with a little over 3 points.

Ben Marchant, City Manager, addressed the City Council.

Mayor Neal E. McIntyre opened the meeting for public comment.

Public comment:

Fran McKay, Fernley resident, spoke in favor of defunding the city manager position.

Jim Porter, Fernley resident, stated it seems as though what we really have is an issue of whether we are going to submit a budget, or are we not. The budget has to be submitted. That's number one. Everything else is secondary.

Tim Bickerton, Fernley resident, spoke in favor of accepting Mr. Marchant's resignation.

Skye Long, Fernley resident, can only speak to her own experience, and she has been able to connect with Mr. Marchant over the special event fees that directly impact the things that she does.

Vera Roberson, Fernley resident, agreed that the city needs a city manager, whoever that might be.

Dana Uhlhorn, Fernley resident, he's talked with each of you over the last week or so to get the background on what's going on and he really appreciates that.

Lowell Patton, Fernley resident, believed the council should pass this budget as is, with no changes and address the personnel issues separately. You wouldn't do that with any other employee in the city.

Shannon Ceresola, stated as a business owner, she wants people to come to this community, to think that we are a good community to live in, to have a business in and, right now, we're not representing that.

Lydia Altick, Deputy City Manager, stated Mr. Marchant shows a great amount of creativity and the ability to think outside the box, which are qualifications of an affected boss and leader.

Neal McIntyre II, Fernley resident, stated he's heard a little bit of history, and it's hard to hold somebody accountable for all the stuff that they did in the past when they were trying to better themselves.

Timothy Joder, Fernley resident, stated the council is talking about two separate things here, and you need to get this budget passed. Get the budget passed. It sounds like issues with the city manager are well documented and follow whatever your corrective action process is after this budget is passed.

Mike Moore, Fernley resident, was in favor of City Council accepting Mr. Marchant's resignation.

Myla Moore, Fernley resident, spoke about the facts that were presented tonight.

Mayor McIntyre called for a recess to go into a legal gathering - 6:33 pm - 8:00 pm.

Mayor Neal E. McIntyre called the meeting back to order at 8:00 pm and announced that the meeting would continue in recess until 9:00 pm.

Mayor McIntyre called the meeting to order at 9:00 pm and stated that they are in the process of completing a separation agreement with Mr. Ben Marchant and once that is put together, we will continue the meeting.

Motion: I MOVE TO CONTINUE THE MEETING PAST 9:00. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

Recess 9:05 pm - 10:58 pm

Mayor McIntyre called the meeting back to order at 10:58 pm.

Motion: I MOVE TO APPROVE THE FISCAL YEAR 25/26 BUDGET AS PRESENTED. **Action:** Approved. **Moved by:** councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

3. PUBLIC FORUM

None at this time.

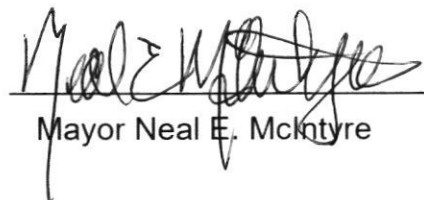
The next meeting is June 4th at 5:00 pm.

4. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 11:00 pm.

Approved by the Fernley City Council on June 18, 2025, by a vote of:

AYES 3 NAYS: 0 ABSTENTIONS: 0 ABSENT: 2


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

Submitted 5/28/2025
Councilmember Zoberski

City Manager Evaluation from Councilmember Zoberski

COMMUNICATION: 2: (BELOW TARGET) In communication with staff members employed at COF the city manager has repetitively belittled and talked down if any of COF staff is in disagreement or has differing opinions/ideas about the projects being discussed. Since the hiring date I have communicated to Mr. Marchant the need for more detailed account when being sent the city manager monthly report and unfortunately have received a list of the projects and happening of our other senior staff departments. I am consistently left in the dark on private meetings with developers, county commissioners, residents, and the outcome of what seem to be very tense all hands meetings. Although I have been met with what is supposed to be a "open door policy" every instance that I have approached Mr. Marchant in his COF office I am made to feel incompetent and belittled. Talking around my questions so that they remain unanswered consistently does not instill the needed trust I should have in my city manager to communicate effectively.

CUSTOMER FOCUS: 1: (UNACCEPTABLE) Communicating effectively with our residents should be at the very forefront of our city managers position. Although Fernley is a growing city, The character and rural nature of our community is consistently lost on Mr. Marchant. I have spoken with many people who have come to interact with Mr. Marchant in one way or the other that are disappointed with the lack of communication, empathy, or understanding that is vital to bridging the gap between our community and our city entity. As a city manager Mr. Marchant should be able to offer his time to the different issues our residents are experiencing without making them feel less than, or refusing to offer up any other solutions. I do not think that our residents are often met with positive courteous service and are instead made to feel that they are out of luck with their issues and its not a city issue.

JOB KNOWLEDGE : 2 (BELOW TARGET) Although I believe that Mr. Marchant has worked in a city managers compacity and is aware of the basic job description, within the COF he is below target. Being able to work on a full team of staff and be completely aware of the different department heads issues and needs should be at the forefront of his job. Communicating effectively with staff and the council about new or existing policies and procedures, and being professional in a human relations compacity is vital to this position, and I feel as though staff is afraid to speak up about the lack of job knowledge our city manager has, in fear for their own job security.

PERSONAL BEHAVIOR: 2: (BELOW TARGET) Being that the first word in this portion is “dependable” I unfortunately have not experienced this from Mr. Marchant. I have asked repeatedly for him to send an email with the information that we are discussing over the phone and have yet to receive a summarized account of conversations that are taking place without councils knowledge. Mr. Marchant is often annoyed or exasperated with the question I have if he feels that my opinions or thought are not lining up with his own. I have spoken with COF staff multiple times about the attitude they receive during all hands meetings or feel personally unheard and brushed off. Although I think it is important for the city manager to have a healthy relationship with the mayor, pushing other staff or council members out and speaking primarily to the mayor and not council in many instances has created a tense and distrustful environment during the course of his employment. Often when this is brought to the attention of the mayor and the city manager it is ignored. In light of the recent inside compensation packet that I voiced my concern for, my character was attacked- that I did not trust my staff HR department and Finance Director.

PLANNING AND ORGANIZATION 1(UNACCEPTABLE) Full explanation into the finance numbers for this fiscal year were completely confusing as during the budget workshop we were told that there was a lot missing and that the city was in a deficit. Shortly after that workshop it had come out that we had a lot of unaccounted monies that we were going to be able to give all of our staff raises and that it would be sustainable. Although this is the first COF budget that Mr. Marchant would be handling for the COF I would expect much more planning and organization to go into such an important part of operating a city.

LEADERSHIP: 2 (BELOW TARGET) Being able to inspire COF employees to work together in a positive environment has not been shown by Mr. Marchant. At one point during talk of the compensation study staff was told to attend the council meeting by our city manager to protest their wages. Staff showed up with signs and public comment and I believe also passed flyers around. Although I was empathetic to the fact that a lot of our wages needed to be brought to a level average, I was thoroughly concerned with whether those wages were comparable to the jurisdiction's that came up with the numbers and where the new wages were going to be sustainable for the future. Pitting the COF staff against council for this decision not only shows lack of leadership, but full manipulation of staff in the attempt to push a wage study through.

Submitted 5/28/2025
Council member Torres

I'd like to start off by thanking everyone who has come to the Fernley City Council meeting tonight and last week. I appreciate all of you taking part in our government process. I want to take a few minutes to address your many concerns and answer some of the very important and pertinent questions you all raised during the last meeting.

One question many asked was why I did not publicly give a reason for my motion to approve the 25-26 Budget, while not funding the City Manager position. During the legal brief held just prior to last week's council meeting, which included the City Attorney and all of City Council, we were advised we had a legal responsibility to protect the City Manager as an employee as much as possible. We were not to discuss personnel issues, or cause and competency, of the City Manager due to the item being listed and agenda'd as a Budgetary Item only. Per the continual legal advice of our City Attorney, we have been given the approval to address you tonight.

A second question was raised about whether my motion was legal and if I was trying to change our local form of Government. The motion was legal per Nevada Revised Statute, Constitutional Law, and case law. As a reminder, not one of the three branches of US Government, the Executive (Mayor), the Legislative (City Council), or the Judicial (Municipal Court Judge), have more power than another. They are all separate but equal. At all levels of US Government, the Legislative branch controls the budget and decides what is funded and what is not funded. Once the funding is decided, the Executive and Judicial Branches can operate. At the local level those two branches operate within their budgets granted them by the Legislative Branch.

I was not and I am not now, attempting to change our local form of Government. I am actually only acting upon the legal and lawful means of the Legislative Branch, granted by Law, and the continual interference by Mayor McIntyre, may be unlawfully interfering with this Legislative Branch in the performance of its duties. As with many laws in our Country and State, just because someone doesn't like them or doesn't understand them, they do not lose their validity.

A third item that was mentioned by Mayor McIntyre was my voting record during the process of hiring the current City Manager. The mayor's first selection was a very bright and promising lady from a Western State. My reasoning for not selecting her during my vote was that she had neither the education nor the experience of being a City Manager. She was the current Deputy City Manager of a town of roughly 2000 people, that consisted of seasonal tourists and had not seen any growth nor expected to see any growth soon. As a matter of fact, I told the mayor that I thought with more education, experience and time, she would be a very good City Manager, but not with the growth we were all expecting at the time, that has come to fruition. I also want to mention that I was one vote out of five and she didn't get the majority votes needed.

Mayor McIntyre then presented Mr. Marchant as his next pick. The mayor met with each council person prior to the meeting to advise us of who he was going to choose and why. During my meeting with the mayor, I showed him about a half dozen articles from where Mr. Marchant had worked previously. These articles showed that Mr. Marchant had an extensive history of only staying at each of these cities and townships a very small amount of time. Included in this work

history was one township that had terminated his employment for, “a pattern of negligence” that has proved “detrimental to the discipline, efficiency, and effectiveness of this administration”. A second councilor stated, “Mr. Marchant has made a career full of errors”, and a third described his leadership as, “a five-alarm fire,” Mr. Marchant's response to his termination was to blame the Council and took zero accountability according to the article.

A second prior government employer and Mr. Marchant had, “a sudden and unexplained mutual separation from employment,” after only a few years.

These, along with several other instances of leaving suddenly or staying only a short amount of time, are more than enough reason to justify my caution of hiring him to be our City Manager, as they would be for any position the City of Fernley may consider hiring and is standard practice and consideration in every workplace for almost every job.

I also did not feel Mr. Marchant was the best candidate for Fernley as he admitted he had never worked in a place that was growing, especially at the rate Fernley was looking at soon. In addition, Mr. Marchant had no idea whether Nevada was a Home Rule State or a Dillon's Rule State, regarding taxes and financial stability. Nevada is a Dillon's Rule State where local governments only have powers expressed to them by the State, where Home Rule States allow for greater autonomy, permitting local governments to legislate matters not specifically prohibited by State law.

I believe my reasons were clearly stated to Mayor McIntyre, they were reasonable and well thought out and based upon my 30 years of experience in government leadership with the majority of those years at the executive level. The mayor's response to my objections was he had driven around the city for 5 hours with Mr. Marchant. Here too, I was only one of five Council people voting on this item.

The most asked question at the meeting last week was why I had made the motion to approve the 25-26 Budget but asked for the City Manager position to be removed. During his tenure with the City of Fernley, Mr. Marchant has blatantly and continually undermined and has been insubordinate to this Council by making comments whenever he doesn't like a decision we have made. These range from Council doesn't know what it's doing, he doesn't understand why he must get the budget approved by people who have no idea how to do a budget, singling Council members out who have tried to hold him accountable, badmouthing Council members in general, and doing everything but bringing Staff together and building a team. This has been ongoing since he started here and he makes these comments to City employees during meetings involving all employees at the All-Hands Meetings, Department Head Meetings, Thursday morning Council Recaps, and in One-on-One conversations, even going so far as telling employees that certain Council Members don't like them. The mayor is often present and there are approximately 20 to 30 employees that have witnessed these actions.

Additionally, Mr. Marchant makes many of these same comments to some of our civic groups here in Fernley, including the Chamber of Commerce Breakfasts, the Fernley Builders Alliance, and the Fernley 4th of July Committee members, and Mayor McIntyre is often in attendance and allows this to happen.

Mr. Marchant also has a history of lying to Council. One example was during last year's public budget hearings. There was an item of discussion about an Associate Planner position. During the discussion this Council, minus Councilman Mendoza, gave the City Manager direct instructions to remove the Associate Planner from the proposed Budget and to bring it back in a year with the justifications to show why the position was needed. This direction was approved, voted upon by council and passed 5-0. Over the next several weeks, Mr. Marchant continued to keep the position on the proposed budget despite him having clear instructions to remove it. When we had the next Budget hearing, I asked him why he had refused to remove it after being told to do so by the Council and in my written directions 6 times reminding him that it was to be removed. Mayor McIntyre asked during that meeting if I had communicated that to him and I restated I had 6 times and had also done so through the mayor himself. The mayor gave no response despite the obvious insubordination, dishonesty and disregard of Council by Mr. Marchant.

This same type of dishonesty happened again this Budget year. During a Council meeting we all had a conversation about a new position for Utilities, I asked for the job posting to be removed and all processes involving that position to be frozen for two weeks until it could be discussed by Council at the next Budget hearing and a decision would be made at that time. This was to help ensure we didn't give a job offer to any candidates, only to have Council decide not to approve the position, possibly having a negative effect on the candidate. Not only did Council agree that was best practice but the mayor also agreed to have the job posting removed from the website and any further actions frozen until we could address it. Mr. Marchant stated he understood the direction by Council and stated he agreed it was a good idea.

Mr. Marchant ignored the direction by Council on this budget item; he did not remove the job posting from the website and he did not stop the hiring process as he was told to do. I asked him during the budget hearing why he had not done what he was instructed to do, and he stated he must have misunderstood, a common excuse of his. I asked the mayor if he approved of this continual dishonesty and again made an excuse for this behavior and stated it wasn't on purpose.

HE

During this same budget hearing while discussing the qualifications for a new Code Enforcement Officer, I asked Mr. Marchant about the need to have the position P.O.S.T. Certified because I thought it would be a detriment and not an asset. Mr. Marchant responded by stating the City Attorney and Fernley Municipal Judge agreed that it should be a POST Certified position. The Fernley Municipal Judge was present and responded openly that she had never said that and did not agree that it should be POST Certified and that his statement about her stance was not true.

Also, during the Budget hearings for the 25-26 Budget year, there was a large pay increase that was supposed to be presented by Mr. Marchant to Council for the Municipal Court Judge. The Judge has agreed for several years to take much less than the average wage for her position and experience but was requesting to be brought up in pay. After the initial budget hearing in April, the Judge reminded Mr. Marchant that he had not mentioned her wage increase to City Council, and she asked him what she should do to inform them, especially since it was a substantial amount. His response to her was she shouldn't say anything, because Council didn't ask.

One additional example of the continuing dishonesty by Mr. Marchant was during the process of placing a new business into the old Pizza Shack restaurant on Main Street. The owners of the property were trying to put a new restaurant into this building and were told by Mr. Marchant that the street in front of their building would need to have sidewalk, curb and gutter installed by them before the City would allow any business to be conducted. The property owners worked diligently to work on all of the other requirements and do what they had been told to do to open a new restaurant. These property owners wanted to make sure they were given the correct information by Mr. Marchant regarding the need for sidewalk, curb and gutter and he reiterated that they did need to install those items per NDOT. They went to NDOT and requested a written response on these requirements. On 9-11-2024 the property owners received an email from a NDOT Traffic Engineer that stated they do NOT require these upgrades and will work with property owners and the City to install sidewalks as funding and resources become available. Mayor McIntyre was present at many of these meetings.

On May 6, 2025, at about 12 pm I met with the Mayor at the Sheriff's substation here in Fernley. We met there so we could have an open conversation away from City Hall about my concerns and reasons for asking not to fund the City Manager position in the 25-26 Budget. I told him I thought Mr. Marchant had some serious dishonesty issues and had continued to be dishonest since his employment. The mayor said I was only doing this because I don't like him. The mayor asked for examples, and I listed last year's budget hearings, dishonesty with the owners of the old pizza shack, and hiding the costs of special use permits from Council and the public along with his attempt to create a building moratorium by using the Roundabout as a reason to cease building permits and causing issues between the City and NDOT. It is not the City Managers purview to do such a thing as it is a Council decision. The mayor responded by saying the businesses that complained about the special use permits shouldn't have done that because now they must do the leg work, and the code doesn't allow him to waive the fees. I pointed out that wasn't the point, the point was they were lied to.

I also mentioned to him the examples of his insubordination and undermining Council by his statements to Staff during meetings and the public during public events. I made the mayor aware of several instances where Staff had been directly told to not put an item onto the agenda, so that Council could not hear certain items and would be unable to make a decision on those items.

I continued to discuss these issues with the mayor for a few more minutes before he told me I didn't have any good reasons, and he was going to veto my motion if it passed. He continued his objections and stated no one had ever come to him and told him any of this was happening. I responded by reminding him that Council had asked for a cause and competency meeting, and the mayor vetoed it. We had asked to have our evaluations included in his yearly evaluation last September and the mayor said he would not accept them, and Council asked why we were no longer discussing the City Managers contract renewal or denial as we had since we became a City, and he had told Council he didn't have to and he wasn't going to have that discussion.

During the City Managers last evaluation, I submitted my evaluation to the Clerk to be attached to the Record of the Council Meeting. The mayor responded by asking the City Attorney if I was allowed to do that. The City Attorney stated that I was, and it was a lawful act on my part. The mayor then told the City Manager that it didn't matter that I had done that, and that my evaluation didn't make any difference. At what point has council been allowed to address anything to do with the City Manager without the mayor denying it is happening, making excuses for him, or totally dismissing Councils numerous attempts to address these issues.

I then explained to the mayor that I was attempting to do the least damaging action to Staff, the residents and even the City Manager by asking for the position to not be funded. The current city manager would be given his 6 months severance, honoring his contract, and Council could ask for the position to be reopened at the end of the year, with a newly hired City Manager starting at the start of 2026, after the severance pay had been completed. Mayor McIntyre again told me he was going to veto the vote if it passed and he knew I didn't have a super majority to override his veto.

I explained to the mayor that we had an even bigger, more serious problem with several complaints about Mr. Marchant that I had received in confidence. These employees had not come forward because, "they didn't feel that H.R. or the mayor would do anything about it, and they didn't want to be fired or retaliated against by the City Manager". On the advice of legal counsel, I am not to discuss these matters any further until an investigation can be carried out.

I told the mayor that if he wasn't willing to work with me, I had no choice but to file the complaint. Mayor McIntyre said do what you have to do, that's what you do, you file complaints on people and that I was going to have to take the blame by killing the budget when he vetoed my motion.

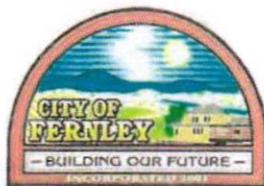
He then asked me if I remembered when he had to be the acting city manager during his first 9 months as mayor. I said that I did. He said he is unable to do that again and he doesn't want to do that job again. I attempted to explain to him that the Department Heads and Staff are the ones who keep the city moving forward and if he and the city manager and all the council were gone, the city would still operate the next day. Mayor McIntyre stated again that he was going to veto my motion if it passed.

I disagreed then that I was going to be held responsible for killing the budget, and I disagree with that now. My attempt to resolve an issue by asking for one line item to be unfunded is not killing the budget. The mayors veto of the entire budget for one staff member is killing the budget. I'm attempting to do what is best for our residents and Staff, while protecting Staff that has been victimized and who only wish is to come to work without being bullied and harassed by the City Manager. For this Council to not take the action necessary is total and complete deliberate indifference.

During the last Council meeting, one of my fellow Councilmen made it a point several times that if I was able to give him just one legitimate reason for my motion, he would be on board and vote yes to defund the City Manager position. I've just given you nearly a dozen legitimate reasons. Here's your opportunity to do that, unless you condone this type of behavior.

A long-time employee recently told me they don't feel that there is low morale, they feel that there is no morale. A second tenured employee told me, "You have no idea just how bad things are here,"

THANK YOU.



4.875%

Employee Performance Review

City of Fernley

Employee Information

Employee Name: Benjamin Marchant
Job Title: CITY MANAGER
Date of Hire: 9-5-2023
Manager: Ned F. McIntyre
Review Period: 9-23 to 9-24

Type of Appraisal:

☒ Annual
☐ Introductory
☐ Other (specify) _____

Rating Scale

5 = Significantly Above Target

Employee demonstrates substantial knowledge and ability in performance of job duties. Clearly and consistently exceeds expectations. Requires a minimum of direction or supervision. Demonstrates willingness to assume additional responsibilities. Makes significant contributions beyond normal job responsibilities. Is respected by others.

4 = Above Target

Demonstrates strong knowledge and ability in performance of job duties. Consistently meets expectations and frequently performs above stated requirements. Errors are infrequent and are typically detected and corrected by the employee. Accepts supervision in a positive manner. Looks for ways to do a better job.

3 = At Target

Employee demonstrates knowledge and ability to meet performance expectations. Generally, corrects any errors with minimum of instruction or assistance. Accepts supervision and training readily. Is a good team player?

2 = Below Target

Areas of employee's performance show significant weakness in accomplishing performance expectations. Performance is below acceptable levels for time in position. Number of work errors requires supervision above normal levels. Does not consistently accomplish objectives. Improvement is required if employee is to retain employment.

1 = Unacceptable

Frequently fails to meet job expectations. Product is clearly below level of acceptability. Shows lack of consistency when performing routine tasks. Has limited grasp of basic job requirements despite repeated coaching and/or retraining. Shows little or no initiative or urgency to perform. Continued employment is in immediate jeopardy.

- **Descriptions in each category are examples.**
- **Other interpretations may be added.**
- **Some categories may be weighted more heavily than others.**
- **Comments required for ratings below and/or significantly above target.**

Performance Categories

Use for all employees:

Communications - Rating 5

Interacts professionally and courteously with fellow employees and citizens. Models positive behaviors. Verbal and written communications are clear and accurate. Listens effectively. Shows support and respect for others. Seeks others' assistance when appropriate.

Comments: Ben is a great Communicator. He is very clear both orally and in writing. Monthly Reports to Council as well as senior staff meeting.

Customer Focus - Rating 4

Knowledgeable about internal and external customer needs/requirements. Satisfy's customer needs using established guidelines. Offers timely, effective, courteous service and assistance. Addresses problems and offers solutions. Serves as a positive role model to others when dealing with customers. Projects a professional and positive demeanor.

Comments: I believe that Ben's major objective is to see that the City and its residents have what they need to be successful. This includes ways to create new revenue streams so the City can offer more amenities.

Job Knowledge - Rating 5

Maintains technical knowledge and displays ability to manage work and complete assignments. Accepts training opportunities to improve level of competence. Offers suggestions to improve product.

Comments: Ben is extremely knowledgeable in his role as City Mgr. He is always looking for ways to increase the City's revenues and keep us moving forward.

Personal Behavior - Rating 5

Dependable. Behavior is a positive example to others. Shows good judgment. Interactions with others carried out with high level of integrity and in an ethical manner. Shows support and respect for others. Demonstrates acceptance of differing behaviors and styles. Works harmoniously and effectively with fellow employees and citizens. Serves as a positive role model by leading and supporting others to effectively work together. Positively accepts feedback and coaching regarding own performance. Adjusts to changing priorities and circumstances. Acceptable punctuality and attendance record.

Comments: Ben Always shows & demonstrates good judgment with a positive attitude even when being attacked. His integrity and ethics are impeccable.

Quality and Quantity of Work - Rating 4.5

Meets expectations of measured requirements; achieves deadlines. Plans and organizes tasks in order to meet objectives. Participates in and contributes to accomplishment of team efforts. Accepts new tasks with enthusiasm. Work product and assignments completed successfully and in a timely manner. Recognizes and/or identifies opportunities to improve work product and proceeds appropriately. Practices safe work habits. Willing to train others as needed.

Comments: Ben is able to do multiple jobs while maintaining a high quality of work. He does what he says he's going to do.
Example - Wage study: Done - Balanced Budget: Done
Raises: Done

Supervision/Management

Complete items below for supervisor/management positions: (If not, proceed to page 4)

Planning and Organization - Rating 5

Able to manage multiple projects simultaneously. Organized and alert to status of work responsibilities. Prioritizes assignments/projects efficiently. Understands relationship between own assignments and those of others. Manages assignments within established budgets.

Comments:

manages multiple projects simultaneously - Example - CREC development agreements - Fire horse in market area.

Decision Making/Problem Solving - Rating 5

Uses good judgment and common sense approach to situations. Able to anticipate problems and provide alternate paths to resolution. Properly uses available resources. Communicates in a timely manner with superiors and subordinates. Analyses and evaluates information to arrive at best course to pursue. Chooses appropriate course to support long range goals. Makes good decisions regarding resources; i.e., personnel and equipment. Accepts responsibility for actions and decisions.

Comments:

Ben is very methodical when approached with a decision that has to be made on personnel issues - Business, Developers and/or Council questions & attacks.

Leadership - Rating 5

Able to inspire others to work together effectively. Effectively communicates objectives and goals, and establishes measurements to evaluate results. Creates supportive environment. Acts as a positive role model. Embraces changing priorities, circumstances and policies and encourages others to do the same. Takes action regarding employees; i.e., recognizes accomplishments, provides effective training and coaching, recognizes and addresses problems, applies consistent and fair treatment regarding disciplinary issues.

Comments:

Morale at City Hall is at an all time high. This is due to Ben keeping his promises. He talks the talk & walks the walk. Sets a most appropriate his style of leadership - His clear instruction and ability to problem solve.

Additional Comments

If more space is needed for any section, use additional sheets and attach.

Progress/accomplishment of goals for current evaluation period (as documented on last appraisal):

Comments:

There were none set.

Areas recommending development or improvement:

Comments:

1) Try & establish a better communication method with Council.
2) Be a better listener & let people have their say before responding.

Goals and/or training needs for upcoming evaluation period:

Comments:

3) Meet with department Heads every other week. Individually to discuss current activities, Road Block's completions - Just to show support & offer help if needed.

Overall rating:

4.85

Comments:

Other accomplishments - presented a balanced budget to Council. 1st Time in over 10 yrs. Completed the wage study - Raises were given - Worked with the Union to accomplish this, also played a part in settling of long term grievances. Play a role in TCIS settlement.
Ben says best evaluation he has received in his 17 yrs. With the goals & recommendation for his next year of Employment.

Verification of Review

By signing this form, you confirm that you have discussed this review in detail with your supervisor. Signing this form does not necessarily indicate that you agree with this evaluation.

Employee Signature

Date 9/10/2024

Supervisor Signature

Date

Department Head Signature

Date 9-10-2024

City Manager Signature

Date

City of Fernley MPA25002

Mayor McIntyre, City Council members,

Regarding the possible action to adopt the Southwest Fernley Area Plan. We are current homeowners in the Southwest Meadows community and have been happy to support local businesses, schools, city services and our local Landscape Management Association. The current plan in our opinion is too broad in scope considering the amount of additional infrastucture required to support the proposed growth in this area. We would much rather see a much smaller plan and more attention on having our own police force and lowering water bills by investing in more wells and improving our hard water to better levels than federal minimums. The traffic noise from the Fernley bypass alone would make us consider leaving this beautiful area. Please help us remain contributing citizens of Fernley by carefully weighing the downside of such large Master Plans in our existing neighborhoods.

Thank youSteve and Carol Mckillop

Subject: Supporting Stability and Leadership in Fernley – Executive Summary & Strategic Memo Enclosed

To: mayor@cityoffernley.org , bmarchant@cityoffernley.org

CC: bcarson@cityoffernley.org , amouritsen@cityoffernley.org , victimcoordinator@cityoffernley.org

From: John Mueller

Date: May 28, 2025

Dear Mayor McIntyre and Mr. Marchant,

As a concerned and engaged resident of Fernley, I am writing to express my deep support for the continued professional leadership of our city and to respectfully share a strategic perspective on the current crisis surrounding the City Manager position and the pending budget impasse.

Fernley is undeniably at a critical inflection point. The recent vote to defund the City Manager role—absent due process, operational planning, or substantiated cause—represents not just a personnel matter, but a threat to the integrity of our municipal structure, service delivery, and financial stability.

I have taken the time to prepare and attach two documents:

1. **Executive Summary:** A detailed breakdown of the risks, legal concerns, and operational fallout of this action, along with a review of the City Manager's essential role in Fernley's recovery and growth.
2. **Strategic Memo – "Fernley at a Critical Inflection Point":** A practical and time-sensitive framework outlining steps Fernley can take—starting now—to resolve the issue while protecting compliance, operations, and public trust.

This message is not politically motivated. It is grounded in a deep respect for good governance, lawful process, and the professional standards that have guided Fernley out of deficit and into a period of real growth and momentum. I strongly support both of your efforts to preserve the city's operational continuity and credibility in the face of an increasingly destabilizing dynamic.

With the June 1 budget submission deadline fast approaching, I hope my work can contribute in a small way to reinforcing the urgency of action, the logic of stability, and the long-term value of experienced leadership.

I would be happy to speak further, share insights, or support your efforts in any way appropriate.

With respect and a sincere commitment to Fernley's future,

Original Signed by John Mueller

John Mueller

Concerned and Engaged Resident of Fernley

c: 775-480-9030

mrjmueller@gmail.com

Executive Summary: The True Cost of Defunding Fernley's City Manager

Executive Summary: A Crisis of Leadership, Not of Finance

Fernley, Nevada stands at a dangerous crossroads—not due to financial strain, but because of a political decision that undermines the very structure of our local government. In a 3–2 vote, Councilmembers Torres, Mendoza, and Zoberski moved to defund the City Manager position—effectively eliminating the operational heartbeat of the city without cause, process, or public justification.

This is not budget discipline. It is dysfunction disguised as reform.

Under the leadership of City Manager Ben Marchant, Fernley recovered from a \$3 million operating deficit and returned to a balanced budget for two consecutive years. The city has launched ambitious infrastructure and capital improvement projects, secured state and federal funding, and improved administrative transparency and efficiency. By every objective measure—Fernley is moving forward.

Removing the City Manager strips Fernley of its Chief Operating Officer—the person who ensures day-to-day operations run smoothly, coordinates across departments, manages the budget, enforces city policy, and responds to emergencies. This action doesn't just punish one individual—it cripples an entire government.

The motives behind this decision appear to be political, personal, and deeply emotional—not based on evidence, community input, or sound governance. There has been no formal performance review, no ethics complaint, no due process. Just a reckless vote with no operational plan to replace the vital leadership function the City Manager provides.

If allowed to stand, this defunding sets a precedent that elected officials can dismantle city leadership at will, sidestepping process, transparency, and the public trust. It risks a breakdown in services, creates confusion among staff, invites legal and compliance failures, and signals instability to potential investors, developers, and partners.

Fernley deserves better. Our residents, our businesses, and our public servants deserve stable, professional leadership—not governance by vendetta.

We call on the council to reverse this decision, reinstate the City Manager role, and uphold the integrity of Fernley's charter, budget process, and democratic principles.

With respect and a sincere commitment to Fernley's future,

John Mueller

Concerned and Engaged Resident of Fernley

c: 775-480-9030

mrjmueller@gmail.com

Fernley Is at a Critical Inflection Point – The city has:

- Surged from a \$3M deficit to a balanced budget under current leadership.
 - Approved a \$9M capital improvement plan for 2026.
 - Grown in complexity, requiring professional administration—not part-time political oversight. Removing the city manager undermines this progress and stalls institutional development.
-

Budget Elimination ≠ Lawful Termination

The “defunding” move sidesteps the lawful, transparent process for evaluating or terminating a city manager. Nevada law and OML (Open Meeting Law) require that such employment matters be agendaized, publicly noticed, and properly deliberated. This defunding maneuver is a procedural ambush and could face legal challenge.

The Mayor Has Veto Authority—But the Budget Remains Hostage

In Fernley’s strong-mayor structure, the mayor can veto budget actions. However, the “Gang of Three” can still block any budget approval altogether, using the threat of a government shutdown as leverage. This creates a high-stakes political standoff with serious service and infrastructure consequences.

The ‘Gang of Three’ Is Governing Without a Mandate

In a 3–2 vote, a slim majority has chosen to unilaterally dismantle the administrative leadership of a growing city of over 22,000 residents. That’s not consensus, and it’s not reform—it’s a power grab disguised as budget policy.

There May Be a Hidden Agenda—Personnel Files, Department Access, or Investigations

Torres and Mendoza have pushed to gain access to the city manager’s personnel file—raising red flags about potential retaliation or fishing expeditions. If this is part of a broader effort to expose, discredit, or destabilize internal staff dynamics, it may violate personnel law or ethical boundaries.

Public Trust and Administrative Morale Will Decline Rapidly

Staff will begin to disengage. Talented administrators may leave. Department heads will hesitate to make decisions. Political interference in daily operations is destabilizing—and it invites dysfunction. This is not theoretical—it’s a textbook breakdown in municipal management.

With respect and a sincere commitment to Fernley’s future,

John Mueller

Concerned and Engaged Resident of Fernley

c: 775 – 480-9030

mrjmueller@gmail.com