

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
APRIL 6, 2023**

Mayor Neal McIntyre called the Fernley City Council Special meeting to order at 04:00 PM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Neal McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Attorney Brandi Jensen, Human Resource Manager Jacki Moxley, Deputy City Manager Lydia Altick, Assistant to City Manager Trisha Conner, Building Official Charity Birkel, Special Attorney Paul Anderson, City Treasurer Denise Lewis.

1.2. Public Forum

None at this time.

1.3. (For Possible Action) Approval of Agenda

Motion: MOTION TO APPROVE AGENDA. **Action:** Approved, **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

2. STAFF REPORTS

2.1. Consideration of correction action pursuant to NRS 241.0365 on action previously taken by city council on March 15, 2023. (Discussion and for possible action). The City Council will consider whether to rescind the vote taken on agenda item # 7.1 of the regular meeting held on March 15, 2023. (Merit pay compensation of City Attorney paid to City Attorney administrative staff)

Motion: MOTION TO RESCIND THE VOTE TAKEN ON AGENDA ITEM #7.1 OF THE REGULAR MEETING HELD ON MARCH 15, 2023, SPECIFICALLY MERIT PAY COMPENSATION OF CITY ATTORNEY PAID TO CITY ATTORNEY ADMINISTRATIVE STAFF. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

2.2. Reconsideration of agenda item 7.1 from March 15, 2023 (Merit pay compensation of City Attorney to be paid to City Attorney administrative staff). (Discussion and possible action). The City Council will discuss and take possible action regarding merit pay of the City Attorney to be awarded to City Attorney administrative staff.

Attorney Paul Anderson made clarification that this item is to take corrected action on open meeting law and reconsider the compensation portion of the agenda item on March 15, 2023, which was under agenda item 7.1.

Councilman Albert Torres asked to have input from HR and finance, and would like to know what is allowed by policy statute in past practice for council to award Ms. Jensen.

Human Resource Manager Jackie Moxley stated that in the contract on Page 2, it indicates that if Ms. Jensen has reached the top of her current adopted salary range, she will receive longevity pay as outlined in the master-adopted personnel policies. Regardless of whether or not she has reached the top of the salary range, she will still be entitled to the COLA increase given to city employees.

City Treasurer Denise Lewis stated that city policy states that a city employee will not be paid a regular rate of pay above the top step of the salary range for his or her classification. Per the Class and Compensation Study approved by council on March 15, 2017, the max salary range represents the max rate of pay that an employer will pay for a job or skill set. There is a reason for policies like this. The salary scale policy is a document that not only identifies the minimum and maximum rate of pay, it provides consistency and sustainability for the city and it helps employers and managers reach the expenses and provides equity amongst staff. The only time a salary scale changes is when there has been a COLA approved by council and when there has been a salary study approved by council. Per policy, employees that have been at the top of their salary range for a year shall receive what's called a longevity bonus of \$150. each year. Providing extraordinary monetary bonuses to staff that are above and beyond their normal rate of pay has not been past practice and the city does not budget for such bonuses. In the past eleven years, a bonus was paid to the city manager due to a low salary. There has also been a policy to pay staff for training and certification achievements, otherwise it is not customary for the city to pay bonuses. NRS 354626 refers to unlawful expenditure of money in excess of a not appropriated, this law states that we may not expend money in excess of the amounts appropriated or otherwise approved by council. Merit increases are tied to performance. Approving this would put pressure on leadership to give away their raises and in the event a leader leaves the city, staff would get a raise based on the salary of someone who is no longer there. Her recommendations are these: comply with city policy and not pay wages above the max wage rate for consistency and sustainability. Stay consistent with past practices. Bonuses have never been included in the budget.

Councilwoman Fran McKay asked if the employees could be reclassified to the next step up in grade level with council approval. She stated any possible discussions regarding the attorneys contract should be done under a future agenda item.

City Attorney Brandi Jensen asked for a recess.

Break 4:14 pm - 4:19 pm

City Attorney Brandi Jensen asked if there could be an option to make modifications to her contract that would allow her to have whatever longevity pay that is given to other employees through the CBA and personnel policy that she also gets awarded that same thing.

Motion: MOTION TO WITHDRAW THE RAISE INCREASE TO THE CITY ATTORNEY STAFF AND TO AWARD LONGEVITY PAY AND THE JULY COLA INCREASE TO THE CITY ATTORNEY. **Action:** Approved, **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

3. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Hanan would like to add to a future agenda directing staff to come up with the appropriate measures to award bonuses to employees who should be recognized and appreciated in whatever manner that they believe is fit and follows the contract and the union agreement.

Councilwoman Fran McKay would like to discuss renegotiating the City Attorney's contract.

4. PUBLIC FORUM

None

5. ADJOURNMENT

There being no further business to come before it, the Fernley City Council Special meeting adjourned at 4:32 pm.

Approved by the Fernley City Council on May 3, 2023, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



Mayor Neal E. McIntyre



City Clerk Kim Swanson