



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: *December 17, 2019*

DATE: Wednesday November 27, 2019

TO: Board of County Commissioners

FROM: Michael Wolz, General Counsel, TRFMA
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THROUGH: George Robison, Executive Director, TRFMA
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SUBJECT: **Recommendation to approve an Employment Agreement between the Truckee River Flood Management Authority (TRFMA), Washoe County and E. George Robison to serve as Executive Director of TRFMA and to direct Washoe County to provide salary, payroll and benefit services. (All Commission Districts.)**

SUMMARY

It is recommended that the Board of County Commissioners approve the Employment Agreement between the Truckee River Flood Management Authority (TRFMA) and E. George Robison to serve as Executive Director of TRFMA. This Agreement was approved by the TRFMA Board of Directors on December 13, 2019.

Washoe County is a party to this agreement, and the Board of County Commissioners is asked to approve this Agreement, because it sets forth certain obligations of the County to provide payroll and benefits services, the obligation of TRFMA to reimburse the County for those services, and the conditions under which the County may terminate the Agreement.

The Employment Agreement is for a three year term, beginning retro-actively on December 3, 2019, and provides for an annual salary of \$176,280.00, which is equal to the previous Executive Director's annual salary. The other terms of the Employment Agreement are in all significant respects identical to the terms of the Employment Agreement with the previous Executive Director, including the provisions setting forth the obligations and rights of Washoe County. There will be no fiscal impact to Washoe County since the salary and benefits are paid from the Washoe County TRFMA Reserve Account, out of which expenses and fees are reimbursed or paid to Washoe County from the Chapter 377B Infrastructure Sales Tax.

AGENDA ITEM # _____

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities; Regional Leadership Through Engaged Employees

PREVIOUS ACTION

March 11, 2011	TRFMA Interlocal Cooperative Agreement became effective.
October 14, 2011	The TRFMA Board of Directors conducted interviews and selected Mr. Jay Aldean to fill the Executive Director position.
April 13, 2012	The TRFMA Board of Directors approved an Employment Agreement with Executive Director Aldean for a one year period.
May 15, 2012	The Washoe County Board of County Commissioners approved the Employment Agreement with Jay Aldean and TRFMA.
May 22, 2012	The Washoe County Board of County Commissioners approved the TRFMA Assets and Services Interlocal Cooperative Agreement.
June 1, 2012	The TRFMA Board of Directors approved the TRFMA Assets and Services Interlocal Cooperative Agreement.
April 12, 2013	The TRFMA Board of Directors approved a second Employment Agreement with Executive Director Jay Aldean for a period of five years.
May 14, 2013	The Washoe County Board of County Commissioners approved the second Employment Agreement with Executive Director Jay Aldean.
February 14, 2014	The Second Employment Agreement with Jay Aldean was amended to grant a 2% pay raise consistent with pay raises granted to all Washoe County employees.
August 8, 2014	The TRFMA Board of Directors approved a second amendment to the Executive Director Employment Agreement granting cost of living adjustments consistent with changes to the Washoe County Employee's Association Collective Bargaining Agreement. The second amendment to the Executive Director Employment Agreement also made all future changes to the Collective Bargaining Agreement automatically applicable to the Executive Director's Employment Agreement.

- May 11, 2018 A third amendment to the Executive Director Employment Agreement was approved by the Board of Directors extending the term of the Agreement for an additional two years to May 21, 2020.
- November 8, 2019 The TRFMA Board of Directors discussed but did not approve the proposed Employment Agreement with E. George Robison. The Board asked that Mr. Robison meet with certain members of the Board on an individual basis prior to the next TRFMA Board of Directors meeting and that the provision regarding the phone allowance be changed.
- December 13, 2019 The TRFMA Board of Directors approved the proposed Employment Agreement with E. George Robison.

BACKGROUND

The TRFMA Board of Directors appointed E. George Robison as the Executive Director of TRFMA and approved his Employment Agreement on December 13, 2019. That action comes as a result of former Executive Director Jay Aldean's retirement on December 2, 2019.

The Employment Agreement with E. George Robison is in all relevant aspects identical to the Agreement with former Executive Director Aldean. The Employment Agreement comes before the Board of County Commissioners for approval as it is a party to the Agreement in order to provide payroll and benefit services and to clearly limit its liability in performing those services. The relevant portion of the Employment Agreement states:

¶4.01 Employment by County;

- A. Upon executing this Agreement by all parties, County agrees to continue to specially employ Employee in the Flood Management Department of the County under a job title of Executive Director, TRFMA with a job description as set forth in Attachment A, without an interruption or break in service.
- B. Subject to the Authority's obligation to reimburse County under the ICA, County agrees to compensate and provide benefits to Employee as provided herein and as changed from time to time by the Authority Board of Directors, except that so long as Employee is enrolled in the County's plan, any changes to the County plan which applies to County employees shall also apply to Employee.
- C. It is understood and agreed that Employee is not an agent of County, is not supervised by the County, has no authority to bind the County to any transaction or obligation, and that Employee's professional responsibility runs solely to the Authority.

¶4.02 Applicability of ICA The Authority's obligation to reimburse County under ¶8.02.C and the mutual indemnifications in ¶8.02.C.3.g shall apply to Employee, but the remainder of ¶8.02.C shall not.

¶4.03 Termination of this Agreement by Washoe County as Between the County and the Authority Upon giving sixty days' notice to the Authority, the County Manager may terminate County's obligations under this Agreement if (i) Employee is found guilty of a felony crime, or if Employee violates a County ordinance or policy in a manner that materially exposes the County to liability or materially impairs the interests of the County, or (ii) if it is determined that the performance of any obligation of County hereunder is not authorized by law or would impair County's obligations to its other employees. The termination of County's obligations under this Agreement does not terminate the Employment Agreement between the Authority and the Employee, nor does it affect the Employee's employment status with the Authority, except that PERS contributions and County benefits will cease to be provided by the County.

The Executive Director Employment Agreement between the TRFMA, E. George Robison and Washoe County contains the other following key provisions:

1. Mr. Robison will be paid \$176,280 annually. This is the same annual salary that was paid to Executive Director Aldean. With benefits his total compensation will be \$240,597.
2. The term of the Agreement will be 3 years (retroactive from December 3, 2019 – December 2, 2022). Either Mr. Robison or TRFMA may terminate the agreement by giving 30 days' notice.
3. The Board of Directors has the authority to approve merit increases under the Employment Agreement. However, during the term of the Employment Agreement, if the Washoe County Board of County Commissioners approves any changes to the overall compensation plan (i.e. cost of living increases), or changes the calculation of vacation and/or sick leave in the Collective Bargaining Agreement with the Supervisory-Administrative Employees Negotiating Unit of the Washoe County Employees Association, the Executive Director Agreement is deemed amended without further action of the Board of Directors.
4. Annual leave will accrue in bi-weekly intervals equivalent to 96 hours per year until May 20, 2022. After that date he will accrue annual leave at the rate of 136 hours per year until May 20, 2024.
5. Sick leave will accrue at a rate of 4.62 hours per bi-weekly pay period until May 20, 2029, after which sick leave will accrue at a rate of 5.54 hours per each bi-weekly period.

6. The Authority will provide medical vision, and dental coverage.

In regard to Mr. Robison's education and experience, he is a professional Engineer and has been serving as TRFMA's Deputy Director since May of 2019. Mr. Robison earned a B.S. degree from the University of Nevada in 1983 in Range Wildlife and Forestry, his M.S. degree from Oregon State University in 1987 in Forest Hydrology, and his Ph.D from Oregon State University in Water Resource Engineering and Forest Hydrology in 1998. He has significant experience in government, having served as the Surface Water Hydrologist for the Oregon Water Resources Department from 1989-1992, the Lead Forest Hydrologist for the Oregon Department of Forestry from December 1994 to July of 1999, Instream Flow Specialist for the Oregon Department of Fish and Wildlife from May 2006 to January 2008, and as the lead Dam Safety Coordinator/Engineer for the Oregon Water Resources Department from January 2008 to June 2010. Mr. Robison also has significant academic experience, having held a position as an Assistant Professor of Wildland Hydrology and Watershed Management at Humboldt State University in Arcata California from the Fall of 2002 to May 2006, receiving tenure in 2006. He also worked as a private consultant with the engineering firm McMillen Jacobs and Associates as a Senior Project Manager from June of 2010 to May 2019. In 2018 Mr. Robison served as Governor Sandoval's appointee to the Truckee River Flood Control Project Needs Committee.

A copy of Mr. Robison's Curriculum Vitae is attached with more detail as to his educational and work experience.

FISCAL IMPACT

There will be no fiscal impact as a result of the Agreement. The position of Executive Director of TRFMA is included in the approved FY 2019-2020 budget, Fund 211|Truckee River Flood Management Authority, C211001|Admin-General.

RECOMMENDATION

It is recommended the Board approve an Employment Agreement between the Truckee River Flood Management Authority (TRFMA), Washoe County and E. George Robison to serve as Executive Director of TRFMA and to direct Washoe County to provide salary, payroll, and benefit services.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to approve an Employment Agreement between the Truckee River Flood Management Authority (TRFMA), Washoe County and E. George Robison to serve as Executive Director of TRFMA and to direct Washoe County to provide salary, payroll, and benefit services.”