

NYE COUNTY WATER DISTRICT
APPLICATION PACKAGE FOR GOVERNING BOARD

This package contains:

- Introduction Letter
- The Notice of Vacancy for the Nye County Water District Governing Board
- Nye County Water District Maps (2 of 2)
- Copy of NRS Chapter 542
- Copy of the Nye County Travel Expenses Policy
- Affidavit of Consanguinity or Affinity
- Consanguinity Chart
- Governing Board Member Guidelines (Do's & Don'ts)

Date: August 20, 2008

To: Nye County Citizens Interested in Possible Appointment to the Nye County Water District Governing Board.

Information Background: Nye County has long recognized the need for water resource planning and management. Therefore, in 2007 the Nevada Legislature established the Nye County Water District (NCWD) pursuant to Nevada Revised Statute (NRS) Chapter 542. The mission of the NCWD is to develop a long-term sustainability plan of development for the County's water resources, evaluate and mitigate the environmental impacts associated with resource use, better define the groundwater and surface water resources conditions, and define alternative approaches for the management of the water resources of the regions. One of the District's first order of business will be to become self sufficient. Then, to establish the necessary management tools, coordinate with Federal and State agencies and regional water authorities, conduct more detailed evaluations of water supply issues and management alternatives, as well as increasing water resources planning at the regional and local level.

Nevada Revised Statutes (NRS) 542 (copy attached) describes in specific detail the powers of the NCWD some of which includes: apply for and accept financial and or grants from the Federal Government and/or it's agencies, or any state, county, or district of any kind; appoint a General Manager and employees with fixed compensation of staff and advisors, levy and collect certain taxes, incur indebtedness, issue bonds, acquire land, water rights, and property of every kind, and to restrict the use of water during an emergency and to prohibit the waste of water, construct any work for the development, importation or distribution of the water of the District and to exercise the power of eminent domain.

While the NRS grants broad powers to the District's Governing Board, it is the Nye County Board of County Commissioners "Commission" who shall:

- a) Appoint the District Governing Board members;
- b) Set reasonable compensation and travel expenses for the District Governing Board members for attendance at meetings and when conducting the business of the District;
- c) Participate in any vote to exercise the power of eminent domain;
- d) Be party to certain permit applications to the State Water Engineer's Office, and;
- e) Any person(s) aggrieved by a decision of the Water District's Governing Board may appeal to the Nye County Board of County Commissioners.

Appointments: The Commission will appoint seven persons to serve on the Nye County Water District Governing Board. The Governing Board shall be comprised of: one member who is a resident of Beatty or the Amargosa area; one member who is a resident of the Tonopah area; three members who are residents of the Pahrump Valley; one member who is a resident of the area in Nye County known as Currant Creek or the area known as Smoky Valley; and one member who is a resident of Nye County excluding Pahrump Valley. Please refer to the attached Nye County Water District Maps, approved by the BOCC at the August 19, 2008 meeting. A member of the Board or any person related to a member of the Board within the third degree of consanguinity or affinity must not be affiliated with a private utility that is regulated by the Public Utilities Commission of Nevada.

Pursuant to the NRS, the Commission is required to appoint the members of the Governing Board of the Nye County Water District. Each member of the Board serves for a term of 2 years, except that the term for three (3) of the initial appointees shall expire on July 1, 2009 and

four (4) terms expiring on July 1, 2010; as outlined within Section 13 of NRS Chapter 542. A vacancy on the Board must be filled in the same manner as the original appointment, and any member may be reappointed. Members of the Governing Board serve at the pleasure of the County Commissioners and may be recalled by a simple majority vote of all the members of the Commission.

Compensation and Travel Expenses: Members of the Governing Board are entitled to receive reasonable compensation plus travel expenses (meals, mileage, & lodging). The Nye County Board of County Commissioners has authorized compensation of \$80.00 for Governing Board members attending meetings to conduct the business of the District. Mileage reimbursements shall be made in accordance with the Federal mileage rate, and meals and lodging reimbursed in accordance with Nye County Policy (attached).

Additional Information: An open house informational discussion for prospective candidates to come and learn more about the Nye County Water District and to address questions you may have will be scheduled in your area. For additional information, contact Van Robinson, at 702 638-1037 or by email at: van@amsvegas.com. You may also contact Cheryl Beeman, at 775 727-7727 or by email at: cbeeman@nyecounty.net

Deadline to Apply: Interested applicants may submit curriculum vitae providing relevant experiences, Assessor Parcel Number of your primary residence along with letter of interest. Additional information may be obtained at the following locations:

Nye County Clerk's Office, located at 101 Radar Road (PO Box 1301), Tonopah, NV 89049

Nye County Clerk's Office, located at 1520 E. Basin Road, Pahrump, NV 89060

Nye County Nuclear Waste Repository Project Office (NWRPO), located at 1210 E. Basin, Ste. # 6, Pahrump, Nevada, 89060.

Please visit www.nyecounty.net/waterdistrict to download additional information.

All information must be submitted to the Clerk's office or the NWRPO **no later than 5:00 PM September 19, 2008.**

Notice of Vacancies for the Nye County Water District Governing Board

The Nye County Water District (NCWD) was formed to develop sustainable sources of water vital to long-term economic development, protection of the environment and the well-being of the residents of Nye County. In addition to other powers and duties of the Governing Board as outlined within Chapter 542 of the Nevada Revised Statutes, this Board will be authorized to levy and collect certain taxes; to incur indebtedness and issue bonds; to acquire land, water rights and property of every kind; and to construct any work for the development, importation or distribution of the water of the District.

The Nye County Board of County Commissioners has authorized compensation of \$80.00 per meeting for Governing Board members attending meetings to conduct the business of the District. Mileage reimbursements shall be made in accordance with the Federal mileage rate, with meals and lodging reimbursed in accordance with Nye County travel policy.

The Board of Nye County Commissioners will nominate seven persons to serve on the Nye County Water District Governing Board. The Governing Board shall be comprised of the following members: one member who is a resident of Beatty or the Amargosa area; one member who is a resident of the Tonopah area; three members who are residents of the Pahrump Valley; one member who is a resident of the area of Nye County known as Currant Creek or the area known as Smoky Valley; and one member who is a resident of Nye County excluding Pahrump. A member of the Nye County Water District Governing Board or any person related to a member of this Board within the third degree of consanguinity or affinity must not be affiliated with a private utility that is regulated by the Public Utility Commission of Nevada.

Interested applicants need to submit curriculum vitae providing relevant experiences, Assessor Parcel Number of your primary residence, and a letter of interest. Additional information may be obtained at the following locations:

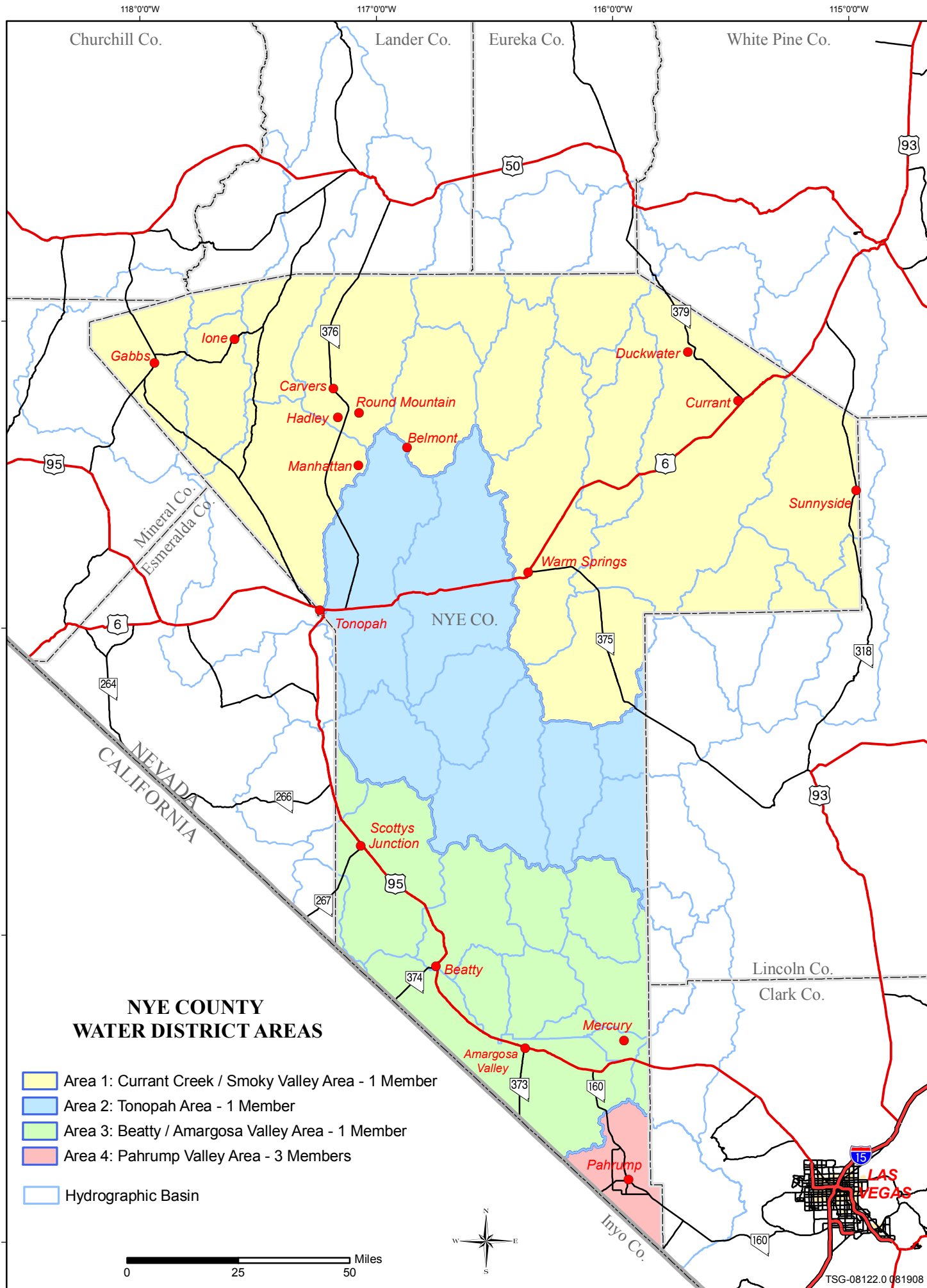
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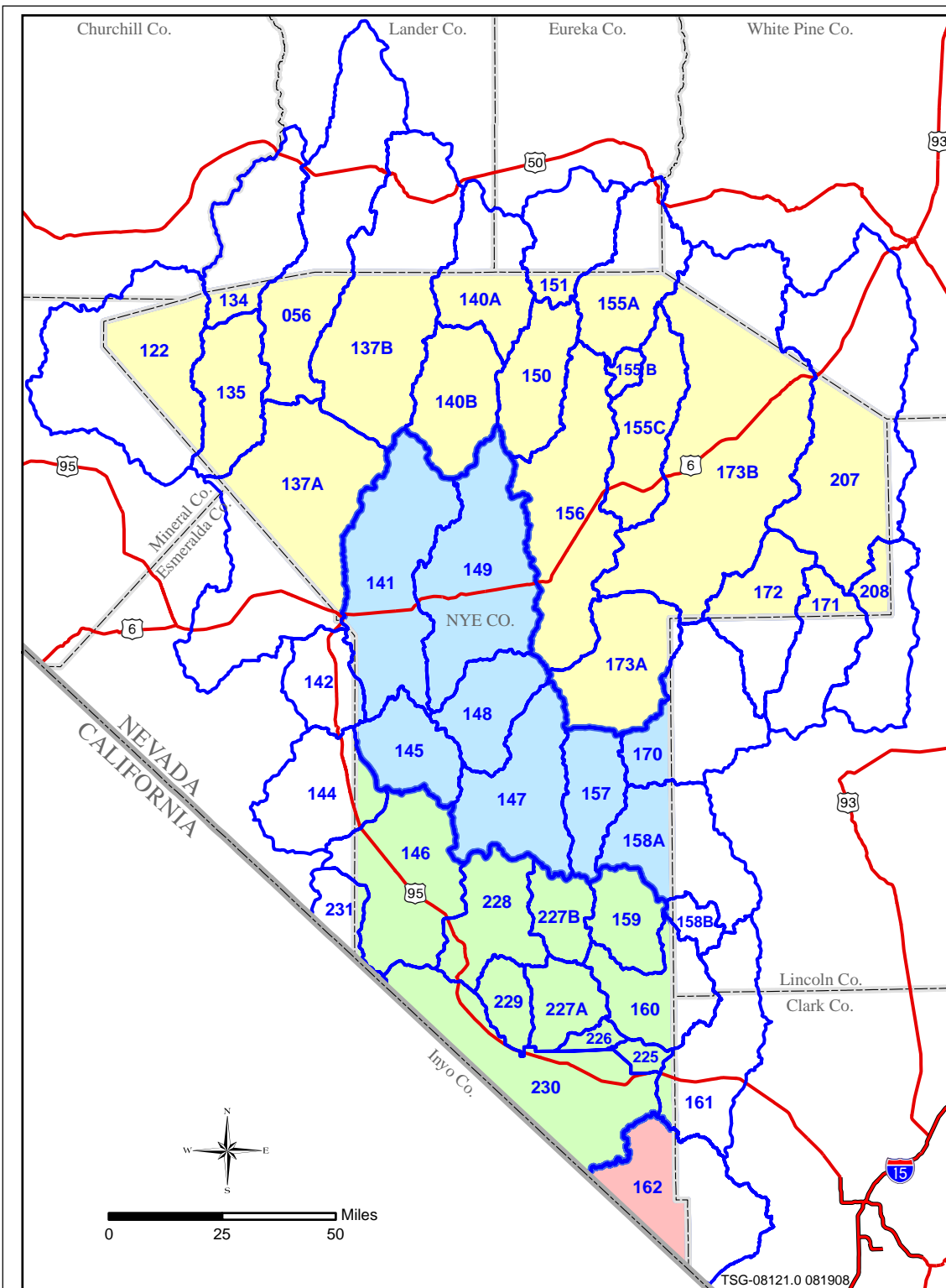
Please visit www.nyecounty.net/waterdistrict to download additional information.

All information must be submitted to the Clerk's office or the NWRPO no later than 5:00 PM September 19, 2008.



**NYE COUNTY
WATER DISTRICT AREAS**

- Area 1: Carrant Creek / Smoky Valley Area - 1 Member
- Area 2: Tonopah Area - 1 Member
- Area 3: Beatty / Amargosa Valley Area - 1 Member
- Area 4: Pahrump Valley Area - 3 Members
- Hydrographic Basin



HYDROGRAPHIC BASINS WITHIN THE NYE COUNTY WATER DISTRICT AREAS

Nye County Water District Areas, Number of Members From Each Area*, and Hydrographic Basins

Area 1: Currant Creek / Smoky Valley Area - 1 Member

056 Upper Reese River Valley
122 Gabbs Valley
134 Smith Creek Valley
135 Ione Valley
137A Big Smoky Valley Tonopah Flat
137B Big Smoky Valley Northern Part
140A Monitor Valley Northern Part
140B Monitor Valley Southern Part
150 Little Fish Lake Valley
151 Antelope Valley (Eureka and Nye)
155A Little Smoky Valley Northern Part
155B Little Smoky Valley Central Part
155C Little Smoky Valley Southern Part
156 Hot Creek Valley
171 Coal Valley
172 Garden Valley
173A Railroad Valley Southern Part
173B Railroad Valley Northern Part
207 White River Valley
208 Pahroc Valley

Area 2: Tonopah Area - 1 Member

141 Ralston Valley
142 Alkali Spring Valley
145 Stonewall Flat
147 Gold Flat
148 Cactus Flat
149 Stone Cabin Valley
157 Kawich Valley
158A Emigrant Valley Groom Lake Valley
158B Emigrant Valley Papoose Lake Valley
170 Penoyer Valley (Sand Spring Valley)

Area 3: Beatty / Amargosa Valley Area - 1 Member

144 Lida Valley
146 Sarcobatus Flat
159 Yucca Flat
160 Frenchman Flat
161 Indian Springs Valley
225 Mercury Valley
226 Rock Valley
227A Fortymile Canyon Jackass Flats
227B Fortymile Canyon Buckboard Mesa
228 Oasis Valley
229 Crater Flat
230 Amargosa Desert
231 Grapevine Canyon

Area 4: Pahrump Valley Area - 3 Members

162 Pahrump Valley

*In addition to the members appointed from the areas described above, there shall also be a member appointed who is a resident of an area in Nye County other than the Pahrump Valley.

CHAPTER 542

AN ACT relating to water; creating the Nye County Water District; providing for the acquisition, storage, sale and distribution of water by the District; conferring other powers on the District; providing for the membership of the Governing Board of the District; setting forth the duties of the Board; authorizing the Board to levy and collect certain taxes; exempting the District from regulation by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

[Approved: June 18, 2007]

Legislative Counsel's Digest:

The Nevada State Legislature has enacted several laws that create water districts. For example, in 1947, the Legislature created the Las Vegas Valley Water District by a special act. (Chapter 164, Statutes of Nevada 1947, p. 534) In 2003, the Legislature created the Lincoln County Water District by a special act. (Chapter 474, Statutes of Nevada 2003, p. 2985) A water district is generally created to provide for the storage, conservation, distribution and sale of water within or outside of the district. (Chapter 100, Statutes of Nevada 1993, p. 159)

Sections 1-12 of this bill create the Nye County Water District by a special act similar to that which created the Lincoln County Water District.

Section 6 of this bill specifies that the jurisdiction and service area of the District consists of all the land within the boundaries of Nye County, Nevada.

Section 7 of this bill states that the powers, duties and privileges of the District must be exercised by the Governing Board of the District, and that the membership of the Board must consist of seven members appointed by the Board of County Commissioners of Nye County.

Section 8 of this bill sets forth an extensive list of powers conferred upon the District, including, without limitation: (1) the power to incur indebtedness and issue bonds; (2) the power to acquire land and water rights to carry out the purposes of the District; (3) the power to construct any work for the development, importation or distribution of the water of the District; and (4) the power to levy and collect taxes to assist in the operational expenses of the District.

Section 9 of this bill sets forth the duties of the Board, including, without limitation: (1) the duty to choose a Chairman and prescribe the powers and duties of the Chairman; (2) the duty to fix the principal place of business of the District; (3) the duty to appoint a General Manager; and (4) the duty to prescribe the powers, duties, compensation and benefits of all officers and employees of the District. **Section 9** further states that, except as to the exercise of the power of eminent domain, the disposal of water rights, applications to the State Engineer for certain permits and the adoption and amendment of bylaws for which a supermajority vote of the Board is required, a simple majority of the members of the Board constitutes a quorum and a quorum may exercise all the powers and duties of the Board.

Section 10 of this bill authorizes the Board to levy and collect taxes on all taxable property within the District to make payment of principal and interest on its general obligations.

Section 11 of this bill exempts the District from regulation by the Public Utilities Commission of Nevada.

Section 13 of this bill requires the Board of County Commissioners to stagger the initial terms of the members of the Governing Board of the District.

WHEREAS, Adequate and efficient water service is vital to the economic development and well-being of the residents of Nye County; and

WHEREAS, The well-being of the residents of Nye County, the long-term economic development of Nye County and the protection of the environment of Nye County could best be served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sources of water; and

WHEREAS, The provisions of this act do not express any preference for whether water service is provided to the residents of Nye County by a governmental entity or by a private utility regulated by the Public Utilities Commission of Nevada; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. As used in sections 1 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. "Board" means the Governing Board of the District.

Sec. 4. "Commission" means the Board of County Commissioners of Nye County.

Sec. 4.5. "District" means the Nye County Water District created pursuant to section 6 of this act.

Sec. 5. "Service area" means the service area of the District described in section 6 of this act.

Sec. 6. There is hereby created a political subdivision of this State to be known as the Nye County Water District. The jurisdiction and service area of the District are all that real property within the boundaries of Nye County, Nevada, as described in NRS 243.275 to 243.315, inclusive.

Sec. 7. 1. All powers, duties and privileges of the District must be exercised and performed by the Board.

2. The Board must be composed of the following seven members as appointed by the Commission:

(a) One member who is a resident of Beatty or the Amargosa area;

(b) One member who is a resident of the Tonopah area;

(c) Three members who are residents of the Pahrump Valley;

(d) One member who is a resident of the area in Nye County known as Currant Creek or the area known as Smoky Valley; and

(e) In addition to the members appointed pursuant to paragraphs (a), (b) and (d), one member who is a resident of an area in Nye County other than the Pahrump Valley.

3. A member of the Board or any person related to a member of the Board within the third degree of consanguinity or affinity must not be affiliated with a private utility that is regulated by the Public Utilities Commission of Nevada.

4. Except as otherwise provided in subsection 5, after the initial terms, each member of the Board serves for a term of 2 years. A vacancy on the Board must be filled in the same manner as the original appointment. A member may be reappointed.

5. Members of the Board serve at the pleasure of the Commission and may be recalled by a simple majority vote of all the members of the Commission.

Sec. 8. 1. The District has the following powers:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the District in all courts or tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at the pleasure of the District.

(d) To enter into contracts, and employ and fix the compensation of staff and professional advisers.

(e) To incur indebtedness pursuant to chapters 271 and 318 of NRS and to issue bonds and provide for medium-term obligations pursuant to chapter 350 of NRS, to pay, in whole or in part, the costs of acquiring, constructing and operating any lands, easements, water rights, water, waterworks or projects, conduits, pipelines, wells, reservoirs, structures, machinery and other property or equipment useful or necessary to store, convey, supply or otherwise deal with water, and otherwise to carry out the powers set forth in this section. For the purposes of NRS 350.572, sections 1 to 12, inclusive, of this act do not expressly or impliedly require an election before the issuance of a security or indebtedness pursuant to NRS 350.500 to 350.720, inclusive, if the obligation is payable solely from pledged revenues, but an election must be held before incurring a general obligation.

(f) To acquire, by purchase, grant, gift, devise, lease, construction, contract or otherwise, lands, rights-of-way, easements, privileges, water and water rights, and property of every kind, whether real or personal, to construct, maintain and operate, within or without the District, all works and improvements necessary or proper to carry out any of the objects or purposes of sections 1 to 12, inclusive, of this act, and to complete, extend, add to, repair or otherwise improve any works, improvements or property acquired by the District as authorized by sections 1 to 12, inclusive, of this act.

(g) To sell, lease, encumber, hypothecate or otherwise dispose of property, whether real or personal, including, without limitation, water and water rights, as is necessary or convenient to the full exercise of the powers of the District. Any sale, lease, encumbrance, hypothecation or other disposal of water rights pursuant to this paragraph must be first approved by a supermajority vote of the Board and a simple majority vote of all the members of the Commission.

(h) To develop and adopt, subject to approval by the Commission, ordinances, rules, regulations and bylaws necessary for the exercise of the powers and conduct of the affairs of the Board and District. All bylaws adopted or amended must also be approved by a supermajority vote of the members of the Board.

(i) Except as otherwise provided in this paragraph, to exercise the power of eminent domain in the manner prescribed by law, if the action is first approved by a supermajority vote of the Board and a simple majority vote of all the members of the Commission. The District may exercise the power of eminent domain within or without the service area, to take any property, including, without limitation, the property specified in paragraph (f) and any water or water right specified in paragraph (o), necessary for the exercise of the powers of the District or for the provision of adequate water service to the service area. The District shall not exercise the power of eminent domain to acquire any portion of water rights or waterworks facilities owned or used by a public utility that has been issued a certificate of public convenience and necessity pursuant to NRS 704.330 to provide water in a service area unless it also acquires all the real property, water rights, waterworks facilities, equipment and any other private property owned or used by the public utility in connection with providing a service regulated by the Public Utilities Commission of Nevada in a service territory located within or adjacent to the District.

(j) To enter upon any land, to make surveys and locate any necessary improvements, including, without limitation, lines for channels, conduits, canals, pipelines, roadways and other rights-of-way, to acquire property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of such improvements, including, without limitation, works constructed and being constructed by private owners, lands for reservoirs for the storage of necessary water, and all necessary

appurtenances, and, where necessary and for the purposes and uses set forth in this section, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or other rights.

(k) To enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county or district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which may be lawfully acquired or owned by the District.

(l) To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the District, and to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the District, or to carry such water through any tunnel, canal, ditch or conduit of the District.

(m) To enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the transfer or delivery to any district, corporation, association, firm or natural person of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the District, or for the purpose of exchanging the water or water right for any other water, water right or water supply to be delivered to the District by the other party to the agreement.

(n) To cooperate and act in conjunction with the State of Nevada or any of its engineers, officers, boards, commissions, departments or agencies, with the Government of the United States or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, to construct any work for the development, importation or distribution of water of the District, for the protection of life or property therein, or for the conservation of its water for beneficial use within the District, or to carry out any other works, acts or purposes provided for in sections 1 to 12, inclusive, of this act, and to adopt and carry out any definite plan or system of work for any of the purposes described in sections 1 to 12, inclusive, of this act.

(o) To store water in surface or underground reservoirs within or without the District for the common benefit of the District, to conserve and reclaim water for present and future use within the District, to appropriate and acquire water and water rights and import water into the District for any useful purpose to the District, and to commence, maintain, intervene in and compromise in the name of the District, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting:

(1) The ownership or use of water or water rights within or without the District used or useful for any purpose of the District or of common benefit to any land situated therein. A supermajority vote of the Board and a simple majority vote of all the members of the Commission is required before the District may apply to the State Engineer for a permit to:

(I) Appropriate water where the point of diversion is within a hydrographic basin located in Nye County and the place of use is a location outside of the same hydrographic basin; or

(II) Change the place of use of water already appropriated from any point within a hydrographic basin located in Nye County to a location outside the same hydrographic basin.

(2) The wasteful use of water within the District.

(3) The interference with or diminution of water or water rights within the District.

(4) The contamination or pollution of the surface or subsurface water used in the District or any other act that otherwise renders such water unfit for beneficial use.

(5) The interference with this water that may endanger or damage the residents, lands or use of water in the District.

(p) To sell and distribute water under the control of the District, without preference, to any natural person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and to sell water for use outside the service area upon a finding by the Board that there is a surplus of water above that amount required to serve customers within the service area.

(q) To cause taxes to be levied and collected for the purposes prescribed in sections 1 to 12, inclusive, of this act, including, without limitation, the payment of any obligation of the District during its organizational state and thereafter, and necessary engineering costs, and to assist in the operational expenses of the District, until such taxes are no longer required.

(r) To supplement the surface and groundwater resources of Nye County by the importation and use of water from other sources for industrial, irrigation, municipal and domestic uses.

(s) To restrict the use of water of the District during any emergency caused by drought or other threatened or existing water shortage, and to prohibit the waste of water of the District at any time through the adoption of ordinances, rules or regulations and the imposition of fines for violations of those ordinances, rules and regulations.

(t) To supply water under a contract or agreement, or in any other manner, to the United States or any department or agency thereof, the State of Nevada, Nye County, and any city, town, corporation, association, partnership or natural person situated in Nye County, for an appropriate charge, consideration or exchange made thereof, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of the District.

(u) To create assessment districts to extend mains, improve distribution systems and acquire presently operating private water companies and mutual water distribution systems.

(v) To accept from the Government of the United States or any of its agencies financial assistance or participation in the form of grants-in-aid or any other form in connection with any of the functions of the District.

(w) To do all acts and things reasonably implied from and necessary for the full exercise of all powers of the District granted by sections 1 to 12, inclusive, of this act.

2. As used in this section, "supermajority" means an affirmative vote of not less than five of the seven members of the Board.

Sec. 9. 1. The Board shall:

(a) Choose one of its members to be Chairman, and prescribe the term of that office and the powers and duties thereof.

(b) Fix the time and place at which its regular meetings will be held and provide for the calling and conduct of special meetings.

(c) Fix the location of the principal place of business of the District.

(d) Elect a Secretary-Treasurer of the Board and the District, who may or may not be a member of the Board.

(e) Appoint a General Manager who must not be a member of the Board.

(f) Delegate and redelegate to officers of the District the power to employ necessary executives, clerical workers, engineering assistants and laborers, and to retain legal, accounting or engineering services, subject to such conditions and restrictions as may be imposed by the Board.

(g) Prescribe the powers, duties, compensation and benefits of all officers and employees of the District, and require all bonds necessary to protect the money and property of the District.

(h) Take all actions and do all things reasonably and lawfully necessary to conduct the business of the District and achieve the purposes of sections 1 to 12, inclusive, of this act.

2. A simple majority of the members of the Board constitutes a quorum. Except as otherwise provided in section 8 of this act, a quorum may exercise all the power and authority conferred on the Board.

3. Any person who is aggrieved by any decision of the Board pursuant to sections 1 to 12, inclusive, of this act may appeal to the Commission within 30 days after the decision of the Board. The Commission may affirm, modify or reverse the decision of the Board.

4. Members of the Board are entitled to receive reasonable compensation and travel expenses, as set by the Commission, for their attendance at meetings and conduct of other business of the District.

Sec. 10. 1. The Board may levy and collect general ad valorem taxes on all taxable property within the District, but only for the payment of principal and interest on its general obligations. Such a levy and collection must be made in conjunction with Nye County in the manner prescribed in this section.

2. The Board shall determine the amount of money necessary to be raised by taxation for a particular year in addition to other sources of revenue of the District. The Board then shall fix a rate of levy which, when applied to the assessed valuation of all taxable property within the District, will produce an amount, when combined with other revenues of the District, sufficient to pay, when due, all principal of and interest on general obligations of the District and any defaults or deficiencies relating thereto.

3. In accordance with and in the same manner required by the law applicable to incorporated cities, the Board shall certify the rate of levy fixed pursuant to subsection 2 for levy upon all taxable property within the District in accordance with such rate at the time and in the manner required by law for levying of taxes for county purposes.

4. The proper officer or authority of Nye County, upon behalf of the District, shall levy and collect the tax for the District specified in subsection 3. Such a tax must be collected in the same manner, including, without limitation, interest and penalties, as other taxes collected by the County. When collected, the tax must be paid to the District in monthly installments for deposit in the appropriate depository of the District.

5. If the taxes levied are not paid, the property subject to the tax lien must be sold and the proceeds of the sale paid to the District in accordance with the law applicable to tax sales and redemptions.

Sec. 11. The District is exempt from regulation by the Public Utilities Commission of Nevada.

Sec. 12. If any provision of sections 1 to 12, inclusive, of this act or the application thereof to any person, thing or circumstance is held invalid, such invalidity does not affect the provisions or application of sections 1 to 12, inclusive, of this act that can be given effect without the invalid provision or application, and to this end the provisions of sections 1 to 12, inclusive, of this act are declared to be severable.

Sec. 13. As soon as practicable after July 1, 2007, the Board of County Commissioners of Nye County shall appoint the members of the Governing Board of the Nye County Water District created pursuant to section 6 of this act to initial terms as follows:

1. Three members to terms that expire on July 1, 2008; and

2. Four members to terms that expire on July 1, 2009.

Sec. 14. This act becomes effective on July 1, 2007.

7. TRAVEL EXPENSES

7.1. Policy

- 7.1.1.** Employees will be reimbursed for all reasonable and necessary travel expenses which are directly related to the performance of their assigned duties and which are properly authorized.
- 7.1.2.** To obtain reimbursement, employees must submit an expense report on a County claim form and substantiate the amounts claimed as required below.
- 7.1.3.** The County will not reimburse or otherwise pay any expense that violates commonly accepted standards of sound judgment and good taste.
- 7.1.4.** Reimbursement shall be made only for expenses actually incurred, paid, and authorized under this policy and procedure.
- 7.1.5.** If an official or employee carries a County credit card, he/she may use it for travel expenses only to the extent allowed by this policy (i.e., actual cost for lodging and the sum certain for the meals set out below). Credit card receipts must be retained and turned in for anything charged on said cards. The credit cards shall not be used for travel expenses if the official or employee has requested and received an advance for his/her travel expenses.

7.1.6. *Reporting*

If an elected official of Nye County has a satellite office outside of the County seat that is designated as their principle work site, although not the principal office, they may request and be reimbursed for mileage, lodging and meals on the same basis as employees of the County.

7.1.7. *Estimated Travel Projections*

During annual County budget preparations, each department shall provide an estimate of expected travel expenses for the next fiscal year with sufficient detail to support the projection.

7.2. Allowances

7.2.1. *Mileage*

The County will attempt to make a County vehicle available for official use to employees when so required. If there are no County vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the per mile rate set by the Nevada Legislature for state employees and officials (which equals the IRS standard mileage reimbursement rate). In the event a County vehicle is available but the employee chooses to use a private vehicle, he/she will be reimbursed at the rate provided by the Nevada Legislature for state employees and officials for use of a private conveyance for reasons of personal convenience.

A. **Alternative Travel**

If an employee chooses to travel by air in lieu of available ground transportation, either commercial or private, the reimbursement for commercial air travel must be by the actual invoice and have prior approval of the County Manager.

Reimbursement for private air travel shall not exceed the road mileage times the higher (currently .325 cents per mile) automobile reimbursement rate for County business.

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7.2.2. Lodging

Moderate cost lodging should be arranged at the meeting/training site when possible. If moderately priced rooms are not available at the meeting/training site, then a moderately priced room near the meeting/training site should be rented. Reimbursement will be based on the cost of a single room, if available. Any additional cost for spouse or family must be deducted from the official's or employee's reimbursement request. The actual cost of lodging will be reimbursed and a receipt must be submitted with all requests for reimbursement of lodging costs. If the employee arranges lodging with family or friends, each nights stay will be reimbursed at the rate of \$25.00, no receipt will be required, no advance will be given and the reimbursement will be made upon submission of a travel claim.

- A. If an official or employee is requesting an advance for his/her per diem travel expenses, and the travel includes lodging costs, the official or employee must include a copy of the confirmation of hotel/motel reservation, with the exact cost for the lodging, with his/her request for the advance on per diem travel expenses. The advance will be made for the meals, as outlined below, and the exact cost of the lodging (for a single room, unless not available, as outlined above). The receipts for advances on lodging costs are to be submitted following any travel in which an advance was provided for hotel/motel costs.
- B. If a reservation is not honored or other circumstances beyond the control of the official or employee occur, and the official or employee obtains lodging at a higher rate than the advance for travel expenses, the official or employee may seek reimbursement for said additional cost by submitting a receipt for the lodging, together with an explanation and/or documentation for the failure to obtain lodging in the original advanced amount.

7.2.3. Meals

- A. For in-state travel, the cost of meals shall be reimbursed in an amount certain: eight (\$8.00) dollars for breakfast; ten (\$10.00) dollars for lunch; and sixteen (\$16.00) dollars for dinner.
- B. For pre-approved out-of-state travel, the cost of meals shall be reimbursed in an amount certain: ten (\$10.00) dollars for breakfast; fifteen (\$15.00) dollars for lunch; and twenty (\$20.00) dollars for dinner; provided, however, that should the cost of meals purchased during out-of-state travel exceed these allowances, the official or employee may apply to the Board of Commissioners for a variance on

the allowances by submitting such request with the original receipts for the expenditures. If the Board determines the actual amount of the meals purchased to be reasonable and necessary, the Board may approve the variance and the official or employee shall be reimbursed for the actual amount of those meals.

- C. Except as provided in “B” above, receipts for the actual costs of individual meals will not be required. Officials and employees will not be reimbursed for any expenses incurred for meals in excess of the above-listed amounts certain; nor will they be required to refund to the County any portion of those amounts certain not actually used to purchase meals. An official or employee who does not request and receive an advance for travel expenses shall be reimbursed for the cost of meals in the amounts certain listed above, upon submission of a travel claim. Nye County - Personnel Policies Page-52 January 9, 1998
- D. Except as provided in “G” below, an official or employee shall be entitled to reimbursement for the cost of breakfast if he/she leaves the municipality in which his/her principal work site is located prior to 6:00 a.m. and does not return to such municipality prior to 10:00 a.m.
- E. Except as provided in “G” below, an official or employee shall be entitled to reimbursement for the cost of lunch if he/she leaves the municipality in which his/her principal work site is located prior to 10:00 a.m. and does not return to such municipality prior to 2:00 p.m.
- F. Except as provided in “G” below, an official or employee shall be entitled to reimbursement for the cost of dinner if he/she leaves the municipality in which his/her principal work site is located prior to 4:00 p.m. and does not return to such municipality prior to 8:00 p.m.
- G. No reimbursement shall be allowed for any meal which is provided or made available to an official or employee as a part of the cost of a meeting, class, or other function, regardless of whether the official or employee partakes of the provided meal or purchases his/her meal elsewhere.

7.2.4 Other Expenses

- A. Necessary business telephone calls at the meeting site will be reimbursed.
- B. Each employee who is on county business overnight in a town other than where he resides will be permitted to make one telephone call per day to inquire on the welfare of his or her family with the length of that telephone call not to exceed five minutes. This telephone call will be evidenced by hotel room charge, receipt, bill or other sufficient proof. (Resolution No. R93-33REG, Regarding Long Distance Telephone Call Policy)

7.2.5 Unallowable Expenses

- A. The County does not reimburse for 1) fines and avoidable parking tickets, 2) towing or impounding fees, 3) traffic violations, 4) alcoholic beverages, 5)

personal entertainment, 6) tobacco, and 7) unnecessary or extravagant costs of any kind.

- B. An employee's family may accompany the employee on County business, provided travel is not in a County vehicle. When an employee's family accompanies the employee, reimbursement will be at the personal convenience rate. The County will not, however, pay additional expenses so incurred.
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7.3. Procedure

7.3.1. Claims

- A. All expenses shall be detailed on the County claim form and shall provide detailed information regarding expenses claimed. Receipts, when required, are to be attached. All expense reports must be approved by the Department Head.
- B. Travel expense reports are to be submitted within five (5) working days following any trip. All unused expense advanced funds are to be returned with the report. When advanced funds have been provided, a completed claim form must still be completed within five (5) working days following any trip.
- C. All claims for traveling expenses and subsistence allowances shall be approved by the Board of County Commissioners prior to payment.

7.3.2. Advances

- A. When requested and approved, advanced per diem for in-state travel shall be fifty-eight dollars (\$58.00) per day including lodging and meals, or if lodging costs are confirmed, actual lodging costs plus thirty-four dollars (\$34.00) per day.
- B. When requested and approved, advanced per diem for out-of-state travel shall be seventy-five dollars (\$75.00) per day including lodging and meals, or if lodging costs are confirmed, actual lodging costs plus forty-five dollars (\$45.00) per day.

AFFIDAVIT OF CONSANGUNINITY OR AFFINITY

STATE OF NEVADA

COUNTY OF NYE

I, _____, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

I am not affiliated with, nor related to (within the 3rd degree of consanguinity or affinity) any persons affiliated with a private utility that is regulated by the Public Utilities Commission of Nevada.

DATED: This _____ day of _____, 20_____.

Affiant's signature

Affiant's printed name

Mailing Address

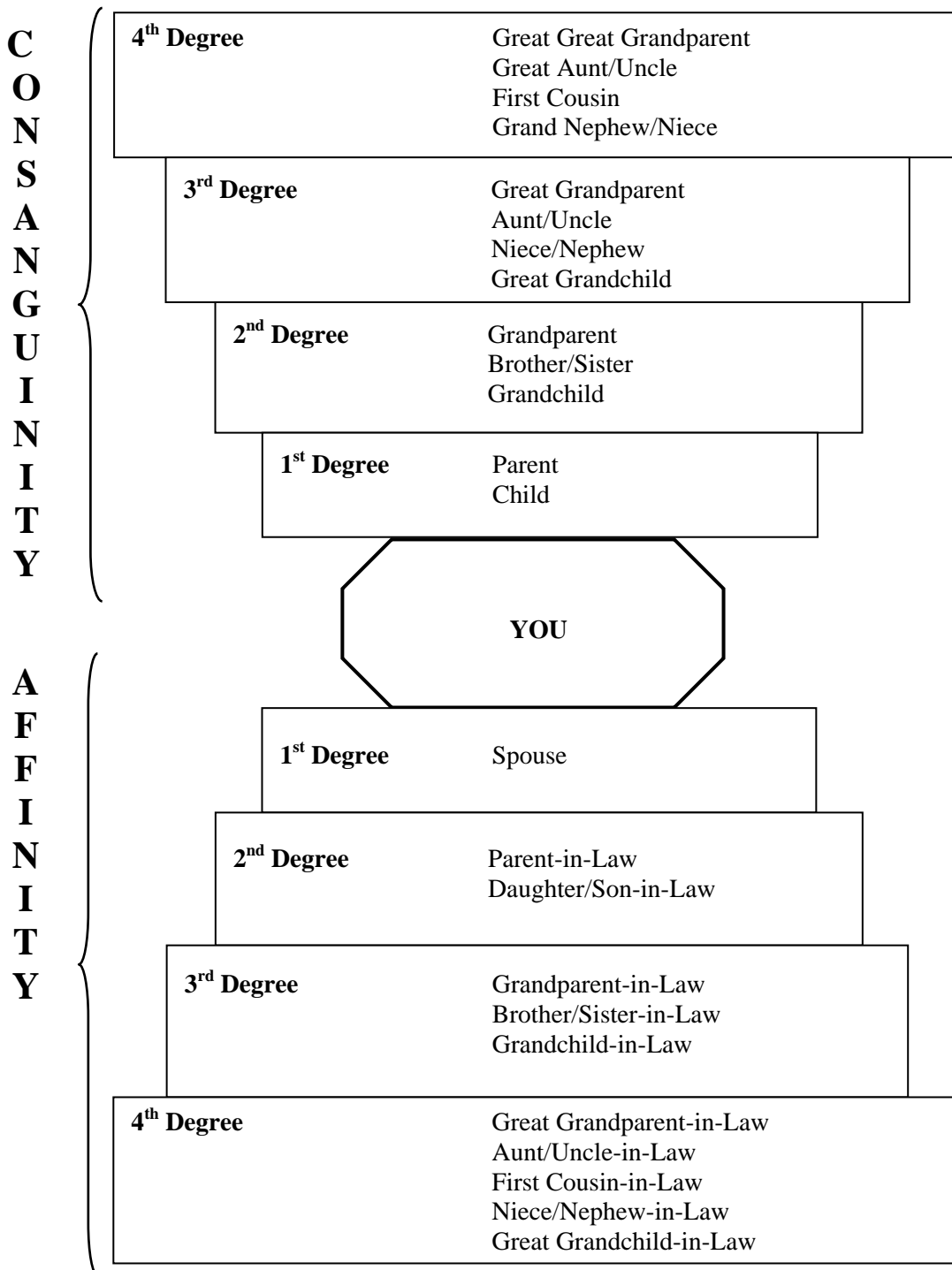
Telephone number

Subscribed and sworn to before me

This _____ day _____, 20_____.

NOTARY PUBLIC

CONSANGUINITY / AFFINITY CHART



Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

**SUGGESTED DO'S AND DON'T FOR THE CONDUCT OF PUBLIC HEARINGS AND THE
PERFORMANCE OF CHAIRMAN AND MEMBERS OF BOARDS, COMMISSION AND OTHER
BODIES.**

1. **DON'T ACCEPT AN APPOINTMENT OR NOMINATION TO A BOARD, COMMISSION OR COUNCIL UNLESS YOU EXPECT TO ATTEND 99.9999 PER CENT OF THE REGULAR AND SPECIAL MEETINGS, INCLUDING INSPECTION TRIPS, BRIEFINGS AND PUBLIC FUNCTIONS WHERE YOUR PRESENCE IS EXPECTED.** If your participation falls below 85 per cent during any six months period, you should tender your resignation. You aren't doing your job, you aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you. Your effectiveness and the regard given to your opinions by other members will be in direct ratio to your attendance.
2. **DO CREATE A GOOD IMPRESSION OF THE GOVERNMENT YOU REPRESENT.** Remember that this is the FIRST important contact that many of the people in the audience have had with the administration of their city, county or special district and, for some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture that they will always carry with them of "the way the government is run." Make it as pleasant and comfortable a picture as possible.
3. **DO BE ON TIME.** If the hearing is scheduled at 5:15 pm, the gavel should descend at that exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.
4. **DON'T DRESS LIKE A BUM.** Dress in a neat and clean manner. The people in the audience think you are a very important person. Don't disappoint them by your appearance, conduct and attitude.
5. **DON'T MINGLE WITH FRIENDS, ACQUAINTANCES, AND UNKNOWN APPLICANTS OR OBJECTORS IN THE AUDIENCE** before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant with whom you were seen conversing. When the other fellow's case come up and you deny it, he says, "Well, its easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save your socializing and fraternizing for some other time and place.
6. **DON'T DISCUSS AN APPLICATION** with an applicant or objector prior to the filing or the hearing if it can be politely avoided. In the event that it is not avoidable, and many time it is not, be very non-committal; don't be too free with advise. By all means explain that you are only one member of the body, that you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you have no way of knowing what opposition may develop or what will occur at the public hearing. Be certain that the person understands that you cannot commit yourself in any manner, except to assure him/her that (s)he may expect a fair and impartial hearing. Even if the application looks pretty good or bad to you, it is wise to be non-committal about the outcome. If you give any encouragement and any advice and then the result isn't what you implied, the person(s) you visited with may tell everyone that they did just exactly what you told them to do and then, like a dirty dog, you voted against or for the application.
7. **DO YOUR HOMEWORK.** Spend any amount of time necessary to become thoroughly familiar with each matter which is come before you. It is grossly unfair to the applicant and the body you sit on for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar; and you may make some horrible and disturbing decisions.

8. **DON'T INDICATE BY WORD OR ACTION HOW YOU INTEND TO VOTE** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff. During this period your board is the judge and jury and it's no more appropriate for you to express an opinion as to the proper decision, prior to hearing ALL of the testimony, than it would be for a judge or jury member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of a defendant. THIS IS NOT CLEARLY UNDERSTOOD BY A MAJORITY OF PERSONS SITTING ON HEARING BODIES. It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument. One does NOT say, "I happen to know that the applicant has no intention of placing an apartment building on this site. In fact, it has been sold subject to zoning and the purchaser intends to put a mobile home park here if he gets a Special Permit." Rather than this, one could say, "We have been furnished with some information which indicates that perhaps your plans are not too firm regarding the development you propose. In fact, there are some who are concerned about a rumor that the property is being sold and that the new owner plans to put a mobile home park at this location, if he can secure the necessary permit. Would you care to comment on this concern of the neighborhood and tell us if there is any truth to this rumor?" The same result is accomplished, the information is brought out and made part of the record and you don't look as if you are leading the attack to secure defeat of the applicant's request.

9. **DON'T FAIL TO DISQUALIFY YOURSELF** if either directly or indirectly you have any financial interest in the outcome of the hearing, AND let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, STATE your reasons. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed, to the matter under discussion.

10. **DO ROTATE THE SEATING** in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him/her. This will also prevent the forming of little cliques, or a frequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case.

11. **DO BE POLITE AND IMPARTIAL**, and as helpful as possible to the nervous, the frightened and the uneducated, and patient with the confused.

12. **DO BE ATTENTIVE**. Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is LISTEN and make them think that you are as interested as you should be. Refrain from talking to other board members, passing notes and studying unrelated papers.

13. **DON'T INTERRUPT A PRESENTATION** until the question period, except for very short and NECESSARY clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you can force yourself to be quiet for a few minutes. You can wreck a speaker's whole case by a long series of unnecessary questions at the wrong time.

14. **DON'T PERMIT MORE THAN ONE PERSON** at the podium and microphone at any one time.

15. **DON'T PERMIT A PERSON TO DIRECTLY QUESTION** or interrogate other persons in the audience. All questions should be addressed to the Chair and to the hearing body. When this person has finished their discussion and stated the questions to which they would like to have answers, then the Chair will permit those who care to make an answer come forward and do so, but only voluntarily. Do not permit anyone to DEMAND answers to all and sundry questions especially if it is obviously done for the purpose of harassment.

16. **DON'T USE FIRST NAMES** in addressing ANYONE AT ALL during the course of the hearing. This includes members of the audience, applicants, people speaking for or against any proposition, staff or other members of your particular body, even if the person concerned is you brother / sister or your best friend. NOTHING, repeat NOTHING, creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy, buddy deal" is about to be consummated. If you just can't bring yourself to use Mr. and Mrs., An alternative would be to use the third person form and call them the "applicant" or "the person who is objecting" or "the gentleman (or lady) ," who is appearing here in connection with this application.

17. **DON'T BE TOO CRITICAL** of attorneys who sometimes feel impelled to give unnecessarily lengthy presentations on behalf of their clients. Avoid the strong temptations to make matters as difficult as possible for them. They are just trying to make a living and must convince their client that they are really earning the rather substantial fee which they feel their service merits.

18. **DON'T INDULGE IN PERSONALITIES AND DON'T PERMIT ANYONE ELSE TO DO SO!**

19. **DON'T TRY TO MAKE THE APPLICANT OR ANY OTHER PERSON** appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it! It is bad hearing manners. If you MUST "expose" someone, do it as gently and kindly as possible.

20. **DON'T BECOME INVOLVED IN ALTERCATIONS.** Some people seem to come to hearings with the expressed purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant ranting, you are immediately involved in a FIGHT. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you very much for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone who wishes to be heard?"

21. **DO INVITE INTERESTED PERSONS TO COME FORWARD** when a speaker is referring to a diagram, site plan or exhibit which is not visible to the audience.

22. **DO NOT PERMIT PEOPLE** to speak from the audience. If it is important enough for them to speak at all, it is important enough for them to be recognized, come forward, give their name and address and say what they care to, if their remarks are pertinent.

23. **DO NOT PERMIT PEOPLE TO LEAVE THE PODIUM AND MICROPHONE AND APPROACH CLOSER TO THE HEARING BODY** except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one of the dais with one or two members of the hearing body, the others being uncertain about what is going on, the conversation usually not getting recorded and not being heard by the audience, and for the chair a situation becoming almost impossible to control.

24. **DON'T BECOME INVOLVED IN NEIGHBORHOOD QUARRELS** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be angry with you. Stick to the merits of the application and rule out-of-order testimony which is irrelevant, personal, hearsay and not pertinent to the matter being heard.

25. **DON'T BE VINDICTIVE** and "punish" the applicant for some real or imagined affront to you or your body on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that (s)he is there legally, (s)he has a right to be heard, and (s)he has a right to a fair and impartial hearing on the merits of his/her present application without reference to something which (s)he might or might not have done in the past or will perhaps do in the future.

26. DON'T TRY TO BE A HERO to beautiful women, handsome men, little old ladies, widowed mothers with tiny infants in their arms, and the financially and socially distressed. By sympathetic, but objective; and don't get carried away with such a strong desire to help that you throw the rule book out the window. Ninety-nine times out of hundred you will do them some questionable service at the expense of their neighbors or the government that you represent and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules!

27. DO NOT FAIL TO GIVE A REASON when making a motion for approval OR denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the COURTS may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always consider the staff recommendation.

28. IF YOU HAVE STAFF; DO NOT TAKE STAFF RECOMMENDATIONS LIGHTLY. These recommendations are made after much study by professional people with years of experience in their field and are based upon pertinent laws, ordinances, regulations, policies and practices developed by you and your predecessors. The recommendations of a good staff in possession of all of the facts will almost always produce a TECHNICALLY CORRECT recommendation. Your job is to temper this recommendation with information developed during the hearing which was not available to staff. It is not unusual for a staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Consider it a good practice to announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

29. IF YOU HAVE STAFF; DON'T FORGET THAT THE STAFF IS THERE TO HELP you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them the chance. Or they may just sit and let you stew, if you do not give them the respect that is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearing. Ask them to comment prior to the final vote when in doubt about facts or issues.

30. DON'T TRY TO ANSWER TECHNICAL QUESTIONS even if you are sure that you know the answer. You probably DON'T and may wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-to-day working experience with pertinent ordinances and can nearly always give a timely, up-to-the-minute professional dissertation on any subject in their field. And besides, it helps create an image of competency which is most useful in assuring the public that their case has received more than a cursory glance and an arbitrary decision. Lay members of the hearing body who "explain" ordinances to the audience usually wind up their less than accurate remarks with the pretty lame comment, "That's the way I understand it and if I am wrong, I would appreciate it if staff would correct me." The staff usually does correct them and ordinarily at some length.

31. DON'T TRY TO EASE YOUR CONSCIENCE AND TOSS THE APPLICANT A BONE by granting them something less than they asked for, something they don't want, and something they can't use. In ALL cases where it is appropriate, GIVE THE APPLICANT WHAT HE ASKED FOR OR DENY IT; to do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job and your staffs job much easier.

32. DO VOTE BY ROLL CALL, except for routine administrative matters. This is wonderful character training for each member of the body and emphasize the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "AYE" or "NAY" in a loud and clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the secretary to record, doesn't mean anything on a tape recording, is many times quiet confusing and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.

33. DON'T SHOW ANY DISPLEASURE OR ELATION, by word or action, over the outcome of a vote. This is VERY BAD hearing manners and won't lead to the maintenance of a friendly co-operative spirit among members of the body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.

34. DO DISCOURAGE ANY POST-MORTEM REMARKS by applicant, objectors, or members after the final vote and the decision are announced, especially those afterthoughts designed to reopen the application. It will invariably result in an unpleasant wrangle. Just say, "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next item on the agenda will be -----."

35. DO NOT HESITATE TO CONTINUE A CASE OR TAKE IT UNDER ADVISEMENT if more information or greater deliberation is truly necessary, but do not use these administrative actions merely to avoid or delay making a decision before a hostile applicant or audience.

36. DO SIT DOWN AND HAVE A LONG SOUL SEARCHING SESSION WITH YOURSELF if you find that you are consistently "out in left field", that no one seems inclined to second your rather profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, possible and just. Don't be "Stiff-necked" in your opinion. GIVE a little.

37. DO SHOW GREAT RESPECT FOR THE CHAIR, always addressing the Chairman as "Mr./Madam Chairman", "The Chairman," or "Chairman Jones" and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.

38. DON'T ASSUME THE ROLE of a fairy godfather to those who have become involved in bad business deals or other self-imposed difficulties.