



## CITY OF WEST WENDOVER

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### WEST WENDOVER CITY COUNCIL MINUTES OF THE EMERGENCY MEETING OF OCTOBER 27, 2008

The West Wendover City Council met for an emergency meeting on October 27, 2008. The meeting was held at the West Wendover Library, Pilot Peak Room. Mayor Thaut presided.

Council Members Present: Roy Briggs, Emily Carter, Johnny Gorum and Alan Rowley II

Council Members Absent: Jamey Christie

Others Present: Bryce Kimber, Jeff Knudtson, Ruth Arias, Claude Fratto, Nancy Green and Chris Melville

The following proceedings were had.

**1. CALL TO ORDER AND ROLL CALL**

Mayor Thaut called the meeting to order at 5:30 p.m. All those present and excused are noted above.

**2. PLEDGE OF ALLEGIANCE**

Mayor Thaut led those present in the Pledge of Allegiance.

**3. COMMENTS FROM THE GENERAL PUBLIC:**

None offered or received.

**4. ITEMS OF DISCUSSION**

**\*Approval or Disapproval of Stipulation Between the Nevada Public Utilities Commission, Wendover Gas Company, and the City of West Wendover Regarding Appointment of a Temporary Receiver of Wendover Gas Company, Together with the City of West Wendover, Paying for the Purchase of LP Gas, if Revenues are Insufficient, for 30 Days During the Temporary Receivership to Assure the Availability of LP Gas to Its Citizens on an Emergency Basis. If the City of West Wendover Pays for LPG Supply, It Shall be Paid First in Order of Priority.**

Gary Di Grazia was present by speaker phone. Gary Di Grazia explained what had happened at the Public Utility Commission (PUC) meeting on October 24, 2008. The meeting on October 24<sup>th</sup> was to appoint a receiver and what the stipulations for the temporary receiver would be. One of the points on the stipulation was whether the City would agree to pay up to thirty days for LP Gas if the revenues were insufficient to meet that obligation. Gary Di Grazia stated that he had expressed concern as to whether the City could do that subject to Council approval. Gary Di Grazia explained that after researching the matter further the City cannot and should not do that because it would be a violation of Article 8 Section 10 of the Nevada Constitution. The stipulation could be approved without paragraph 5 as it relates to the City agreeing to pay if the revenues are insufficient. The City could consider a donation within the thirty day period if necessary to protect the health and safety of the citizens.

General discussion was had regarding removing paragraph 5 of the stipulation agreement, whether the PUC knew about the change to the agreement and the role of a receiver. Mayor Thaut asked Nancy Green if the bank had taken any action on the refinancing of her loan. Nancy Green explained that the bank had talked to Steve Shute and her, and they are still

reviewing the paperwork. General discussion was had regarding Turner Gas continuing to deliver gas to Wendover Gas Company as long as revenue is turned over to them, and the ability of Steve Shute to serve as the temporary receiver. Council Member Gorum made the motion to approve the stipulation between the Nevada Public Utilities Commission, Wendover Gas Company and the City of West Wendover regarding the appointment of a temporary receiver of Wendover Gas Company with the changes to page 3 line 17 which states: "*WHEREAS, the City of West Wendover, subject to a vote in an emergency meeting of the City Council of the City of West Wendover, if revenue generated from the system is insufficient, will pay the purchase of LPG during the Temporary Receivership to ensure that LPG continues to be available for distribution through Wendover.*" by omitting this section and the following section on page 5 line 5 that states: "*The City of West Wendover, subject to a vote in an emergency meeting of the City Council of the City of West Wendover, if revenue generated from the system is insufficient, will pay the purchase of LPG during the Temporary Receivership to ensure that LPG continues to be available for distribution through Wendover. If the City of West Wendover pays for LPG supply, it shall be paid first in the order of priority.*" on advice of legal counsel. The motion was seconded by Council Member Carter and passed unanimously.

**5. \*ADJOURNMENT**

Council Member Carter made the motion to adjourn at 5:58 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome  
City Clerk/Records Officer