

EXHIBIT 1.J_11.17.2021 Dog and Pony Show Interview for County Manager [Commentary]

To expect anybody to believe that Wheable conveniently resigned when he did due to “stress of the job” after almost an entire decade of unhindered employment working for the county in some form or capacity, only to re-appear months later for this interview, is quite the insult to the intelligence of every single member of this constituency. With the help of the 3rd party POOL/PACT organization and former Public Official Elizabeth Frances (who was a sitting principal board member of this 3rd-party organization), this was a massive orchestration to circumvent the protections of the people, namely **NRS 252.180 Restrictions on presentation of claims against County**, with respect to this state-to-county litigation option. The question raised by this constituency is this: Do you think We The People pay POOL/PACT for an insurance policy with our own taxed dollars, to protect US? Or to aid our corrupted politicians in their unethical agendas?

This Nevada Statute is there for a reason, to protect the public from these type of damaging, government over-reaching charades. What we speak of is the Federal Opioid Settlement which was already “settled” but then somehow morphed into an unconstitutional “bullying” of the citizens [state-to-county] *SLAPP* witch hunt. This was never our lawsuit. As **NRS 252.180** implies, the people of this county rejects ANY government employee from engaging in opportunistic “SLAPP” Lawfare [*Strategic Lawsuit Against Public Participation*], against its own people. This is a line in the sand never crossed before on the County level. The only way to ensure it never happens again , is by holding these public officials accountable to the letter of the law.

Aside from the fact that this “interview” was nothing more than a staged dog and pony show, as evidenced by having picked only 2 running mates to interview after collecting over 65 applications (from our count), which some 30% of these resumes by our independent examination, (*with all due respect*) far exceeds Wheable's credentials. We turned away a staggering number of applicants with some of the most impressive qualifications, achievements and talent that this county rarely comes by.

RED FLAG # 1: With all of the awe-inspiring credentials of all the applicants to select from, why would we re-hire someone who just quit months prior because of his inability to handle the “stress of the job” ??

The fact that Wheable was selected for hire for this *New-On-The-Scene* County Manager position, exactly 1 year and 1 day from the day he resigned, is just another red flag indicator that Wheable KNEW exactly what he was doing. What remains to be investigated, is which County Commissioners also were *in-the-know* beforehand, about this being a pre-fabricated orchestration?

Wheable KNEW this was the minimal time allowance to go incognito *so-to-speak*, as per *County Manager* NRS 244.130 [2] which states, “No person who is or has been an elected officer of the county shall be appointed county manager unless the person has been out of office for at least 1 year prior to the date of appointment.” He also KNEW that with his re-branded job title (in cahoots with his sidekick attorney Mr. James Beecher and others), that he would be afforded greater flexibility to effectively, *play the system* by moving forward with litigating members of our own public,

with nothing more than an “OPPORTUNITY” to justify a frivolous lawsuit filtered down by a “SETTLED” Federal Lawsuit, **Not of our Own Accord.**

Wheable KNEW (and even expressed on record), this action is highly unethical and immoral. It would be advantageous in this investigation to examine how much did Commissioner Laurie Carson know in secrecy before this so-called “interview”. There are some very serious ethical concerns about this commissioner in particular, which we'll address in detail in a separate exhibit item.

IN A SPECIAL MEETING WITH THE COUNTY COMMISSION HELD ON NOVEMBER 17, 2021 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission:
Richard Howe, Chairman
Travis Godon, Vice-Chairman
Ian Bullis, Commissioner
Shane Bybee, Commissioner
Laurie L. Carson, Commissioner
Nichole Baldwin, Clerk of the Board
Melissa Tremain, Deputy Clerk

County Officials:

Mike Johnson, IT Specialist
James S. Beecher, WPC District Attorney
Elizabeth Frances, Finance Director
Bill Calderwood, Public Works Director

Also Present:

George Chachas, George Town Media
Alan Kalt, Pool/Pact

Present via Zoom:

Geri Wopschall, Martha Rivera Sindelar (Recorder), Elanie Eldridge (Finance Office), Bethany Wheable (Finance Office), Tabatha Hamilton (Finance), Gary Perea, Catherine Bakaric (Treasurer), Brett North (WPC Fire Chief), Kristi Lynch-Rozich (WPC Aquatic Center), Desiree Barnson (WPC Social Services), Marietta Henry, Michelle Beecher, Samantha Elliott (JOIN), Scott Henriod (WPC Sheriff), Bernadette Sena (WPC Health), Teri Borghoff (School Board), Pat Stork (Ely City Fire), and others.

Chairman Richard Howe called the meeting to order at 9:00 am. Commissioner Shane Bybee led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

George Chachas stated his concern that a County Manager should only be considered if Commissioners were reduced to three, as it was in the past, and Mr. Chachas stated his opinion on the applicants that will be interviewed today. Mr. Chachas addressed the ingress/egress on Highway 93, and advised that he has not received any information as requested from the Fire Chief or Building Department. Mr. Chachas stated that the Victim’s Fund has not been addressed and people deserve compensation. He further stated that Great Basin Boulevard is still not ADA compliant; this should be corrected and he has met with several engineers regarding this. Mr. Chachas stated that he has made complaints to the Regional Planning Commission in regard to non-domesticated animals in the city and nothing has been done. Time was called.

Chairman Richard Howe provided an update regarding the Congressional Re-Districting from the Special Session last night; White Pine County has remained whole and is now in Congressional District 2.

1.) Discussion/Presentation/Interviews: Facilitated interactive session for interviews/presentations with County Manager job applicants. Elizabeth Frances, Human Resources Director; Elanie Eldridge, Human Resources Director; Alan Kalt, Chief Financial Officer, POOL/PACT

Human Resources Director Elizabeth Frances handed out different items before the meeting and discussed what they were such as the job description for County Manager, Potential Interview Rating Errors and Problems, and other interview forms that could assist in the interview today. Director Frances discussed the process that will be used today before introducing Pool/Pact Chief Financial Officer Alan Kalt to the Board.

Pool/Pact Chief Financial Officer Alan Kalt introduced himself to the Board, and discussed the process that has been completed leading up to today. CFO Kalt explained the process that will be used with the interviews today to Edward Dickie III and began the interview questions.

Interview Question 1: Tell us about your professional background. Please limit to 3 minutes.

Mr. Dickie discussed his prior experience beginning in County Assessor/Recorder's Office, GIS Manager for Bay City, Florida and the City of Houston, Texas. He explained after Texas, he continued his Master's degree in public administration. He stated he has been the City Manager for North Ogden and Santa Clara, Utah; St. James, North Carolina; and Dewey-Humboldt, Arizona.

Interview Question 2: Why is White Pine County attractive to you when compared to other like counties and agencies, and what is your reason for wanting to leave your current employment and work for our agency?

Mr. Dickie advised the Board of his love for small communities, love of outdoors, the volunteer opportunities that would be available and it would bring him closer to his child in St. George, Utah.

Interview Question 3: What are your future professional goals, what steps do you plan to take to meet these goals and where do you see yourself five years from now?

Mr. Dickie advised that his goal is to use his experience and knowledge that he has earned to help the community and volunteer after retirement.

Interview Question 4: Presentation: You were given an assignment to prepare a presentation on community broadband concerns. Please start your presentation now. You will be given 15 minutes after which the Commissioners may ask follow-up questions.

Mr. Edward Dickie III presented a PowerPoint presentation regarding Broadband Service and the White Pine Broadband Action Committee. Mr. Dickie advised that he has worked with grants in the past.

CFO Kalt continued with the interview questions for Mr. Dickie.

Interview Question 5: Describe the role of the County Manager and the ideal working arrangement you would like to see between the County Manager and the Board of County Commissioners.

Mr. Dickie answered that the County Manager should be an extension of the County Commissioners to assist in policy that would enforce the legislature that the Commissioners create. There should be direct communication between the Manager and the Board so as to keep the Board updated at all times.

Interview Question 6: What is the difference between a Manager and a Leader? How would you describe yourself as a Manager and a Leader and why?

Mr. Dickie answered that a leader holds themselves and others accountable, but assists others in succeeding as well. He further stated that he provides the employees/department heads the freedom to do their job but is still available for support or to hold them accountable. He stated that when the employees/department heads succeed, that he is succeeding as well.

Interview Question 7: Describe the ideal working arrangement you would like to see between the County Manager and Non-Commission Elected Officials and Department Heads. What steps would you take to achieve that?

Mr. Dickie stated that his plan would be to meet with them one on one to have good communication for collaboration of personal and department goals. He further stated that he would like to see what their expectations are and what they would need support on from the County Manager; his goal is to build relationships to better collaborate together to reach goals with trust and respect.

Interview Question 8: Describe your working relationship with other organizations or governmental entities and provide a specific example of how, through a collaborative partnership, you reached a successful resolution to a controversial and complex problem.

Mr. Dickie gave an example of Bay City, Florida where interlocal agreements were made to support the County providing GIS services but the cities were still supported. He also gave an example of Santa Clara, Utah where local police, fire, animal control, court and big equipment purchasing between Santa Clara and Ivins were combined and how this agreement was more efficient for both organizations.

Interview Question 9: How will citizens of White Pine County know they have an effective County Manager? Describe a method you have taken in the past to establish trust and rapport with members of the community?

Mr. Dickie explained that he has always had an open-door policy with staff as well as with the public, but he believed that the County Manager should also make themselves available with more public appearances. He further stated that a weekly or monthly report from the Manager to the public would also create more transparency.

Interview Question 10: Tell us about your experiences with public sector budget management. What did you find to be the most challenging part of the budget building process? What actions do you think helped you get approval of your proposed budget and what technique did you utilize to manage the final approved budget?

Mr. Dickie gave an example of the recession of 2009 and having to cut the budget in North Ogden, Utah. He explained that they were able to work together to cut 60% of the budget without the loss of any staff to layoffs. He gave another example of Santa Clara, Utah and how they were close to bankruptcy, but during the budgeting process they were able to save the County.

Interview Question 11: Tell us about the greatest achievement that have helped move your most recent organization forward.

Mr. Dickie explained that the greatest achievement in his current organization is effectively getting the Council to work together as they have opposing political views.

Mr. Dickie also gave an example of an economic development plan in Santa Clara, Utah for a shopping center and a short-term rental resort, Paradise Village of Zion, that was completed to provide the city with a tax base.

Interview Question 12: Describe your experience administering and improving human resources programs such as health benefits plans, retirement plans, and employee pay and fringe benefits.

Mr. Dickie stated that in the past that he had implemented paper performance evaluations for merit pay increases annually, gym program benefits, and clarified policies and procedures with department heads for possible rewriting.

Interview Question 13: Describe your experience with labor relations including interpreting and applying policies and union contracts, administrative investigations, employee discipline and due process, and equal opportunity employment.

Mr. Dickie advised that he has had no prior experience with labor relations, but has had experience with employee discipline associated with human resources.

Interview Question 14: Describe two biggest challenges you have experienced when bargaining labor contracts, then describe how you were able to overcome those challenges.

Mr. Dickie explained the challenge of negotiating a contract with the grocery store in the Paradise Village of Zion and how the fee for the road and lights was lowered due to fees being partially paid when the grocery store purchased the 10 acre parcel.

Interview Question: We will be doing background and reference checks. Is there anything in your background that you would like to share with us prior to us hearing it from someone else?

Mr. Dickie stated there should be no issues.

Interview question: Is there any question that you wished I would have asked or anything further that you would like the Board to know?

Mr. Dickie stated that he has a love for public service and with his experience he would love to see people succeed. Mr. Dickie explained that a City Manager has a short time with each organization possibly due to a new or changing council, but explained the personal events that occurred are what affected his employment.

Interview Question: That concludes our questions, in the remaining time, do you have any questions for the Board of County Commissioners?

Mr. Dickie asked the Board what they would expect of the position and the main reason they are looking to hire a manager. Commissioner Ian Bullis stated there is no one in charge currently. Vice Chairman Travis Godon further stated that normally in a company if there is a Board, there is a CEO, and White Pine County does not have one. Commissioner Laurie L. Carson stated that people approach the Commissioners not understanding the Board has power, but individual Commissioners do not. Commissioner Shane Bybee stated that he is in favor of having a place for the buck to stop. Chairman Howe stated that in the past he was not in agreement with the creation of a County Manager position, but with the resignation of the HR Director earlier this year, that it now makes sense. Chairman Howe further stated that it will streamline the process whether it is elected officials, department heads or the public to have a point of contact with the Board. Mr. Dickie stated that if offered the position that he would be able to start by the first Commission meeting January 12, 2022.

The meeting recessed at 10:20am and returned at 10:33am.

CFO Kalt discussed the interview process with Michael Wheable and began the interview questions.

Interview Question 1: Tell us about your professional background. Please limit to 3 minutes.

Mr. Wheable advised he completed Law School in Sacramento, he was a Law Clerk for the 7th Judicial District Court before starting work at the WPC District Attorney's Office. He stated he is currently Litigation Council for an organization in Las Vegas.

HIGHLY SUSPICIOUS!!

Interview Question 2: Why is White Pine County attractive to you when compared to other like counties and agencies, and what is your reason for wanting to leave your current employment and work for our agency?

Mr. Wheable advised that he has been a long-time resident of White Pine County and his current employment is only a contracted position of 1 year to assist with the current litigation. He further stated that due to personal reasons, the stress of the elected position, and a goal of professional development as an attorney is what led to his leaving the position of District Attorney.

Interview Question 3: What are your future professional goals, what steps do you plan to take to meet these goals and where do you see yourself five years from now?

Mr. Wheable advised he still sees himself living in White Pine County, but he is unsure what he will be doing in 5 years. He explained that there is much work to be completed with the County Manager position and role and once that is completed, he will look for other opportunities in the County that will fit his legal training more.

Interview Question 4: Presentation: You were given an assignment to prepare presentation on community broadband concerns. Please start your presentation now. You will be given 15 minutes after which the Commissioners may ask follow-up questions.

Mr. Wheable gave a presentation on Broadband Service.

CFO Kalt continued with the interview questions for Mr. Wheable.

Interview Question 5: Describe the role of the County Manager and the ideal working arrangement you would like to see between the County Manager and the Board of County Commissioners.

Mr. Wheable explained that the role of the County Manager is to be the Chief Executive Officer of the county. The Board would set the policy and plan, the Manager would make sure it is implemented.

Interview Question 6: What is the difference between a Manager and a Leader? How would you describe yourself as a Manager and a Leader and why?

Mr. Wheable stated that a leader inspires others to set goals, identify attributes, and prepare a plan to achieve those goals. A manager manages tasks, advises course corrections and holds staff accountable with attendance and performance. Mr. Wheable spoke to the leadership attribute stating that he is highly involved in every project or plan. He further stated that as a manager, his expectations are high and if the expectations are not met, that he will work with staff until completed.

Interview Question 7: Describe the ideal working arrangement you would like to see between the County Manager and Non-Commission Elected Officials and Department Heads. What steps would you take to achieve that?

Mr. Wheable stated that he is expecting that not all Non-Commission Elected Officials and Department Heads will like this; there must be trust and mutual respect so the Manager can execute the will of the Board while assisting and training the managers so the goals are met while holding them accountable.

He stated that Elected Officials have been authorized by statute to do certain things; once the budget is established, it is difficult for accountability to be obtained. He further stated that to hold the Elected Officials accountable, they must restrict the budget.

Interview Question 8: Describe your working relationship with other organizations or governmental entities and provide a specific example of how, through a collaborative partnership, you reached a successful resolution to a controversial and complex problem.

Mr. Wheable advised of the relationships that he has had with Senators, Assemblymen and other State government officials and agencies. He gave an example of the Sage Grouse litigation and the Water Rights issues that were litigated. He also stated that he lobbied several times to the State Government for the Justice Center to be completed.

Interview Question 9: How will citizens of White Pine County know they have an effective County Manager? Describe a method you have taken in the past to establish trust and rapport with members of the community?

Mr. Wheable stated that the community will know the County Manager is effective through public notice. He further stated that the county should take advantage of social media for communication with the public.

Interview Question 10: Tell us about your experiences with public sector budget management. What did you find to be the most challenging part of the budget building process? What actions do you think helped you get approval of your proposed budget and what technique did you utilize to manage the final approved budget?

Mr. Wheable gave an example of how, as District Attorney for 6 years, he managed the budget and in 2015, it was an especially difficult year for the budget with possible layoffs. He explained how the budget process has been completed in the past.

Interview Question 11: Tell us about the greatest achievement that have helped move your most recent organization forward.

Mr. Wheable advised that he cannot comment on his current employment. He stated that while he was the District Attorney for White Pine County that there was mediation regarding police and fire services contracted between the city and the county. He further stated that the Justice Center was a great achievement.

Interview Question 12: Describe your experience administering and improving human resources programs such as health benefits plans, retirement plans, and employee pay and fringe benefits.

Mr. Wheable advised that when the Human Resources Director had an issue, they would request advice from him as the District Attorney, and he has sat in on the negotiations between the county and the unions.

Interview Question 13: Describe your experience with labor relations including interpreting and applying policies and union contracts, administrative investigations, employee discipline and due process, and equal opportunity employment.

Mr. Wheable stated that he has had a lot of experience with labor relations, with human resources employee issues and discrepancies in the policies with employee relations.

Interview Question 14: Describe two biggest challenges you have experienced when bargaining labor contracts, then describe how you were able to overcome those challenges.

Mr. Wheable stated that he had negotiated for different benefits such as uniform allowances, paid time off, or sick leave provisions in place of pay raises.

Interview Question: We will be doing background and reference checks. Is there anything in your background that you would like to share with us prior to us hearing it from someone else?

Mr. Wheable advised that there will be no issues.

Interview Question: That concludes our questions, in the remaining time, do you have any questions for the Board of County Commissioners? Are there any questions that you wish I would have asked or anything that you would like to tell the Board?

Mr. Wheable stated that there will be a distinction between his past role as the District Attorney and the County Manager. He advised that District Attorney James S. Beecher and he have a good working relationship. He further stated that if there are any questions related to his background, prior performance, or personal issues that need to be discussed, that he is open for any questions.

Commissioner Carson asked Mr. Wheable regarding his ability to make difficult decisions because of being a long-time resident; Mr. Wheable stated that in his position as County Manager that it would not be personal. He further stated that as an HR Director, he is uniquely qualified

because of his time as the District Attorney prosecuting cases and being able to separate relationships from the situation.

Chairman Howe addressed Mr. Wheable regarding his leaving employment for White Pine County; Mr. Wheable explained his reasoning for leaving White Pine County as an Elected Official and asked the Board to re-evaluate the position yearly to make sure the position is still required. Mr. Wheable further advised the Board of his strengths as a longtime resident and former District Attorney for the county.

The meeting recessed at 11:30 am and came back into session at 11:40 am.

***2. Discussion/for Possible Action: To select a candidate with whom the County intends to enter into a relationship of employment contingent on passing criminal background check and drug screening. Elizabeth Frances, Human Resources Director; Elanie Eldridge, Human Resources Director; Alan Kalt, Chief Financial Officer, POOL/PACT**

Director Frances addressed the Board regarding the choices of: selecting a candidate, widening the candidate pool, or deferment to a later date for further consideration. She advised the Board that the candidates have chosen to stay outside the room for deliberation. The Board discussed their opinions regarding the candidates.

Vice Chairman Godon motioned to approve Michael Wheable for employment as the County Manager, Commissioner Bybee seconded; motion passed 5-0. The candidates were brought into the room and the decision was announced.

***3. Discussion/for Possible Action: To negotiate annual salary for selected County Manager applicant consistent with experience and education. Elizabeth Frances, Human Resources Director; Elanie Eldridge, Human Resources Director; Alan Kalt, Chief Financial Officer, POOL/PACT**

District Attorney James S. Beecher advised the Board that it would be best practice to table item 3 for a later date.

Commissioner Ian Bullis motioned to table, Commissioner Carson seconded, motion passed 5-0.

PUBLIC COMMENT

Mr. Chachas readdressed the Board regarding issues with non-domesticated animals in the city and the Regional Planning Commission failing to act on this. Mr. Chachas spoke on the selective enforcement within the county and the city, and the favoritism that he believes is displayed. He further spoke on removal of people from planning boards, the issues with the traffic on Great Basin Boulevard and issues with the engineers. Time was called.

ADJOURNMENT

Commissioner Bybee motioned to adjourn, Commissioner Bullis seconded, motion passed 5-0. Meeting was adjourned at 12:08 pm.

BOARD OF COUNTY COMMISSIONERS

WHITE PINE COUNTY

STATE OF NEVADA

BY:



CHAIRMAN

ATTEST:



WPC CLERK OF THE BOARD

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This Nevada Statute is there for a reason, to protect the public from these type of destructive, government over-reaching charades. What we speak of is the Federal Opioid “Settlement” which was already “settled” but then somehow morphed into an unconstitutional “bullying” of the citizens [state-to-county] SLAPP witch hunt. This was never our lawsuit. As **NRS 252.180** implies, the people of this county refuses and rejects ANY government employee from engaging in opportunistic “SLAPP” Lawfare [*Strategic Lawsuit Against Public Participation*], against its own people. This is a line in the sand never seen before on the county level. The only way to ensure it never happens again, is by holding these public officials accountable to the letter of the law.

Aside from the fact that this “interview” was nothing more than a staged dog and pony show, as evidenced by having picked only 2 running mates to interview after having collected over 65 applications (from our count), which some 30% of these resumes from our examination, blow Wheable's credentials OUT OF THE BALL PARK (respectfully). We turned away a staggering number of applicants with some of the most impressive achievement, qualifications and talent, which would have taken us down a much better course than this most damaging lawless course Wheable has forged forward for us.

The fact that Wheable was selected for hire for this new-to-the-scene County Manager position, exactly 1 year and 1 day from the day he resigned, is just another red flag indicator that Wheable KNEW exactly what he was doing. What remains to be investigated, is which County Commissioners also were “in-the-know” beforehand, about this being a pre-fabricated orchestration?

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