



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 7, 2019

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of John Giomi as the Public Guardian for a four-year term beginning on November 7, 2019 through November 6, 2023 and to set the starting compensation at \$75,000 per year. (Nancy Paulson, npaulson@carson.org)

Staff Summary: Nevada Revised Statutes (NRS) 253.150 requires the Board of Supervisors to establish the office of public guardian and to appoint a public guardian to serve at the pleasure of the Board for a term of four years. The City Manager recommends the appointment of John Giomi for a four-year term beginning on November 7, 2019.

Agenda Action: Formal Action / Motion **Time Requested:** 10 Minutes

Proposed Motion

I move to appoint John Giomi as the Public Guardian for a four-year term beginning on November 7, 2019 through November 6, 2023 and to set the starting compensation at \$75,000 per year.

Board's Strategic Goal

Efficient Government

Previous Action

September 6, 2018 - The Board appointed Jean Perpich as the Public Guardian for a four-year term. Ms. Perpich resigned on July 18, 2019.

September 19, 2019 - The Board appointed Heather Cabral as the Public Guardian for a four-year term. Ms. Cabral resigned on October 24, 2019.

Background/Issues & Analysis

NRS 253.150 requires the Board of Supervisors to establish the office of public guardian and to appoint a public guardian to serve at the pleasure of the Board for a term of four years. Interviews for Public Guardian were held on August 27, 2019. These interviews resulted in several qualified candidates for the position. Heather Cabral was selected as the top candidate by the interview panel and subsequently appointed as the Public Guardian by the Board of Supervisors; however, Ms. Cabral resigned a month later. John Giomi was previously interviewed by the interview panel on August 27, 2019 for Public Guardian, and the City Manager recommends appointing Mr. Giomi for a term beginning November 7, 2019 through November 6, 2023, and to set the starting compensation at \$75,000 per year.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 253.150

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: General Fund/Public Guardian Department 1010217-500101 to 1010217-500271

Is it currently budgeted? Yes

Explanation of Fiscal Impact: This position is included in the FY 20 budget in the amount of \$118,473 for salary (\$77,625) and benefits (\$40,848).

Alternatives

In accordance with NRS 253.150, the Board of Supervisors is responsible for the appointment of the Public Guardian. The Board of Supervisors may appoint another qualified person, designate an elected or appointed county officer as the ex officio public guardian, designate another county officer to execute the powers and duties of the public guardian, contract with a private professional guardian to act as public guardian, or contract with a neighboring county in the same judicial district to provide the services to Carson City.

Attachments:

[J Giomi Application.pdf](#)

[Public Guardian Job Description.doc](#)

[NRS - Public Guardian.docx](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

433 - Public Guardian

Contact Information -- Person ID: 37115926

Name: John C. Giomi Address:

Home Phone: Alternate Phone:

Email: Notification Email

Former Last Name: Preference:

Month and Day of Birth:

Personal Information

Driver's License:

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Master's Degree

Preferences

Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

Objective

My decades of practicing law and accounting in the public and private sectors, establishing and managing the Douglas County SAFE (Special Advocate for Elders) a social service program, being a Guardian of the person and estate of numerous individuals and managing their estates in excess of \$13 million, being the Carson City Public Guardian case manager since December 28, 2018, and being the Carson City Deputy Public Guardian makes me uniquely qualified to become the Carson City Public Guardian.

Education

Graduate School
McGeorge School of Law
 8/1983 - 6/1984
 Sacramento, California
 Did you graduate: Yes
 College Major/Minor: Masters of Laws in Taxation
 Degree Received: Master's

Graduate School
University of Arizona
 8/1974 - 5/1977
 Tucson, Arizona
 Did you graduate: Yes
 College Major/Minor: Law
 Units Completed: 90 Semester
 Degree Received: Other

College
University of Nevada, Reno
 6/1969 - 12/1972
 Reno, Nevada
 Did you graduate: Yes
 College Major/Minor: Business Administration/Accounting
 Units Completed: 128 Semester
 Degree Received: Bachelor's

Work Experience

Case Manager from December 28, 2018 and Deputy Public Guardian July 2, 2019 to present
 12/2018 - Present
 Hours worked per week: 50
 Monthly Salary: \$4,500.00
 # of Employees Supervised: 2
 Name of Supervisor: Adriana Fralick - Acting

Carson City Public Guardian
201 N. Carson St. Ste. 1
Carson City, Nevada 89701
775 887-2295

Public Guardian/Deputy City Manager
May we contact this employer? Yes

Duties

Since July 1, 2019 I have been doing all of the duties of Public Guardian with the exception of personnel issues. I have been reporting to Ms. Fralick but the responsibilities of the office have been mine.

Since I was hired in December I have been doing all of the duties of the Public Guardian but for personnel and banking. I am now doing all of the banking. I file for public assistance through Medicaid, Social Security, the Veterans Administration, attend Court hearings, direct our attorneys as to what this office believes is in the best interest of our clients, I prepare and sign POLST (Do Not Resuscitate) Orders, I work with facilities and ultimately make the decision as to when Hospice should be in place, visit clients regularly, review their financial situation and make appropriate decisions, and I am working with the District Attorney's office to implement new policies and procedures for our office and refine our filing system.

Reason for Leaving

Still working

CEO

10/2009 - 8/2016

Senior Advocacy Group Inc.
1554 Evergreen Dr.
Carson City, Nevada 89703
619 818-2345

Hours worked per week: 20
Monthly Salary: \$4,000.00
of Employees Supervised: 10
Name of Supervisor: John Giomi - Guardian of the person and estate
May we contact this employer? Yes

Duties

This company also was used to be paid for SAFE work from Douglas County.

My duties as the guardian of the person and estate of a brother and sister was to supervise a staff of approximately 10 people that gave 24 hour care to the elderly siblings at the brother's home in Indian Hills. The care of the Wards included preparing meals, dealing with medications, entertainment of the Wards, taking to and from medical appointments, maintaining the home, and creating a wonderful and fun atmosphere for the Wards to live in. I also managed an estate of approximately \$7 million.

Reason for Leaving

The last of my Wards in my private guardianship practice died.

Founder/Coordinator

1/2009 - 6/2016

Douglas County SAFE
Court House
Minden, Nevada 89423

Hours worked per week: 35
Monthly Salary: \$5,000.00
of Employees Supervised: 15
Name of Supervisor: Judge Michael Gibbons - Chief Judge of the Nevada Appellate Court
May we contact this employer? Yes

Duties

The SAFE program trained volunteers that acted as Guardian ad Litem. I trained and supervised upwards of 15 volunteers annually and we were appointed on hundreds of cases. It was my duty to interview the Ward or proposed Ward (now referred to as Protected Person) opine on the guardianship plan including financial, place of residence and who should be appointed as guardian. We assisted the Douglas County Public Guardian take her Wards to doctor visits, see them at facilities, and review the PG plan of care.

SAFE uncovered elder abuse and elder exploitation in the forms of abandonment and physical and mental abuse by friends and relatives. We recovered well over two million dollars of money and property illegally taken by others. I had five volunteers that worked a minimum of five years for the program.

Reason for Leaving

The funding for the position was not available.

Certificates and Licenses

Type: National Guardianship Association Certification

Number: N/A

Issued by: Center for Guardianship Certification

Date Issued: 8 /2018 Date Expires: 8 /2020

Skills

Office Skills

Typing:
Data Entry:

Other Skills

Word Processing Intermediate - 30 years and 1 months

Languages

English - Speak, Read, Write

Additional Information

References

Professional
Gibbons, Michael
Chief Judge of the Nevada Court of Appeals
201 South Carson St
Carson City, Nevada 89701
775 684-1520
judgempg@gmail.com

Professional
Fliegler, Robert
Medical Doctor
206 North Curry St
Carson City, Nevada 89703
775 841-7644
robert@fliegler.com

Professional
Gibson, Marla
Divisional Business Office Consultant for Empres
Health parent of Mt. View & Ormsby SNF's
201 Koontz
Carson City, Nevada 89701
775 301-0167
mjgibson@empres.com

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
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NGA Guardianship
Certificate.pdf

NGA Guardianship
Certificate.pdf

License

Job Seeker

Agency-Wide Questions

1. Q: Have you been previously employed by Carson City?

A: Yes

2. Q: Are you related to a current or former employee of Carson City?

A: Yes

3. Q: If you stated "yes" to the above question, please state the employee's name and the department for which they work.

A: Stacey Giomi is possibly a cousin but my family history going back to my great grandfather indicates we are not related.

4. Q: How did you learn of this vacancy?

A: Other

5. Q: Are you a veteran who has been honorably discharged from the United States military? If so, please attach a copy of your DD-214 "Certificate of Release or Discharge from Active Duty" to your application at time of submittal.

A: No

6. Q: By clicking on the "yes" button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that all offers of employment and all information regarding compensation and other terms and conditions of employment will be made in writing, verbal statements may not be relied upon. Employment is "at-will", unless specifically stated otherwise. "At will" means Carson City may terminate my employment at any time, with no advance notice, and for any reason or no reason. I understand that if I am asked, I will have to verify any and all information given on this application. I understand that this application is the property of Carson City and will not be returned. If I am hired, the application will become part of my personnel file. I authorize Carson City to investigate my background by contacting my references and to make an independent investigation of any character, conduct and employment records; including, but not limited to, criminal and traffic records. I hereby release all employers, schools, or persons from all liability in responding to inquiries in connection with my application. I understand that any misrepresentation, falsification, or material omission of information may result in my failure to receive an offer, or if I have been hired, in my dismissal from employment, regardless of length of employment. I will be required to submit to a criminal background check. I may be required to submit to a pre-employment drug and/or alcohol test. I understand that if I am hired into a sworn position with the Fire Department or an FTA/FMCSA covered position, I will be subject to random drug and/or alcohol testing. I may be required to participate in a written examination, oral examination, medical examination and/or any other examination deemed necessary by the Department/Office to determine if I meet the minimum qualifications of the position. I understand that I must notify Human Resources of any changes in my name, address, or phone number. Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States. Carson City participates in E-Verify.

A: Yes

Supplemental Questions

1. Q: The following supplemental questions must be completed and submitted by the final filing date and time in order to be considered for this position. All parts of the application and supplemental questions must be complete, including the section covering previous work history and specific duties performed (DO NOT write "see attached resume"). The supplemental questions require you to describe your training and experience that qualify you for this position. Have you read and understand the statement above?

A: Yes

- 2. Q:** I acknowledge and understand that by submitting this application, the information in the application as well as any supporting documentation that I submit will become a public record and will be available to the public including being posted on the Carson City website. I understand that this is a Board of Supervisor appointed position. If selected as a final candidate, my interviews will be conducted in public meetings that may be broadcast on television, public access television via the cable television system and/or the internet via Carson City's website. I further understand that at the public meetings, the interview panel members and/or the Board of Supervisors may consider my character, conduct and professional competence. I waive any and all rights to further notice of the public postings of information, notices of the fact that the interviews will be held in public meetings, what may be discussed at the meetings, including, without limitation, any notices that may be required by the Nevada Open Meeting law, specifically Nevada Revised Statutes Chapter 241 and hereby consent to these actions. Do you agree to the terms and conditions set forth above? Note: If you select "No" please do not submit your application for consideration, as the information contained in the application and the supplemental information you provide, if any, will be subject to public disclosure.

A: Yes

- 3. Q:** I acknowledge and understand that if offered employment, the offer will be contingent upon passing a background check, which includes, but is not limited to a fingerprint based check, a credit report check and a drug screen. The waivers for the background checks will be provided to you before being asked to submit to the screenings. Do you understand and accept the terms outlined above?

A: Yes

- 4. Q:** Do you have a valid and unrestricted driver's license?

A: Yes

- 5. Q:** Are you certified through the National Guardianship Association? If yes, please attach the certification.

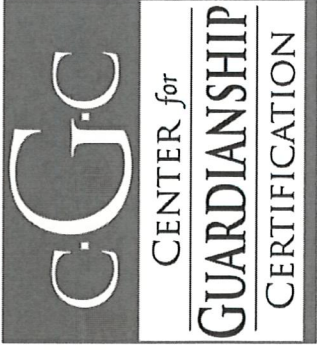
A: Yes

- 6. Q:** Do you have a bachelor's degree in business, public administration, a social science, behavior science or related field? If yes, please attach a copy of the diploma.

A: Yes

- 7. Q:** Do you have four (4) years of full-time professional experience in either asset management and distribution or social service delivery preferably involving public guardianship or similar functions, such as Medicaid or aging and disability services, one (1) year of which was in a supervisory role? If yes, please list your experience below in specific detail.

A: I do. I worked for approximately 7.5 years managing the Douglas County SAFE Program that was recognized by the Nevada Division of Aging as a social service delivery program when we applied for grants. I managed two different Estates in Guardianships and Conservatorship that totaled approximately \$13,000,000 for approximately 10 years. I am currently thoroughly involved in applying for and managing Medicaid, Medicare, and Social Security for the Carson City Public Guardian's Office as well as dealing with approximately 65 clients.



Center for Guardianship Certification

PO Box 5704 ♦ Harrisburg, PA 17110 ♦ 717.238.4689 ♦ 717.238.9985 fax

This certificate acknowledges that

John Giomi

Is currently certified as a National Certified Guardian by the
Center for Guardianship Certification

Julia Mack, MMG Emeritus

Committee Chairperson

M. Jean Kraku, MMG

President

August 31, 2020

Expiration Date



JOB DESCRIPTION

JOB TITLE:	Public Guardian	FLSA:	Exempt
DEPARTMENT:	Public Guardian	GRADE:	BA1
REPORTS TO:	City Manager	DATE:	May, 2018
		REVISED:	July, 2019

SUMMARY OF JOB PURPOSE:

This is a Board of Supervisor appointed, FLSA exempt position located in Carson City, Nevada. Under administrative direction, plans, organizes, administers, and directs the operation of the functions of the Office of the Public Guardian; manages and directs guardianship, representative payee, and support services.

ESSENTIAL FUNCTIONS:

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbent(s) may be expected to perform job-related duties other than those contained in this document and may be required to have specific job-related knowledge and skills.

- Responsible for the development and implementation of goals, objectives, policies, procedures and work standards for the Office of the Public Guardian.
- Plans, organizes, and supervises the day-to-day activities of assigned support staff.
- Contributes to the overall quality of the department's service provision by developing and coordinating work teams and by reviewing, recommending and implementing improved policies and procedures.
- Receives referrals from government entities, law enforcement, medical institutions, and the general public for guardianship services for proposed protected persons; reviews information to determine whether proposed protected person meets requirements for appointment of Public Guardian; works with legal counsel to file appropriate documents to initiate guardianship proceedings.
- Assesses the financial and physical needs of clients to make eligibility determinations and coordinate available community resources and professional care, including medical, placement, legal needs and daily living skills, to meet client needs to maintain optimum quality of life and care within available resources.
- Upon court appointment, manages the estate of protected persons, including receipt of income, payment of expenses and claims, inventory of property, sale of property if necessary, investment of income as appropriate; and winds up affairs and administers estates when necessary.
- Upon court appointment, secures and maintains government and other benefits on behalf of the protected person as appropriate, including Medicaid, Medicare, Social Security Disability.
- Confers with and coordinates assigned activities with service providers in various public and private organizations to ensure that resources are appropriately utilized and that all clients receive the most effective provision of services.
- Interacts with the courts and all entities involved in the legal process.

ESSENTIAL FUNCTIONS:

- Receives and monitors court ordered assignments from inception to completion and final discharge by the court.
- Serves on task forces and committees promoting protective services and senior related issues.
- Maintains accurate records and files.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures and other written materials, including necessary annual reports and accountings to the court.
- Monitors and interprets changes in laws and regulations related to assigned functions; evaluates their impact upon departmental activities and develops and implements policy and procedural changes as required.
- Uses standard office equipment, including a computer, in the course of the work.
- Drives a personal or City motor vehicle to attend off-site meetings, visit off-site locations and conduct other Public Guardian business.
- Demonstrates courteous and cooperative behavior when interacting with elected officials, clients, public, and staff; acts in a manner that promotes a harmonious and effective workplace environment; develops and maintains collaborative relationships with community resource stakeholders.

QUALIFICATIONS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Education and Experience:

Bachelor's Degree in business or public administration, social science, behavioral science or a field related to the work; AND four (4) years of full-time professional experience in either asset management and distribution or social service delivery preferably involving public guardianship or similar functions, such as Medicaid or aging and disability services, one (1) year of which was in a supervisory role; OR an equivalent combination of education, training and experience as determined by Human Resources.

REQUIRED CERTIFICATES, LICENSES, AND REGISTRATIONS:

- Valid driver's license
- Certified Guardian with the Center for Guardianship Association at time of appointment, or within one year of appointment.

Required Knowledge and Skills

Knowledge of:

- Principles and practices of public guardian case management, social work and social service provision.
- State and federal laws, regulations and guidelines related to guardianship.
- Crisis intervention and counseling techniques.
- Effects of mental and physical illnesses.
- Investigative techniques and practices.
- Principles and practices of estate property accounting and money management.
- Administrative principles and practices, including goal setting, program development, implementation and evaluation, and the management of employees.
- Applicable laws, codes and regulations; computer applications related to the work.
- Record management principles and practices.
- Techniques for dealing with a variety of individuals from various socioeconomic, ethnic and cultural backgrounds, often in situations which may be stressful.
- Standard office practices and procedures, including filing and the operation of standard office equipment.
- Communicating effectively in oral and written forms.

Skill in:

- Planning, organizing, supervising, reviewing and evaluating the work of others.
- Interpreting, applying and explaining laws and regulations relating to assigned functions.
- Preparing clear and concise reports, correspondence and other written materials;
- Using initiative and independent judgment within general policy guidelines.
- Using tact, discretion and prudence in dealing with those contacted in the course of the work.
- Establishing and maintaining effective work relationships with staff, coworkers, contractors and the public.

SUPERVISION RECEIVED AND EXERCISED:

Under Administrative Direction - Incumbents at this level are responsible for unusual, technical, complex, highly sensitive, political, and far reaching work related issues and for policy recommendations to political oversight groups. They plan, organize, and determine work methods, implementation mechanisms, and operating procedures used to achieve goals and objectives set forth by general plans, broad policies, budgetary limitations, and legal and professional standards. The incumbents have responsibility for planning and organizing work, as well as considerable latitude interpreting and applying broad policies, rules, and regulations. Work performance is usually measured by total results and a governing body usually provides supervision.

PHYSICAL DEMANDS & WORKING ENVIRONMENT:

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Mobility to work in a typical office setting, use standard office equipment and stamina to sit for extended periods of time; strength to exert up to 50 pounds of force occasionally and up to 20 pounds of force frequently to lift, carry, push, pull or move objects; vision to read printed materials; and hearing and speech to communicate in person or over the telephone; exposure to traffic conditions and external environment when traveling from one office to another.

CONDITIONS OF EMPLOYMENT:

1. Unclassified employees are "At Will" and as such, may be terminated at any time for any reason, or no reason.
2. Continued employment is contingent upon all required licenses and certificates being maintained in active status without suspension or revocation.
3. Any City employee may be required to stay at or return to work during emergencies to perform duties specific to this classification or to perform other duties as requested in an assigned response position. This may require working a non-traditional work schedule or working outside normal assigned duties during the incident and/or emergency.
4. Employees may be required to complete Incident Command System training as a condition of continuing employment.
5. New employees are required to submit to a fingerprint based background investigation which cost the new employee \$56.25 and a drug screen which costs \$36.50. Employment is contingent upon passing the drug screen and the background investigation.
6. Carson City participates in E-Verify and will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each applicant's Form I-9 to confirm work authorization. All candidates who are offered employment with Carson City must complete Section 1 of the Form I-9 along with the required proof of their right to work in the United States and proof of their identity prior to starting employment. Please be prepared to provide required documentation as soon as possible after the job offer is made. For additional information regarding acceptable documents for this purpose, please contact Human Resources at 775.887.2103 or go to the U.S. Citizenship and Immigration Services web page at www.ucis.gov.
7. Per NRS 281.574 this position has been determined to fall under the category as "Public Officer". Public Officer is defined as those persons serving in a position designated by NRS 281A.160 or 281A.182. Individuals are required to complete the "Nevada Acknowledgement of Ethical Standards for Public Officers" form, as well as file a "Financial Disclosure Statement" with the Nevada Secretary of State office.

I have read and understand the contents of this Job Description, and I have received a copy of this Job Description for my records.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

“Carson City is an Equal Opportunity Employer”

PUBLIC GUARDIANS

NRS 253.150 Establishment of office by county commissioners; appointment, designation or contract; compensation.

1. The board of county commissioners of each county shall establish the office of public guardian.
2. The board of county commissioners shall:
 - (a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;
 - (b) Designate an elected or appointed county officer as ex officio public guardian;
 - (c) Pursuant to the mechanism set forth in [NRS 244.1507](#), designate another county officer to execute the powers and duties of the public guardian;
 - (d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or
 - (e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.
3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.
4. As used in this section, "private professional guardian" has the meaning ascribed to it in [NRS 159.024](#) and [159A.024](#), except that the term does not include:
 - (a) A banking corporation, as defined in [NRS 657.016](#), or an organization permitted to act as a fiduciary pursuant to [NRS 662.245](#) if it is appointed as guardian of an estate only.
 - (b) A trust company, as defined in [NRS 669.070](#).
 - (c) A court-appointed attorney licensed to practice law in this State.
 - (d) A trustee under a deed of trust.
 - (e) A fiduciary under a court trust.(Added to NRS by [1977, 486](#); A [1989, 1041](#); [2003, 804](#); [2007, 2489](#); [2009, 593](#); [2015, 2370](#); [2017, 892](#))

NRS 253.160 Bond; oath.

1. Upon taking office, a public guardian shall file with the county clerk a general bond in an amount fixed by the board of county commissioners payable to the State of Nevada with sureties approved by the board of county commissioners. The premium for the bond shall be paid from the general funds of the county and be conditioned upon the public guardian's faithful performance of his or her duties.
2. The general bond and oath of office of a public guardian are in lieu of the bonds and oaths required of private guardians.
3. The oath and bond of an elected or appointed public officer designated public guardian or designated to execute the powers and duties of the public guardian pursuant to paragraph (b) or (c) of subsection 2 of [NRS 253.150](#) are in lieu of the bonds and oaths required of private guardians. The court may require such a designee to execute a separate bond for any guardianship in the manner prescribed in [NRS 159.065](#) or [159A.065](#).
(Added to NRS by [1977, 486](#); A [1989, 1041](#); [2009, 594](#); [2017, 892](#))

NRS 253.170 Vacancy.

1. If a vacancy occurs in the office of public guardian before the expiration of a normal term, the vacancy shall be filled promptly by the board of county commissioners.
2. The board of county commissioners may designate any qualified person to serve as acting public guardian until a vacancy in such office is filled.
(Added to NRS by [1977, 486](#); A [2003, 805](#))