

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF LINCOLN,
STATE OF NEVADA

January 7, 2008

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The Board met in regular session with Chairwoman Ronda Hornbeck calling the meeting to order at 9:06. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Ronda Hornbeck and Bill Lloyd being present. Commissioners Paul Mathews and Wade Poulsen are absent at this time but are expected to join the meeting at some point. There is a quorum present and the agenda was posted on 12-31-07 to comply with the open meeting law. The Invocation is offered by Jason Bleak and Tommy led the Pledge of Allegiance. District Attorney Greg Barlow is present as is County Manager John Lovelady.

CONSENT AGENDA

- #2 Approve/Deny minutes of the December 17, 2007 Commission meeting.
- #3 Approve/Deny special assessment for Ash Springs Irrigation Company in the amount of \$19,766.24.
- #4 Approve/Deny appointment of Kevin Phillips to the RTC Board for a 2 year term expiring 12/31/09.
- #5 Approve/Deny appointment of Ed Maloy to the Obligation Board for a 2 year term expiring 12/31/09.

Tommy made a motion to approve the consent agenda; seconded by Bill. All voted in favor.

#9-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. There are vouchers from Verizon that contain a data fee. The particular one of concern is higher than the usual and is for \$25.82. Leslie wasn't sure if the Board had previously approved text messaging and included it as part of the policy. John advised that Clint requested that the county provide him with the ability to do anything that had to do with data. At that time, the Board said no.

Paul joins the meeting at this time.

The approved amount was up to \$55.00 per month. The Board agreed that data has never been approved and it is basic telephone only. In the past there have been payments made for data for the Road Department in the approximate amount of \$82.00. Ronda stated that the RD has the ability to talk on the radios in their trucks as well as their cell phones. Steve, Shane and two other phones were approved for the RD. Approximately 200 messages were received and 200 were sent. The Board agreed that this shouldn't be paid for.

Wade joins the meeting at this time.

Bill stated that if the text messages were county business he doesn't see a problem with it. Paul stated that the only time a text would be viable is when they are working out of service. Unlimited text messaging costs about \$10 per month and is built into the contract. However, the fees that the county has agreed to pay don't include text messaging. Leslie advised that there is a voucher from LC Transportation requesting payment from RTC in the amount of \$30,000. However, Leslie has requested the minutes from RTC and hasn't been able to get them. Steve has advised that he will pay for the texting costs and he wasn't aware that it cost money to text as he doesn't receive the bill. Steve has also agreed to pay for the back billing on these text messages (\$69.14). John will advise him that the policy provides for \$55.00. Leslie will go ahead and pay the bill and then reimburse the account when Steve brings in his payment. **Tommy made a motion to approve the vouchers as presented with the exception of the request from LC Transportation to RTC for \$30,000; seconded by Wade. All voted in favor.**

OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$979,140.59 with estimated expenditures being \$167,351.18. This leaves General County with a balance of \$811,789.41. Transportation has a negative balance of \$1,308.51 with estimated expenditures being \$2,057.85. This leaves Transportation with a negative balance of \$3,366.36. Nutrition has a negative cash balance of \$5,438.43 with estimated expenditures being \$10,749.83. This leaves Nutrition with a negative balance of \$15,489.26. Detention Center has a negative balance of \$186,186.42 with estimated expenditures being \$74,265.07. This leaves Detention Center with a

negative balance of \$260,451.49. The total amount billed for November is \$152,880.00 and December has been billed also, but the exact amount is unknown at this time.

#7-MEDICAL SAVINGS ACCOUNT

John advised that Aflac was established already but the limit per individual is \$2,000 per year. In order to start the fund there has to be a certain amount in it. Leslie needs something to authorize the establishment of the fund. **Wade made a motion to establish the Medical Savings account in the General Miscellaneous in the amount of \$5,000; seconded by Tommy. All voted in favor.**

#8-CONTRACT NEGOTIATIONS

Tommy made a motion to appoint Wade and Bill to represent the Lincoln County Board of Commissioner in employee contract negotiations; seconded by Paul. All voted in favor.

#10-LINCOLN COUNTY AMBULANCE

Chuck Reifsnnyder presented this item. Lincoln County Ambulance is based in Pioche and covers the north end of the county. Right now this ambulance is not running at all due to lack of staff and other requirements. Chuck is the only licensed EMT in Pioche at this time. NRS and NAC require that there are at least two licensed individuals to go on an ambulance run. Chuck is working on getting a variance that would allow trained personal to go on runs. If granted, the ambulance will be up and running. Chuck is also working on another EMT class. Chuck believes that it costs about \$350 dollars out of pocket to attend the courses. There is also travel time involved. It will also cost the individuals \$100 to take the test. All of the rural areas are having issues with the testing problems, but currently you have to travel to Reno or Las Vegas to test. There have been issues with the practicals that may require travel to Reno to take this portion of the test. Paul questioned if it would be advantageous to lump all of the different services into one. Chuck responded by saying that the state doesn't want to combine the two licenses for Meadow Valley Ambulance and Lincoln County Ambulance. Bill stated that he put in over 30 hours of training but no one seems to know where his training hours are. Bill has been on the ambulance service for over 40 years. There are half a dozen people keeping records. Chuck stated that for some reason the sign in sheets for the training couldn't be located. Paul stated that the organization is spread out and repetitive. The Commission is only responsible for the two ambulance services in the northern end of the county. Paul stated that any manager involved in this should be responsible for answering to the County Manager. The county provides a budget to the ambulance and funds the payment of the salaries. If the two associations were combined, Paul asked if it would create more coordination. Chuck stated that he isn't saying that it shouldn't be under one person. Chuck further stated that staffing will still be an issue if the entities are combined. Pahranaagat Valley has a structure for payment of run and type of run. PV gives gas vouchers in some situations. Chuck stated that MV and LC Ambulance still pay based on type of runs as well. Chuck doesn't believe that the money is the issue; it is the time investment that the people have to put into it. Wade stated that in past decisions, the Board has agreed to reimburse the fees paid out by individuals that take the class. The Board has agreed to reimburse only if the person passes the class, gets certified and licensed and they have to serve for one year. Tommy questioned what good it would do to recertify if the records get lost. Chuck advised that it is the responsibility of the individual to recertify and outlined the courses available. Ronda stated that there needs to be a central location and it would be better if the two entities were combined. The state doesn't want to combine the licenses. Chuck reminded the Board that it has been discussed that both entities could be combined, licenses remaining separate, and it could be run by one person. Ronda further stated that the hours need to be kept in an office where everyone can come back and check the records in order to avoid the loss of such. If the record of attendance wasn't provided to Bill at the time then a copy of it should be required to be sent to this main office. Mr. Henderson has advised that the particular person at this time who is responsible for holding onto the records won't give them out; they've either lost them or refuse to give them up. Tommy stated that the person who needs to be put in charge needs to have administration experience. Tommy suggested that this be put on the next agenda for action to provide for one responsible person. Tommy further suggested that Jason Bleak be made this administrator to solve these problems and maintain these records. It won't train new people, but records will be kept and made available. Wade would like to see an organizational chart of all of the positions for MV and LC Ambulance. Wade wants to see who does what. From this chart, it would make it more clear as to what needs to be done to correct the issues. Joanne Dixon stated that it doesn't matter who does what or who is in charge there are no EMTs in Pioche. Kerry Lee stated that his records are audited by the State and all training gets recorded. If these records were maintained correctly, Bill wouldn't have lost his license and there would be two EMTs in Pioche. Jean Lucht advised that many letters have been sent to the individual who has the records requesting such records and all equipment that he has. No response has been received. Jean will assist John in getting this on the agenda and researching these issues. Veronica Lawrence agrees with Tommy that an administrator needs to be responsible for the ambulance. Veronica stated that there are drugs on the ambulance that are expired or missing from the ambulance. Intermediate EMTs are allowed to

intubate but there are no sedation drugs available to avoid the patient from pulling the tubes out. There isn't even Benadryl available on the ambulance for allergic reactions. Veronica said that the county is paying EMTs that refuse to run a transport and have never even gone on a run since they passed the course. The county is paying for their continued education. There is an entire set of issues which runs from not enough volunteers and the ambulance isn't making money based on lack of billing. The ambulance isn't equipped for what the EMTs are certified to do. Veronica reiterated that these issues need to be addressed with an administrator being put in place. The hospital has the ability to bill insurance and it would be ideal for the hospital to become the administrator of the ambulances. Reimbursement of supplies used will allow for current medications and proper stocking of the ambulances. Bill advised that there is currently someone that does the billing who documents what supplies are used and gets reimbursement for such. Jason advised that he will do whatever he can to help. John will continue to work on this and it will be placed back on the agenda. John will also try and gain training records for the EMS personnel in the county.

#10-LIQUOR BOARD

Tommy made a motion to go into Liquor Board; seconded by Wade. All voted in favor. Tommy made a motion to go back into Commission; seconded by Wade. All voted in favor.

#9-LINCOLN COUNTY FAIR & RECREATION BOARD

John advised that the only person that expressed an interest in this board is Jule Wadsworth, who would be at large. This is not being discussed because the F&R isn't doing its job; it is being addressed at the appointments for the F&R consists mainly of persons from the south. The question was whether or not there were other individuals interested in serving that were from other areas of the county. Kris Higbee stated that, at the last meeting, the board felt that Jule's interest was geared more towards the rodeo; it was felt that Jule would be better served by being a committee chair over the fair. Ronda read a letter from Robin Simmers into the record. Kris advised that Robin needs to be on the board based on many of the things going on with the fairgrounds. Room Tax is content with the current makeup of the board. Room Tax appoints the committees. Paul agreed that Jule's ambition is to have a fair and functioning rodeo. Paul felt that the Room Tax board should remain the same and then take a proactive stance to get these things going. **Paul made a motion to appoint Candace Mortenson, Robin Simmers and Kim Turley to the Fair and Recreation Board for a 2 year term expiring 12-31-09 and encouraged the board members to contact Jule Wadsworth concerning the fair committee; seconded by Tommy. All voted in favor.**

#15-TRI-COUNTY WEED CONTROL

Brandon Vaught is present from Tri-County Weed Control. Brandon discussed the request for a pay increase. **Paul made a motion to approve the rate increase as stated in the tables, retroactive to July 1, 2007; seconded by Wade. All voted in favor.**

#6-VOUCHERS

The RTC voucher will be held until it is approved by RTC. **Tommy made a motion to send the RTC voucher back to the committee; seconded by Wade. All voted in favor.**

#21-COUNTY MANAGER ITEMS

John Lovelady, County Manager, presented this item. a) Update—John requested clarification concerning the emergency management. Will it be taken to half time with benefits or 19 ½ hours. The Board agreed that the position was meant to be taken back to what it was previously (half time), not 19 ½ hours. b) Letter to NACO requesting support for Lincoln County's opposition to wind powered electrical generation facilities in the Mount Wilson and Table Mountain areas—**Wade made a motion to approve the letter to NACO; seconded by Paul. All voted in favor.**

#12-GRANTS

Phyllis Robistow, Grants Administrator presented this item. a) Update—Phyllis sent in three SNPLMA applications, including Echo Canyon Camp Ground and Firemen's Park in Panaca. The bid for the Alamo Parks was way over. Chuck Brechler, Wendy Rudder, Ken Dixon and Joe Leslie met with Phyllis to review the bids. The Children's Park bid will be awarded to the lowest bidder. Phyllis found extra money to cover the overages and certain things were removed from the plans. There is an issue with the rodeo grounds. Some things have been removed, including RV parking. This will have to be re-bid due to the changes. Wade asked if it was possible phase some of the items that had to be removed. Yes. Phyllis advised that this is possible, for instance the audio system will go to direct bid, which will result in a better price. These removals have been discussed with Jeremy Brooks. SNPLMA is asking that everyone phase as much as they can as the funding has been so drastically reduced. Pre-Disaster Mitigation Grants didn't qualify for this year. None of the projects

that LC was looking at met the requirements for this year. Ronda stated that the Panaca flood issues need to be pushed. The Pre-Disaster Mitigation plan for LC is due for an update this year. Phyllis stressed the importance of getting it done. Drop structures aren't mentioned anywhere in this plan nor are the Panaca Flood issues. Phyllis got an extension on the Pioche Sewer Project. USDA is currently reviewing the bid packets. Pioche Sewer Project will go out to bid soon and the majority of the work will be done by PPU. It is possible that the project will finish \$200,000 short and will have to go through another grant cycle. The cost for these projects continues to rise, which means that greater amounts of money will have to be requested. Ken and Phyllis will be putting together a bid package for the Thompson Opera House to complete the \$110,000 grant that they currently have. b) Report on progress of full grant application to Economic Development Administration for \$2,300,000.00 for on-site infrastructure for the Alamo Industrial Park. The Board may hear updates concerning water, sewer and electricity availability and may also take action to identify funding source(s) for the purchase and development of the Alamo Industrial Park—John recapped Option 3 that was previously approved by the Board. Purchase of the land is \$685,000. NCED amounts to \$280,000 which leaves \$405,000. \$405,000 will be taken from the loan. Proceeds from the sales are expected to equal \$685,000, which means that the loan will be repaid and the county will realize a \$280,000 remaining amount. LC Power #1 needs to update its line which will cost about \$40 million. A minimum of \$6 million would do an 18 mw upgrade. Any significant upgrade has to be done in conjunction with developers, who will have to participate in funding. Alamo Power District #3 will provide a "Will Provide" letter. The county will need to participate in getting the power to the site. John believes that a portion of the EDA grant can be used to assist the power district to bring the power down, but not for the \$6 million. In order to bond, the power district will have to add another 1,000 meters. The total for EDA is \$3,850,000. The county will have to match \$1.55 million. The secured match is \$345,000, which the county already has. This leaves \$1.2 million in required match on the county behalf. LC will continue to seek grants. Some of the monies that the county has will not qualify for use as match against the EDA. As nearly as can be figured, the county (if development is done using the EDA grant) is still short \$905,000. Ronda advised that the Board needs to understand what they are obligating their county to. The county has about 18 months to come up with the \$905,000. Wade stated that the loan is paid if all of the ground is paid, except for the 160 acres committed to Wingfield. Paul stated that the Board can commit that they won't spend county funds out of county general but that only what grant match is available can be spent. The project will have to be phased. No development could be done above what available match existed. Once the grant is submitted, there are five years. The county has to pay for the development first then get reimbursed by EDA. There is some discussion concerning the fact that Caliente couldn't get the rest of the match so they had to de-obligate the monies from EDA. This equates to "their name is Mud with EDA". If this happens to LC, the county will never get another EDA grant. The whole county operates on a 20mw system for power. The county is currently using 18 mw. .7 of this can be used in Alamo. Alamo Power has advised that they will service the Alamo Industrial Park, but no other growth can occur. Alamo Power has approximately 1mw by restructuring. LC Power is not willing to get rid of their pad for the rest of the county, which means that the Board is looking at a will-serve letter for 1mw. The county can't grow at any level until the power line is upgraded from Logandale. Steel Tech will need 1.6mw for their facility for complete and total build out; 1.6mw isn't needed immediately. Ken advised that Steel Tech will need at least ½ mw or more to even get started. The county's power consumption is growing at 1%. As long as the 1mw power isn't locked up they can continue going for the next 20-30 years at the rate that the county is currently going. Extensive growth will not be possible for the county until the power issue is resolved. Doug Carriger asked if the new 30kv power line that will be constructed in the county was addressed. No. There was talk about a 230 coming to the Cane Springs Road. The bonding for this has set back this progress, though. Doug advised that he understands that, as part of the SNWA project, a 230 kv line will be built from the south (incrementally) that will eventually tie into Ely. In addition to that, the Silver State is looking at getting a 230 kv line. When this line is constructed, even at 138, it will aid LC. This will eventually resolve the power concerns. Doug believes that the 230 line, energized at 138, will be in the county possibly by 2012. The line that will be constructed will be bonded through the Colorado River Commission and will be at no cost to anyone in the county. The \$905,000 that the county has to consider doesn't take into account any work done by Alamo Power. If county forces are used, there will be a cost and this can be applied. Alamo Water & Sewer have hired an engineer, but they can't do engineering for our project that EDA will pay for. If AWS' engineer does studies on their system in relation to the Alamo Industrial Park, this could be used as part of the match but our engineer will have to sign off on their engineer's work. Any money that AWS will put out to bring service to the park can be used as match, but the problem is that if any of the work is done with federal money the county can't use it. Paul advised that the county needs some security that they won't be out there for an enormous amount. Harvey Whittemore is willing to pay for the first 80 acres up front if the county agrees not to go forward with the assessments. If the county does anything, it will be limited to the \$3.85 million. Paul is comfortable with scaling back to Option 3 and just selling the property. If Option 3 is taken, Steel Tech and some others will drop out. Paul stated that the additional 80 acres that Harvey will purchase will have to be paid for before the county's note is due. The buyers/developers are those that will have to make the choices that the Board is discussing right now if Option 3 is used. Harvey has told Ronda that he will help make it work as a developer when the

county is ready to make this work. This is part of the developers' responsibility. White Pine County started in their industrial park in 1980 and acquired the land for pretty much nothing. WP got EDA money for engineering and built roads, water/sewer with county funds. They then came back to EDA and used the money to pave the roads. They didn't sell any land without paved roads. So far, they've sold approximately 8 parcels and this has been a 27 year project. Battle Mountain has never done anything using EDA money. Phyllis pointed out that Nye County asked for money for industrial park/aviation center at Lathrop Wells; they haven't been able to proceed and EDA is now upset with them. Phyllis stated that we don't need to add one more small NV county to EDA that can't keep its promises. ST is willing to come, even after they've been told that there might be a special assessment of \$27,000 per acre over and above. It is unknown if ST is still willing to come under the knowledge that they will have less than 1mw power. The grant money that the county has is only for engineering. There is a question as to whether or not the developers will do Option 3. Wade believes that the ultimate end if ST comes in and the county assumes the \$905,000 debt will be more valuable to the county. John stated that the \$905,000 will come back to the county through taxes. Paul stated that he expects only about 50% of the committed buyers to actually stick. Agreements for the land purchases will need to be put in place. When the land purchase agreements for the LC Land Act were done, there was a stipulation that the developer had to provide a plan to the county for what they were going to do with the property and when. Ronda suggested that the county put a timeline on the purchasers of the land in the AIP to provide a plan and to help make this park succeed through bringing in the power. The county would pledge to work with people and assist in zoning and working through other issues. **Paul made a motion to proceed with the EDA grant with the intent that the county will not write any more checks above the amount of grant money and line of credit that is set aside for this project, and all other match funds to meet EDA requirements must come from outside sources such as land buyers or other grants; seconded by Wade.** John stated that this will create a problem as the minutes have to go in with the application. Phyllis stated that the Board is committing to the \$1.5 million match and if the county runs out of match money they will become just like Caliente. Paul stated that it shouldn't be the responsibility of the general fund to provide the match money. The feds will look at any decision that states that we don't have the funds to go forward. Greg stated that this is a risk. There is no problem with trying to get other match money from whatever source the county can get it from. The county either "gets on the train or off, but can't hang with one foot off the step". Paul would like to go as far as the county can with the grant that is available. Phyllis suggested Option 3 with a caveat. Some engineering be done and the whole project be looked at to see what it will really cost. Then the county could go to EDA next year. John spoke with Rich Tremblay, who advised that if the county isn't ready to do this in the current year, then they should apply for it next year. In March, the county will know if they have the extra \$90,000. John stated that the county can go to the Legislature and this delay will allow for time to go and look for more money. The \$3,800,000 is not going to be enough to do what needs to be done based on inflation factors. Wade stated that the whole purpose of this was to get ST in here. To do that, the county needs to go forward with the EDA grant. If the EDA grant was pursued next year it could be done within six months. Ronda suggested that the Board take some breathing room to figure out exactly they have for match. Ronda further suggested that the county ask for what the county has the match for. Wade questioned if this amount of money would even do anything. Ronda stated that this is the same thing as Paul's motion. EDA will not approve the grant with the wording of the motion. If the grant is approved for \$2.3 million then it can be used as additional funds are received. EDA will not give additional monies and Phyllis advised that the county can't go back and ask for more money. The land will still be purchased if the county doesn't go forward with the EDA grant right now. A simple letter to EDA to request more time for putting in the application would suffice. Ken asked if an amount for how much money the county is willing to spend needs to be set. Paul is trying to take the burden of whether or not this "flies" from the county and put it back on the regional development and all those that have an interest in it. Ronda stated that the county will still be obligated to make this work if the line of credit is used. It is similar to the Detention Center and a check will have to be issued each month. Ronda questioned the use of tax payers' money to make this work. The line of credit will be used to buy the land and when the NCED money comes in it will be paid to the line of credit. This still leaves the county with the responsibility of \$905,000. The loan is out there, whether the county uses it or not. Wade suggested that LC Water District could help with match for water items. Regardless of the how the county gets the \$1.55, the county is on the hook to pay it back. **Paul withdrew his motion. Wade withdrew his second. Paul made a motion to pursue Option 3 and to not commit the county to the \$1.55 million match for the EDA grant; seconded by Bill. Wade and Tommy are opposed. Motion carries.** Paul stated that he is not willing to commit the county to the \$905,000 unsecured. Paul stated that if a great deal of the engineering work was done it could be pinpointed where the money would be spent. Wade stated that the engineering can be discussed all the Board wants, but to make the ground functional there must be pipes and power. Engineering will tell the Board how the pipe and power need to be run. The bottom line is that before any industry can come in there must be power and pipes to the property. Paul stated that he is still committed to getting power and pipes to the property. Paul is not comfortable committing the county to this amount of money without more match money available. Wade stated that the Board is showing the people that want to come into the industrial park that they are committed to helping this happen. LC has a bad reputation because they go for something and then when it becomes a wall

we back away from it. EDA has said the same thing about LC. Wade stated that there comes a point in time when the county either has to commit or just don't do it. Wade doesn't want to commit the county to a \$1 million deficit either, but progress will not happen unless there is risk involved. In order to help ourselves, Wade stated, the county has to be willing to commit the funds and be willing to work through this. Ronda stated that the power companies will be working to see what a cost will be to get power into this area. Ronda further suggested that the county work through some of the unknowns and then come back for the EDA grant in six months. Wade stated that ST is still on a time frame. Time is ticking on the ground also and there comes a time when the Board will have to move on something, Wade said. Agreements need to be in place to flip the ground. It all comes back to this.

Lunch 1:00-1:30

#13-QUARTERLY JAIL TOUR

The Board made the usual quarterly jail tour. Currently, there are 74 inmates, with 10 of those being county inmates. The Board found all in good, working order.

#16-INFORMATION TECHNOLOGY

Tracy Lee presented this item. a) Request for \$9,504.00 augmentation to IT budget to provide funds for internet access to various County campuses and facilities—Tracy advised that when he received that actual budget from the Recorder in October, there was no funding for internet access. This is crucial. Right now the money is being paid by the Recorder out of the PILT fund and if the augmentation doesn't take place the services will have to be terminated. **Wade made a motion to approve \$9,504.00 augmentation to the IT budget to be taken out of General County miscellaneous; seconded by Tommy. All voted in favor.** b) Request to staff to enter into discussions with Lincoln County Telephone Company for an agreement to provide technical services related to operation of the 9-1-1 system—This agreement will define fees, charges, systematic increases and tariff rates will be charged to the county for providing services to the county. Rough numbers have been provided from LCTS. **Tommy made a motion to approve; seconded by Wade. All voted in favor.** c) Agreement between Xtreme Technologies, LLC and Lincoln County for technical services related to the operation of the 9-1-1 system in the amount of \$22,000.00 per year for two years, for a total of \$44,000—Tracy's existing agreement doesn't provide for these services. Ronda questioned the fact that this agreement will only be for two years. Tracy advised that this expiration date will sync this contract with his current contract. Greg advised that there should be some responsibility for services provided, under "Warranty". Tracy stated that he has to provide hardware and equipment that he has no control of, i.e. Dell computers. John asked how much additional time this will require of Tracy, who is already here for three days. Tracy responded that the original agreement was for a day and a half. However, currently he is working forty hours plus per week for the county. It is an arduous task to keep this system functioning. Tommy stated that this contract is only for eighteen months. Tracy offered to extend the contract to January 2010. Tracy advised that this went through the budget process and was included. Greg reviewed paragraph 8, Warranty, and stated that whatever Tracy does with these items should be under warranty in the form of Tracy standing behind his work, not the warranty of the hardware. Tracy didn't comment as to that due to the fact that his legal counsel advised him that this clause needs to be in the contract. Whatever hardware is purchased under this agreement, Tracy will take care of. **Wade made a motion to approve the agreement between Xtreme Technologies and Lincoln County for the operation of the 9-1-1 system in the amount stated in the agreement; seconded by Paul. All voted in favor.**

#12-GRANTS

c) Signature on grant application to Community Development Block Grant for the Small Business Development Center in the amount of \$60,000—**Tommy made a motion to approve the application to CDBG for the Small Business Development Center in the amount of \$60,000; seconded by Bill. All voted in favor.** d) Signature on grant application to Community Development Block Grant for Alamo Industrial Park engineering in the amount of \$190,000—**Paul made a motion to approve the grant application to CDBG for Alamo Industrial Park engineering in the amount of \$190,000; seconded by Tommy. All voted in favor.**

#17-YUCCA MOUNTAIN ISSUES

Mike Baughman presented the comment letter to Department of Energy from Lincoln County Commission for comments to three DOE Environmental Impact Study (EIS) concerning Yucca Mountain Repository and the Caliente Rail Corridor and Alignment. These comments are due on the 10th and Mike will work with Connie Simkins to incorporate whatever changes are required by the Board. These comments demonstrate an absolute ignorance concerning the impacts that the proposed rail alignment will have on private and public property uses, particularly public land grazing. There are many other mitigation efforts that have been identified through the many other existing NEPA documents. These are referenced and

included in the comments letter. Mike stated that they are recommending to DOE that they include the other suite of mitigation measures. DOE is required to submit this EIS with the license application, which they are proposing to submit in June. The hope is that the comments will encourage DOE to do a better job in the final, or to issue a supplement to the draft as there were so many unanswered issues. The problem with this is that the June schedule will be pushed off as they have to have the final EIS to submit with the application. Mike doesn't believe that a supplement will be issued. Once the final EIS is challenged it can still be submitted to NRC while action is pending. NRC might go forward and review this, which could be another legal battle altogether. There is concern that if it goes forward as it is in the EIS there will be a lot of unanticipated consequences. DOE has woefully overshot the mark with their list of mitigation. Candice Jordan advised that NRC sees their mission as relating to nuclear safety and health. If the EIS is insufficient with regards to land use conflicts and mitigation on land use issues, or things that aren't directly related to nuclear safety and health, it is unlikely that NRC would delay to address those deficiencies as this is not part of their mission. Louis Benezet advised that he is very interested in this document and understands that the submission date is the 10th. Louis clarified that the bulk of the suggestions are specifics that have been boiled down from the documents that are being recommended to them for review. Wade presented the following proposed comment for addition to the letter, if the Board is in favor: "In the event that DOE is unwilling or unable to commit to the numerous mitigation measures identified within this comprehensive comment letter and its Exhibits, Lincoln County may seek to prevent construction and operation of the proposed Caliente rail alignment. Further, Lincoln County is concerned that despite DOE efforts to mitigate impacts, many unavoidable adverse impacts, both anticipated and unanticipated, may yet result. Given this, Lincoln County encourages DOE to consider transportation of spent nuclear fuel and other high-level radioactive waste by truck across existing highways as a means to avoid said unavoidable adverse impacts." There is some discussion concerning this proposed comment. Wade feels that with the special projects that the Board has reviewed and the impacts from the rail within LC, it needs to be mitigated. If not; then the county needs to take this stance. If all are in agreement to this stance, Ronda advised that there will be adverse impacts to trucking it as well. There may have to be another two or three lanes carved out or an alternative road. Tommy stated that this doesn't mention offloading in Caliente. Wade advised that the point is to say that they don't mind it coming into Caliente and being off loaded into a truck. It is to say that the county is opposed to a new rail line if they are not willing to mitigate the impacts that it will have. There is a whole other host of issues that will arise by using the highway. The issue is that DOE isn't even considering using the highway at all and they've decided to use rail and the Caliente Corridor. The statement is, if in fact, the rail can't be mitigated to LC's satisfaction, LC would prefer a trucking scenario through the county. Changing to truck transportation would change the whole structure and set things back quite a ways. Wade questioned if the Board would head in this direction if DOE can't mitigate what is currently being presented. This statement would be inserted as a conclusion statement. At the last Commission meeting, policy decision was made and as a result there are no comments concerning the City of Caliente. There is nothing concerning the transportation in LC, which means that this statement doesn't suggest that DOE consider truck transportation. The county doesn't have the right to dictate to Caliente, so that isn't addressed and the City will be submitting comments. Louis Benezet advised that he doesn't have any problem with the first half of Wade's comment and feels that it is an appropriate stance. Louis referred to the last statement encouraging DOE to truck across existing highways. Louis believes that this last portion shows that LC is behind the use of the intermodal facility and county highways for the transportation of nuclear waste to Yucca Mountain. Louis reviewed the history of the new committee that was set up to look at the resolutions set up in 1995. As a result a new resolution was created that is currently on the books. The resolution states that the county is not in favor of using highway transportation and, to the greatest extent possible, transportation should occur by rail. Ronda advised that she didn't remember the county adopting a resolution stating that they aren't in favor of anything going through the county. Louis stated that Commissioner Hal Keaton and Mayor Kevin Phillips were involved in the passage of this resolution. Louis feels that the final statement needs to be scrapped from Wade's comments as it opens up a whole series of issues. Ronda recommended to Louis that once he reads this, he will have a better understanding of this additional statement. Ronda stated that this whole letter questions why various things haven't been looked at by DOE and this letter is in support of LC. Marge Detraz advised that the State of NV opposes nuclear waste. Marge reminded the Board of the time when there was a fellow here from the NV Highways. At the conclusion of this man's discussion concerning the state highways, he advised the Board that he was supposed to tell them that they are opposed to this. State of NV will not let LC use their highways as NV is opposed to Yucca Mountain. Bill stated that the highways are property of the United States. Candice Jordan advised that there is an interstate clause that would prevent NV from singling out these shipments. As long as the trucks are legal weight and have the correct signs they could be on the highways right now as the casks exist. Candice suggested that the last statement be reworded as follows: "Given this, Lincoln County encourages DOE to reconsider the record of decision to use mostly rail within Nevada and to consider transportation of spent nuclear fuel and other high-level radioactive waste by truck across existing highways as a means to minimize said unavoidable adverse impacts". Wade asked that the Board remember that this statement isn't putting the county into a position of saying that they do/don't want Yucca Mountain. It says that without the mitigation that has been outlined, the rail going through LC isn't a good thing for LC. **Paul made a**

motion to accept this paragraph, with changes suggested by Candice, into the comments letter; seconded by Wade. All voted in favor. Paul made a motion to accept the amended letter and submit it to the DOE as LC's comments to the EIS with incorporated changes cited today and all technical changes required; seconded by Wade. All voted in favor.

#18-LC NUCLEAR OVERSIGHT PROGRAM/YUCCA MOUNTAIN ISSUES

Mike Baughman presented this item. Connie Simkins read a statement from Kevin Phillips into the record. Kevin is concerned that the following three memoranda were not presented to the JCCIAC for consideration and recommendation to the Board of Commissioners. Kevin's letter cites that the three memoranda represent a growing trend to bypass the citizen group appointed for the very purpose of doing what Dr. Mike Baughman has recommended directly to the Board of Commissioners. Due to the bypassing of the JCCIAC, several of the members are questioning why they should continue to give untold hours of public service to the county if they are not needed. Utilization of the JCCIAC presents the qualified opinion of the citizens of LC. Kevin suggested that, without wishing to, the City of Caliente and the County may have reached a point where the City might require a separate program. This issue lies in the realm of legal representation in the licensing process. It has become painfully clear to Kevin that those who live in LC and choose to reside in Caliente have no legal representation in the form of Barry Neuman and/or Bret Whipple. In a recent meeting that Connie Simkins, the program coordinator, invited Kevin to, he was coldly "uninvited" by Barry Neuman because his client in LC, not the City of Caliente. Kevin simply attended as he is a member of the JCCIAC and at that time was not singularly representing the City of Caliente. Kevin suggests that perhaps because of this legal issue a point has been reached where the government of the City is required to have a separate budget to address issues where they are refused representation by the legal firms that represent LC. A separate budget has existed in the past, but Kevin has not been an advocate for it nor has he felt it was needed, until now. If an additional budget category is created and called "Interlocal Government Support" the City will want to formulate the specific proposal regarding the matter. Kevin suggested that Dr. Baughman's suggestions should be rerouted to the JCCIAC for consideration and that the Board should make it clear through those Commissioners appointed to the JCCIAC the feelings or direction so desired by the Board that the JCCIAC should take. Kevin further requested that the Board consider the emerging need to have a separate budget for Caliente to provide legal representation as well as to address other issues that are unique to the City. Tommy stated that he was at the meeting with Barry Neuman. The contract with Barry was signed with the county to give legal advice. It was a client-attorney meeting and Barry stated that as the City wasn't his client there were items that he couldn't discuss with the City. Connie advised that she was ignorant of that fact and she invited Kevin to the meeting as he was chairman of the JCCIAC. Ronda asked if the agreement was restructured with the City. Changes weren't finished on this agreement. Ronda asked if, under attorney-client privilege, was this the correct way to handle this. Candice Jordan stated that there were third parties in attendance at this meeting. Mr. Neuman determined that because both Mike and Connie have contracts with the county that specifically require them to pursue this issue they should be allowed to take part in the meeting. There was still the risk that someone could take issue with it, but Barry felt comfortable with that risk. Mike advised that there is value in pursuing an interlocal agreement to cover this. The original agreement consisted of a committee of nine members. However, the committee has eight members. Candice Jordan stated that the open meeting law exclusion for attorney client matters is typically limited to litigation. It needs to be addressed as to whether or not the funding can be used for licensing issues with Bret Whipple as the funding can't be used for litigation against the nuclear policy act. Candice advised that Robison/Seidler, Jason Pitts and possibly Jerry Parker were invited to submit possible increases to their special projects budgets as RCI did so. The rest of them were assuming that they needed to absorb the costs. Part of a motion invited these entities to submit additional funding and they haven't had a chance to submit to the JCCIAC as of yet. This would possibly cut into the uncommitted amount for Special Projects category. There have been numerous additional special projects identified by the JCCIAC, one of which includes identification of issues/contentions that need to be raised in the licensing process. It is now a full five months after this identification was to have occurred. Until the Board decides whether or not they want to raise contentions that would be the first step. Mr. Neuman has agreed. This might require a special projects contract. Connie Simkins and Louis Benezet proposed a health study. At a presentation to the JCCIAC, R/S identified numerous special projects that the committee may want to consider. None of these involved contracting with R/S. Ronda has suggested a flood mitigation study in Caliente. There has been mention of a water study and impacts on Meadow Valley. Candice advised that the Board still has final approval. If the money isn't transferred to the contingency fund or spent it stills rolls over. Candice advised that she can't see the impetus for transferring this money. There is still the possibility that this money might be expended in the future. Connie stated that Barry Neuman's contract states that he will identify the possible contentions for the Board's consideration. Paul questioned Mike as to the rush to act on this without it going before the JCCIAC. Mike stated that on January 17th there is a meeting with the other nine counties to defend a request for FY2010 monies. What is requested in 2010 is based on what will be left in carryover. They estimate a carryover of about \$300,000 for FY 09. The FY09 carryover is contingent upon FY08 carryover. Mike advised that they are trying to set the stage to fence some money

that will be moved into 2009. There is some urgency as direction is needed as to how to proceed in other meetings. Paul questioned if Mike couldn't just present to the committee that they have about \$300,000. Mike advised that this is possible, but it is ideal to have the money "fenced". The committee has invited some of these entities to submit additional funds. Paul advised that, if not pressed against a time window, this should be submitted to the JCCIAC first and then they could, in turn, present their recommendations to the Commissioners. a) Transfer of uncommitted balances of Special Projects category to Contingency category—The amount left is \$120,285.00 which would be left in the contingency fund to carry over into the next year. Mayor Phillips took issue with a consultant bringing this forward to the Commissioners. This is the county's program and the county is responsible for setting the tone and direction. JCCIAC puts together the details of the program and then presents recommendations to the Board for decision. Mayor Phillips felt that this should've been JCCIAC decisions. Robison/Seidler, Jason Pitts and RCI were allowed to submit additional funding for projects. **Paul made a motion to table this item; seconded by Wade. All voted in favor.** b) Consideration of adjusting the budget year to be 13 months to encompass June 1, 2008 through June 30, 2009 and thereafter be the same as the Lincoln County fiscal year of July 1 through June 30—Mike reviewed the need to get the Oversight Program on the same cycle as the county. The contracts that will be brought to the JCCIAC in February will start June 1 and go through June 30. Connie advised that she supports this. Candice stated that this is an issue that needs to be considered before the JCCIAC. This is giving direction to the program for constructing budgets, Mike advised. **Paul made a motion to approve Item 1 in the memorandum which is the adjustment to the budget year to cover the period June 1, 2008 through June 30, 2009 and thereafter be the same as the Lincoln County fiscal year of July 1 through June 30 (with Item 2—budget categories— from same memo going back to the JCCIAC for their recommendation); seconded by Wade.** Mike referred to the memo, which outlines two new categories to reflect the evolving nature of the LC Nuclear Oversight Program (Interlocal Government Support and Legal Researching/Licensing). Ronda asked if it would be possible for JCCIAC to have a meeting prior to going down to discuss budgets. Yes, as soon as the 11th if there is a quorum. Ronda suggested that the Board could give direction to have the JCCIAC consider the interlocal government support and their involvement in licensing. Ronda further suggested that a phone conference could be held to see if the JCCIAC is willing to consider that option. The rest could go through a regular JCCIAC meeting. Candice advised that it is highly unlikely that a majority of boards will come with pre-approved budget categories. Candice said that nothing has to be set in stone in order to be defensible. Mike stated that this meeting will end up in a number that won't pass the initial test. It is a concern that LC will have to defend our numbers. Under these major budget categories there are 4-5 subcategories. The decisions that are yet to be made include how much money goes into each category and how much money will go into each subcategory. City of Caliente should've been considering this prior to this point. Candice stated that Mayor Phillips is not requesting additional funding unless they aren't covered for their special interests. There is no need to have a public body approve the budget prior to going into these AULG meetings. **All voted in favor.** Louis Benezet questioned if all of these items were involved in the budget. Louis feels that this needs to be directed by the citizens through their representatives on the Commission. The JCCIAC needs to meet well in advance to come up with a work plan as to what it is that they need to do. They then need to go through the process to solicit bids and choose the person that they want to do the projects that they've designated that had the most competitive bid. Louis advised that he didn't understand the rush on this. Now is the time when people need to put out the things that they want to accomplish. Louis has suggested that some of the money be used to create a health plan. Louis feels that the people on the JCCIAC need to be thinking in advance and coming up with ideas and not let the consultants be doing the thinking for them. c) Request for guidance from Lincoln County Commission regarding major funding categories and spending priorities for FY 2008-2009—This item was included in the motion for Item B. d) Request for guidance to staff from the LC Commission for budget amounts to be requested for FY 2009-2010—\$1,430,000 has been requested as part of the ten counties for 2009. This number has already been provided to DOE. This total would be about \$9.9 million for the ten counties. The estimated request for FY2010 funding required for LC is \$1,755,000.00. Mike stated that they will be asking for a significant increase as there are some things that they need to be setting themselves up for. The Board agreed that two years from now LC will be in a completely different realm. If LC expects to have a say at the table it will require money. Part of the increase will be attributed to licensing. Wade agreed that the 2010 estimate was a good figure. Special projects will probably decrease at this point. If the JCCIAC meets prior to the meeting, guidance could be provided by them. Mike is concerned that they will have to defend a number this time more so than in the past. **Wade made a motion to give guidance to the delegation at the AULG to go with the outlined structure and to ask for \$2.55 million for FY 2010, under the breakdown that has been provided; seconded by Paul. Tommy doesn't vote as he has stepped out of the room. Motion carries with the remaining four all voting in favor.**

#22-PUBLIC COMMENT

Treasurer Kathy Hiatt is requesting direction as to what she should do about garbage. The rate increase hasn't been advertised. The Board agreed to a 15% increase on the payment in a previous meeting, but an appeal of sorts has been raised by Norcal. This means \$1.50 more. Kathy advised that the county was told that once the Class I permit was in place

the county would no longer have to pay garbage. The county is in the middle of negotiations with Norcal now, but the 15% has been approved. The question is whether or not to proceed and there has been nothing in the newspaper alerting the citizens as to the increase. No action is taken at this time and this item will be addressed on the next agenda. Tommy suggested that Kathy talk to the DA to see if the county can bill for this without making public notice. This will be addressed on the next agenda prior to billing. Marge Detraz stated that the county will have a hard time with the next budget as the DOE's budget was cut 22%. Marge reviewed the scoping meeting in Las Vegas; everyone there was opposed with the exception of about 23 people. Marge stated that the Board is forcing this on the citizens of LC. The money is to be used to protect the health, welfare of the citizens of LC; not to build a railroad.

#19-PLANNING ITEMS

Clint Wertz presented this item. a) Update—Clint advised that the workshop for the development agreement is next Monday at 1:00 p.m. Olympia Group applicants will be presenting their master development plan for their two parcels and explain how it connects to the development agreement. With combined acreage, Olympia is the largest land holder and they have 3,300 acres. There are two vacancies on the Planning Commission and there is one applicant for each vacancy. The deadline for these is this Friday. Clint has hired a part time person to aid with the Census. The scope of work for the Open Space Plan has been revised and will be out in the form of an RFQ early next week. Clint has discussed the Water District's role in this with Dylan in terms of the Water District moving forward with a water plan. If the WD moves forward, it will go hand in hand with the county's plan. Dylan Frehner advised that no one has any data with which to base growth on. Dylan stated that the baseline data is necessary and it will save money to combine the LC and WD plans. The process for review of parcel maps is outlined through county ordinance. All county/affected parties are supposed to be getting copies of the maps for review. Right now, as it stands, if you are dividing land the phone company/fire district/any one that will be providing service has to sign off on the map. Clint and Dawne have been working on the Planning Department budget. Funding wise, things are pretty much on track for the revenue that Clint had anticipated. Dawne and Clint reviewed the data from the Census concerning the addressing situation. Clint advised that pretty much "nothing is what we received". Census has provided a map with each block in each town. Per block it shows that they believe that there are approximately 5 houses per block.

#20-BUILDING & SAFETY ITEMS

Ken Dixon presented this item. a) Update—Environmental assessment on Toquop Power Corridor has been released to LC Power. As long as the developers continue to make their payments it will continue; it should be done in about 4-5 months. Riverwest in the Toquop area has elected not to participate with the SID due to the budget crunch. HCP implementing agreement is moving along. Ken had a two hour phone conference last Friday and he hopes that by the end of next week all entities will have reached agreement. The Flood Control District has a meeting tomorrow at 3:00. The air quality permit for the Toquop Energy Plant has been issued. b) Permit for special fireworks event proposed by Western Pyrotechnic Association scheduled for May 14th through May 19th, 2008, on Delamar Lake for approximately 20 participants. Permitting is in process through the Bureau of Land Management (BLM). Applicant will provide insurance for Lincoln County as "Additional Insured"—This is a group from Las Vegas. They manufacture their own pyrotechnics and then go somewhere to set them off. Their insurance is not in place yet but will be before their BLM permit is issued. They will provide a writer from insurance naming the county as insured. Wade stated that the LDS Church owns the grazing permit down there. There is a committee that runs that ranch and they are very concerned about this. The primary watering sources exist on Dry Lake. At the time of this there will be about 3,000 head of cattle on the range. All of the water that drains goes into a reservoir near there where the cattle range. Wade will discuss this with the committee. This is a two day event. They can't be within 500 feet of any water source and it appears that they will be a great deal further. **Tommy made a motion to approve subject to BLM permit; seconded by Paul. All voted in favor.** c) Adoption of the Master Drainage Plan, prepared by G.C. Wallace, and the Master Transportation Plan, prepared by Carter Burgess, for the Toquop Planning Area. The plans were prepared with the cooperation of and funding by the Toquop area parcel owners—Chuck Brechler presented this item. Chuck addressed/reviewed the drainage study first. **Tommy made a motion to adopt the master drainage plan as presented; seconded by Paul. All voted in favor.** Chuck reviewed the traffic study as completed by Carter Burgess. Chuck advised that an interchange at mm115 is needed. The application process is very lengthy and the interstate issue will be addressed as soon as possible. Carter Burgess has a request for proposal from the county for EIS and change of access to interstate. Ken and Chuck will meet with the developers concerning this to get it into the SID. **Wade made a motion to approve the master transportation plan as presented; seconded by Paul. All voted in favor.**

#23-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 5:38; seconded by Paul. All voted in favor.**

Attest: _____ Approve: _____