

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

March 17, 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 9:08. Clerk Lisa Lloyd called the roll with Commissioners Paul Mathews, Ronda Hornbeck and Bill Lloyd being present. Commissioners Tommy Rowe and Wade Poulsen are absent at this time. There is a quorum present and the agenda was posted on 3-11-08 to comply with the open meeting law. The Invocation is offered by John and Paul led the Pledge of Allegiance. County Manager John Lovelady is present as is District Attorney Greg Barlow.

CONSENT AGENDA

- #2 Approve/Deny minutes of the February 26, 2008, March 3, 2008 and March 4, 2008 Commission meetings.
- #3 Approve/Deny Lincoln County Museum to fill vacant/budgeted part-time position at the Million Dollar Courthouse.
- #4 Approve/Sign contract with Lumos & Associates for the preliminary design of the Lincoln County Fair and Rodeo Grounds.
- #5 Approve/Deny Alamo Town to hire Tami Maxwell for Alamo Town Maintenance.
- #6 Approve/Deny increase of the County travel fund to \$5,000.
- #7 Approve/Deny Proclamation for National County Government Week, April 6-12, 2008.
- #8 Approve/Deny purchase of election equipment from Sequoia Voting Systems in the amount of \$30,022.00.

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

Tommy joins the meeting at this time.

#9-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. Leslie asked for clarification on per diem rates. There are different rates for Washington, D.C. and San Antonio.

Wade joins the meeting at this time.

The Board indicated that the GSA Reimbursement Rates are believed to be the base. If an individual goes over, receipts can always be turned in for reimbursement. Leslie has to pay out this time. The Board agreed that if receipts are turned in Leslie can reimburse and if not, no payment will be made. Discussion/action regarding the rates will be on the next agenda. Robison/Seidler paid for Connie's airline ticket to San Antonio. Connie made a report on the trip, but no such report has been offered by R/S. **Tommy made a motion to approve the vouchers as presented; seconded by Paul. All voted in favor.**

#10-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$917,970.73 with estimated expenditures being \$137,164.98. This leaves General County with a balance of \$780,805.75. Transportation has a balance of \$12,448.48 with estimated expenditures being \$2,142.84. This leaves Transportation with a balance of \$10,305.64. Nutrition has a negative cash balance of \$21,940.82 with estimated expenditures being \$10,305.06. This leaves Nutrition with a negative balance of \$32,245.88. Detention Center has a negative balance of \$120,285.06 with estimated expenditures being \$61,702.26. This leaves Detention Center with a negative balance of \$181,987.32. February's billing was \$148,190.00, which will leave a negative balance of \$33,797.32. Leslie advised that the approximate amount that she has been given by Denice for augmentation is \$40,000. **DISTRICT ATTORNEY** Greg Barlow advised that the trial last week ended in mistrial. Said trial has been rescheduled for April 1st. DA's office is staying busy. **COMMISSIONER TOMMY ROWE** went to Washington/Baltimore last week with his wife. Tommy attended Cooperative Agency meeting concerning water development project/SNWA. Tommy attended a planning workshop last week. **COMMISSIONER PAUL MATHEWS** advised that Whole Food provides services to some of the seniors; this isn't Denice Brown's program. Paul stated that to his knowledge, everyone that Denice is serving needs and

wants the food. Paul attended a workshop last week for planning. **COMMISSIONER WADE POULSEN** attended the Alamo Town Board meeting; all streets were renamed. There is a man from Pahrump who is looking to put in a public service radio station in Alamo with free advertising. This is a non-profit station and the curriculum will be whatever the residents are willing to program. KQLN are the call letters. This man is doing his due diligence at this time. Wade advised that notification has been made by the National Forest that they will be going into Quinn Canyon, Cherry Creek and several other allotments to shoot cows as they believe there are too many wild cows. The ranchers who have permits out there are riding and trying to get the cows gathered in. Wade stated that it is ignorant to shoot cows; until the cow is dead on the ground it will not be known if they have tags in their ears or a wattle. **COMMISSIONER BILL LLOYD** attended the budget hearings, Caliente City Council meeting concerning annexation of Tuffy Ranch property and the RC&D meeting. **COMMISSIONER RONDA HORNBECK** attended the budget hearing, Caliente City Council meeting last Thursday, public lands meeting on Friday, meetings with Clint/Ken concerning water issues for SNWA, development meeting with Lincoln Highlands and development workshop on Friday. There is RTC meeting tomorrow, development meeting with Matt Davis on the 19th, Planning Commission meeting on the 24th and Weed District meeting on 4-2. There is a Room Tax meeting on the 18th in Pioche.

#12-PANACA FIRE DISTRICT

Paul made a motion to go into PFD; seconded by Wade. All voted in favor.

Wade leaves the meeting momentarily.

#11-RESOLUTIONS #2008-05, 2008-06, 2008-07

Ronda read the resolutions into the record. **Tommy made a motion to approve the resolution to augment the Lincoln County Land Act Education Fund in the amount of \$10,000; seconded by Bill. All voted in favor.**

Wade rejoins the meeting.

Leslie advised that the traffic/drainage studies are being paid from the LC Planning/Development fund, but the money has been reimbursed. **Tommy made a motion to approve the resolution to augment the Lincoln County Land Act Planning and Development Fund in the amount of \$463,208.00; seconded by Paul. All voted in favor. Paul made a motion to approve the resolution to augment the Tri County Weed Fund in the amount of \$600,000; seconded by Wade. All voted in favor.**

#13-MEADOW VALLEY JUSTICE COURT POSITION

Judge Mike Cowley advised that Lorena is retiring shortly. Brenda Mason is currently the Deputy Court Clerk and will be taking Lorena's position. As it will be a promotion for Brenda to be Court Clerk this position will no longer have to be advertised as it can be handled as such. The position that will have to be advertised will be the third floor receptionist; not court clerk. The third floor receptionist position will be addressed on the next agenda.

#14-CALIENTE ANNEXATION/TUFFY RANCH PROPERTIES

County Manager John Lovelady presented this item. John met with Caliente Mayor last week and the annexation is anticipated to be a boon for both the city and county. Southern NV Water Authority (SNWA) is looking for a place to put their pipe building facility. The only problem that has raised its head is that the land must be "contiguous". Mayor Kevin Phillips has advised that they've contacted BLM concerning annexing about 80 acres to make certain that this land is contiguous. Ronda stated that there are about 80 acres that are not contiguous, even though the Mayor says that the road connects them. Connie Simkins stated that there are two private property owners that are in the non-contiguous space. If BLM will annex the 80 acres it will bypass Hotchkiss. The BLM will continue to administer the land, but they can issue a no objection letter that will allow the ground to go under City of Caliente boundaries. These 80 acres is identified for disposal in the future. When the BLM disposes of the ground, whoever buys it will be within the city limits. Within the resolution from Caliente, it states that the City will not provide services to the land. Ronda questioned how the land can be annexed but services won't be provided. Greg referred to Section 2 of the City's ordinance; whoever develops it will have to put in the infrastructure. Ronda said that she believes that when land is annexed services should be provided; this is the purpose of the annexation. All of the land within the Tuffy Ranch area is part of the Panaca Fire District. John advised that the land will still remain within PFD boundaries/services and taxes will still go to the county. Ronda stated that the taxes for PFD are separate from the county, which means that these taxes will go away. It should be the responsibility of Caliente for the fire services. Bill stated that if all of these taxes go into the city then they will be at their max. John said that all of these are issues that will have to be addressed at the public hearing. Mick Lloyd, Lincoln County Power District,

advised that they've not heard anything about the annexation from Caliente or SNWA. Mick has been advised somewhat about SNWA's pipe coating facility but questioned who will provide the utilities to the annexed land. Will Caliente be responsible for the annexed property? The Board agreed that if it is annexed into the city the power should go through the city. Greg agreed. Greg stated that the city would have the primary responsibility but they can certainly buy from other groups. The service areas overlap and the city is a customer of LCPD. Mick stated that, under section 2, it looks like the city plans on providing services at the expense of the developer. John said that he anticipates that there will be more/improved communications from the city to the county in the future. Any property owners that aren't part of the city will have to choose to be annexed in; they can't be forced. Tuffy Ranch has requested to be annexed. Ken Dixon said that the annexation will result in Caliente having to maintain half of the road for the portion of the Beaver Dam road that goes from the highway to the turnoff to Tuffy Ranch. Doug stated that it is unknown if the road will have to be moved. The reason that Tuffy Ranch is involved is to make sure that the pipe plant will be located in Lincoln County. SNWA has committed to getting 10mw of power to the city if the plant is located there. TR's taxes will go up on the property. SNWA is trying to move jobs and benefits to LC by placing the plant here. Paul advised that his family occupies the property under discussion; they lease it from TR. For this reason Paul is abstaining from discussion or any action. No action is taken.

#15-DOCUMENT IMAGING

Clerk Lisa Lloyd advised that no microfilming has been done for approximately a 20 year period now. If there was a fire all of the records in the vault would be destroyed. All of the digital images will be converted to microfilm and stored in the granite vaults, which will meet statutory requirements. **Tommy made a motion to approve the purchase of the document imaging system for the Lincoln County Clerk in the approximate amount of \$34,000.00, to be paid through the microfilming fund; seconded by Bill. All voted in favor.**

#16-MULTI SPECIES HABITAT CONSERVATION PLAN

Wade made a motion to approve a letter of request for Bureau of Land Management (BLM) to allocate funding from the proceeds of Lincoln County Land Act land sales for field testing and data recovery for archeological sites contained within the remaining two parcels of land to be disposed of in the Alamo area and to enable completion by the county of the Southeastern Lincoln County Multi-Species Habitat Conservation Plan and related environmental impact statement and implementing agreement; seconded by Bill. All voted in favor.

#2-MINUTES

Connie Simkins advised that there is a correction needed to the 3-3 minutes as she gave incorrect totals for the aerial photography. The total for 709 sections should be \$77,990. **Tommy made a motion to correct the amount in the 3-3-08 minutes; seconded by Wade. All voted in favor.**

#17-GRANTS

Phyllis Robistow, Grants Administrator, presented this item. a) Update—Two projects, Dixon and Rose Park, were opened up for bid; they were over budget. A thorough review will have to be done and cuts will have to be made. Phyllis spent last week at CDBG. The Caliente well was awarded. LC sponsored UNR for the small business development centers. These grants were recommended for funding; the Governor makes the decision. Full funding was recommended for the Alamo Industrial Park engineering. Wells recently had an earthquake and they had coverage through POOL/PACT, which means that FEMA will not be helping them. Wells is working with DEM. POOL/PACT only covers "above-ground" damage. CDBG forum will be held with the League of Cities. Phyllis will attend this as opposed to NACO.

#19-BUILDING & SAFETY ITEMS

Ken Dixon presented this item. a) Update—Ken had a phone conference with all participants concerning the Habitat Conservation Plan (HCP); the Toquop Energy project was a stumbling block. Fish & Wildlife refused to leave the Toquop Energy project in the HCP. Only the land is addressed. All parties are rewriting at this time and Ken believes that it will be December before the Section 10 Permit is issued. BLM objected to some of the language in the IA. Ken continues to work on the development agreements with Eagle Falls and Lincoln Highlands. There are several meetings scheduled. There is some discussion concerning a proposed special planning commission meeting. Developers weren't notified that a special meeting wasn't going to be held. Ronda said that any deadlines that are put out there need to be met. If the county isn't ready to meet them, the right is reserved to step back and ask for another meeting. Ronda stated that notification isn't being made. Ronda spoke with Clint on Friday; she asked him to send out a letter to Matt Davis' group. Clint advised Ronda that he will send the letter. Notification can be done by email, but Ronda feels that a hard copy needs to be mailed to the developers as well. Interlocal agreements with police and fire are moving forward. Sheriff Lee will meet with both

Mesquite Fire and Police departments. Ken spoke with Mesquite's city manager concerning progress that the county will be making. The city manager advised Ken to move forward as the county has been and the city will work with the county through whatever issues need to be addressed. Lincoln County is always willing to work with the City of Mesquite, Wade said. b) 3 Day Permit for camping event by Dark Skies Art Festival at Delamar Dry Lake, April 17-20, 2008—Ken sent a letter of requirements but no response has been received. BLM hasn't issued their permit yet and they are waiting for the county. Ronda stated that she would hate for the county to move forward as this event will have a very large group and they've not even responded to Ken's letter. Ken, Greg and the Sheriff have recommended that this permit not be issued. Greg advised that the majority of these people will be from out of county and that anything that happens could result in very expensive prosecution. **Tommy made a motion to approve the event pending the meeting of all requirements/conditions listed in the 2-29-08 letter; seconded by Wade (so that discussion can be held).** Ken stated that the group is expecting four hundred participants and they want to ramp it up to a minimum of 1,000 over the next few years. The county is not equipped to handle this many people and Ken hates to start down this road without the county anticipating that there will be nearly that many people. Ken further added that this is a camping event and these people will come directly to the site. There might be some business that Alamo will gather, but these people plan to go right up Alamo Canyon. There is basically no economic benefit to the county. BLM plans to add \$24,000 to the \$50,900 that the county is requesting. Greg advised that the group should be required to pay cash up front. Bill Hartman advised that the Burning Man festival and the town of Gurlach has done well. The conditions that the BLM put on are very stringent and Bill advised that they form their own government to handle the conditions. Wade advised that he has spoken to many communities and this is a huge strain on their community. Often, due to lack of personnel, law enforcement is sometimes forced to look the other way when things occur. Wade is very concerned that this amount of traffic going through Alamo Canyon will tear the road up; it is already a strain on the county to maintain this road. Paul stated that it can be years before this road can be reclaimed and it is already powder. The Road Department wants to charge \$31,600 for repairs. Wade said that he can't imagine that this will be a good thing for the county. The dates on the agenda are incorrect; the event is scheduled for June 19-22. Based on this, **Tommy withdraws his motion. Wade withdraws his second.** No action is taken and this will be on the next Commission agenda.

Lunch 12:15-1:15

#20-LINCOLN COUNTY REGIONAL DEVELOPMENT AUTHORITY
This item is off.

#18-PLANNING ITEMS
This item is off.

#21-NUCLEAR OVERSIGHT ITEMS

Connie Simkins presented these items. a) Sending Connie Simkins to one-day training on April 22, 2008 in Las Vegas for "Public Records and Open Meetings in Nevada"—**Tommy made a motion to approve; seconded by Wade. All voted in favor.** b) Discussion/Action re: Lincoln County joining Eureka and Clark counties in motion to Nuclear Regulatory Commission Pre-Licensing Application Presiding Officer asking for webcasting of all Yucca Mountain related proceedings. Henceforth to include oral arguments, adjudicatory conferences and hearings—Connie stated that an attorney wrote this agreement and advised her not to show it to anyone. Connie hasn't shown anyone. Most of the counties have agreed with this endeavor. Ronda stated that the basic idea is a good one, but questioned the attorney-client privilege in regards to this document. The attorney-client privilege has already been compromised as it was sent to Connie. Connie stated that most of the other counties have approved/disapproved this document. Greg stated that this is not a privileged document. Wade said that it is never a bad thing when something is made public. Wade questioned what the negative side of this agreement would be. Candice Jordan advised that there aren't really any negatives to this and suggested that the Board could just draft their own. Ronda refused to sign a document that she isn't allowed to see. There is no cost as this is just a request to NRC. Eureka has already approved this, which means that this is a public document. The Board agreed that they could just write a letter to Eureka. **Wade made a motion to approve this with the county's own letter of acceptance; seconded by Tommy. All voted in favor.** Connie will put the letter together. c) Printing and mailing costs for a brochure entitled "The Path Forward" in the amount of \$3,153—DOE has refused to send this brochure to each citizen in the county. DOE offered to send Connie the electronic version so that she could have them printed up at the county's expense. Ronda suggested that Connie put this in the Tracks newsletter. Candice offered to help under R/S's contract at no additional expense. Connie agreed to put this into the newsletter. d) Time-only extension for Bret Whipple from January 16, 2008 through May 31, 2008—Connie advised that Bret's contract has run out as it was from 1-15-07 to 1-15-08. \$6,000 has been paid to Bret so far. **Wade made a motion to approve the time-only extension for Bret Whipple; seconded by Tommy. All voted in**

favor. e) Approve/Deny contracts for 2008-2009 fiscal year—In the JCCIAC meeting there was discussion about bringing John Brown and Dylan Frehner involved with NRC Licensing from a county/city perspective. The discussion included the fact that any time money is spent locally it is a good thing; it's good to involve locals. If approved as it sits right now, Carter, Ledyard and Bret Whipple will have all of the money allocated for their services, which will not leave any money for John & Dylan to be trained. Greg advised that this particular area is mostly controlled/serviced by firms who are there in Washington at the commission. Greg stated that he isn't aware of any training program in regards to this program. Connie stated that the NRC conducts workshops twice per year. Ronda advised that the county has come a long way down the road and Ward Sproat is saying that licensing will happen by June. Ronda said that there is a licensed attorney working on this and it should have been done two-three years ago. We are at the point where you need to have an attorney ramped up and ready to go as the deadline is not far away. Ronda stated that she hates to see the county shoot themselves in the foot as we only have one shot at this. Greg advised that it is really up to the attorney to get this type of skill or experience, not the county. The suggestion was made by the city, which is looking at retaining local representation at some point in the future. Wade doesn't see a negative when the county has its own people and he isn't convinced that licensing of the repository is anything that the county can have an impact on. Wade said that the question remains, when all is said and done, what kind of chance does LC have. If LC has a good opportunity to have some say then he's all for it. Wade isn't convinced that the county's fight should be in the licensing. Wade doesn't see a problem with sending the county's own people to training and setting some monies aside for this purpose. The remaining Board members questioned Wade's reasoning as the county won't be retaining them. Ronda suggested that the individuals might want to go out and get trained, then seek to be retained by the county. Paul questioned what the ending benefit of sending them to training that lasts one or two days will be. Tommy asked if there was enough money in the budget to go out for other legal fees if Bret and Barry's contracts are granted. Tommy further questioned if the monetary amounts for the contracts are decreased, what level of service, or detriment, will that result in for the county. Candice advised that there is some question about whether or not the nuclear waste money can be used to raise litigious contentions. Candice further stated that thus far Barry Neuman has refused to include the city in discussions. A large portion of the previously paid contract was to be used to develop contentions, which hasn't been done so. City is concerned as to whether or not the county is spending money to participate in a process that is occurring. Ronda asked why the county is looking at bringing forth other attorneys when Candice believes that using the funds to litigate contentions will be ruled illegal. Caliente doesn't believe that they will have contentions. NRC terms raising contentions as litigation. Mike Baughman advised that his contract has a suite of licensing tasks and they've been working closely with attorneys. Ward Sproat brought the contentions issue up as DOE would like to find ways to cut the level of funds available for participation in the licensing process. Mike stated that there isn't one county that doesn't believe that the funds can be used for this purpose. The act says that the counties are authorized to use the funds to participate in licensing proceedings. Any law firm that is engaged must have many capabilities, including BLM right-of-way processes. DOE will be filing application for certificate for public conveyance, which includes a hearing process. This venue will allow for mitigation measures to be put in place and the attorneys hired by the county will need to have experience in this area as well. Ace Robison questioned why the attorney isn't representing the county and the city. There is a joint agreement between the county/city that seems to make both entities equally responsible. Ace believes that this issue would be resolved if Barry was instructed to include/represent the city. Wade stated that the client is whoever the county identifies is the client. The county has the choice to waive and include the city. Ronda said that if it needs to be made clear that Barry can work with the city then it should be done. Ronda advised that there are times when the county isn't certain that the city is heading in the same direction as the county; this is a definite unknown. Ronda suggested that a meeting needs to be held with the mayor and the two Commissioners that sit on the JCCIAC. Ronda further suggested that the county might need to meet with Barry concerning this issue. Wade said that this discussion is not addressing the matter at hand; are there funds to send someone to training? Ronda reiterated her question as to why someone would be sent to training when they are not under contract. The city feels that they aren't being represented; this is why they are looking at retaining a firm on their own. Paul stated that the nature of the contract should be if the attorney's are meeting the scope of work that the county desires; if not, trim the fat.

- i. Bret Whipple, \$50,000.00—**Paul made a motion to approve Bret Whipple's contract; seconded by Bill. All voted in favor.**
- ii. Carter, Ledyard & Milburn, Barry Neuman, \$250,000.00—Paul questioned a couple of items under the scope of work. Barry is working on licensing as is Mike. Paul asked if the Board wants Barry to work on contentions. Mike responded that it really depends on what the Board would like to see presented to the NRC as a contention. If the Board elects to present them, there is a certain legalese required. Mike's contract has a similar task for working from a technical perspective as opposed to a legal perspective. Some of the contentions that the county might put forward are some that DOE might consider as being outside of our jurisdiction. Mike feels that this task is appropriate for Barry. Candice made a presentation to the JCCIAC concerning contracts and apologized for not making the presentation to the

Board. The majority of the contentions that they might be asking us to raise concern the construction and operation of a rail line. NRC has said that it isn't their jurisdiction. The county spent money to try and present other routes during the EIS process; DOE had the jurisdiction over this. The NRC and DOE both state, as do governing laws, that NRC deals with the nuclear and radiological safety and performance; they don't deal with trains. That's what the surface transportation board is for. Candice feels that it is appropriate to develop contentions, and R/S suggested that the county hire scientists for this. This idea was rejected in part based on a memo from Barry Neuman saying that contentions needed to be developed within the next three months; this was over a year ago. Candice advised that she isn't sure as to why this presentation has been made. Ronda didn't disagree as this is part of Barry's contract from last year. The original request for the contract was for \$350,000. Tommy thought he'd read a correspondence concerning the cutting of Barry's budget. Connie reviewed the March 10th letter from Barry concerning the cuts. Barry advised that he would work to save money and use Bret Whipple's services as much as possible. Barry's price per hour has been raised by \$25/hour over last year. Barry is asking that anything that isn't spent from this year be carried over into the next year. One of the issues that Ronda has with his request is that it said that Barry will be combining contentions. Ronda felt that the contentions should've been brought forth under the contract the first time as opposed to using it as a carryover. Ronda feels that Barry should fulfill his contract from last year in regards to the contentions with the already approved money. Mike stated that the schedule is a moving target and contentions are premature at this point. There isn't even a licensing application and the county doesn't even know what they would be responding to in totality. DOE is late in getting their applications to NRC. Identification, interviewing and selection of consultants is the next issue Paul raised. Paul asked if this determination shouldn't be more on the local level or is Barry's legal background necessary to decide who these people are. Mike responded that it is both. Barry's role is to determine whether or not these people would survive muster as a qualified expert and not be thrown out. Candice stated that it is premature to identify expert witnesses and go through all of the work to figure out who will possible testify when the contentions haven't been presented to the county to determine whether or not the county wants to raise those issues. Why would you find witnesses for issues that the county may decide aren't of the utmost importance to them? It doesn't make sense to gather resumes for issues that the county has never approved to move forward. Ronda stated that it is very confusing as everyone has a different opinion of things. Ace Robison stated that there may need to be some pressure applied to DOE to issue the letter saying what is viable and what isn't. This doesn't have to determine what the county does, but it should be taken into consideration by the Commission in terms of the policy that the county follows. The Board will have a judgment call as to the risk that they are willing to take in the face of what that memo says. Mike advised that Ward Sproat does not want to automatically put all of the money that the ten counties are requesting in the budget when he makes his requests to the administration. The Act clearly doesn't allow these funds to be used for this purpose. The only reason that the county has been able to use these funds for this purpose is that Congress, for each of the past several years, has specifically put language in the appropriations bills that gives the necessary authority. Ward looks at the act and doesn't see the means to justify the funding requests. Mike stated that they have to work with the delegation to get them to put that language in and appropriate the necessary dollars. Mike apologized and stated that they should all be working together better as a team. Ace stated that they aren't proposing that the county not participate in licensing. Ace advised that they are hoping to avoid the need to repay funds, from the general budget, because of some DOE memo and a judge that agrees with it. Mike advised that the money that is proposed for contracting today is "already appropriated dollars". The language says that the county is authorized to use the funds to participate in licensing activities. Candice stated that the money has been appropriated for participation in licensing activities, but Ward Sproat brought up the fact that the appropriations act also clearly states that you can't participate in litigation. At what point does licensing become litigation. All parties agree that you can participate as an interested governmental participant but the NRC's own language is that you "litigate contention". Candice stated that the issue is if you're developing contentions can this then be considered litigation. Candice wants the Board to know all of the risks so that they can decide what level of participation is required. DOE and NRC say that they don't even have the jurisdiction to deal with most of the county's issues, so the county is already risking hundreds of thousands of dollars to try and get them to deal with issues that they don't feel that they should have to deal with. The county may have to repay these dollars should the DOE and some attorney decide that the county can't raise contentions. **Tommy made a motion to approve the reduced contract for Carter, Ledyard & Milburn/Barry Neuman in the amount of \$250,000.00 with the**

caveat that if DOE responds funds and says that can't be used for contentions this contract has a thirty day cancellation (also, all monies left at the end of the year will be applied to this new contract); seconded by Wade. Paul is opposed. Motion carries 4-1. Wade stated that the Board needs to look at adding the City of Caliente to the approved client list.

- iii. Core Geo Data, \$50,000.00—**Wade made a motion to approve the contract for Core Geo Data in the amount of \$50,000.00; seconded by Tommy. All voted in favor.**
- iv. Robison/Seidler, \$331,000.00—**Wade made a motion to approve the contract for Robison/Seidler in the amount of \$331,000.00; seconded by Tommy.** There is some discussion as to who is the lead for what. Candice Jordan advised that Mike Baughman is the lead for the county and Candice is the lead for the city, but R/S continues to work with Mike. Ace stated that as far as R/S is concerned, they would prefer that this is an entirely transparent situation. Ace is perplexed by the apparent lack of transparency between the county and city. There has always been a level of transparency, not that the county has always agreed with the city on all issues. Ace hopes that the county/city will continue to work together. This is a 15.3% increase over last year's amount. Candice outlined what has changed under their contract. The scope language is the same but they anticipate an increased level of effort to accomplish the scope. There is a lot of activity in the program right now. The contract states that they will prepare written comments on a monthly basis and Ronda questioned exactly what R/S does for the county. Candice responded by outlining their various works. Ronda asked why there are never any reports as to what R/S represents to the various entities as to where the county stands. Candice stated that if LC hasn't taken an official position, they don't represent one. Candice advised that senior officials will not have the same level of trust if everything that they say is put into a report. If these officials worry that everything that they say will end up in lawsuit they will no longer continue the level of communication that R/S is currently experiencing. R/S advocates and defends any positions that the county has. R/S doesn't make policy. Ronda questioned if some of the tasks are being duplicated as they are listed in other contracts. Candice advised that typically both Intertech and R/S work well together. Each firm has areas where certain people have more expertise. To the extent that it is more beneficial to the county, tasks will be divided up appropriately. It is based on who fits what tasks best; who's expertise best fits the task at hand. Ronda feels that part of the discord is based on the increase in prices as more and more money is received by the program. Ronda further suggested that it might be easier for the Commission if the total amount of money was split in half equally between R/S and Intertech; this would possible eliminate the discord between the two firms. Ronda suggested that this avenue might bring these two firms together so that they might work to the best interest of the county. Paul stated that this current discord allows for both sides of the story to be presented to the Board. Paul is glad that the firms share their differing opinions. **Ronda calls for the vote. Ronda is opposed. Bill is opposed. Motion carries 3-2.**
- v. Energy & Railroad Consulting, Jerry Parker, \$10,000.00—**Wade made a motion to approve; seconded by Tommy. All voted in favor.**
- vi. Intertech Services Corporation, \$250,000.00—**Wade made a motion to approve; seconded by Tommy. All voted in favor.**

f) County Fiscal Year 2008-2009 Lincoln County Nuclear Oversight Program Budget—**Wade made a motion to approve; seconded by Tommy. All voted in favor.** g) Lincoln County Perspective to be considered by the US Department of Energy for inclusion in the Rail Alignment Environmental Impact Statement—Dr. Mike Baughman presented this item. Wade read a document entitled "Lincoln County Viewpoint". This document is due to DOE by 3-24. Tommy asked if a paragraph needs to be included addressing the amount of acreage that was included in wilderness and has added restrictions for development. The county will be stretched to put another 90,000 acres into development. Tommy stated that a lot of the old mines were put into wilderness and his point is that the government has taken so much away from the county. Now, the government is taking a rail alignment from the county. Tommy further stated that the county also remembers the Groom Mountain withdrawal. Wilderness designation in the county has already served to restrict uses of public lands in the county. **Wade made a motion to approve, with the previous statement added; seconded by Tommy. All voted in favor.**

#22-COUNTY MANAGER ITEMS

County Manager John Lovelady presented these items. b) Adoption of policy for contracting with Lincoln County—Contractors are required to have insurance. **Wade made a motion to table this to the next meeting to allow for review time; seconded by Tommy. All voted in favor.** c) Proposals for reorganization of Lincoln County Ambulance—The two licenses would be combined under one entity. Bob Heath has advised that it is beneficial to the county to have two licenses should an event occur that would put one of the entities on "hold", for example a law suit. The ambulance attendees

suggested that the Emergency Manager be the governor of the program. Even though there are two services, they've always worked together. Ronda advised that the EM is a part time position at this time and the ambulance personnel have proposed that they can earn enough money that the administrator of the ambulance would be a part time position. Ronda suggested that a job description needs to be created for the EM as well as an office needs to be found. Right now, the EM works out of their home. Paul stated that the EM position has someone in it that is working at a certain level. That's why the job description would have to be changed. Bill stated that an administrator is needed. Paul stated that Marge Gunn-Nutman has EM job and it is unknown if she will retire. Ronda stated that this job would be taken to full time and everything that will be entailed in the EM job would be covered under the job description; this would be a very active position. Bill stated that there is a lot to the administrator position of the ambulance; the workload is great. The association advised John that they've only had two days to review the proposal. Ken Dixon suggested that the two documents be melded and the coordinator would be the person who administers the ambulance. Ken stated that EM does more active things than Marge has been doing. Paul feels that the Board should work with what they have to get this up and going again instead of throwing in the EM position. To prolong this will only weaken the frail ambulance services structure more. Paul feels that it is cumbersome to address both positions at this time. Bill stated that the medical director is the doctor and the position being considered would be under the direction of the doctor. Tori Klomp suggested that a temporary administrator could be put in place until such time that a new EM director was hired. When a replacement EM is hired, the ambulance director could be written into that job description. If an ambulance administrator is hired at this time it could be done under a one year contract. The attendees agreed that somewhere down the road it would be a good idea to have this fall under emergency management. All parties agreed with the counties proposed structure. The billing will be run through the hospital. Wade questioned if enough money could be earned to pay out the fee schedule included in the proposal. Jason stated that the current rates are so far behind that it is no wonder the struggle to buy ambulances. Jason suggested that \$700 per run, plus \$.10 per mile be charged. This will pay for personnel, supplies and services even though there will be some indigent runs. Jason stated that they should be able to purchase a new ambulance every two years and still be able to train everyone. At these rates, revenue is projected to be \$200,000 per year and \$93,000 for expenditures. Private pay and indigent will be the concerns. Insurances pay the bills. Approximately 30% are private pay at the hospital and 10% are indigent. Phyllis advised that indigent accidents are covered under the indigent accident fund at the state. The maximum that the county would have to pay for medical indigent is \$25,000. There are specific guidelines as to what is considered a paid run. The Board agreed that the records need to be maintained in an office. The facility in Panaca has an office space available. **Wade made a motion to approve the policy of operation for Lincoln County Ambulance; seconded by Tommy.** Duties of officers are outlined in the protocols, but are not included in the policy at this time. Whoever is chosen as the administrator will receive the duties and responsibilities as well as the policy. **All voted in favor.** Two letters of qualifications for administrator have been received: Jason Bleak and Leland Lesicka. The District Attorney wants the request run for another week so that there is no question that the county put it out for publication. This issue will be addressed on the next Commission agenda.

#23-PUBLIC COMMENT

Ronda stated that there is an interested party in placing wind generation in the county. It was just going to be Table Mt. and Mt. Wilson, but has extended to include everything that's left on White Rock clear over to the other side. Ronda has requested a copy of the maps from BLM. Marge Detraz referred to many newspaper articles concerning Yucca Mountain project. Marge stated that the NV Delegation helped the county get the Land Act and now the Board supports YM. Ronda stated that this Commission has never taken a vote to support YM. Bill stated that LC has never said that they want it. Harry Reid, John Ensing, Shelly Berkley, Jon Porter, Dean Heller are all opposed to YM. Marge stated that the Board isn't going to overcome the NV Delegation. Marge further instructed the Board to quit giving all of the consultants the money from the nuclear waste program. Marge stated that this is a misuse of public funds. Bill Hartman, Methpac.com, advised that there was a trial in district court and they managed to upset Judge Papez. Homework wasn't done and it is Bill's intention to adjust the budget to compensate for that. Louis Benezet advised that he is unsure of the protocol for the hiring of the contractors for the nuclear waste program. Louis suggested that anyone other than Robison/Seidler, who works for the nuclear industry, should be hired. The funding for R/S has crept up to \$331,000, yet there has been no increase in terms of service. In the push to get the reports out last fall there was a considerable amount of work done by the consultants, which was a refreshing change. Louis was told that the JCCIAC would have to decide on the contracts. Louis went to the JCCIAC and they discussed the budgets. Louis was told that the JCCIAC was only addressing the budget requests, not the contracts. Louis stated that the contracts that were approved today weren't approved by the JCCIAC and were rushed through the Commission. Louis questioned the rush to get the consultants back on the payroll and asked what the protocol is. Ronda stated that at the last meeting she struggled with approving a budget last time without being able to see the contracts. For this reason, Ronda asked that the budget and contracts be brought in front of the Commission so that she could see what was being discussed as far as budgets. Ronda stated that she was aware that the JCCIAC hadn't approved

them and ultimately it is the Commissioners' decision to approve them. Ronda received a letter from BLM from John Ruhs, the field manager. Ron Clemenson is now the person over the HCP.

#24-ADJOURN

There being no further business for the Board to attend to, **Tommy made a motion to adjourn the meeting at 4:37; seconded by Paul. All voted in favor.**

Attest: _____ Approve: _____