

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

October 20, 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 9:04. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Paul Mathews, Ronda Hornbeck, and Bill Lloyd being present. Commissioner Wade Poulsen is absent. There is a quorum present and the agenda was posted on 10-14-08 to comply with the open meeting law. The Invocation is offered by Ronda and Bill led the Pledge of Allegiance. County Manager John Lovelady is present as well.

CONSENT AGENDA

- 2* Approve/Deny minutes of the October 3, 2008 Workshop, and October 6, 2008 Regular Board of County Commissioners meeting.
- 3* Approve/Deny contract with Pearson Brothers Construction for the renovations to the Thompson Opera House.
- 4* Approve/Deny Change Order for the Caliente Rose Park Improvements Project in the Sum of \$4,757.55.
- 5* Approve/Deny Change Orders for Caliente Dixon Park Improvement Project in the sum of \$59,570.10 and \$0.92.
- 6* Approve/Deny Change Orders for Caliente Super Park Improvement Project in the sum of \$5,627.30 and \$17,681.65.
- 7* Approve/Deny Tax Strike & Refund APN: 003-011-07, Clover Creek, LLC, Error in land valuation.
- 8* Approve/Deny Agreement for Lease of the Panaca Post Office, as approved by the Panaca Town Board.
- 9* Approve/Deny Amendment to Nevada Department of Transportation Grant for Lincoln County Transportation in the amount of \$5,000.00.

Paul advised that #5 includes a change order for purchase of turf from his company. Ronda advised that she received three different copies of the lease agreement for the Panaca Post Office and questioned which one is correct and needs to be signed. John will review the documents prior to Ronda signing them to ensure that they are correct. **Tommy made a motion to approve the consent agenda; seconded by Paul. All voted in favor.**

Wade joins the meeting at this time.

#10-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. Leslie questioned the voucher that Wade submitted for Secretary of the Highway Commissioners. The Board agreed that this is to be paid from the Road Department. Leslie cited that she believes that the Solid Waste payment is due at the first part of the month, but the Commission meeting was moved from 11-3 to 11-10. Leslie commented that if it isn't paid timely there will be late fees attached. Leslie asked DA Greg Barlow when the payment is due for solid waste. Greg wasn't sure but believed that it was the first of the month; he will have Deputy DA Dan Hooge review this so that a voucher for this payment can be approved before the end of today. **Tommy made a motion to approve the vouchers as presented with the exception of the voucher for the cell phone for Cory Lytle; seconded by Paul. All voted in favor.**

#22-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$907,207.79 with estimated expenditures being \$191,841.66. This leaves General County with a balance of \$715,366.13. Transportation has a cash balance of \$24,760.99 with estimated expenditures being \$5,263.72. This leaves Transportation with a balance of \$19,497.27. Nutrition has a cash balance of \$18,024.43 with estimated expenditures being \$10,834.34. This leaves Nutrition with a balance of \$7,190.09. Detention Center has a cash balance of \$7,792.44 with estimated expenditures being \$78,513.13. This fund will be in the red \$70,720.69. The amount billed for September was \$178,430.00, which will leave the Detention Center with a balance of \$107,709.31 when it comes in. Solid Waste has a cash balance of \$5,193.74 with receipts not posted to the landfill account being \$6,661.80. Total revenue is \$11,855.54 and expenditures include \$235.00 for envelopes. Monthly payment is \$17,250.00, which will leave Solid Waste short by \$5,629.46. Ronda said that the county has the money to make the payment this month, but there isn't enough for next month. The liens have brought in a small amount of money, but not enough to cover the bill. Greg advised that he will

wait about a week or so to begin filing small claims, then the county can go after assets and monies. Ronda questioned where the Board would like to take this from if there isn't enough money to pay it. Ronda advised that the county's investments are through Mellon and due to the fact that they trade daily the county hasn't lost any money; interest has been earned on both accounts.

#16-ALAMO INDUSTRIAL PARK

Ken Dixon reviewed the payment of Phase II fees by the developers for the Toquop Power Corridor Environmental Assessment. Ken advised that all parties are paid in full for Phase II. There will be a \$22,700 balance in the account at the end of October, including what is in the account now. Current balance is about \$220,000 and there are outstanding invoices for administrative monies and \$3,600 to LC Power District. \$173,000 will be the amount owed to LCPD at the end of October.

#28-BUILDING & SAFETY ITEMS

b) Ken Dixon advised that the ATV is sitting out on a trailer and should be used. Cory Lytle would like to purchase a plow so that it can be used to clear snow during the winter months. Ronda is concerned about the guarantee if something happens to it; how will damages be replaced and fuel be paid for. Ken stated that there is money in the Sheriff's budget. Ronda is concerned about who will be responsible if it is wrecked; does the county have to replace it if that happens. Ken commented that he uses his own machines for Search and Rescue, so he is responsible, and the county would be responsible for the ATV. Greg advised that someone needs to be responsible for the ATV; the key would be maintained by this person and would be checked out by these entities. This person would also be responsible for maintenance. Also, Greg felt that a letter of understanding could be kept on file requiring whoever uses it to be responsible for fuel and any damages that occur. Wade suggested that the Emergency Manager, Rick Stever, be responsible for the ATV and whoever wishes to use it will have to go to him. **Wade made a motion to make the Emergency Manager the responsible party for assigning them out, maintenance and keeping track of the ATV and all fuels reduction equipment; seconded by Paul.** Ken stated that Cory can use the ATV purchased by the Building Department (from the Road Department) to clear snow during the winter at the courthouse. **All voted in favor.** John will contact Rick Stever.

#24-RESOLUTION #2008-42

Ronda read the resolution into the record. **Wade made a motion to approve the Spay/Neuter resolution providing for rebates to citizens within Lincoln County that spay/neuter their pets; seconded by Paul. All voted in favor.**

#11-COMMUNITY DEVELOPMENT BLOCK GRANT 2009

Grants Administrator, Phyllis Robistow, presented this item. She has received three applications that will be heard on 11-10. There is a fourth application but it is for sponsorship of the NV Small Business Centers, this doesn't count against the one grant that the county is eligible for. The amount for this sponsorship is \$88,030. This can be turned in along with LC's one CDBG request. UNR will actually get the money; the county is just sponsoring it. The three applications received include: public radio station in Alamo (\$79,532 for equipment), Alamo Sewer and Water GID for treatment at the sewer ponds and arsenic removal at the Industrial Park well, and Planning Department (\$100,000) for Capital Improvement Plan. This item is information only and no action is taken.

#12-ORDINANCE #2008-04

This is the time and place set for public hearing and adoption of an ordinance amending Chapter 1 of Title 4 of the Lincoln County Code authorizing Lincoln County to regulate, control and license all person engaged in, associated with, or in control of the business of liquor sales within Lincoln County and to assess license fees for the privilege of operating such business within Lincoln County as authorized under Nevada Revised Statutes Chapter 244. Ronda read the ordinance by title. DA Greg Barlow reviewed the ordinance. Fees can be changed from time to time by resolution. Ed Wright addressed the fees for the "old part" of LC, including Pioche, McCrosky's and Caliente. Greg outlined the fees as contained in the proposed ordinance. Package liquor will go from \$75 to \$400. Tommy advised that there might not be enough profit for the small businesses to afford the \$400 fee. Ed is very concerned about this as he will have a very difficult time. Budweiser, Coors and several other vendors are attaching a fuel fee on top of a 15% raised; in January there will be another 15% raise. Ronda requested that Greg work up a comparison for what is being charged now and what will be charged. Ed advised that he will present his volume of sales totals on 11-10. Harvey Whittemore addressed the Board. Harvey advised that it isn't CS's intent to raise the license fees. Harvey asked that the Board take into consideration the small businesses in regards to fees. This provides for identification of districts that will have liquor/gaming. Harvey feels that the changes made to the ordinance have been approved by CS. Harvey believes that the CS HCP for LC side will be signed this week and CS is close to finalizing the ROD for Cane Springs water. The ordinance provides for a transparency with the Clark

County side. The ordinance addresses how close churches can be located; all other existing licenses are grandfathered in. **Tommy made a motion to continue this public hearing to 11-10 at 1:00; seconded by Wade. All voted in favor.**

#35-PIOCHE CONSERVATION CAMP

Ed Wright, Chairman of the committee working to save the Pioche Honor Camp, advised that they hope to have all of the information compiled prior to the 30th. They will make presentations to the Finance Committee prior to the end of the year. The committee is awaiting impact information from local businesses. Senator Warren Hardy has requested that Wade email all of the information that the committee has. Mercedes Howard and Gina Smith have helped the county with all of their hard work in addition to the committee. Ed wasn't certain how long it would take to address both Finance Committees. Tommy asked that the developers give any help that they can to aid LC in keeping the Honor Camp open, not monetary, but influence and contacts. Tommy advised that SNWA is offering help as well.

#8-OFFICER/DEPARTMENT HEAD REPORTS

LC HEALTH NURSE Jean Lucht advised that the health fair is 10-25 from 8 a.m. to 12 p.m. There is a mental health stakeholders meeting next week. **DISTRICT ATTORNEY** Greg Barlow advised that next week's trial has been cancelled and there will be a trial the first week of December. **CLERK** Lisa Lloyd advised that Early Voting started this last Saturday and there have already been record numbers of voters. **COMMISSIONER TOMMY ROWE** reported that he spoke with Mike Willden concerning the Finance Committee meetings. State is leasing the Gene Prison and they will be absorbing a great deal of the state employees that would've been laid off. Marge Gunn is having a retirement party on 10-23 at 6:30 p.m. in the high school cafeteria. **COMMISSIONER PAUL MATHEWS** requested information from the Sheriff about the school zones. Sheriff Kerry Lee advised that DOT will be taking care of that. Part of the old system has been removed and a new timer will be installed as early as next week. **COMMISSIONER RONDA HORNBECK** reported that the Board was invited to attend the celebration for the Public Lands Act this Thursday.

#13-ORDINANCE #2008-05

This is the time and place set for public hearing and adoption of an ordinance creating Chapter 8 of Title 4 of the Lincoln County Code authorizing Lincoln County to license casinos and gaming establishments operating within Lincoln County and to assess license fees for the privilege of operating such business within Lincoln County as authorized under NRS 244 and NRS 463. Ronda read the ordinance by title. **Wade made a motion to adopt Ordinance #2008-05; seconded by Paul.** John Crossthwait asked what the increase would be to his gaming rates based on this ordinance. For restricted less than fifteen slots, it's \$10 per machine per quarter. John feels that LC should rubber stamp their license based on the investigation that he faces through the state. This is a secondary license compared to what John is already paying through the state. John looks at this as a tax increase. Ronda advised that the county has to protect itself as the county is faced with a great deal of growth. Ronda stated that fees can be changed through resolution, if needed. The fees are uniform throughout the county. Tommy said that it must not be a burden on the small licensees. **All voted in favor.**

#14-NEVADA STATE HEALTH DIVISION PROGRAM

Pamela Graham offered an update concerning the changes to infrastructure within the Nevada State Health Division and the Frontier and Rural Public Health Program Services. Pam recognized Jean Lucht, LC Health Nurse. Jean is very much appreciated for carrying out public roles in the county. Based on the budget shortfalls, Alex Haartz has been replaced by Richard Whitley. Richard wants to support community health nurses by bringing them directly into administration and to be more cost efficient in the provision of health services, including WIC, mental health and early intervention. The FAR Program was established to address this program. POD exercises will be done for pandemic flu and other illnesses. They are also working with Jean in regards to disaster response within the community. EPSTD screening program is targeted to be done in the rural areas. They are also looking at Early Intervention Programs collaboration with the existing programs in LC. Many of these programs will be severely impacted by the upcoming budget cuts. The mental health budget has been severely impacted and services in rural NV will be decreased starting in 2009. The Division of Mental Health is holding town hall meetings in each of the communities as well. Pam advised that they want to address the individual needs of the communities. Ronda asked if some of the programs could be grouped together so that the county won't lose them. Mental health services will continue as they are. Statewide there will be budget cuts that will most likely impact some of the ability to provide some of the services, such as paying bills in a timely fashion, a couple of rural nurses will be lost. It is hoped that there won't be layoffs and that they will be able to find people jobs within the program. There has been discussion by the Governor about more budget cuts. Their program experienced a \$167 million budget cut. Most of the services are contribution only and the ability to collect after the patient has left is greatly reduced. There is a definite financial struggle to keep these services in place.

#25-WESTERN COUNTIES ALLIANCE

Wade made a motion to approve the payment of the budgeted amount for payment to Western Counties Alliance, not to exceed \$3,000; seconded by Paul. There is some discussion concerning the amount that was budgeted; it is uncertain as to the exact amount and the Board agreed that \$7,500 is not affordable. **All voted in favor.**

#31-AGREEMENT FOR USE OF HIGHLAND

Sheriff Kerry Lee presented this item. the county hasn't paid for use of communication sites in the past. The Department of Technology has requested approximately \$4,669.50 for rack space on Highland. Kerry didn't budget for this. LC maintains the road to Highland to allow DoIT access to their site on Highland. The LC Power District also has a site on Highland. The Board agreed that it was believed that maintenance of that road was LC's payment portion for use of the site. Kerry will contact DoIT to see if there is something that can be worked out in lieu of payment, since the county has shared expense by maintaining the road. Ronda cautioned use of the language prohibiting the public from going onto the site; Cody Whipple maintains equipment on this site for the county and needs to get up there. Kerry will check into this as well. The previous agreement expired June 30, 2008. Kerry and John want to work on negotiating something and will bring this back at another meeting.

#32-LC DETENTION CENTER

There are some issues with the HVAC system at the Detention Center. Kerry is requesting replacement or repair of various components to the system. There are some pods that are extremely hot and some that are very cold. Kerry has a bid for repairs from S&S Mechanical Contractors in the amount of \$7,022.43. Kerry doesn't have the money in his budget to cover these repairs. All filters have been cleaned and changed. This will change out the computer box and put in seven controls for the thermostats located in the pods. The inmates will not be able to tamper with the thermostats as they will be in metal boxes. This will separate the pods into seven zones so each individual zone can be climate controlled. **Wade made a motion to approve the bid from S&S Mechanical Contractors to repair the HVAC system at the Detention Center, to be paid from Fund 87, in the amount of \$7,022.43; seconded by Tommy.** Tommy asked if this is a loan and the Sheriff's budget will have to reimburse the water budget. There is some discussion about whether or not this is a loan. Ronda asked that everyone remember that this is only \$7,000 right now, but the amounts paid out are adding up. At some point, the Detention Center needs to pay for itself and this is the stand that the Board previously took. Wade advised that he expects this fund to become an enterprise fund in 2009 and it will most definitely pay for itself. **All voted in favor.**

#15-ORDINANCE #2008-06

This is the time and place set for public hearing and adoption of an ordinance creating Chapter 9 of Title 4 of the Lincoln County code authorizing Lincoln County to establish a Liquor and Gaming Licensing Board Policy and Procedures authorized under NRS 463. Greg reviewed the ordinance. At some point in time the Board needs to address who will handle the business licenses. There are no fees; this is just a policy. **Wade made a motion to adopt Ordinance #2008-06; seconded by Paul.** Harvey Whittemore advised that he supports the adoption of these changes. **All voted in favor.**

#16-ALAMO INDUSTRIAL PARK

Terry Manly commented that he understands that all developers are current on payments. Terry addressed the correspondence that started with BLT concerning BLT making their share of the payment if the work was suspended. Terry asked if the county is going forward and if someone doesn't pay then a lien will be filed. Ronda advised that this is how the vote went. There is to be no delay in the work and if anyone defaults a lien will be filed. Ken Dixon advised that they will be addressing the next funding agreement for Phase III and IV. These two phases will be stretched out and the intent is to move forward.

#17-QUARTERLY JAIL TOUR

The Board made the usual quarterly jail tour. Clark County Detention Center had an outbreak of illness, so there will not be any contract inmates moves for two weeks. Currently, there are 87 CC inmates and 10-15 county inmates. There is an issue with the intercom system, which needs to be replaced as soon as there is money. The intercom is located in the dispatch center. Dispatchers are handling the calls from the inmates, but they aren't trained to handle inmate issues. Also, dispatchers are very busy with calls and don't have the time to stop and handle inmate issues constantly. The intercoms need to be moved to the control pod in the back. The GED, AA and church programs are going very well. Last GED class, there were 16 inmates that trained.

Lunch 12:30-1:00

#18-PANACA FIRE DISTRICT

This item is addressed under a separate agenda.

#33 & #34

These items are off.

#19-SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT—ROUND TEN

Carol Bass made a presentation concerning Round 10 of SNPLMA. There are two projects this year that will affect Lincoln County: BLM Caliente Field Office Travel Route Evaluation Planning and Access Phase I and Watershed Analysis of Five Watersheds and Associated Habitats for Threatened and Endangered Species in Southern Lincoln County (Phase II). The Travel Route will identify roads. Wade advised that BLM is shutting down access roads that should be open to the public and restricting access to wilderness areas by shutting off all roads with the exception of one. Carol advised that the Travel Route plan will not address that issue. Wade said that there are several cherry stem roads that are being ignored but shouldn't be. Tommy said that all the roads should be managed by the county. Carol will refer RS2477 data to John Rhus. Five more watersheds will be added for evaluation in LC. These watersheds include: Beaver Dam Wash, Coyote Springs, Kane Spring Wash, Toquop Wash and Tule Desert Watersheds. Connie Simkins asked how much these two projects will cost. Travel project, Phase I, is \$612,500. Watershed Analysis is over \$400,000. Vaughn Higbee advised that watershed is used to lock out all of the grazing permits in the area. Vaughn cautioned the Board about supporting watersheds. Vaughn said that he's very familiar with the Mary's Watershed, and access has been limited to the point where it is nearly impossible to get through, except for one route. Carol understands that an area affected by the watershed is treated as one planning area so that they can look at all aspects of the watershed. All environmental aspects are treated at the same time as opposed to separately. BLM will send their projects 10-28. No action is taken.

#20-NUCLEAR WASTE ISSUES

Vaughn Higbee presented this item. License has been submitted to NRC and a ROD has been made establishing Caliente as the rail route to Yucca Mountain. Both of these directly affect LC. LC will be intersected from Caliente through several different valleys. Vaughn referred to the ROD, which basically says that there would be no significant difference between the Caliente and Mina routes. The cost would've been much less to go through Mina, but they didn't want to tackle the situation at Shurz. DOE feels that the impact to Caliente Corridor will be very small. ROD says that there are no land use conflicts that should prevent the DOE from constructing the rail. DOE feels that this is very doable. Congress passed a law that says the material will be at Yucca Mountain. Vaughn spent some time in Idaho Falls, where they talked about a couple of things that are important to LC. Vaughn discussed the history of Arco, ID, in regards to nuclear waste. If LC doesn't create relationships with officials it will end up in the same position as Arco, with no ability to receive funding or any other benefits/opportunities. The things that have been going on with the county oversight must happen; these people must be engaged as these are the people that will be making the decisions. DOE can't be allowed to dictate to LC as our lives and ability to function as a community will be severely impacted. Relationships must be cultivated so that our position can be understood by the officials involved in this project. Vaughn urged the Board not to be afraid to engage and cultivate relationships with these people, in spite of the fact that it may be viewed as lobbying; it will protect LC's position and ensure that the things that LC needs to have happen do happen. Ronda said that the mitigation issues that LC has put out there are tremendous. DOE says basically that there aren't impacts; the Board members must engage. Ronda replied that the Board sent a 125 page letter concerning mitigation measures. As an overall project, DOE doesn't see any impact; on the local level, the impact will be huge. Connie Simkins advised that nuclear waste funds can be used to offer contentions. Barry Neuman will be here on 11-17. Connie has put out a new issue of "Tracks" advising of the ROD. The computer at the Alamo Library is nonfunctional and Connie will present a list of upgrades at the next Commission meeting. Connie provided a copy of the narrative for the Cooperative Agreement to Ned Larson. There will be a meeting in Carson City on 10-22 to begin the process of replacing Bob Lux. There is a newspaper article about the Surface Transportation Board meeting is possible in NV. The Continuing Resolution for funding for the oversight program has been signed and the six month block of money should be received prior to Thanksgiving. NRC signed a notice of hearing last week and it will be put in the federal register. This will leave LC with 60 days to file contentions. There are several more steps that will take about five more months and it could be May 2009 before we know if the contentions have been accepted by NRC. Currently, there are seven contentions that Barry Neuman will be presenting to the Board.

#22-OFFICER/DEPARTMENT HEAD REPORTS

The Commission received a letter from NDOT denying the request to change the speed limit at the Beeline in Pioche 45 mph. The county would be allowed to put up a caution light at our own expense, but nothing more, in spite of the three deaths. This is the third time it's been denied. Wade said that the only time that NDOT reacts is when enough people die.

#21-BOARD OF HIGHWAY COMMISSIONERS

This item is addressed under a separate agenda.

#23-LC SCHOOL DISTRICT BOND INITIATIVE

Nykki Holton presented a report on the School Bond Initiative. Every six years LCSD is allowed to come before the voters to ask that they be allowed to keep the opportunity to bond. A ballot has been put on the question asking the voters to be allowed to keep their bonding capacity. The question this year is asking for \$5 million. A “yes” vote doesn’t increase the taxes and a “no” vote doesn’t decrease taxes. These bonds allow for building and maintenance of facilities. The priority item is a new facility for Panaca Elementary School. Two programs had to be moved, including adult education being moved into a storage room. That building has been shut down and no one is allowed in there. Most likely the building will be demolished. It looks like the insurance will have to buy them out, but it will be at a very reduced rate. There is a dire need for a new elementary school in Panaca. The second priority is to repair roofing in Pahranaagat Valley. Third is Caliente Elementary School Phase IV. The middle schools need repairs and renovation. A Vocation Building in Pahranaagat Valley needs to be constructed. \$5 million will not cover all of these items, but it will at least give the school district a start. If the bond passes, it is believed that the bonds will be sold prior to the end of January.

#28-BUILDING & SAFETY ITEMS

Building & Safety Director, Cory Lytle, presented this item. a) Update—Cory presented the items discussed at the last meeting concerning the part time building inspector to the potential candidate; he hasn’t returned Cory’s call. Richard Simpson will continue to cover the Hiko/Rachel areas.

#30-DENTIST IN LC

Dr. Benjamin Cope, DDS, PC presented this item. Ben is asking that the Commissioners sign a letter to the NV Board of Dental Examiners stating that a dentist is needed. Ben has been practicing in the Enterprise area and was approached to practice here. LC has been identified as an undeserved area that is in need of a dentist. The letter from the Board is a request from the Commissioners asking that the clinical requirements for licensure be waived in order for Ben to be licensed, as appropriate, in the State of Nevada to practice in LC. The license will limit Ben to LC. Ben estimates that he would come to the county about two days per week. All insurances will be accepted. All of Ben’s licenses are current. **Tommy made a motion to approve; seconded by Wade. All voted in favor.**

#26-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—A letter was sent to CDBG stating that LC would track jobs but don’t put us under any time constraint. An email from Des Craig was received. CDBG prefers a firm commitment from LC. The last industrial park grant application award has been given out until they start to close out the old grants. For the moment, the notice to proceed is on the way. LC will be able to work with the current grant, but will not be able to get any more. CDBG knows that LC will do whatever is necessary to make sure that jobs are created in Alamo. Any permanent job needs to be counted, especially if they hire local people. LC has about five-six years on this. Permanent jobs created because of the industrial park are what will be counted. Before permanent jobs can be put in place, the land has to be bought and paid for. Contracts with individuals who purchase the land will require that they track all jobs created. The jobs have to be tracked to prove that 50-75% of the jobs were filled with low to moderate income individuals. The Governor’s budget has been going in circles with health and human services. There are great concerns about the indigent accident and supplement fund. These two funds are being viewed as a match for state Medicaid. If this money is used for state Medicaid, it won’t be available when the residents need it. Indigent Accident Fund had 71 cases that ended June 30 for a total of \$6.5 million. \$15 million came from the Supplemental Fund. NRS makes it the county’s responsibility for indigent people. LC, over the last four years, has collected a total of \$150,000 and sent it to the state for these two funds. This is 2 ½ cents per person in the county. Even if someone is traveling through the county and has an accident, it is the county’s responsibility. Some of the past years’ expenditures have been used on LC residents. If this money is taken away, the county will be in a terrible situation. The county match program for long-term care may be changed as well since the Federal rules for payout have changed. The \$.08 should stay the same. Business Week listed NV as one of the ten states that can’t pay for itself. Phyllis is working on getting LC’s SNPLMA applications finished by Friday. b) Amendment to 5-01-06 contract with Intertech Services for professional services for the Southeastern Lincoln County Habitat Conservation Plan—This contract will increase the agreement from \$30,000 to \$45,000. **Tommy made a motion to approve the contract amendment for Intertech Services; seconded by Paul. All voted in favor.**

#36-COUNTY MANAGER ITEMS

a) Update—John has been in touch with SortCo, Brimont, Bret Whipple, Dr. Katschke and his group, and they are still online to purchase property in the Alamo Industrial Park. SteelTech hasn't responded. John will meet with the engineers from Sunrise on Thursday at the Alamo Site. Maps for review are expected next week. When the conceptual maps are received, copies need to be sent to Alamo W&S, Alamo Town Board, CDBG and Alamo Power. Input is needed from these entities. Each of the entities interested in land will need copies of the maps as well. Wade also suggested that NDOT and Mike Baughman be sent copies as well. Tomorrow morning, John will call with Manuela Johnson. There is still a problem with the map in that BLM sold the county 22 acres extra that include the highway. b) Reimbursement for Rick Stever's and Richard Simpson's cell phone usage—Ronda requested that these two cell phones go with the lowest cost program as opposed to just going with the \$55.00; if it's possible to save money, do it. Ronda questioned the amount of phone usage for these two people. It is believed by Cory that Richard would be able to get by with the lowest rate plan. Since both of these positions are part time, Wade suggested that they go with the \$35.00 plan. **Wade made a motion to approve reimbursement to Rick Stever and Richard Simpson of \$35 per month; seconded by Bill.** Cory asked if the Emergency Manager is on call 24/7. Yes, Wade said, but how many calls does he get that are emergency calls? Not that many and at night, if he has Verizon, it's free. Verizon to Verizon calls are free. **All voted in favor.** c) Report – Contract completed for Nathan Adams as Pioche Public Utilities Manager in the amount of \$64,890.00 effective October 1, 2008 as approved by Pioche Town Board with changes as authorized at a previous meeting—The contract was completed in the approved amount, with no increases. It is a one year contract and was approved by the Pioche Town Board with the changes made by the Commissioners. d) Progress report concerning insurance claims for the Courthouse flood losses in the amount of \$17,085.94—John has been working on finishing up the insurance claims. Money was improved to allow for purchases of replacement equipment. The insurance adjustor has been in touch with John and it doesn't appear that there will be any problem with receiving payment for the courthouse internal losses, including computers, blinds, calculators, etc. Richard Simpson was already paid for his additional work hours. The insurance will reimburse for this expenditure and, in turn, it will be paid back to the fund that it was paid out of. Replacement blinds for the Assessor's office are the last item on the list and haven't been ordered.

#27-PLANNING ITEMS

Clint Wertz, Planning Director, presented these items. a) Update—No report. b) Invoice from Summit Engineering in the amount of \$3,200.00 for Annexation Map for the Alamo Industrial Park lands—The total request is for \$3,200.00 to survey the Annexation of the Alamo Industrial Park. There is enough money in the Planning & Development Fund. **Paul made a motion to approve the contract with Summit for the Annexation Survey map, to be paid from Fund 93; seconded by Tommy. All voted in favor.** c) Lincoln County Planning Department fee schedule review—Clint reviewed the proposed fees. **Wade made a motion to approve; seconded by Paul. All voted in favor.**

#29-RACHEL PRISON APPEAL

This is the time and place set for hearing on an appeal of a Planning Commission (PC) decision dated 9-11-08, special use permit (SUP) requested by Toreson Industries (TI). Ronda outlined the rules of the appeal hearing and questioned the Board members and asked if they'd read the material and felt comfortable enough to make a decision. Each Board member indicated that they were well informed and prepared to move forward. Each person who wishes to make comments is given three minutes. Clint Wertz reviewed the appeal, related documents, and history of the appeal. The original request was for a 2,000 bed prison in Rachel. The request was scaled back to 1,500 beds and only minimum-medium security prisoners. The appeal was filed in a timely manner by several residents from Rachel. Staff's recommendation is to uphold the original decision of the PC with the original conditions that were part of the record. Deputy DA Dan Hooge clarified the Board's role in this appeal and cited the NRS and ordinance that govern this appeal. Dylan Frehner, counsel for Jim Toreson, is present for this issue. Clint reviewed the Conditions of Approval. The facility is bordered on three sides by property owners that make it very remote, including Nellis property and BLM. Each and every condition has to be met or it will be brought into default. Nick DiRosario and Master Sergeant Urdiales are here representing Nellis and the Test Site. Priscilla "Pat" Travis-Laudenklos presented information concerning various occurrences with private prisons. Pat cited that they didn't feel that there was enough time to study the possible impacts. Pat stated that they whole community feels that they were "slapped around". If there is an injury or murder it will come back to the county. It will be on the county's shoulders as residents of the county. It isn't just a genuine feeling that the residents don't want it in Rachel; they are trying to have a happy community. Pat said that the community feels that they need to say that this isn't done correctly and asked that this be taken back so that it might be looked at more thoroughly. Tommy agreed with Pat that this needs to be looked at closer. Tommy suggested that all of their concerns have to be put in writing. There can be mitigation to supplement this to the Sheriff's Department, said Tommy. Pat commented that none of this has happened in other states, but if it did here it would be a wonderful thing. Pat stated that not being informed is what hurt their community most. Pat requested that the Board

consider how they feel; they came to Rachel first. Pat also requested that the Board reimburse the \$900 appeal fee to their community fund, if possible. Richard Bunk purchased the "Quik Pik" gas station-RV. Richard is against the prison as this use is completely inconsistent with what Rachel is. The prison will be the focal point of the whole valley. Richard is a contractor and is very familiar with lighting. The prison lights put out a great deal of lumens and unless everything is painted black the light will reflect back. Richard doesn't believe that the lighting can be mitigated. Richard has attended many meetings like this and he's never witnessed the granting of a special use permit prior to the conditions being spelled out as to who will cover what cost. This SUP has been granted based solely on a "sales pitch". The prison has already been approved prior to any type of development agreement. Richard feels that this is completely backwards; especially taking into consideration the type of people that will be brought in with this facility. Richard referred to the "public convenience and welfare" need as cited in the statute. Richard reminded the Board that this is solely what the Board's decision needs to be based on. The fact that it only takes one inmate escaping and having the ability to assault someone falls under the "public convenience and welfare" advised Richard. Richard stated that all of the residents that he's spoken to are vastly opposed to this prison. It is incumbent upon the Board to look at the residents of Rachel. Richard implored the Board to consider the people that will be impacted by this facility. Richard said that he doesn't want to live in Rachel if there will be a prison in his backyard. Richard feels that this is an extremely bad idea. This will put a crimp in the possibilities for development at Rachel. Ronda reviewed the opposition to having the LC Detention Center and Honor Camp opened in Pioche. Right now, the county is fighting tooth and nail to keep the Honor Camp open. This is thirty jobs. If these jobs are lost, it's seventeen to eighteen kids lost to the schools and \$300,000 lost to the school district. When the DC was built it was private, the owner wasn't able to make it work and he walked away. The county purchased it. There has not been one single escape to date from the DC. The county wouldn't have to take over the private facility built in Rachel if the private owner couldn't make it work. Whoever the developers are, they go back to where they came from. Richard said that he drove 400 miles to attend this meeting. With the development agreement coming afterwards, it puts a huge burden on the Rachel residents. Richard suggested that this appeal be upheld and this proposal be worked from the ground up to avoid the residents having to drive to all of the meetings. For the Board to do a development agreement with Jim Toreson makes no sense because the Board has to deal with the developer, not Jim. This is the purpose of this SUP, to allow for Jim to seek out a developer. Joe Barker cited that a prison dwarfs the other type of projects that a SUP can be issued for, including kennels and RV parks. Joe doesn't feel that this should be an appeal; it should've been a decision made by the Commissioners. Joe feels that the original decision belongs to the Commissioners, not the Planning Commissioners. Joe also requested that the \$900 be returned to the citizens of Rachel if the Board members agree. The master plan should've been amended and took into consideration Rachel. It is disingenuous not to get the prison into the master plan. Several prospective property owners that were looking at Rachel have walked away once they learned that there would be a prison there. Joe cited that the master plan shows the proper process for this and asked that the Board follow it. This process, as it is now, was very ad hoc. A development agreement would prevent the residents from paying additional taxes to provide for the mitigation measures required for this facility. Joe asked that the process be handled "above board". Joe doesn't want a prison out there, but he asked that the process outlined in the master plan be followed. The master plan amendment is required prior to the development agreement, Clint said. The master plan amendment is a public process and has to be noticed in the newspaper. It doesn't require the property owners to be individually notified. The level of review expected for the master plan amendment is commensurate with what has been experienced with the developers. The county is within their right to approve this. There isn't a plan for Rachel or Pioche and Clint hasn't been able to address these issues since he's been working on the larger projects that have come into the county. Within 18 months, Jim will be required to have traffic and drainage studies and site plans submitted. All of this prior to the development agreement. All of the concerns will have to be ferreted out prior to arriving at the development agreement process. Ronda reviewed the process for the development agreements that the county has recently approved. Ronda commented that many ideas have been put out by Jim about what he will do with his land; this is the fifth idea. Prior to everyone getting into an uproar about the prison, a reality check is needed. Jim has a very short time to turn this around and make it happen. The developers working in the southern end of the county have seriously backed off of projects based on the financial crisis that the country is in. We are at a point now where many of the developers don't have money and can't get loans to continue the process. Ronda commented that she is sure that Jim is aware of how difficult this will be to complete within the allotted time frame. The odds of finding a buyer for a huge prison in this economy are slim. Laura Anderson said that the comparison of the DC and the Rachel private prison are apples to oranges. State prisons pay a great deal more money than private prisons. The guard to inmate ratio is 34 inmates to one guard and in the DC it's 25 inmates to one guard. The norm is 8 inmates per guard in most areas of the state. The turnover rate for guards in a private prison is much higher. This results in guards that aren't trained well enough. The county is counting on this private prison for taxes; Laura cited that several states have actually had to sue to get their taxes. Laura is very nervous; she lives by herself and is a widow. This is very nerve racking. This prison will have an impact on their lives. Dylan presented comments and disclosed that he represents the Water District. He only represents Jim on this appeal, not on anything concerning water.

Dylan reviewed the requirements for the Board to meet tonight. Dylan cited a case from northern NV; it went to appeal and was upheld based on the evidence. One of the major items of evidence was the master plan. Based upon what has been presented, Dylan doesn't believe that sufficient evidence has been presented to uphold the appeal. Dylan asked the Board to uphold the decision made by the Planning Commission on 9-11-08. Dylan referred to the placement and impact of the Ely Max State Prison. There will be impacts on the county with this private facility, but this is what the development agreement is for. There is sufficient evidence to support the PC's decision that this is an economic benefit. Wade commented that it all comes back to property rights. What is the right of the property owner to do with his property what he will? Wade believes that the PC acted justly based on the policies and information that they had. There are several issues in this county that are just like this. **Wade made a motion to deny the appeal and return the \$900 appeal fee to the citizens of Rachel; seconded by Paul.** Bill stated that the taxes that will come in from the prison will be overturned by the amounts that will have used for the Sheriff and DA's office. Bill said that the county will be lucky to get any money out of this. Paul said that he will work diligently to make sure that all of the concerns brought forward are addressed and funded through development agreements. Tommy said that this has nothing to do with the support of the prison or not, it is solely related to the PC's decision and its legality. Tommy said that the Board is looking out for the citizens of Rachel. Ronda commented that a great deal of money will have to be put out in front of this project so that it isn't put on the backs of the citizens. Daniel stated that the Board's decision is rendered within 60 days of the PC's decision. All five Commissioners were sufficiently informed as to the record. **All voted in favor.**

#37-PUBLIC COMMENT

Pat Travis-Laudenklos thanked the Board for putting the doors on the building. There was a fire a week ago. Due to the fact that there wasn't housing for the fire truck, the pumper wouldn't work. Pat asked that the insulation be done ASAP. It is slated to be done very soon and has been approved.

#38-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 7:02; seconded by Paul. All voted in favor.**

Attest: _____

Approve: _____