

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

February 2, 2009

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

The Board met in regular session with Chairman Paul Mathews calling the meeting to order at 9:00. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Paul Mathews, Ronda Hornbeck and Bill Lloyd being present. There is a quorum present and the agenda was posted on 1-27-09 to comply with the open meeting law. The Invocation is offered by Paul and Tommy led the Pledge of Allegiance. County Manager John Lovelady is present as well.

CONSENT AGENDA

- 2* Approve/Deny minutes of the January 20, 2009 Regular Commission meeting.
- 3* Approve/Deny appointment of Cory Lytle to the Lincoln County Game Board to replace Pat Gloeckner.
- 4* Approve/Deny July 1, 2008 through June 30, 2010 Labor Agreement with Lincoln County Law Enforcement Association.
- 5* Approve/Deny 2% longevity increase for Commissioner Ronda Hornbeck and Commissioner George T. Rowe.

Ronda made a motion to approve the consent agenda; seconded by Bill. Tommy abstains. Motion carries. Greg advised that there is no need to make a motion for retroactive pay on the Commissioners' longevity increase as it is statutory; it is retroactive to January 1.

#6-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. There is a voucher from LC Disposal and Recycling for \$17,250. Ronda advised that the part time clerk for Pioche Public Utility hasn't worked for an entire year and the increase for her shouldn't have been approved. Since this is part time, she can come back the first of July to request the 3% increase. John advised that the manager knows that she doesn't qualify. The correction will be on the next agenda. **Ronda made a motion to approve the vouchers as presented, with the exception of the voucher to LC Recycling (Norcal); seconded by Tommy. All voted in favor.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$1,068,370.49 with estimated expenditures being \$180,294.51. This leaves General County with a balance of \$888,075.98. Nutrition has a negative cash balance of \$4,728.83 with estimated expenditures being \$7,704.78. This leaves Nutrition with a negative balance of \$9,793.61. Paul advised that he and John haven't yet had a chance to meet with Toni Pinkham concerning this deficit. The 501(c)3 agreement is in place as is the foodstuffs agreement with Clark County that will aid in saving money for various food products. Detention Center has a negative cash balance of \$9,267.45 with estimated expenditures being \$60,052.45. Detention Center will then have a negative balance of \$69,319.90. Neither December nor January's billing has been received. Solid Waste has a balance of \$7,197.94. \$10,052.06 is the amount that the fund will be short after this month's solid waste payment is made in the amount of \$17,250. Leslie has set dates for the budget workshops: 2-23, 3-23, and 4-7. **DISTRICT ATTORNEY** Greg Barlow reported that there will be a jury trial this week that may last up to three days. There is a visiting Judge, Judge Estes, from Yerington. Greg's legal assistant has given notice and will be leaving the county on April 30th. Greg will advertise to fill this position. Small claims have been started on the delinquent solid waste billings.

#7-BOARD OF HIGHWAY COMMISSIONERS

This item is handled under a separate agenda.

#9-LIQUOR BOARD

This item is off.

#6-VOUCHERS

Ronda made a motion to pay the LC Disposal & Recycling bill, \$10,052.06 from Fund 87 and the rest paid from the solid waste fund; seconded by Tommy. All voted in favor.

#8-OFFICER/DEPARTMENT HEAD REPORTS

LC EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that they are working on the emergency plan. There will be a meeting on 2-10 for the LEPC committee. Rick will attend training in Las Vegas for Homeland Security on February 4th and 5th. Rick will also attend training in Reno 2-19. Rick was asked about a water problem in Eagle Valley. Rick advised that most of the creek in EV has been cleaned out to the north of the residential area, through the residential area, and a little beyond towards the south. The complaint was that the water was coming out of the creek above EV Resort and crossing the road above the culverts that the county put in. The water was then coming into the EV Resort area. There are many trees and a good deal of brush that need to be cleared to eliminate this issue. The creek has quite a bit of debris at this point. Ronda advised that permits will be required to clean out the creek. There was a problem with the Honor Camp cutting the trees. The only way to clean it is with a Cat, but when it was previously cleaned it was done under extreme flooding conditions. This is an issue that can be referred to the Flood Control Board. Clint Wertz advised that below the double culvert, there is a property owner with a single culvert in the middle of the creek. People encroaching on the flood ways is a problem, too. **LC FIRE PROTECTION DISTRICT FIRE CHIEF** Rick Stever has been asked to attend a meeting with Pahrnagat Valley Fire and requested that a board member attend with him. **CLERK** Lisa Lloyd advised that in spite of the fact that approximately \$35,000 was approved for a document imaging system she has contacted Mark Carter at ADS and asked that they put the project on hold due to budget concerns. **COMMISSIONER TOMMY ROWE** attended a LC Water District meeting, NACO board meeting in Carson City, Board of Equalization meeting, AULG meeting in Las Vegas, and a teleconference with Assemblyman Pete Goicoechea. Tommy met with Connie Simkins concerning the DOE water filings for the proposed Yucca Mountain Rail Route. All but six of the filings are temporary. **COMMISSIONER RONDA HORNBECK** met with Mike Baughman concerning legislative issues, Shannon Rayborn concerning LC's proposal for solar in LC, with LC Road Department, LC Building, LC Planning and LS Power regarding LS Power's special use permit. There will be a Weed District meeting 2-5 at the Caliente District Office. Ronda met with Connie Simkins regarding DOE's water applications. **COMMISSIONER BILL LLOYD** advised that negotiations with the Sheriff's deputies have concluded. They were given 3% this year and 2-3% next year (depending on CPI). The deputies can keep their old uniforms. There is a \$650 per year physical fitness incentive that must be done on their time, not during their shifts. **COMMISSIONER PAUL MATHEWS** attended the solar meeting with Mike Baughman. Paul met with Wade Poulsen concerning the Toquop area. The county might have to be more involved with supplying water to the area.

#12-FUND CREATION

Glennon Zelch, Pioche Town Board member, reviewed the resolution creating the Pioche Public Utilities Capital Project Water, Power and Sewer Funds. This will aid in gradually accumulating funds. **Ronda made a motion to approve the resolution creating the Pioche Public Utilities Capital Project Water Fund; seconded by Tommy. All voted in favor. Ronda made a motion to approve the resolution creating the Pioche Public Utilities Capital Project Power Fund; seconded by Bill. All voted in favor. Tommy made a motion to approve the resolution creating the Pioche Public Utilities Capital Project Sewer Fund; seconded by Ronda. All voted in favor.**

#10-LINCOLN COUNTY CAPITAL IMPROVEMENT PLAN

This item concerns a contract with CM Hardy for consulting and writing the Capital Improvement Plan (CIP). The cost will depend on the scope of work to be completed. Clark M. "Rick" Hardy reviewed his proposal for the CIP. Key elements of a CIP include basics, capital inventory, capital improvement program and the living plan, with year updates. Basics include developing a mission statement, establishing definitions and procedures that will need to accompany the process. Capital inventory will be based on the definition of items to be included. The scope of inventory may vary from basic to sophisticated, including listing, location and use, square footage, photos, videos, initial cost, maintenance and operating costs, condition, lifespan, etc. Capital improvement program would consist of reviewing projects from the 2001 plan, gathering information for current and proposed projects/procedures and identifying possible funding sources. Prioritization of projects and funding source identification are part of the CIP as well. July 1, 2009-June 31, 2015 would be the dates of the CIP. Once in place, the CIP would be updated every year. Rick's company, Consulting, Writing, Contracting, LLC offered to

create the basic CIP for \$9,800. Rick would develop the following elements for the county: mission statement and definitions; listing of inventory items based on the definitions; review of 2001 projects; gather information for current and proposed projects; identify possible funding sources; prioritize projects/matching funds, based on Board direction; formalize the plan and submit it to the various agencies pursuant to NRS 354. Ronda advised that Caliente would have to create a separate CIP for their city as they are incorporated. The LC Road Department office will be included in the county's CIP. Paul suggested that the projects be included in the plan in a prioritized fashion. Rick advised that he has previously created 5 CIPs. **Ronda made a motion to have Rick Hardy bring a formal contract before the Board for possible approval at the next meeting; seconded by Paul.** Tommy suggested that since this wasn't previously approved it might need to wait for the next budget session. Clint advised that the CIP is the next priority project for Planning and funds are available in the Land Act Planning/Development fund. The basic plan will meet the legal requirements. Clint proposed that the scope and cost be expanded to provide enough of a basic plan for the future; this would be a different monetary amount. Clint further advised that there are issues that need to be identified that weren't included in the 2001 plan. Rick commented that once the basic plan is in place, by June/July it can be expanded based on need. Bill said that the only issue he has is that a hiring freeze was put in place but now the Board is considering spending money. The freeze was to save money; not to continue hiring people. Rick advised that this would be paid for through funds that could not otherwise be spent. The money for salaries has dried up. Ed Wright commented that the county has a Planning Administrator and if the Board continues to outsource it will create further issues for budget problems. The entire state is having budget issues, Ed said, and LC is part of NV. **All in favor (this is to bring the contract forward only, not approval of the contract).**

#11-ORDINANCE #2009-02

Paul read the ordinance by title. This is the time and place set for public hearing on an ordinance entitled "Exceptions to Standard Recording Fees", which amends Title I, Chapter 11, of the Lincoln County Code, to update the exceptions to standard recording fees as required and permitted by the Nevada Revised Statutes and provides for future updates by way of resolution. Paul called for comments from the floor. Hearing none, **Ronda made a motion to approve the ordinance; seconded by Bill. All voted in favor.**

#15-NORCAL

This item pertains to the Norcal contract and proposed rate increase. Norcal has requested another 30% rate increase this year on top of the 30% increase last year. The Board needs to decide what rate will be passed on to the residents. Last year a 15% rate hike was approved by the Board; the county paid the difference last year as opposed to passing it on to the residents. Norcal is now asking for a total of 46% rate hike as they want the 30% increase this year in addition to the remaining 15% from last year. The 46% rate increase includes a compounding rate. The monthly billing to the county is \$17,250. There are a number of people who are in arrears on their solid waste bill. A lien has been placed against various properties. As this goes forward, those who haven't paid will be taken to small claims court. The individuals are responsible to pay their solid waste assessments. The county is getting further in debt as the monthly bill is being paid from General Fund monies. The county is at a crossroads and it needs to be determined what the rate will be so that the bills can be sent to the county citizens. Paul feels that the bills should be sent to the residents with a 3% increase only. Ronda advised that the 15% from last year has already been passed on to the taxpayers. The 3% is inline the recent CPI. Bill said that the county shouldn't be paying the difference for the rate increase out of county coffers; it has to be passed on to the residents. Norcal will have a net 12% decrease in what they are receiving from the county. In the future, if Norcal requests an increase the Board will take into consideration what the CPI is and how much can be passed on to the residents. Greg reviewed the history of Norcal's contract and increase. It is not a breach of contract to refrain from giving Norcal their requested increases, commented Greg. At this point, Dan McArthur still hasn't been allowed to review Norcal's books. **Ronda made a motion to authorize a 3% increase for Norcal for the year 2009-2010; seconded by Tommy.** Vaughn Higbee advised that the thing that sold the Commissioners on the contract is that there would be enough material brought into Crestline on a train and the people of LC would no longer have to pay for solid waste. Greg responded that Norcal hasn't been able to produce this revenue stream or contract. It is unlikely that Norcal will bring in enough waste any time soon to remove the cost to the taxpayers. Norcal has placed an ad in a trade magazine showing the landfill as being open. Vaughn stated that the contracted was misrepresented. Greg cited that this is a legal issue that is being attended to at this time. Vaughn further said that they completely misrepresented and the county was sold a bill of goods. Ed Wright asked how much more money could be taken from the water fund to pay for the solid waste. Not much. Ed cited that Norcal is not importing any waste right now. The deal with the first

company was that as soon as the Class I was received the costs would go away. Ed said that there has to be an out for the contract and there are many people who would be happy to be hired to take care of the trash. There are two separate contracts with Norcal. Paul doesn't believe that the county should be in a risk taking mode to carry the risk for a developing business; holding the contracts puts the county in that position. Each contract needs to be addressed individually on its merits without the county paying the risk. Marge Detraz commented that she was here when the Norcal contract was approved and reminded the Board that there were several other companies here offering contracts. The 3% will be included on the bills and assessed to the residents of the county. **All voted in favor.**

#18-GRANTS

Phyllis Robistow, Grants Administrator, presented this item. a) Update—The FEMA grant has been received that will pay ¼ of Rick Stever's salary back to October 1st. Phyllis is applying for the Victim Witness grant. Ronda discussed the SNPLMA funds for Rachel. Since this is a federal grant, any of the buildings in the park have to be used for community related events.

#19-PLANNING

Clint Wertz, Planning Director, presented this item. a) Update—Clint reviewed the various projects he's working on. Clint is working on getting a retreat in place for Board members. Ronda asked that it be called a strategic planning meeting as opposed to a retreat. Clint commented that this meeting will be a workshop. Clint met with Mark White concerning the master development agreement. Clint wants a template constructed containing comments on the side to explain the purpose and intent of the sections. Mark will have a draft to Clint by the end of this month. LS Power was in and attended the Planning Commission. PC continued their item as there were conditions they were concerned about related to bonding. Clint had a meeting with staff the end of last week to work through resolution areas on the conditions. LS Power will be back on the PC agenda for the second Thursday in February. The stage is being set for how large projects are reviewed in the future. The update to Title 13 of the county code will be one of Clint's priorities. The fiscal impact studies are moving along; Tischler Bise will be here on the 19th to interview departments. The Open Space Plan is underway and Clint is working with RCI on this project. Public outreach to gain input will be part of the project. Clint continues to work with GIS vendor, Gnomon, in Carson City. The county GIS information is heavily relied upon. Clint acquired a new GPS unit and there will be training for it this Friday at 9:00 a.m. This is designed for EMS people mostly. The GPS unit was paid for through nuclear waste funds. Dawne Combs is getting letters/packet ready for the residents concerning their address changes. The deadline for compliance with posting addresses is April 15th. The next phase of the Census is underway, which will create new political boundaries. This coming summer the Census will be verifying addresses. Clint attended FEMA training in Carson City. FEMA is in the process of digitizing flood plain maps, which will allow for them to be used with GIS. The new maps will have the aerial photos under them so it will be easy to tell if someone lives in a flood plain. Very little of the county is mapped. The Flood Control District will need to create a flood control plan that includes private land. Public lands group has its first meeting last week. Skip Canfield attended and introduced everyone to the process. Meetings will be the last Wednesday of the month in Caliente. Policies for disposals need to be thoroughly vetted. It will take approximately one year to finish the plan. This will also be adopted as part of the county's master plan. Clint commented on the business license. Clint has some concerns about how the business license will be administered. Clint advised that his office could be severely impacted by this project moving forward unless some type of "amnesty" period is set up. Everyone starting a new business should have to go through all of the hoops to ensure that they have their zoning in place. Anyone who is already in place should be handled differently.

Lunch 12:00-1:00

Ronda is absent at this time.

#13-ORDINANCE #2008-13

This is the time and place set for public hearing on an ordinance that amends Title 15 of the Lincoln County Code to include: mechanism for fee collection, changes to definitions and modifications of use tables for resort hotel and casinos. Paul read the ordinance by title. Doug Carriger is present on behalf of Coyote Springs. Doug advised that the purpose is to make Title 15 consistent with the adoption of the gaming ordinance by adding the definition of resort hotel and making it consistent with the other portions of the county code. There is

some discussion about how the fees will be collected. **Tommy made a motion to adopt the ordinance; seconded by Bill. Ronda is absent. All voted in favor.**

Ronda rejoins the meeting.

#16-MEADOW VALLEY AMBULANCE

Louise Buettner reported on the EMT class expenses. There will be a few extra costs based on physicals. The class started 12-6-08. There were originally 14 students, but two have quit. Testing will be this Saturday, 2-7, and the state will be here for the computerized test. There are twelve taking the test. There are two from Pioche. Total estimated cost for the class is \$3,668.05. Students are required to have 10 hours of time spent volunteering with an ambulance service, emergency room, or clinic setting. Ronda asked if Louise has the contracts for the EMTs. No, but John will get her a copy so that they are signed and in place before the completion of the class. Fifteen books/workbooks were purchased at the beginning of the course. The books will be returned so that Louise only has to order workbooks for the next class. Louise would like to host an EMT-I class this summer. Pioche Ambulance is Louise's highest priority as it is not running right now. Bill asked Louise to track the CEUs. Louise advised responsibility lies with the EMT to keep the certificate and track the CEU hours. Bill cited that he has attended many classes where no certificate was issued upon completion. Louise advised that she would like to get a new ambulance at some point and needs reflector vests for the EMTs. No action is taken; report only.

#20-BUILDING & SAFETY

Cory Lytle, Building Director, presented these items. a) Update—There are approximately one dozen pending permits. Thompson Opera House is coming along well. Last minute improvements will be included to address safety issues on the stairway. b) Adoption of the Lincoln County Grading Permit Application and Fee Schedule—This is a code requirement. This will apply to major developments and private areas that are out of town and will cover the creation of driveways into their houses. Ken Dixon reviewed the HCP fees, which are for processing the application. In Coyote Springs, the Home Owner's Association is responsible for paying the fee. Doug Carriger commented that an ordinance was passed in LC that requires the building department to look at a receipt for proposed land disturbance prior to the issuance of the land disturbance permit. If the applicant is moving material, they will pay an additional grading permit fee. Soils and air can be addressed in the future. Grading permits don't apply to quarries. Since this has to be adopted by resolution, **Ronda made a motion to authorize Cory to bring forward a resolution approving the grading permit application and fee schedule at the next Commission meeting; seconded by Bill. All voted in favor.**

#14-ORDINANCE #2009-01

This is the time and place set for public hearing on an ordinance concerning the creation of the proposed Southeastern Lincoln County Conservation Plan General Improvement District. This ordinance provides for the implementation, operation and funding for the protection of endangered species as provided for in NRS 318.055(2) and 318.1177. Ken Dixon presented this item. John advised that this isn't a service plan; it's a public hearing concerning the ordinance. The service plan was addressed at the last meeting. John told the Board that they can still adopt the ordinance at this public hearing. Vaughn Higbee asked if this applies to private property. Yes. A portion of the HCP area encompasses the Alamo Industrial Park and disposal lands around the park. Vaughn questioned what gives the federal government the right to tell him what he can/can't do with anything that he owns. Vaughn cited that he now has the right to own property and pay taxes, but that's it. **Ronda made a motion to approve the ordinance; seconded by Tommy. All voted in favor.**

#17-SOLAR ENERGY DEVELOPMENT

Dr. Mike Baughman reviewed a document entitled Proposed Federal Legislation Designating Certain Areas of Public Land in Lincoln County for Solar Energy Development as well as reviewed proposed changes to Title I-Land Disposal from the Lincoln County Conservation, Recreation and Development Act. Connie Simkins thanked the Board for the 2008 resolution that included no net loss of AUMs. This will be a subject of discussion at the N4 Grazing Board. Connie supports all types of alternate energy. The money that Mike is speaking to for property taxes would come at total build out, which is many years off. Connie asked that the Board help N4 Grazing Board get cooperating agency status on this project until completion. There are grazing operators that are an important facet of operating business in LC. Someone will need to be on deck to monitor construction. Everything will have to be watched and the county will need to know everything possible about

this as it goes forward. Connie advised that the solar project can happen in the Dry Lake area; it's a good place to put them and it would be a compatible multiple use area for the grazing operators. Connie asked that roads be kept in good shape and standards are maintained throughout the project. Connie asked the Board for this to be a shared use project and that the electricity be made available to a company that is in the area of the plant. N4 will also ask that range improvements be maintained. All of this needs to be in writing prior to the moving of dirt. Marge Detraz advised that the US is near a depression and feels that this is a great project for LC. Vaughn Higbee has range in one of the proposed areas. Vaughn asked that the county be very careful where these are placed. Vaughn is supportive of anything that will increase the tax base and cautioned the Board not to replace one industry that's been here for more than 100 years with another one. There are areas that can be provided for these developments that are user friendly to both and near transmission lines. The more people that are put into one area will affect the livestock. This is one more thing that provides stress to the livestock industry. Vaughn asked that the permittees in these areas be contacted. One to be considered is the LDS Church, and Vaughn asked that no development be put in the white sage flats or water areas. Brent Stewart could probably live with 100-200 acres, but more than that will cut down on the available feed. Somewhere down the road someone would say that the allotment is being over grazed. Ed Wright asked if a wind farm would be allowed there if the technology changes. If the oil industry continues down there will they be pushed out. Energy is energy, Ed said. Ed questioned whether or not the power district has been involved in this. No, Ronda said, this project is just starting out. Input will be needed from the public. Ed said that the technology will change and the county can't afford to continue raising our rates or we will be outsourcing to bring renewable energy in here to take care of ourselves. Marge cited that every community needs to know about this and meetings need to be held in every community. Ronda prefers to talk to BLM prior to moving forward in order to see what they perceive the county can/can't do. Ronda further suggested that meetings with N4 Grazing Board need to be held as well as checking with the power companies. Ronda doesn't believe that the county is ready to craft legislation on this yet. **Tommy made a motion to authorize Mike to move forward with this concept and to meet with BLM and local people who will be impacted by this; seconded by Bill. All voted in favor.** As this moves forward Mike will update the Board.

#21-COUNTY MANAGER ITEMS

County Manager John Lovelady presented these items. a) Update—The state unemployment rate is 9.1% and LC's is 6.6%. John reviewed the known Governor's budget impacts to local governments. 11 of 21 mental health clinics will be closed. NSP in Carson will be closed. Many cuts were made to Social Services. Local governments will have to pay most of the training costs for peace officers. John offered an update on negotiations. John attended federal mediation concerning the LC Law Enforcement Bargaining Agreement. After all this time, they got pretty much what the county has offered all along. They get to keep their uniforms, a 3% increase and a uniform allowance. Equipment has to be turned in. POOL/PACT has said that the insurance might decrease if they are physically fit. Longevity pay is at 30%, which is cumulative off base salary for the position. b) Payment of NACO dues for 2009 in the amount of \$9,127.60—**Tommy made a motion to pay the NACO dues for 2009 in the amount of \$9,127.60, to be paid from Fund 101; seconded by Ronda. All voted in favor.**

#22-PUBLIC COMMENT

Ed Wright is concerned about the Law Enforcement contract. In 1999, the budget for the SO was \$1.5 million and today it's \$2.7 million. They are basing a lot of their things on the \$400,000 from the Detention Center. Ed asked what would happen if Clark County walked away from their contract. Ed asked the Board to look at what is happening in the Sheriff's Department. Ed is concerned that the county has to outsource some of the projects/work items that have to be done even though there are 28 personnel. There are three individuals that are related and they live in Utah but work here. Bill stated that two of them live in Panaca and only one of them lives in Utah. Ed has lost 38% of his business and he's very disturbed. Ed's motel has been cancelled and he rarely has anyone coming. The business that the Sheriff is running is the same thing in the sense that it could go away at any time.

#23-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 3:30; seconded by Bill. All voted in favor.**

Attest: _____ Approve: _____