

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

March 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 2-24-09 to comply with the open meeting law. The Invocation is offered by Greg and Paul led the Pledge of Allegiance. County Manager John Lovelady and District Attorney Greg Barlow are present as well.

CONSENT AGENDA

- 2* Approve/Deny minutes of the February 16, 2009 Regular Commission meeting.
- 3* Approve/Deny Signing of Notification of Grant Award from Division of Aging Services in the amount of \$5,279.00.
- 4* Approve/Deny Change Order in the amount of \$4,590.35 for the Alamo Rodeo Grounds.
- 5* Approve/Deny Motorcycle race event at north end of South Pahroc Mountains, for Yucca Chuckers race on March 28th, 2009. Race is permitted by BLM and will have appropriate emergency measures in place.

Ronda made a motion to approve the consent agenda; seconded by Tommy. There is some discussion concerning the RMP that has eliminated off road racing in LC. The county will protest this and asked Ken to prepare a document stating such. **All voted in favor.**

#6-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. A voucher for \$90,196.75 payable to Pearson Brothers Construction is reviewed. It's for PV Justice Court for remodel of the courtroom. Based on the lack of statutory backup, Leslie is denying payment. This issue is on the agenda under Item #13. This item will be addressed separately. Leslie presented an invoice for SerCon Inc. for a Gasboy service system. The Road Department budgeted their portion but the county didn't budget anything for the remaining half. Ronda has suggested that it be taken from LC Water Special Projects fund, Fund 87. During the budget process, monies were to be set aside for the remaining half to be paid by the Sheriff. However, an error was made and the Sheriff's office account wasn't allotted monies to cover their portion, which is approximately \$12,000. There is a bill from Ford Credit for \$9,484.86 for the Sheriff's office. They are short by \$3,040.25, but Kerry has agreed that he will cut something from his budget to pay the remaining amount. Kerry intends to take it out of Coroner's budget. This could cause problems down the road, but at this time there is enough money in there to cover it. The remaining amount will come from vehicle capital projects fund. **Ronda made a motion for \$3,040.25 to be taken out of the Sheriff's budget as Kerry Lee directs; seconded by Tommy.** Ed Wright stated that it took a year to get the gasboys in; that's an awfully long time. Ed has his put in within 30 days by the company that the county denied. **All voted in favor. Ronda made a motion to pay \$12,737.07 to SerCon for the gasboy from Fund 87; seconded by Tommy. All voted in favor. Tommy made a motion to approve the vouchers as presented; seconded by Ronda. All voted in favor.**

#11-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$630,444.65 with estimated expenditures being \$161,374.17. This leaves General County with a balance of \$469,070.48. Transportation has a cash balance of \$38,371.36 with estimated expenditures being \$9,675.99. This will leave Transportation with a balance of \$28,695.37. Nutrition has a negative cash balance of \$11,669.93 with estimated expenditures being \$8,087.20. This leaves Nutrition with a negative balance of \$19,757.13. Detention Center has a cash balance of \$106,022.05 with estimated expenditures being \$85,657.89. With the receipt of January's billing in the amount of \$193,550, it will leave a balance of \$213,914.16. Solid Waste has a balance of \$83,023.15, with estimated expenditures being \$17,250. This will leave Solid Waste with a balance of \$65,773.15.

#13-PEARSON BROTHERS CONSTRUCTION, LLC

No bid or contract was received and it was denied by the Auditor. **Tommy made a motion to approve the request for payment from Pearson Brothers Construction, LLC, for remodel of the Alamo Annex Courtroom in the amount of \$90,196.75; seconded by Ronda. All voted in favor.**

#14-GRANTS

c) Grant application to State Emergency Response Commission for the Local Emergency Planning Committee in the amount of \$30,000—Jean Lucht, LEPC Chair, presented this item. Alamo got radios, Panaca received equipment, and Rick Stever as fire chief received equipment. With items requested for the LC Fire District it pushed LC over the \$30,000 limit that requires a \$526 match, due next October. **Ronda made a motion to approve the grant application to SERC in the amount of \$30,000.00; seconded by Bill. All voted in favor.**

#9-CARTER, LEDYARD & MILBURN CONTRACT AMENDMENT

Connie Simkins presented this item. This issued has been reviewed by the DA, who advised that it is appropriate to terminate the contract at this time if the Board desires. There is no requirement to be represented by an attorney any more. Connie suggested that an adjustment is now needed as many of the things that Mr. Neuman was working on are completed. It is anticipated that the budget for Yucca Mountain will be significantly reduced. The original scope of work set before Carter, Ledyard, Milburn has been completed and the county's staff/contractors are capable of participating in licensing activities. Connie recommended that Barry be kept on in a limited capacity to answer licensing questions that require his expertise. Connie has spoken to Barry Neuman concerning the fact that our spending level needs to be reduced. No retainer fee is structured in to the amendment and Connie wasn't certain that this fee will be required of the county. Connie recommended that the Board send Barry the task based contract for approval. If the task based contract is accepted, Barry can only perform the work requested of him by Connie, DA Greg Barlow, Bret Whipple, or the Commissioners in writing, not to exceed \$20,000. **Ronda made a motion to approve and send the task based contract to Carter, Ledyard, and Milburn, and if it isn't agreed to then the county will move forward with termination; seconded by Tommy.** The contract LC has can be terminated by either party with thirty days notice. Robison/Seidler supports this approach. Marge Detraz stated that she and Louis Benezet oppose an increase in their budget as Harry Reid has told NV Legislature that it's over. Ronda stated that she appreciates the hard work that Barry put in for LC and feels that he served LC well. **All voted in favor.**

#7-BOARD OF HIGHWAY COMMISSIONERS

This item is handled under a separate agenda.

#10-RECLASSIFICATION FOR ELAINE ZIMMERMAN

Connie Simkins presented a request to change Elaine Zimmerman's job description and hourly wage from Administrative Clerk I to Administrative Clerk III. This isn't to move her to full time or give her benefits. This amount is in their budget and was approved by JCCIAC last March. Connie is requesting that Elaine be paid a wage similar to that found in the LC clerical contract. Connie asked that Elaine's wage be \$16.73. This is a reclassification and currently there are no administrative clerk III's in the county, John said; the duties are described but there is no salary table in place yet. Elaine has been here two years and Connie asked that she be put at the one year step of the Employee-Employer paid PERS appendix A of the clerical contract. **Tommy made a motion to approve the reclassification of Elaine Zimmerman to Administrative Clerk III at the rate of \$16.73 per hour; seconded by Bill. All voted in favor.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

LC NUCLEAR OVERSIGHT COORDINATOR Connie Simkins advised that there will be a conference call between NRC and interested parties on March 3. Three atomic licensing boards will sit together and hear arguments for/against contentions on March 31st. After the hearings, these boards will consider the arguments and make recommendations for admittance of contentions. Connie will work with Greg, Mike Baughman and Bret Whipple concerning attendance at NRC meetings.

#17-COUNTY MANAGER ITEMS

County Manager John Lovelady presented this item. a) Amendments to hiring freeze resolution—Ronda stated that her assumption when she began this was that there would be no new positions; her intent wasn't to say that existing positions can't be replaced if vacated. Ronda's goal was to prevent any new positions from being

created and filled. The wording on the resolution should say "new positions" not "new employees". **Tommy made a motion to amend the wording on the resolution to read "no new positions"; seconded by Ronda. All voted in favor.**

#11-PANACA CEMETERY MAINTENANCE POSITION

Howard Fackrell presented this item. The cemetery maintenance person resigned yesterday. This item was address with the amendment to the wording on the hiring freeze resolution. **Ronda made a motion to approve the replacement of the maintenance person; seconded by Bill. All voted in favor.**

#12-NORCAL CONTRACT

A letter has been received from Norcal, and Paul will meet with them on Wednesday, March 4th, at 1:00.

#14-GRANTS

Grants Administrator, Phyllis Robistow, presented these items. a) Update—The Legislature didn't sweep everything from Welfare Housing Set Aside. LC will receive \$10,000 this coming fiscal year. CSBG will be giving NV quite a bit more money, but LC will only see about \$500-600 as the amounts are based on the 2000 census. LC is still behind the rest of the state as far as unemployment. Phyllis will be working to put something together to try and get some of the stimulus money. LC has about a 99% chance to get 100% funding to put the Alamo Airport in as LC can use FAA or NDOT for funds. The FAA is getting money through the stimulus package. NDOT is receiving money through the stimulus package as well, and it is strictly for rural airports. Phyllis has over \$100,000 in PILT Match fund. The actual construction work for Alamo is about \$6.6 million that could be funded through the stimulus package. Phyllis will be in Carson City on March 16th. b) Reapplication of Victims of Crime Act for a grant to cover the next three years for services to residents in Lincoln, White Pine, and Eureka Counties—This is a renewal grant for LC citizens who have either been victims or witnesses of crime. **Tommy made a motion to approve; seconded by Bill. All voted in favor.**

#16-BUILDING & SAFETY

Building Department Director Cory Lytle presented these items. a) Update—Gene Boren continues to work on the generator to identify the problem. Cory advised that they are looking at the possibility of putting internet into the Thompson Opera House. Putting this ability into the TOH will allow for banquets and meetings to be held there. It is \$60 per month for the internet. Cory has talked to Tracy Lee about this. It might be possible to supply wireless internet into the entire upper level. b) Contract with Lee Pearson for repairs to the Alamo Annex roof—The contract will be less than \$10,000. The Annex roof is leaking. Cory has received a bid for an approximate amount of \$9,000 with five year guarantee, twenty year parts guarantee. There is money in buildings and grounds to cover this expense. This expense will severely cut into the budget for buildings and grounds. It is suggested that this be paid out of court fees. Cory will talk to JP Nola Holton and bring this back on the 16th. c) Lincoln County Grading Permit resolution—The resolution includes application fee schedule and certain exemptions. Doug Carriger requested a couple more weeks to work on this resolution. Cory will continue to work on this and will bring it back in April. **Ronda made a motion to table this resolution until April 6th; seconded by Bill. All voted in favor.**

#15-PLANNING ITEMS

Dawne Combs presented these items. a) Update—LS Power received final approval on their Special Use Permit. The GIS server will be installed March 23-24. Dawne reviewed the map books of the Assessor that are being updated through Gnomon. SNWA's base station will be installed in LC Courthouse, which will help with future surveys. b) Contract for the professional services of CWC Consulting for the development of a capital improvement plan update not to exceed \$10,000—Dawne Combs reviewed the history of this item, including the fact that Clint and Rick Hardy were to put together a contract and scope of work for this item. This item is tabled.

#19-PUBLIC COMMENT

Doug Carriger requested that the Commission support legislation for people riding ATVs to have a lower age of 5 instead of 65. Marge Detraz presented comments concerning Yucca Mountain. Marge stated that they are opposed to the licensing of YM. Marge doesn't believe that NV will get it based on Senator Reid's budgets. Marge has lost 8 members of her family to cancer. Marge doesn't believe that NV needs the waste here and

they should keep it where it's generated. Marge stated that this is a down winder state and said that we don't need YM.

#18-SOLAR ENERGY DEVELOPMENT

This discussion pertains to proposed federal legislation designating certain areas of public land in Lincoln County for solar energy development and areas that will be submitted to NV's Congressional Delegation. Dr. Mike Baughman reviewed a document entitled "Final Recommendations for Proposed Federal Legislation Designating Certain Areas of Public Land in Lincoln County for Solar Energy Development". It will take at least 18 months to amend the Ely RMP. Mike recommends that the conveyance be limited to Dry Lake Valley and South Delamar Valley, for a total of 11,520 acres. This would produce about 2,304 MW. Mike proposed that a deadline for conveyance be added. The deadline would aid in getting this done faster and possibly avoid a long NEPA process. The next step in this process is to offer the proposal to Senator Reid's office. The proposal would be to amend this language in through a proposed bill. **Ronda made a motion to move forward and provide the proposed changes to Senator Reid's office; seconded by Bill. Paul disclosed that his partnership was informed this week that they will be the lessee's on the Oak Springs area. All voted in favor.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER TOMMY ROWE attended the Board of Equalization, Southern NV Workforce Investment Board, a GID and LC Water District meeting, and a JCCIAC meeting. **COMMISSIONER RONDA HORNBECK** discussed legislative issues, including SB110, AB128, SB154, SJR4, SB157, SB120, SB156, 21-392 for Government Affairs, SB92, SB103, SCR6 and AB198. They're trying to raise the costs for big game tags. **COMMISSIONER PAUL MATHEWS** discussed the collection of the delinquent garbage bills. Paul signed the small claims court forms for about 60-70 people; court dates are March 11-12. Paul has received several phone calls concerning this issue. Paul has advised that the county is willing to work with hardship cases. After notifications went out, several people have paid. JCCIAC budget hearing workshops are ongoing so that a new focus for the program can be established. **COMMISSIONER BILL LLOYD** attended the water district meeting and the GID meeting in Alamo.

Lunch 12:00-2:00

#20-FY 2009-2010 LINCOLN COUNTY BUDGET

Dan McArthur presented the tentative budget. Dan estimates that the new year will be started with \$400,000. It is estimated that the year will end with a balance of \$36,000. Planning hasn't been taken out and it's estimated that this will be \$180,000, which will leave the county in the red. Property taxes are estimated to be \$1.8 million but Dan doesn't believe that there will be a \$200,000 jump in property taxes over last year as estimated. There haven't been any great changes in property that would cause the taxes to go up by that much. Gaming tax revenue is estimated to be \$160,000, but Dan thinks this might be overly optimistic as gaming revenues are down across the state. Consolidated tax is estimated to be \$1.4 million, but as it currently comes in it is several thousand short each month when it comes in. Clerk fees will be reduced to \$10,000. Sheriff's fees will be decreased. Fines/forfeitures will be decreased \$20-30,000. Sheriff fees are at \$2,793 today, Leslie commented, and she's talked to Sheriff Kerry Lee since they were \$92,000 last year. Kerry will look into this. Employee benefits under executive officer is incredibly high and Dan will work with John on this. \$89,000 will be taken out of the current year for microfilm. Melanie advised that the increase in taxes could be due to centrally assessed. There was a request to pay \$3,000 to the honor camp for work under Buildings and Grounds. Dan didn't receive a request for Alamo. Greg advised that the public defender is before the legislature. There is discussion about full funding for PD's office from the state or requiring the counties to pay for it. Dan will increase the salaries for District Court to \$62,000. The DA's printer request is lowered to \$500. Sheriff's toughbook laptops, \$8,500, are moved to Information Technology (IT). The rate for retirement under the Sheriff's budget is going up to 37%. Emergency Management services and supplies has gone up to \$8,820 from \$105. There is a request for the purchase of a car for EM in the amount of \$7,000. The grant will not pay for the insurance. Ronda said that it would be nice to have a large vehicle to tow the trailers and equipment around. The county will not pay for Emergency Manager Rick Stever to drive back and forth to work from Pioche to Panaca in this vehicle. The health nurse request is for \$60,000, which is nearly an \$18,000 increase. Currently, the Planning Department shows a deficit of \$196,253. There is a revenue issue and this category was short last year; anticipated to be short this year, too. There is a \$37,850 request for GIS under the Planning

Department. The capital outlay request for a shredder, \$2,600, is removed. Senior Nutrition has a deficit of \$32,676 as submitted. The last transfer into this budget was \$48,000 in June 2008. The Director wages have been moved to General County. There is a \$20,000 increase in services and supplies for Senior Nutrition. With the economy as it is now, there shouldn't be an increase. Dan believes that the raw food costs will be able to be cut by \$10-12,000. There is some discussion concerning the need to cut the program in some way to correct the deficit. Solid Waste Management is discussed and has a deficit of \$66,000. County library has a \$20,000 deficit. Wages have increased from \$30,000 to \$66,000. There is a capital outlay request for check out system, \$25,000. Dan can remove the check out system and put it in capital outlay, but with the wages being what they are the county will be upside down \$20-30,000 in the next couple years. Christy Blood and Ashlee Crosby's salaries shouldn't be included with the Library as they are paid by the bookmobile grant. The requests for expenses on Room Tax (RT) fund came in at \$192,000. Services and supplies for current ending year 2009 are reduced to \$47,000 for RT. Public Improvement Fund will be funded dollar for dollar by developers for the Toquop power line; this fund is left at \$328,000. Ambulance capital project fund is discussed. There is \$120,000 budgeted for a new ambulance. \$10,000 is left in Fair Board Capital Projects for capital outlay. \$10,932 is removed from Airport Capital Projects fund for 2009. Dan didn't receive a road budget. Dan discussed the LC Water Emergency Disaster Fund, which can only be spent in the event of an emergency. Lincoln County Water Grant match fund balance will be rolled into next year. Lincoln County Land Act Planning and Development Fund is discussed; \$115,000 has been spent this year to date. \$2,600 is removed for a paper shredder. Lincoln County Land Act Emergency Disaster Fund is discussed; \$93,954 will be rolled into the next year. Court facility fees are discussed. Detention Center fund, with budget as currently laid out, is \$338,368 in the red. Dan will discuss this with the Sheriff. Capital Outlay request for DC is \$120,000. Bill stated that they need to run the DC based on what their revenues are. Federal In Lieu fund is reviewed. It is anticipated that the county will receive \$720,000 for FIL. \$135,210 is the amount that should come out of IT Override for new items. Ag Extension's budget requests put them in a negative position. Wages doubled as they are requesting that the part time person be moved to full time. The rent is going to be raised for the Ag Extension as they are taking up more office space. Leslie discussed the vehicle capital project fund and stated that there is no extra money in the fund in the event that another car is purchased. This year the fund was short. Dan stated that this fund is causing tremendous heartburn with Department of Taxation. DOT wants the vehicles that will be purchased planned for at the beginning of the year, not when the Board decides to buy them. Each vehicle has to be identified as to make, model, and details prior to commencing the budget. DOT thinks that the county is violating the purchasing law by buying vehicles one every few months; they believe that the bid should be advertised in total. DOT is looking at who the vehicles are being purchased from. They are asking why the county doesn't use mid-term financing. DOT is looking at the financing portion of the vehicles. Dan is in the process of responding to the state to let them know why they're incorrect. With the way that the budget sits, Leslie has no extra money to purchase a new vehicle in the event of an emergency. The problem isn't paying for the vehicles, it's paying for all of the extras that have to go with each vehicle (lights, decals, etc.). Leslie advised that the van payment shouldn't come out of this fund; it should come out of the Detention Center. Ronda said that the Board agreed to hold the DC to what they bring in, including transportation. Leslie said that they'd better make sure that Kerry is aware of this. Principal, \$8,462, and interest, \$516, are removed for the Sheriff's van. Leslie cited that we need to get a number for retirees for this coming fiscal year. Regional Development is requesting \$25,000. Dan reviewed Alamo Town; a request wasn't received from them. Leslie received a letter from the Department of Taxation asking if LC was going to change any of the tax rates. Alamo Town is the only one that requests that the rate be changed. .3390 is the current rate for Alamo. Leslie hopes that it will be known after this year if any of the other towns need to raise their rates. There is continued discussion, and explanation, about how the tax rates work. Alamo Town ends up with a negative \$11,000 request. Dan will go through the expenditures and get it to balance. Dan will adjust the capital projects fund as well to eliminate the negative budget. Panaca Town has never requested a property tax increase. Panaca Town expenditures, as requested, put them \$15,529 in the red. Dan will adjust the budget to eliminate the negative balance. Pioche Town general fund has a healthy ending fund balance. There are no problems with this budget. The area that need attention include the utility, sewer, and electrical fund. Dan believes that the Board will have to sit down with the town to work through this. All of these funds show a loss. Regional Transportation will be adjusted to eliminate the over expenditures. Dan hasn't received anything from Harry Birkmier for Panaca Fire District as well. Dan believes that the Board has to find/cut \$800,000.

#21-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 6:11; seconded by Bill. All voted in favor.**

Attest: _____ Approve: _____

DRAFT