

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

March 16, 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, Ronda Hornbeck, Paul Mathews, Ed Higbee and Bill Lloyd being present. There is a quorum present and the agenda was posted on 3-10-09 to comply with the open meeting law. The Invocation is offered by Paul and Ed 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 March 2, 2009 regular Commission meeting.
- #3 Approve/Deny Tax Strike and refund for Paul C. & Karen Kaye Fife, APN 1-332-16, error in size of home 14,318 assessed, refund of \$456.99.
- #4 Approve/Deny authorization for the Church of Jesus Christ of Latter Day Saints, group of 150-200 individuals, to use Kane Springs Road and Carp Road to Lyman Crossing for a hand cart trek simulation activity on April 8-11, 2009.
- #5 Approve/Deny recreation trail ride for ATVs and motorcycles on April 25-26, 2009. Insurance certificate naming Lincoln County as additional insured has been provided and BLM permit has been secured. Area of ride is around Coyote Springs, 12 miles east of SR 318, off of Bristol Wells road. The ride is sponsored by Eugene Entertainment Inc. (Daryl Folks).
- #6 Approve/Deny Notice of Intention to Act on Resolution to Augment Budgets for General County Fund in the amount of \$146,491.00, Medical Indigent Fund in the amount of \$29,000.00, and Vehicle Capital Fund in the amount of \$4,012.00.

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

#-7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. There are some vouchers from LC Airport (LCA). \$778.10 is the amount that the Airport is in the red. The vouchers are for 708.93, which will leave Airport in the red by \$1,487.03. BLM is about \$3,300 in arrears to the LCA. John has been in contact with a representative from BLM. Ronda questioned why letters haven't been written to BLM if the money isn't coming in; there is a secretary that handles the budget. Paul, who is the chairman of LCA, advised that no mention has ever been made in meetings of the deficit. The bills for the LCA are for the phone and other necessary items to run the airport. Ronda asked again, if BLM hasn't paid since September, why letters haven't been sent. \$8,400 was budgeted but only \$1,786 has been received to date from BLM. A fund will have to be identified to pay these bills today and then calls will have to be made. **Tommy made a motion to pay the LCA vouchers out of Miscellaneous General fund and the expenditures are to be reimbursed when the monies from BLM are received; seconded by Ronda. All voted in favor. Ronda made a motion to approve the vouchers as presented; seconded by Bill. All voted in favor.**

#11-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$668,114.01 with estimated expenditures being \$146,225.33. This leaves General County with a balance of \$521,888.68. Transportation has a cash balance of \$29,203.41 with estimated expenditures being \$977.11. This will leave Transportation with a balance of \$28,226.30. Nutrition has a negative cash balance of \$16,822.25 with estimated expenditures being \$9,462.97. This leaves Nutrition with a negative balance of \$26,285.22. Division of Aging Services is sending \$40,752 for the Nutrition program; the check is in the mail, John advised. Detention Center has a cash balance of \$220,016.10 with estimated expenditures being \$69,175.31. Detention Center will have a balance of \$150,840.79. Solid Waste has a balance of \$78,387.15, with no expenditures this month. \$10,269 has been reimbursed to General County. **TREASURER** Kathy Hiatt reported that General County Miscellaneous is paid in full for the monies that were borrowed to pay solid waste. **SENIOR NUTRITION DIRECTOR** Toni Pinkham advised that she will be meeting with a man from Three Squares on the 20th. Toni is checking on case lot prices as well. Paul advised that there are some people who

are willing to do painting in the room. Ed Wright advised that Bank of America has a shredder and they might be able to use it as opposed to burning it.

#9-PANACA FIRE DISTRICT

This item is covered under a separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item is discussed under a separate agenda.

#12-SOUTHEASTERN LINCOLN COUNTY HABITAT CONSERVATION PLAN

Ronda made a motion to approve the budget name change from Multi-Species Habitat Conservation Plan (MSHCP) Section 10 Fund to Southeaster Lincoln County Habitat Conservation Plan (SLCHCP); seconded by Ed. All voted in favor.

#13-RESOLUTION #2009-10

Tommy made a motion to approve the resolution changing the Detention Center Fund to Detention Center Enterprise Fund; seconded by Ronda. All voted in favor.

#11-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Greg Barlow advised that court hearings have been held concerning the small claims against delinquent landfill bills. By the end of the week Greg will have made a selection for a replacement secretary. Greg would like to have the new person train under Janet Alexander, current DA secretary, for the last two weeks of her employment. **LEPC CHAIR** Jean Lucht advised that they received their grant.

#18-WATER FILINGS

Wade Poulsen presented this item. This item concerns notification under NRS 533.363 of US Department of Energy water filings in Lincoln County. Some of these waters will transfer over county lines. There are 44 filings for temporary and permanent in LC which could transfer into and out of LC. **Ronda made a motion to acknowledge the letter from DOE; seconded by Ed. All voted in favor.** Marge Detraz stated that she and Louis Benezet are opposed to taking the water for the railroad.

#15-DIXIE TIENKEN REQUEST

Dixie Tienken is requesting that the Commissioners work with those residents who have limited funds who are willing to volunteer for credit towards county fees. Dixie cited that there are many seniors who are having difficulty paying their bills as their pensions do not increase, but taxes do. Dixie suggested that there are many residents who could volunteer to do various tasks for the county, including answering phones in an office. These tasks could be used as credit towards taxes in lieu of monetary payment. Dixie advised that this could save the county a great deal of money. The liability doesn't go away and will still have to be run through POOL/PACT. These individuals would become agents of the county. Dixie stated that this program could be set up through RSVP. Dixie cited that this could be used for any department within the county. The RSVP program covers the workmen's comp issue. Many of the seniors already have Medicare so it won't take anything extra from the county. RSVP is not being used to the extent that it could be. Greg cited that the other side of this issue is that it would have a fiscal impact on revenues that would come to the county. Any of the volunteers would take a credit towards taxes. Dixie stated that it is not public knowledge that a person qualifies for a lower rate on the solid waste fees if they are below a certain income and are 65 or older. There are many other people that can't afford the increases being placed upon them. Rather than placing charges against someone, Dixie suggested that the county look around them to let someone volunteer to work off their taxes. Ronda said that it may not be possible for the county to give credits as the county can't pay individuals taxes. Ronda advised that this issue needs to be researched to see what avenues are open. Dixie suggested that the volunteerism and credit should be restricted to those with limited income.

#14-BUREAU OF LAND MANAGEMENT UPDATE

Chris Hanefeld and Dave Jacobson, Bureau of Land Management (BLM), presented an update concerning 1) Fortification Range, Parsnip Peak and White Rock Wilderness Management Plan and Environmental Assessment (EA), 2) Mormon Mountains, Meadow Valley Range and Delamar Mountains Wilderness Management Plan and EA, and 3) Clover Mountains, Tunnel Spring Wilderness Management Plan and EA.

Fortification Plan was signed by John Ruhs and no appeals have been received as of yet. The plan will be implemented as written if no appeals are received; actions are similar to Mt. Irish/Pahroc plans. Currently they are working on Mormon Mountain Range and final plan is expected to be completed in June 2009. Last plan they are working on is Clover Mountains/Tunnel Springs; this plan has just started. There has been very little involvement in this plan and Dave asked if the Board would like another public scoping meeting; yes. No action is taken as this is information only.

Lunch 12:00-1:00

#16-ORDINANCE #2008-08

This is the time and place set for continued public hearing on an ordinance amending Title 4 of the Lincoln County Code by adding two chapters relating to business license regulation and amending the other seven previously existing chapters. Paul suggested that the ordinance not be approved/finalized until everyone has a chance to review the ordinance to make certain that it reads as agreed upon. Paul reviewed the edited ordinance. DA Greg Barlow has advised that he will get the changed version of the ordinance to Cathy LeFevre to post on the LC website. The \$40 is the application fee and the fee for the year. 4-01-04(2) limits the vendors for Labor Day, said Candice Mortensen. There is some discussion concerning the vendors at Labor Day and the requirement for permits, can it be done under an umbrella or does each vendor have to get an individual permit? School sponsored fundraisers are exempt. Neil Graham said that all vendors for the Clark County Fair are required to have their own insurance or they aren't allowed in. Greg cited that this is a fair board decision; requirement can be made of the vendors to provide proof of their insurance. If something goes wrong with the vendors and the injured person wanted to sue, the fair board would also be named in addition to the vendor. CC requires that individual entities have their own insurance so that they are not held liable, which places the liability square on the shoulders of the vendor. Ronda cited the requirement that the county has to be named on insurance for any of the races that come through LC. Candice asked who would be doing the inspections on the Food Establishments. Greg responded with the requirement for Health Department inspection. Candice asked who would be doing the investigations. The county will be issuing the business license but all of the state licenses will have to be in order prior to issuance of the county business license. Paul suggested that the wording needs to be corrected to read that the county wants to verify that all state permits are in place, not regulate food establishments; the county just wants to issue licenses, not regulate businesses. John Crosthwait advised that he has an issue with the language under 4-1-06a that says "without notice or demand by the County". John feels that some type of notice needs to be sent out. Ronda said that the language doesn't mean they won't be sent something; it just means that they need to be responsible for renewing the license annually, whether they receive notice of renewal or not. Allyson Hammond advised that bills need to go out as her corporate office doesn't even know that the county is doing a business license. Dawne Combs advised that section 4-01-08 needs to be eliminated as the Board already has quite a bit on their plate. Dawne feels that if someone comes in and has all of the paperwork/proof in order they should be issued a business license. Randy Zimmerman asked how fees for DBAs will be worked out with this license. Paul cited that it is a separate issue. Greg said that DBAs will still have to be filed under state requirements. Currently, "the Department" is to be determined, whether it is the Clerk's Office or Building Department. Liquor/Gaming licenses will still be housed in the Sheriff's Office. Paul stated that the Commissioners will be the ultimate authority, but will not be the investigative force. If there is a problem that must be addressed, the Commissioners are the board that would decide. Ronda stated that the Commissioners will be the appeal board. Dawne believes that the Department will be the one that issues/approves the license. Then, if there are problems down the road, the Commissioners would be involved. The ultimate responsibility for someone doing business/not doing business the Commissioners will be the ultimate stop. The initial application will be approved by the Commissioners, but the renewals will be handled by the Department. Mick Lloyd asked if the LCPD will still be required to purchase a business license. Greg replied that he is in receipt of a letter from LCPD and is in the process of responding. Ed Wright asked how the people that set up for 24 hours in the county will be policed. Paul stated that someone who is licensed and established in LC will aid in policing the people that are coming into the county. Local vendors/business owners would contact the SO and advised that there is "someone selling meat out of the trunk of their car". Ed asked if the county will go after those who have violated the business license requirements. No, not if he comes in only one time and the SO is made aware of it after the fact. However, if there is a repetition of the business practices and someone notices then action will be taken. The vendors that come in on a weekly basis will have to pay the \$40 for a business license. Ed stated that there is a potato farmer who sells more than 100 pounds of potatoes; will he have to get a license? Paul responded that he will have to pay \$40

for a business license if he's retailing potatoes. If he's wholesaling to CA or some other state, no. Greg said that if someone is setting up a business to make money they will have to pay the license fees; if they aren't setting up for profit, they're nonprofit, they will be exempt. **Ronda made a motion to continue the public hearing and decision on this ordinance to April 6, 2009 at 1:00; seconded by Tommy. All voted in favor.**

#12-OFFICER/DEPARTMENT HEAD REPORTS

IT DIRECTOR Tracy Lee, Xtreme Technologies, advised that the generator is a huge issue here. There is approximately ¼ million dollars of IT equipment at risk with the current condition of the generator. The phone company has begun to provide some updated addressing for the E911 system. Tracy estimates that it will be a couple more months before all corrections are made. Tracy addressed the request for additional connectivity at the Thompson Opera House. Tracy has been able to scrounge up enough equipment to implement this. Tracy discussed the purchase of laptops for the Commissioners. Tracy recommended the laptops be looked at on an individual basis as there are some that may not want one or see a direct need for one. Tracy was asked why his laptops cost so much compared to some of those that are seen in places like Costco. The reason that they cost so much more is they have to be protected. The base laptop costs \$1,200 and Tracy recommends the following changes: upgrade CPU (\$120), Windows XP Professional (\$50), 4 GB RAM (\$150), DVDs (\$50), upgrade to 9cell batteries (\$60), WI FI (\$40), Bluetooth (\$20), Office Professional (\$350) with asset tag (\$7), Extended 3 year warranty (\$228), Accidental Insurance for 3 years (\$150), case (\$49). Total is \$2,399 plus shipping and handling. Typically S&H has been free. Ronda cited that one of the reasons that the purchase of laptops was brought up was to eliminate paper. Tracy cited that the scanning of the documents will create a burden on staff. The county isn't paying \$2,000 per unit; this is a shared cost with Coyote Springs and the LC Water District. The Board requested that this issue be put on the next agenda for discussion and action.

#17-LINCOLN COUNTY STATE PARKS

This is an update from Steve Weaver concerning the status of Lincoln County State Parks under the Governor's proposed budget. This won't have a huge impact and Steve hopes that this will be mitigated as the Legislature works through the session. The visitor's center will be closed November-March. Another possibility would be the closure of Echo, which would be seasonal. Regional office will be closed beginning July 1st and the region will be broken into two parts; LC section will go to Las Vegas. Steve's position, the accounting position and the maintenance supervision position will be eliminated. Department of Wildlife will still be occupying space at the regional office. March 30th will see the opening of the campground at Kershaw Ryan. There are no changes to Spring Valley. Beaver Dam State Park will be closed from September-November 2009 for Federal Emergency Management Agency (FEMA) project. Schroeder Reservoir will be rehabbed. This will be done under contract. They hope to eliminate the salt cedar. Scheduled improvements will continue to the water system. Steve's badge and the badge position at Echo will be gone from the county; this leaves Cody Tingey and Ben Johnson as the only two remaining individuals with badges. Terry Hansen is the regional manager from Las Vegas who will be over this area.

#19-LC AMBULANCE SERVICE

This item is tabled.

#20-BUILDING ITEMS

Cory Lytle presented these items. a) Lincoln County Courthouse backup generator—The generator isn't running. Gene Boren believes that the issue is the batteries, which cost \$200 each, for a total of \$1,000. Even if the batteries are replaced, it still has problems and leaks. The generator also shuts itself off as it is running on over currents. There is money in capital outlay that will cover this. Cory would like to purchase a used generator through a dealer. The generator would be serviced once per year and have less than 1500 hours on it. Paul stated that one of the advantages to going with Cat is that there would be service people available. Estimated cost is \$15,000. Paul suggested that the funding on this could be split between two funds. The automatic transfer switch will be fairly expensive. This is covered under the \$15,000. Ronda recommended that \$8,000 be taken from Land Act Emergency, Fund 95, and the remaining amount come from Building Fund. **Ronda made a motion to authorize Cory to find a new generator in an amount not to exceed \$15,000 (\$8,000 to be paid from Fund 95 and the remaining portion from Buildings and Grounds); seconded by Tommy. All voted in favor.** b) Contract with Lee Pearson for repairs to Alamo Annex roof, in the amount of \$9,583.00—This will cover the repairs to the roof and the floor where the water damage is. Cory contacted

Nola's office to see if she would be willing to help pay for these repairs out of her court facilities. The roof is temporarily fixed at this time. This item will be addressed at the next meeting.

#21-PLANNING ITEMS

C. M. Rick Hardy presented this item. a) Contract for the professional services of CWC Consulting for the development of a capital improvement plan update, not to exceed \$10,000—There is some discussion about whether or not Clint has this money in his budget. No; it will have to be delineated in another fund. Tommy advised that he thinks that Clint should be responsible for creating the CIP and feels that the county is premature in doing this based on the economy. There is some discussion about outsourcing projects or deciding to keep them in-house. Ronda said that this county survives on grants and without a CIP the county won't get any. Bill stated that all the county does is spend money. Wade Poulsen advised that the Board spoke about this for several months. During last August Clint came forward with several projects that he needed to get done. With the stimulus package, it will all come through the same agencies that the county works with daily. If the county is to get any of those monies this plan will have to be in place, Wade said. Wade believes that what the county is seeing now is an economical way to get these plans in place so that in six months the county will be ready to apply for the stimulus funding. Clint's office may or may not be able to have this done in the necessary time frame. When Clint brought this forward the first time the approximate cost was \$65,000 to be taken from LC Land Act Planning and Development Funds. The money is for planning and development and can't be spent on anything else. Tommy cited that planning and development has been put off due to the economy. Dawne commented that phone calls have been received concerning two more corridors that will be coming through the county. Coyote Springs will be doing a large parcel map. River West has contacted Planning to start their development process as well. There are several projects that will be coming through their door in the next few months. Dawne said that Clint doesn't have the time to do this plan and she isn't capable. **Ronda made a motion to approve the professional service contract for the development of a capital improvement plan with Consulting, Writing, Contracting, LLC in the amount of \$9,800 (to be paid from LC Land Act Planning and Development, Fund 93) and to complete the contract and to authorize the Chairman's signature; seconded by Ed. Bill and Tommy are opposed. Paul voted in favor of the motion. Motion carries 3-2.**

#22-COUNTY MANAGER ITEMS

County Manager John Lovelady presented these items. a) Update—None is offered. b) Cooperating agency status with Department of Energy (DOE) and Bureau of Land Management (BLM) regarding programmatic environmental impact statement for solar energy development—Ronda cited that BLM would like someone to sit on this board. **Ronda made a motion to become cooperators in this endeavor as it behooves the county to have a better understanding of what they are doing in regards to solar; seconded by Ed. All voted in favor.** Ronda and Ed will be the representatives.

#11-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER RONDA HORNBECK advised that she and Mike Baughman met with Senator Reid's staff in reference to solar energy. **COMMISSIONER PAUL MATHEWS** discussed disposal lands for 2009; it isn't too soon to begin planning for disposal lands for 2010. Paul has spoken with Gordon Graves, who will be providing maps. Paul would like to set a time for workshop in the future to delineate possible lands for disposal.

#23-PUBLIC COMMENT

John Crosthwait asked that the Commissioners give new businesses coming into town a break on their taxes. Bill said that the Commissioners have no authority whatsoever to give tax breaks. John asked that the Board give them a rebate then. The Commission needs to work on being business friendly and John suggested that some relief be given; a couple hundred dollars per quarter. In the long run these rebates will make more money instead of closed storefronts. Bill Hartman discussed the budgeting of the Lincoln County Detention Center. Bill has looked at the budgets and it depends on who you talk to whether or not it's making money. Hopefully, the DC makes 30-40% to cover costs. Bill advised that there is a gang-drug-Panaca-connection. Bill advised that there is more to know about the DC and the Commissioners should take this into careful consideration whether or not to continue.

#24-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 3:43; seconded by Ed. All voted in favor.**

Attest: _____ Approve: _____