

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

June 24, 2009

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

The Board met in special session with Chairman Paul Mathews calling the meeting to order at 9:04. 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 6-18-09 to comply with the open meeting law. The Invocation is offered by and Bill led the Pledge of Allegiance. County Manager John Lovelady is present as is District Attorney Greg Barlow.

ATTORNEY-CLIENT DISCUSSION (CLOSED SESSION)

This item is handled in closed session. No action is taken.

#2-TEAMSTERS BARGAINING UNITS AGREEMENT AMENDMENTS

**Tommy made a motion to hold off on approval of the amendments and return to the bargaining table with the Teamsters; seconded by Bill. All voted in favor.** Correspondence has been received from an attorney representing the bargaining units that indicates that the Board was bargaining in bad faith as action had already been taken to freeze the wages. It has been suggested by the DA that the previous action to freeze wages be rescinded so that they might return to the negotiating table with a clean slate and no strings. Dan McArthur has advised that, in order to change the budget, the Board has to come up with the money. Even though wages were being frozen, the Board had agreed to go back and work with the bargaining units to come to a resolution. Ronda reminded the Board that it was understood that they would go back and work with the units. If the motion is rescinded today, then the Board had better be able to find the \$98,000. Paul said that the ending fund balance can't be changed. If the motion is rescinded then the budget is being altered, Ronda commented. At the time, it was understood that the units were willing to accept the freeze but the Board was going to offer concessions as well. As it currently stands, the ending fund balance and budget have been submitted. At the end of the day, if the figures are different then the Board will have to find the money so that the ending fund balance doesn't change. Paul said that there are several things that can be done, including going back to the departments and cutting a percentage of funds from budgets. Bill advised that the units will just want the two extra weeks' vacation. The Board hasn't changed the bargaining units' contract with the county in the motion. The union lawyers have interpreted that the Board unilaterally changed the contract. There is discussion concerning those individuals that aren't under the contract. Paul said that the intent is that whatever is arrived at with the bargaining units will be applied to all employees. Does this include the extra two weeks off? No. Teresa Seevers asked if the units will get their CPI on July 1<sup>st</sup> if the action is rescinded. Teresa then questioned what happens in the meantime during negotiations. Will some people continue to get CPI and steps until negotiations are resolved? Some people have gotten their steps for the year and some have not. John suggested that the Board return to the bargaining table immediately. After limited discussion, the Board decides to leave things as they are and continue with Tommy's motion. Phyllis suggested that the Board can wait to approve any pay raises until the July 20<sup>th</sup> meeting and then pay retroactive, if anything happens during negotiations. Ronda reminded everyone that there is no money in the budget to cover pay increases. **No action is taken to rescind the motion and the Board agrees to return to the negotiation table as soon as possible.**

#3-LINCOLN COUNTY LAW ENFORCEMENT ASSOCIATION AGREEMENT AMENDMENT

**Ronda made a motion to return to negotiations; seconded by Tommy. All voted in favor.**

#4-COUNTY MANAGER POSITION

No action is taken at this meeting and previous Board action to terminate the County Manager position stands. John Crosthwaite discussed this item and stated that he feels the county is very wrong. Every Commission meeting for the last year people have been on the agenda for raises. Now they are letting someone go. John C. further stated that the county either used his expertise or the county manager wasn't qualified. This means, John C. said, that the county has wasted all of this money. John C. further stated that everyone has known that the state and counties are in trouble, yet all he's seen is raise after raise instead of negotiating with these people and dropping down 5-10% in order to keep people working.

#### #5-MILEAGE RATE

DA Greg Barlow advised that this item was previously handled according to Open Meeting Law and there is no need to readdress it. No action is taken.

#### #6-INFORMATION TECHNOLOGY (IT) CONTRACT

RFP was put out, a proposal was accepted by the Board and a committee to discuss the contract was set up. The committee met and worked through various items with Tracy Lee, Xtreme Technologies. Tracy stated that his attorney hasn't had the opportunity to review it. Tracy reviewed the contract and suggested changes. The county will provide all tools. When there are special projects, Tracy will bring change orders to the Board so that they will be aware of the work that is being done. All change orders will be reviewed by the IT Committee prior to coming to the Commission. DA's office has some changes to discuss with Tracy. There is another meeting scheduled for 6-29 to approve the contract. Tracy continued to review the changes. Special projects require mutual agreement by Tracy and the affected department. Tracy is agreeing to provide training, as needed, to a Sheriff's Office employee in regards to ALI. Tracy advised that he will work on the Senior Center, ad hoc, but it will not be listed in the contract. Tracy discussed the contract implementation guidelines; this is a new section to his contract. NCJIS and CJIS are covered under this section and sets authority for how Tracy has to handle things. Administrative contacts have to be notified as to what is being viewed; Sheriff Lee has reviewed this portion of the contract. This section binds Tracy to follow county and state policy. No action is taken at this time and the Board will meet on 6-29 for possible approval.

#### #7-SENIOR NUTRITION SALARY

The motion was made, discussed and explained and handled according to the Open Meeting Law, DA Greg Barlow advised. 1/3 of the Senior Nutrition salary is up in the air as Phyllis awaits permission from the state to cover salary. \$17,000 is the amount that the county has to cover. The intent of the motion was if there were budget overruns or other things SN would have to live within the budget; there would be no augmentations from the general fund. The salary was divided between NDOT (1/3 of salary) and Division of Aging (2/3 of salary). Phyllis is more than positive that DOA will cover the 2/3 but approval is pending. Ronda said that the county will have to live within what was submitted for budgets; the funding could be reimbursed if the county has to pay the first month. **Ronda made a motion to approve the temporary payment of wages for Senior Nutrition from the general fund, and when the funding comes in from Division of Aging it is to be reimbursed to the general fund; seconded by Tommy. All voted in favor.**

#### #8-COMMISSIONERS' LAPTOPS

Tracy Lee, IT Coordinator, requested the purchase of additional peripherals, including a wireless router for the Commission chambers. The cost is \$300, and the Commission is well under what was budgeted for the computers. Tracy asked if there are any additional things, like a mouse, that the Board members need for the laptops. There is some discussion about printing needs. Tracy is able to set the Commissioners up to print anywhere, but a need to track who is printing what and amounts has been expressed by Department heads. Dawne Combs suggested that Tracy look at ADS as they are making her print down in the Building Department. Tracy will work on this. **Ronda made a motion to purchase the wireless router, not to exceed \$300; seconded by Ed. All voted in favor.**

#### #9-CALIENTE RAIL CITY LINEAR PARK

Phyllis Robistow, Grants Administrator, presented this item. This project went to bid and Phyllis presented the portion as approved by City Council. Over \$1 million was the lowest bid; they will go as far as they can and then go to special accounts in order to finish. **Ronda made a motion to approve; seconded by Paul.** There is a possibility that there will be no money left in SARS to finish, but they will go as far as possible. **All voted in favor.**

#### #10-PUBLIC COMMENT

John Crosthwaite discussed the public notice where the county released the County Manager. John C. didn't take it as a bombshell or surprise that it was going to happen. John C. feels that the county brought the county manager in here, he set up a life, the Board picked his brain for his expertise and now they let him go. John C. stated that this is wrong. Everyone else in this building and in the county has been getting raises. John C. reminded the Board that they've already invested 2-3 years of salary in the county manager and stated that what the Board has done is wrong. Dylan Frehner referred to the closed session on June 1. The Board took it

with no indication as to who was being discussed in the closed session or written notice to the individuals being discussed. The Board then went on to discuss a budget item. In that budget item, action was taken to reduce the budget by doing several things, including reduction of mileage rate and termination of the county manager position. There was official action on the budget, but no official action on those two items. All the Board did, Dylan stated, was that the money was taken for those items and the budget process was changed for those item. It is now on the agenda for clarification so that the public has notice of what the Board is doing, yet the Board has pulled it from the agenda as the members believe they've already taken care of it through the budget. Dylan disagrees with this course of action; the public has a right to know if their contract is going to be discussed and terminated. Those who will be impacted have a right to know. If the mileage rate is going to be reduced the employees who travel should have the opportunity to discuss the changes. Dylan understands that the Board was laboring under budget constraints and needed to make these decisions, but he doesn't believe that these were official changes and wished that the Board would've taken official action on them today. Phyllis advised the Board that the county needs to address the mileage change officially, not as a budget item. Phyllis needs it done for granting purposes and stated that a budget item doesn't change the policy. Phyllis needs minutes showing that the policy has been changed. Until such time as that's done, granting agencies will reimburse at \$.55 per mile. DA Greg Barlow advised that it's the Board's decision if they would like to revisit the item and take action. Dawne Combs asked the Board to thoroughly consider the IT contract and seek good legal counsel. Dawn feels that many of the employees in the building suffer greatly from the lack of IT and the lack of someone being on site for IT when they are needed, especially for GIS and planning. Dawne cited that there have been many times that she's had to wait a long time.

#### #5-MILEAGE RATE

Discussion is held concerning the mileage rate/travel reimbursement rate as it is currently set at \$.29. Bill stated that \$.29 doesn't cover anything; the employees will end up paying the county in order to travel. Phyllis said that there are people in the county that think she's making money from the travel; this isn't the case and she usually seeks reimbursement. Phyllis has put a great deal of mileage on her truck. Paul recognizes \$.29 per mile is extremely restrictive and suggested that the Board find money to purchase a better county pool vehicle. Dawne Combs advised the Board that it will blow the budgets out of the water if the mileage rate is changed at this time. Phyllis advised that she's financed the county on her travel for the last several years. At this point, money to reimburse budgets will have to be found if the mileage rate is changed back to \$.55. It is unknown how much money the county will save with this change. Phyllis advised that the Planning Department was the only department that presented lower figures in response to the Board's request. Dylan Frehner discussed the mandatory policy to use the county vehicle first. **Ronda made a motion to leave the rate at \$.29 per mile and put discussions for the possible purchase of another county vehicle on a future agenda; seconded by Paul.** Tommy advised that he just purchased a new car. Tommy gets really good mileage out of his car. Phyllis is driving an older car and doesn't get really great mileage; this could be a problem for her. Tommy gets along just fine with the \$.29 per mile but stated he can see how Phyllis and others would struggle with this. In order to purchase a car, the Board will have to review the budget and find the money. Rick Stever discussed the purchase of a highway patrol car, which he believes will cost more to operate. Rick further suggested that the county purchase a small car that gets good gas mileage. Dawne suggested the Board look at state purchasing. Ken Dixon advised that his personal preference is to ensure that the vehicle he's traveling in is reliable; that's the reason for driving his own vehicle. **Bill, Tommy and Ed are opposed. Motion fails.** Phyllis advised the Board that they can make any policy they choose; over the years they've followed the state. There is discussion about changing the rate to \$.42. Ronda stated that all of the budgets in the county were submitted with the \$.29; if the rate is changed all of the budgets in the county will have to be augmented. Phyllis stated that the only budget that was changed in regards to the \$.29 is Planning; all other budgets went into the final as is. **Tommy made a motion to change the mileage rate to \$.42 per mile; seconded by Bill. Ronda and Paul are opposed. Motion carries 3-2.**

#### #4-COUNTY MANAGER POSITION

Tommy agrees with John Crosthwaite that it was a poor choice to eliminate the County Manager position. Paul reminded the Board members that if this position is reinstated they will have to find approximately \$200,000 in order to make the budget whole. Greg stated that one of the three who voted for the termination will have to bring it back up again. Paul further stated that we are beyond the time for reconsideration; the rules stated that it has to be at the next meeting. Paul considers the submission of the budget to the state as the contract. John Lovelady advised that action was taken to terminate the position of the county manager. John now believes that

action to terminate John Lovelady, not the position, needs to be taken. Paul cited that legal counsel has advised that the termination of the position was sufficient. A letter of termination was provided to John. Paul signed the letter of termination, which was sent to John. Dylan Frehner agrees with John, there was action to cut the position out of the budget, but pursuant to contract, John is to be provided written notice of the contract termination. John was given written notice based on the action of the Board. Counsel from the DA is that this was handled properly and according to law. Action from the previous meeting stands, Paul believes. The rules state that the issue must be brought back up at the following meeting and it must be brought back up by one of those who voted in favor of the action to terminate the position. In order to revisit the issue, it would have to have been addressed at the following meeting. Paul asked what the pleasure of the Board is; is it to revote? No. No action is taken.

#11-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 10:43; seconded by Bill. All voted in favor.**

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_

DRAFT