



## LINCOLN COUNTY BOARD OF COMMISSIONERS

November 12, 2009  
Commission Chambers  
Lincoln County Courthouse  
181 Main Street  
Pioche, Nevada

Commissioners  
Paul Mathews, Chair  
Bill Lloyd, Vice Chair  
Tommy Rowe  
Ronda Hornbeck  
Ed Higbee

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

Vice Chairman Bill Lloyd called the meeting to order at 8:44. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS, Chair (joins the meeting at 8:57) LISA C. LLOYD, Clerk  
BILL LLOYD, Vice Chair (leaves the meeting at 9:54)  
TOMMY ROWE  
RONDA HORNBECK  
ED HIGBEE (joins the meeting at 8:53; leaves at 10:38)  
ABSENT: GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 11-09-09 to comply with the open meeting law. The Invocation is offered by Ronda and Tommy led the Pledge of Allegiance.

### **#2-SPECIAL EVENTS POLICY**

Cory Lytle presented the history of this issue and the reason a special events policy (SEP) is needed. The definition in this policy is broad and fairly generic; the purpose of this meeting is to identify what constitutes a special event. Cory asked that the policy not be any more complicated than is absolutely necessary. BLM requires any group of more than 50 to obtain a permit for special event. Mick Lloyd, Lincoln County Power District (LCPD), advised the Power District isn't against the races, but there is a problem with the races that run along the right-of-ways. The ROWs are being destroyed and it becomes the responsibility of the rate payers to repair the roads. The last race destroyed a great deal of the much road which resulted in about 300 people being out of power for over six hours. These races are becoming a financial burden to the rate payers. Best in the Desert was billed for the last race. LCPD only has an issue with the races being on the ROW. ROW from BLM says the road can only be used to maintain their ROW. The roads are so powdery now it isn't possible to fix them with a blade. Mick commented the same race will take place in April. BLM will disinvest themselves from impacts to the roads. BLM needs to aid with payment for the roads as they receive payment for permitting the races. Zack Livreri, President of Motorcycle Racing Association of Nevada, presented a copy of the BLM special requirements imposed upon them. Ben Bender commented it is the "awesome trucks" that tear the roads up, not the motorcycles or buggies. Zack commented he understands the truck/buggy races will have 5 assigned courses in the district that they will have to rotate around under the Resource Management Plan (RMP). Ronda commented the RMP contained "up to four" designated tracks that will be rotated. White Pine has advised they will support LC in our endeavors with the RMP. Ronda feels BLM needs to have some responsibility for repairing the roads. A written request needs to be submitted to BLM asking them to take some responsibility for the road repairs, whether it is for money or actual repairs. Ben Johnson questioned how the race promoters pay the county since there is no payment plan in place or contract of any sort. Nothing is set up with the county except for utilities. Ronda responded the Road Department (RD) tracks their time and then bills the race promoters for time spent repairing roads. Part of the SEP will cover repairs. All department heads will have to sign off on the SEP prior to approval and issuance. If the Sheriff has to assign an officer to patrol roads, the promoter may be responsible for reimbursement. The promoters then pass these costs on to the racers. Ben J. commented there are a great many other events that take place in the county and bring in a great deal of revenue that need to be covered by this policy. Many of these events are required to get their own insurance. Laura Johnson discussed the Fishing Derby; they will be required to pay the cost of the application and any services required such as police or EMS. The departments will review the applications prior to approval and

decide whether or not a fee will be required for services. If so, costs will be part of the application. Ronda discussed the rodeos, which require an ambulance on standby. Ben J. isn't asking an ambulance be located and on standby at the Fishing Derby. If an ambulance is required, the individual who needs the service will be required to pay for it. Ben J. asked if there would be a flat rate for using the Sheriff's Deputies or would it be based on the pay rate of the deputies since it could vary based on rank. Sgt. Chase Dirks responded that they use a set fee for private events that take place at this time. Zack suggested roads should be identified that the county doesn't want any races on. These roads could be included in the RMP. Zack further commented that they've been forced to use many roads that MRAN wasn't interested in using. Cory hopes a standard process will be identified to simplify permitting. Ben J. listed several events, including church yard sales (is there a limit to the number of people), the Testicle Festival, Mardis Gras, weddings, and Susan G. Komen Breast Cancer walk. Valley of Fire is getting 400 weddings per week. A question that must be addressed is the number of people at any event and alcohol is a contributing factor. ATV tours will require private insurance. Clint Wertz advised there is language in the county code for outdoor festivals. If a policy is developed it needs to be in sync with the county code. Ken Dixon cited the code is very limited in its scope and certainly doesn't address races. Races aren't covered by the code. Ronda commented that she wouldn't have to obtain a Special Use Permit for a wedding that took place on her private property; this is for public property only. Clint responded the policy and permits will apply to any property that is open to the public, whether it is private or not. If the event is by invitation only, a permit will not be required. Public facilities or public roadways being used to go to events will have to be considered, whether or not the event is on public or private property. It appears this means all large events will require permits. Clint commented commercial use of private property is very different than private events. Ben J. said Spring Valley and Echo have thousands of visitors each year and this affects the roadways with increased traffic. Ben J. commented the way this reads it will require permits for every weekend. Zack commented any event with public safety issues should be considered. The county has a general liability policy. When races come in the county is named on their insurance. MRAN sends the new insurance certificates to the county every year. Family reunions on public land require BLM permits, but BLM doesn't always enforce it and they often look the other way. Zack said they pay the BLM \$5 per participant as part of the fees at the conclusion of the event. Zack feels the county should require a fee of event participants as well. The Special Events Policy is reviewed. Ben B. suggested that anyone that comes in, especially for Labor Day, should pay a license fee and anyone that has been here for years, like the Masons, should be grandfathered in. Zack said the county should earn enough from events so the tax base isn't affected. Ben J. commented State Parks is capable of handling large events. Ben J. is working on an inflatable movie screen so they can hold movies in the park on Fridays. There is some discussion about events causing normal capacity to be exceeded. Ben J. reminded everyone that since we are a rural area we have to travel great distances to attend events. Ronda suggested, based on Pioche Labor Day, blanket permits be issued. At the first of the year, State Parks could come in and submit a special use permit application; this would provide the county with notification as to dates of events. Ben J. commented they don't pay any permit fees in White Pine or Clark Counties. Ben J. said the Attorney General's office will have to rule on whether or not State Parks can pay permit fees. Ronda cited the permit application for State Parks could serve simply as notification to the county. Scheduling of events is very important so the Sheriff's Office isn't spread too thin. A blanket permit would cover all events associated with an event, and Labor Day is used as an example since there are so many activities taking place all over the town of Pioche. Neil Graham was very angry about the required permit for Labor Day. Any normal function of the Pioche Town Park doesn't cause an insurance issue. Fireworks are covered through the fire department's insurance and the county is named on the insurance. Clint said, if this was done through zoning, it would cover multiple events as opposed to separating things out. Bill said the county can't do anything with state parks as they are a state entity. Ben J. responded they can put the county on their insurance for large events and they are willing to notify the county any time a large event takes place. Paul commented that churches are like state parks and reviewed the July 24<sup>th</sup> celebration that takes place in Panaca. Paul believes that most events like this can be handled under the normal scope of occupancy. Ronda reiterated the need for notification of the events to the county. Cory is hoping he can be emailed on events, send it to the committee, and then receive an email back saying everything is fine. Zack suggested the policy should say "Lincoln County Public Facilities" since LC is only liable for county owned property. Ronda commented that any event that takes place means 90% of the time it is on county roads; this makes the county liable. Definition 3 should say "any activity open to the public". A number of people should be designated as this is the core issue for the SO. Cory commented the reason a number hasn't been included the policy is because people will try to avoid the fees by citing their event will have one or two less than the number in the policy. Cory said the amount of people will be included on the

application and, based on what is submitted, the various departments will be able to decide if extra services are needed. The Labor Day Craft Show is covered under the blanket policy. Things like Tupperware parties and birthday parties don't need to be included. BLM has told MRAN they don't care about events taking place on private property. The group continues to discuss private property issues. Mick commented the liability starts when people leave private property and go onto the highways. The county might be stepping out of bounds with the private property issues. Mick feels the policy needs to be limited to county property. Dawne Combs commented the county will take away from the businesses by requiring permits for every event. Clint said the bottom line is this is a staff issue that will be determined by staff. People will have to trust that whatever the county comes up with was done so by applying common sense. Paul commented whenever an event expands beyond private premises permits will be required. Every weekend camping, drinking and driving is the SO's usual job.

Bill leaves the meeting at this time.

The county needs some control of events or the liability will remain wide open. The Board doesn't want to control small happenings, only big events. Ronda reminded everyone they need to look at what constitutes a special event in the county, do weddings count. The Board is looking for county protection at special events. Zack suggested definition 1 be revised to read "any activity which involves the use of LC facilities". Paul reviewed exemptions; this is where staff must be trusted. The county needs to control special events. Clint commented that it is well known at this time what the special events in the county are. Rodeos, Memorial Day, Rachel Days, Labor Day, Testicle Festival, and the Alien Convention are named but not all inclusive. Paul discussed the application process. Zack suggested MRAN be allowed to submit the six page form they are already required to file. Clint disagreed with this. It is suggested that all agencies fill out the application and attach anything additional they wish to include. Zack commented the BLM asks for a great deal more detail. Zack suggested BLM Operation Plans be required on any speed events. Zack commented BLM permits are required to be turned in one year in advance and asked if he can submit applications for all events during a year at the same time. A form will be required for each race. The individual club is responsible for the race; MRAN is at every race and is responsible. Zack would like to streamline things a bit. MRAN is an umbrella for all of the motorcycle clubs. The Board agreed this can be coordinated with Cory, who can present how the umbrella works to the Board at a later time. Tommy suggested the check list include a spot to review the previous event, was everything promised by the entity responsible for the event taken care of? This would be a past event review. Ben J. feels a fee set needs to be included, example being one officer for half a day would be \$200. This wouldn't affect the permit process itself; it would just give a truer estimate of event costs. All departments will review the application and include fees; these fees will be added up and one check will cover all departments' costs. The county is trying to get away from burdening the general tax payers for special events. Zack doesn't like the requirement for Search and Rescue to be on site. Ken said "or other agency approved by the LC Sheriff" should be left on the checklist. Zack doesn't want to tie up county resources. Zack uses his own emergency coordinator. "Other agency" will be changed to read "other entity". Zack wants to be sure they are allowed to use private services. Emergency communications with the SO must be maintained. Zack addressed "Grazing permit"; BLM has tried to require this before but they don't provide a list. Zack feels the grazing permits are a BLM issue. Ed agreed with Zack, BLM should notify grazing permittees. Zack commented they haven't ever received maps or contacts for the ranchers from BLM. Zack doesn't want to be required to ferret out grazing permittees. Ben B. said off road racing was practically wiped out in Clark County; fences were required for turtles. Ronda agreed that ranchers need to be contacted. Cory will work through Connie Simkins, who generally knows who the grazing permittee is that will be affected by any race; with communication this issue can be resolved. Ken said maps will be required at least one month prior to events now, not two days before. Zack addressed the general check list process. Zack asked if they shouldn't just submit to the special events committee, who would contact all entities involved. Cory will address any county controlled department, not utilities. The supplementary checklist has been in place for over five years. Zack feels the special events committee could scan and make all necessary contacts. Ronda responded the entities should be responsible for making contacts outside the county; the other option would be to increase fees in order to cover Cory's time spent on the permit. Ken suggested the check list be revised as it is a duplicate of the internal checklist submitted to county departments. The checklist could be simplified to include only those things not covered elsewhere in the application. Cory will work on the requested changes and email the draft to all interested parties, including Chris at BLM. Sgt. Dirks commented they are aware of most special events and try to work

around it; their main issue is number of personnel. Ben B. suggested a county calendar be created. Zack also requested a deadline be included and enforced. Zack requested a 60 day deadline; this will prevent someone from coming in at the last minute before an event. No action is taken as this is a work in progress.

Ed leaves the meeting at this time.

### **#3-LINCOLN COUNTY LAND DISPOSALS**

This item concerns suggestions to BLM for land disposals. The Pearson and Medlin land disposals area addressed. Victoria Barr, BLM, commented any land disposed must be appraised and they can't sell it for less than fair market value. Appraisal is complete for Medlin and NEPA is about 60-90 days from completion. The sale should occur within 60-90 days based on the environmental site assessment. The Pearson and Medlin issues need to be cleared up as they originated as a trespass. Some of the land has been developed. Appraisal is based on highest and best use of the land. The Medlin and Pearson issues are specifically addressed in the RMP. Any time BLM does a direct sale there is a purpose-it's an uncommon practice. Pearson is open to the public. Specific townships have requests for land within their specific boundaries at this time; these requests are discussed by the Board. There is some discussion about the need for BLM land around the townships so that people have other options than to purchase just from developers. Wendy Rudder discussed Alamo Town's requests. There is a request for a couple of acres north of Cowboy's Dream in Alamo; this is the only specific request Clint has received to date. BLM has to go through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) in order to sell land. It is not cost effective for BLM to hold a land sale for merely two acres. A couple years ago The Board discussed making a request of BLM to sell smaller parcels so people other than developers may purchase land. There is some discussion about the isolated pieces around the towns. Victoria commented all requests for smaller parcels can be analyzed with one EA. All parcels will need Sect. 106 survey and if there are issues they will have to mitigate prior to sale. Victoria requested a map of the 5 and 10 acre parcels since it's easier for BLM to get their ducks in a row if the planning is done in advance for the smaller parcels. It is so much easier to do the work if the list is given to BLM so they can address all the small parcels at once. Clint will create a map that includes a short list of all requests. Agricultural land issues will be addressed first. Ag situations will have to be handled through the RMP and this may be a situation where the county will request an amendment to the RMP. Some of the lands set for disposal are currently allotments and Victoria is researching this issue. It is up to the county to determine how we want BLM to sell things. Clint commented it would behoove the county to choose a parcel for each town for disposal at this time, in spite of the economy. There is some discussion concerning sales. Ronda would hate to see a sale that included only one two acre parcel. There is some discussion about the economy; it's unknown what the future will bring, including possible placement of solar projects in the southern end of the county or the opening of a gypsum mine in Caliente. Wendy commented this discussion is specifically for public disposal; the Airport Authority would like to see property by the Alamo Airport sold. Within 90 days of completion of the LC Public Lands Policy Plan the RPP list will be put together. One of the requirements from the Washington BLM office is a ten year plan projection for land sales. A county plan would aid BLM immensely in submission of their plan. During the process of identifying lands, the county should feel free to contact BLM for preliminary information; this could avoid a great deal of waste time if there are issues with some of the pieces designated. Clint will work with Karen and Victoria of BLM. No action is taken.

### **#2-SPECIAL EVENTS POLICY**

Ronda discussed the questions that arose with regards to the racers. The roads are taking a beating and the county is attempting to put the roads back together. There are many instances where the roads can't be put back together. Ronda addressed LCPD's problem with races going up the ROWs. Victoria met with Casey Folks a couple of weeks ago to address road repair issues. Casey subcontracted to the LC Road Department (RD) to repair the roads. Under the permit with BLM, the roads have to be put back to pre-racing condition. Ronda cited it isn't possible to do that with some of these. Victoria is working to make sure that races will not take place on roads that can't handle it. Through the RMP race courses will be identified so that they can be rotated for use. Restrictions in tortoise habitat will be restricted for truck and buggy races. Ronda asked BLM to address the roads like the power line road; this is the only way LCPD can get in there to make repairs. Victoria opined if the road needs to be watered the person responsible for the race needs to be responsible for getting the water on the roads. Ronda questions the BLM's responsibility for the roads since they issue the permits. What is BLM's responsibility with regards to road rehab? When the permit is issued, one of the requirements is

that the promoter is required to restore the road to pre-race conditions. If the roads aren't put back to pre-race condition, the racers will be put on probation. Ronda reiterated there is no way to put many of these roads back to pre-race condition. Victoria will contact Clint prior to scoping meeting so she can be aware of issues like this. It is a huge economic impact to the county to bring in the races; Victoria supports this, but it is import to mitigate impacts as well. Victoria would like to work closer with RD to make sure that everyone is in compliance and to avoid things like unauthorized take.

**#4-PUBLIC COMMENT**

Paul called for public comment.

**#5-ADJOURN**

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 11:16 a.m.; seconded by Tommy. All voted in favor.**

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

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

**DRAFT**