



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 21, 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

Chairman Paul Mathews called the meeting to order at 9:00. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS, Chair
BILL LLOYD, Vice Chair
ED HIGBEE
TOMMY ROWE
RONDA HORNBECK

LISA C. LLOYD, Clerk
DANIEL HOOGE, Deputy District Attorney

There is a quorum present and the agenda was posted on 12-16-09 to comply with the open meeting law. The Invocation is offered by Ronda and Paul led the Pledge of Allegiance.

CONSENT AGENDA

- 2* Approve/Deny minutes of the December 7, 2009 Commission meeting.
- 3* Approve/Deny Special Assessment for Pahrangat Lake and its tributaries in the amount of \$12,692.08.
- 4* Approve/Deny Special Assessment for Ash Springs Irrigation Company in the amount of \$20,844.40.
- 5* Approve/Deny Special Assessment for the Coyote Springs Valley Groundwater Basin in the amount of \$3,750.00.
- 6* Approve/Deny Special Assessment on all taxable property situated within the confines of the Lake Valley Groundwater Basin for the Fiscal Year July 1, 2010 to June 30, 2011 in the amount of \$9,977.49.
- 7* Approve/Deny Change Order #9 for the Caliente Pool Park Project in the sum of \$2,735.00 for a pump to assist with irrigation of the park.
- 8* Approve/Deny Appointment to the following boards:
 - Fair & Recreation Board – Candice Mortenson & Robin Simmers
 - Regional Transportation Commission (RTC) – Kevin Phillips
 - Airport Authority – Phyllis Robistow & Wendy Rudder
 - Public Lands (PLUAC) – Varlin Higbee, Ben Johnson & Alice Rodowick
 - Planning Commission – Steven Combs, Ross Stirling, Spencer Gray & Susan Austgen
 - Alamo Town Board – Angie Wright & Brad Loveday
 - Panaca Town Board – Cheryl Wenner
 - Housing Board – Gerri Phillips & Meril VanDusen
 - Board of Equalization – Bill Lloyd
 - Debt Management (Bond) Commission – Murry Whipple, Bill Lloyd & Gordon Wadsworth
 - Pioche Town Board – John Christian & Candice Mortenson
 - Library Board – Kathy Hiatt, Robert Sidford, & Suzanne Reifsnnyder
- 9* Approve/Deny Business Licenses with staff recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).

Tommy made a motion to approve the consent agenda; seconded by Ronda. There is some discussion about Item 8. Randy Zimmerman, on behalf of Elaine Zimmerman, advised that his daughter got a book from

the book mobile a few months ago and Suzanne Reifsnnyder confiscated it as it contained a swear word. Their daughter reads several levels above her grade. Another little girl had gotten a book with a curse word and she was showing it to other kids; Randy understands the concern. Randy and Elaine are worried about the censorship. Randy doesn't feel books should be withheld from the kids if they understand what they're reading. Paul asked what position Ms. Reifsnnyder was acting in when the book was confiscated. Randy wasn't certain how it came about, but if a parent doesn't have a problem with their child reading something the kids should be allowed to have the book. Paul asked if this incident was related to Suzanne's role on the Library Board. Suzanne works for Pioche Elementary. Randy advised he doesn't know if Suzanne was on the Library Board at that time. Randy asked if there will be more censorship if Suzanne is reappointed to the LB. Ronda commented this issue with book confiscation should be taken to the school board. Tommy will look into this issue to discern whether or not this is an issue that needs to be addressed by the county library. Randy remarked the book actually came from the book mobile. It is agreed that Randy will address this with the school board and Tommy will approach the library board. Bill commented on the Fair and Recreation Board. Bill advised that Kim Turley will be resigning and he suggested that Panaca should have a member.

All voted in favor.

#18-PANACA TOWN BOARD APPOINTMENT

Ronda made a motion to appoint Cara Lee Frehner; seconded by Bill. All voted in favor.

#10-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and a cash balance report. General County has a balance of \$684,405.96 with estimated expenditures being \$152,938.05. This leaves General County with a balance of \$531,467.93. Transportation has a cash balance of \$2,240.35 with estimated expenditures being \$1,358.50. This will leave Transportation with a balance of \$881.75. This fund will probably run into the red as a meeting is needed; Ronda will work on getting the meeting together. Nutrition has a cash balance of \$18,015.25 with estimated expenditures being \$10,903.50. This leaves Nutrition with a balance of \$7,111.75. Detention Center has a cash balance of \$206,647.65 with estimated expenditures being \$71,530.58. Detention Center will have a balance of \$135,117.07. Solid Waste has a balance of \$34,762.65 with no estimated expenditures. Fund 87 was used to pay some of the solid waste bills and must be reimbursed in the amount of \$28,390.40. Receipts not posted to the Solid Waste fund amount to \$1,033, which will leave Solid Waste with a balance of \$35,795.65. Airport has a cash balance of \$387.84 with estimated expenditures being \$589.09. This leaves Airport with a negative balance of \$201.25. Ed is working on securing the BLM payment. To date General County has paid \$381.59 of the Airport bills, which will have to be reimbursed. Leslie asked for direction as to which fund should be used to pay the remaining amount of the airport expenditures. Ronda requested that another memo be sent to all departments advising of the requirement for phone logs to be included with all phone bills. **Ronda made a motion to approve the vouchers as presented; seconded by Ed. All voted in favor.**

#15-EMERGENCY MANAGEMENT

Rick Stever presented these items. a) Update—Rick attended a meeting in Las Vegas regarding the evacuation plan and mass casualty care plan. The state is working on a grant to put together mass casualty trailers throughout the state that will be similar to the evacuation trailers. Right now, if anything happened in the county we will have to rely on Clark County for equipment; agreements are in place. The Office of Emergency Management was given a vehicle quite some time ago. This vehicle is now an emergency response vehicle for the county and it contains decontamination equipment. The vehicle itself has never been licensed and is housed in the Panaca Fire Department. PFD has transported it so far, but plates need to be put on it. Rick will take care of this. An exercise took place in Caliente on 12-9. It went well and there was a good turnout. b) Automatic Electric Defibrillator (AED) replacement batteries and pads, including identification of a funding source—Funding in the approximate amount of \$15,000 must be identified to purchase the batteries and pads. **Ronda made a motion to authorize the purchase of replacement AED batteries/pads from Fund 95, not to exceed \$15,000; seconded by Ed.** Ronda requested Rick post a list of the locations of the AEDs. This list should be posted in the Lincoln County Courthouse and an annual update is required. **All voted in favor.**

#12-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Kathy Hiatt advised two direct deposits were made but there is no backup information. Kathy asked the Board members if they could identify the source of the deposits. Kathy will continue working to sort this as is no one knew where the funds came from.

#16-SOLID WASTE INCREASE

The last amendment provides for an increase in the amount that Recology Inc., (formerly Norcal) can charge the county for solid waste. **Tommy made a motion to approve a 6% increase in the solid waste rate invoiced to homeowners; seconded by Ronda. All voted in favor.**

#11-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#13-PANACA FIRE DISTRICT

This item is handled under separate agenda.

#14-LINCOLN COUNTY FIRE DISTRICT

This item is addressed under separate agenda.

#17-LINCOLN COUNTY DETENTION CENTER SHOWERS

This item has been taken off of the agenda.

#19-RECOLOGY INC. (FORMERLY NORCAL)

Recology has requested a letter for support concerning the city of Los Angeles RFP and a solid waste contract with the City. Paul reviewed the history of this item. Paul read the proposed letter, as drafted by Paul Yamamoto. Tommy commented he believes the only way the county will get a reduced rate is for Recology to receive this solid waste and bury it here. **Tommy made a motion to send a letter of support; seconded by Paul.** There is some discussion about the Recology proposal. Terms aren't known, but LC will receive the solid waste from L.A. if Recology gets the contract. The county will have no control over what is brought here. They anticipate bringing in 1 million tons per year. Ronda asked that the Board work with the DA's office to create a letter as opposed to approving Paul Yamamoto's suggested draft. Paul agreed. This will have broad political ramifications in the future. As this goes forward, Paul believes state officials as well as Harry Reid will begin to weigh in on this issue. Paul commented the Board members need to be ready to stand behind the letter if they are willing to offer their support as there will be backlash. Bill is against doing anything to support Recology. Deputy DA Daniel Hooe advised the amended agreement is very vague and was drafted by Recology; legally the County is not obligated to send a letter. Marge Detraz remarked Neldon Mathews is furious about this; there should be something in the newspaper. **Tommy voted in favor. Ronda, Paul, Ed and Bill voted Nay. Motion fails.**

#25-GRANTS

Phyllis Robistow presented these items. a) Update—The State's unemployment rate is down to 11.8. LC's is at 8.6%. Phyllis set aside \$10,000 for a community assessment, but it will not take place until next year. Phyllis and Denice Brown have attended training to do the community assessment. Hands on training will take place in Fallon in February. January 26th there is a meeting for Social Services. LC will be hit hard for Medicaid and the Governor is asking for 6-10% cuts. Phyllis will travel to Carson City to attend the meeting concerning the County match program. b) Community Development and Housing Needs Statement with the Community Development Block Grant (CDBG) program—**Tommy made a motion to approve; seconded by Ed. All voted in favor.** c) Annual Participation Statement for 2010 and 2011 for Community Development Block Grant (CDBG)—**Tommy made a motion to approve; seconded by Ed. All voted in favor.**

#22-CERTIFICATION OF EXPENDITURE OF FUNDS

Ed made a motion to sign the letter; seconded by Bill. All voted in favor.

#21-ROBISON/SEIDLER UPDATE

Vaughn Higbee reported on the Irgonne National Laboratories (INL) trip to Idaho Falls, energy parks and energy initiative programs, and other nuclear matters. Vaughn discussed INL's missions, which includes looking to create higher temperature burn up in order to better utilize nuclear fuel and still maintain a safe rate. INL has been able to burn about 19% more of the actual fuel at INL than any other process. This is done with tremendously high heat and they watch to make sure there are no systems or fuel failures. INL is doing a great deal of cleanup. They are taking the created fuel from the military phase and turning it into a granule that will be stored in dry storage. They do this with the idea that it will come to Yucca Mountain. INL is also retrieving large amounts of high and low level nuclear waste. They have a way to sort fifty gallon drums of waste. They take the 50 gallon drums and put them into 100 gallon drums by using a hay compactor. Prior to compaction, the material is sorted by X-ray. The system allows for the sorting of the material, including anything that is "hot". Once these are compacted into 100 gallon canisters they are loaded on trucks and taken to the Nevada Test Site. Weapons grade materials created there are being shipped to WIPP by both rail and train. Transportation of high level nuclear waste is going on as we speak; it's military waste, but it's being done successfully. There is a series of questions that Joe Barton, R-Texas, and Greg Walden, R-Oregon, have asked the DOE. Vaughn read a paragraph from the letter addressed to Dr. Chu that contains these questions. Vaughn discussed the National Energy Reserves, which will be created under HR2729. One of the sites will be the NV Test Site. NTS has been chosen as one of the sites; DOE would work with the University of NV and Emergency Management to create an area where there would be research parks. These parks would deal with various types of energy, including solar, deep drilling, and biomass. Vaughn commented on how LC might be involved with NTS on the energy parks. The vision entails the use of pre-licensed places for testing. They are pre-licensed so it doesn't 10-20 years to get a site to do work on energy. Vaughn would like the Board to review his suggestions and discuss this at a future meeting to create a position for LC on these energy parks. Vaughn believes LC could have influence on these parks. Ronda commented that LC doesn't have any input on what NTS does and she hates to see funds spent on a project like this. The Community Reuse Alliance (CRA) is working hard to get a voice, Vaughn responded. The CRA is working to get local leaders a voice so that they may have a say about what is going on at these research sites. This will allow the different National Reserves to have some input. The Energy Community Alliance (ECA) is working to make this happen. Vaughn feels the County needs to establish a position and continue working closely with ECA. There are many types of energy listed in the new energy mission. Marge Detraz and Louis Benezet have done two audits of this program. Nuclear funds can't be used to lobby; Robison/Seidler does this often, Marge said. Marge reviewed a booklet entitled "Radiation Basics". Marge said the NTS isn't safe. The NV Delegation has stopped the railroad to Yucca Mountain. Marge remarked the Board isn't going to get anywhere with this; President Obama and Senator Reid both have said no—the Board will not overrule them. Marge said NV has hired different attorneys to prevent Yucca Mountain licensing but LC has hired attorneys to get it licensed. Paul disagreed; this isn't what LC has done.

#12-OFFICER/DEPARTMENT HEAD REPORTS

LC NUCLEAR OVERSIGHT PROGRAM COORDINATOR Connie Simkins presented and reviewed copies of "New Developments in DOE's Office of Nuclear Energy" by Pete Miller. The annual convention of the Energy Communities Alliance is February 11-12 in Washington, D.C. Connie advised the first week of February is when the program budget will be revealed. The license application hasn't been withdrawn; attorneys continue to work on the best way to do this. The bulk of the LSN information is DOE created. If DOE withdraws and puts the LSN on hold, the information could be so compromised it couldn't be retrieved. If it goes inactive, it will be necessary to recreate the over 8 million page document page by page.

#23-FY 2008/2009 AUDIT BY DAN MCARTHUR

Dan McArthur reviewed the audit, including statutory violations. **Tommy made a motion to approve the FY 2008-2009 audit; seconded by Ronda. All voted in favor.**

#20-2009 LINCOLN COUNTY MARKET SURVEY

Mike Baughman reviewed the FY2009 Lincoln County Market Survey. 536 surveys have been returned. It is estimated there are approximately 1500 households in the county. Data is currently being entered into a spreadsheet; this will be completed before 1-6-10. The data analysis will then begin and the report will be prepared approximately 30 days after. They hope to have the draft report ready for consideration by March 15th. April 30, 2010 is the completion date. The response rate, at this point, is about 36%. Intertech Services

Corporation donated five \$150 prizes for those participating in the survey. The winners of the five \$150 cash prizes are: Ray Seelye, 726-3695, Nels A. Jacobson, Kyle Cox, and Dawn Taylor.

#24-LINCOLN COUNTY AMUBLANCE

This item is off.

#26-PLANNING DEPARTMENT

This item was removed from the agenda.

Tommy leaves the meeting at this time.

#27-PUBLIC COMMENT

Paul called for public comment. Connie Simkins advised the N4 Grazing Board has completed elections. Those elected are: Gracian Uhalde, Jeff Gardner, Pete Paris, Jr., Pete Goicochea, Ed Higbee, Kenneth D. Lee, Dave Eldridge, Brent Eldridge, Hank Volger, and Dean Baker. Connie presented a copy of a letter to Bob Abbey of BLM concerning the management of wild horses within the BLM Ely District and requested the Board consider sending a letter as well. Connie discussed having County equipment at her personal residence since she was challenged by an employee about her husband having a county motor grader and a county water truck at their home overnight. This took place during a time when the weather was incredibly cold and those pieces of equipment wouldn't start if not plugged in. Never at any time was this equipment used for the Simkins' benefit; it was solely for the benefit of the County that these two trucks were parked at Connie's house overnight.

#28-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 2:11 p.m.; seconded by Bill. All voted in favor.**

Attest: _____

Approve: _____