



LINCOLN COUNTY BOARD OF COMMISSIONERS

January 19, 2010
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 9:07. Clerk Lisa Lloyd called the roll.

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

LISA C. LLOYD, Clerk
GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 1-12-10 to comply with the open meeting law. The Invocation is offered by Paul and Tommy led the Pledge of Allegiance.

CONSENT AGENDA

- #2 Approve/Deny minutes of the January 4, 2010 Commission meeting.
- #3 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).

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

#4-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and a cash balance report. General County has a balance of \$572,353.73 with estimated expenditures being \$158,760.82. This leaves General County with a balance of \$413,592.91. Transportation has a cash balance of \$754.51 with estimated expenditures being \$27,289.80. Once vouchers are approved \$30,000 will be transferred into this fund. This will leave Transportation with a balance of \$28,044.31. Nutrition has a cash balance of \$55,231.67 with estimated expenditures being \$7,799.55. This leaves Nutrition with a balance of \$47,432.12. Detention Center has a cash balance of \$53,360.76 with estimated expenditures being \$47,120.94. Detention Center will have a balance of \$6,239.82, but Clark County Detention Center is behind two payments as November and December haven't been received yet. Solid Waste has a balance of \$58,893.15 with no estimated expenditures. This leaves Solid Waste with a balance of \$31,167.75 less the monies owed to Fund 86, \$27,725.40. Airport has a cash balance of \$3,821.14 with estimated expenditures being \$359.36. Airport will have a balance of \$3,080.19 as \$38.59 will be transferred back into General County. **Ronda made a motion to approve the vouchers as presented; seconded by Ed. All voted in favor.**

#5-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#8-EMERGENCY MANAGEMENT

Rick Stever presented this item. a) Update—Rick attended a State Emergency Response Commission meeting in Las Vegas last week. Rick approached them about a grant they have available; they've agreed to go along with the purchase of an emergency operation center organization kit and phone system. This has been approved and Rick just needs to file the proper paperwork. There is some discussion about the upcoming storm; Rick has contacted many local entities. Ed commented that the Board needs to contact the state about taking care of the culverts down in Caliente. The majority of the storm will hit the northern part of the state. The Army Corp of Engineers claims jurisdiction in the wash, but the City has a permit to get in the wash with

equipment. This is how they've cleaned out the area between the upper and lower bridges. Ed requested a letter be sent to the state requesting assistance with the cleanup and maintenance of the culverts. Phyllis will contact Sunrise Engineering, who has been working on the linear park and will know who is responsible for the culverts.

#6-PANACA FIRE DISTRICT

This item is under separate agenda.

#7-LINCOLN COUNTY FIRE DISTRICT

This item is under separate agenda.

#9-SECURE RURAL SCHOOLS & COMMUNITIES ACT TITLE III 2009 FUNDING

A letter must be sent advising of Board approval/certification. **Ronda made a motion to approve the Certification for Expended Secure Rural Schools and Communities Act Title III funding; seconded by Tommy. All voted in favor.**

#10-COUNTY STREET SIGN MATERIALS

The total amount is just over \$11,000 for materials. Clint Wertz ordered a combination of materials as the different towns have different sorts of posts/brackets. Road Department (RD) shouldn't have to fund the entire cost for materials. Clint advised the P.O. was process through the road fund. Recorder/Auditor Leslie Boucher has advised she can transfer funds, if needed. Most of the costs are County, not RD. There is some discussion about whether or not the County should reimburse the RD fund for materials. RD claims they are only responsible for safety signs. Clint and Greg will work on this. No action is taken until signs are erected and allocation of costs is known; at that time, the County can reimburse RD if necessary. Tommy has advised the City of Caliente concerning the placement of the shop. Tommy advised that the County can probably get the City's signs at a better cost.

#24-BUILDING DEPARTMENT

Cory Lytle presented these items. a) Update—Cory is working with the DA's office on updates to Title 15. Cory will be posting calendar updates on the County website. Cory has been exercising code enforcement throughout the County as well as working with Phyllis on the Pioche Upper Park. Phase II for SNPLMA was presented last week. SNPLMA funding is reduced. Out of 13 projects Pioche came in 9th. The chances of getting funding are fairly slim. Cory continues to work on Rachel DC Day Park and Panaca Park. Public Works Workforce has been in contact with Cory; he's working with Elaine Zimmerman from Caliente. Draft proposals have been submitted. Cory is planning to put a crew to work in Alamo, one in Caliente, and one in the northern end of the County. This will employ about 10-15 people. Clint is working on training for the sign making. Shane Cheeney has advised RD will provide someone to supervise if needed. If nothing else, Richard Simpson can make signs one day per week. Another high priority is Pioche's sewer project. Cory discussed the County vehicles. About 12,000 miles have been put on the Taurus this calendar year and Cory believes the fuel injection system is going out. Cory suggested purchasing another car. Website business directory is ready to go online. The directory contains the names, types of business, addresses and other viable information. A great deal of time was spent at the multipurpose building in Panaca; it a really great project and this building will never fall over. The company that erected this building, R&O, is going to bid on Panaca Elementary School. Cory's department will be spending a great deal of time on Panaca Elementary School project as well. The energy project for the Courthouse is moving along. b) Special Event Policy and permitting—All of the changes resulting from the workshop last year have been incorporated into this draft. Fees need to be addressed. The 318 race is coming for approval and this would probably fall under the policy if it were in place. Tommy feels there should be a clause allowing for waiver of fees if deemed appropriate by the Commission. Ronda commented that everyone will ask for exemptions if this is added. The Board won't be required to give the exemption. Public facilities will be exempt from fees. The Board agreed to set this for public hearing. Greg advised this is a policy and shouldn't require an ordinance; it can be done by resolution adopting a policy. **Ronda made a motion to move forward with adopting a special event policy by resolution and to set this for public hearing on February 16, 2010 at 1:00 p.m.; seconded by Ed. All voted in favor.**

#20-SILVER STATE CLASSIC CHALLENGE

Ronda made a motion to approve the closure of SR318 between Lund and Hiko on May 16, 2010 and September 19, 2010 for the Silver State Classic Challenge; seconded by Ed. All voted in favor.

#13-LIQUOR BOARD

This item is handled under separate agenda.

#11-BROADBENT & ASSOCIATES, INC.

Kirk Stowers presented this item, which concerns a program to research and locate orphaned and/or abandoned gasoline and diesel fuel underground storage tanks (UST). This program is funded by American Reinvestment and Recovery Act (ARRA) funds. Glenn Zelch will be doing the work in the County as he's been hired by Broadbent. The output of this project is a database, which will be prioritized. ARRA funds may be available for cleanup if there are 3-4 tanks found that are negatively impacting the community. Here is a sunset on the use of the ARRA funds, which is two years. Broadbent started in December 2009 and hope to have the database generated by the end of this January; this will allow time to address any issues that arise with located tanks.

#12-ORDINANCE #2009-10

This is the time and place set for continued public hearing on an ordinance establishing licensing and permit fees and procedures for locksmith, institutional locksmiths, and locksmith employees operating within Lincoln County and providing exemptions from such fees and procedures. There is some discussion about whether or not tow companies are required to file. Unless they advertise locksmithing duties, they are otherwise exempt Greg said. Businesses are allowed to use a home address as opposed to a physical office. James Bienes intends to cut keys at some point and will be located in Alamo. True Value now has the equipment to cut keys. Paul read the ordinance by title. **Ed made a motion to approve the ordinance for locksmiths; seconded by Bill. All voted in favor.**

#21-LINCOLN COUNTY HUMAN SERVICES FOOD BANK POLICY

This item is tabled.

#15-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER TOMMY ROWE reported the road project down Rainbow Canyon had a preconstruction meeting. Southwest Iron, Inc., got the bid. The date to proceed is January 28, 2010. Cory Lytle has spoken with the individual. This project has been moved on very quickly; they will be leasing ground from private property owners down the canyon for equipment staging but they don't intend to hire any local people. This is a \$13 million project. Cory plead the case that money could be saved on travel and time if locals were hired. Cory has spoken to representatives concerning the Southwest Intertie Project and the need to hire local people who have knowledge of the area.

#22-PLANNING

Clint Wertz presented these items. a) Update—Clint advised they are developing run books for ambulance, fire, Sheriff and any emergency response function. At this time the server is set up and they have all needed information. Planning will be funding the cost to have the books generated. Printing costs for the books are unknown at this time. These books will be similar to an atlas. Everyone that will use the books will meet today to discuss costs. Cory Lytle advised Sequoyah Shoars will be leaving at the end of this week and Clint has volunteered to help with the running of the Building Department. They will explore having phones transferred. Dawne Combs knows how to perform all of Sequoyah's tasks. Phyllis advised she has about \$7,000 left in the grant but it ends in June. The money can't be used unless someone is hired. Cory intends to transfer funds to cover Dawne's time with regards to managing business licenses. There is no intention to replace Sequoyah at this time. Dawne commented that she is more than willing to help out in any way needed.

#14-LINCOLN COUNTY AMBULANCE ASSOCIATION

Louise Buettner presented these items. a) Update—239 ambulance runs took place last year. Pioche is up and running with a great crew. The computer system will have to be updated in Pioche. Panaca has computer issues also with their run sheets. These issues will be fixed by February. Three more have applied for EMT run

license. A dual system is in place, ambulance responds to fire and fire to ambulance. There is a problem with Medicare. A letter was sent to Kathy Hiatt for signature and forwarding to Medicare. Somehow Medicare didn't receive the letter and application was denied. Louise will present another letter and get this taken care of. EMTs are requesting protective clothing. It is fairly expensive, ranging from \$700 to \$1,000 per person. This clothing is similar to the fire fighter gear. This clothing will be provided for the EMTs that actively run. Louise spoke with LEPC, but they do not cover EMT related items. Louise requested that rate adjustment be discussed in the near future; those that bill pay 100%. If this is the case, LCA isn't charging enough. b) Fixed rate for ambulance service for special events—Louise recommended a flat fee of \$1,000 just to have the ambulance sitting at the event. Louise was told there is liability insurance on the EMTs but hasn't seen it. In order to charge this amount, proof of EMT liability coverage is needed. There will not be a requirement to have an ambulance at events like weddings; it applies more to things like big races. The EMTs work as volunteers right now and if the County is going to charge for events to have an ambulance on standby they will not fall under the volunteer statute; this is why there is a need for liability insurance. County rodeos require EMTs but football games do not. Louise advised LC Ambulance donates their time as these are school events. Denice Brown will research the insurance issue. Cory asked if the wording could be changed to read "cost recovery". Cory intends to turn the application over to Louise for review so she can decide whether or not the ambulance needs to attend the proposed big event. Even when third party ambulances are hired LCA must be ready to respond. There is some discussion about reimbursement for EMTs/ambulance if they're never used but remain on standby at the event. A provision for reimbursement needs to be addressed. The reason this is being discussed is to save the taxpayer money. If costs aren't taken into consideration and addressed it results in the taxpayers having to pay. POOL/PACT covers all County liability, including medical, Bill said. Michelle Wadsworth was working on a great deal of this. No action is taken at this time.

#23-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—The paperwork is coming to repair this building and Phyllis will have \$300,000 within 30 days to make the repairs. There are rules and regulations that go along with the funding. Davis Bacon wages will apply. Senator Reid worked diligently to secure this funding for the County. Phyllis has two potential losses of grants: the DOE grant for ½ of the Emergency Manager's salary and benefits and the welfare set aside. Welfare set aside pays rent/utility bills for LC's low income people who need help. Toni Pinkham is working to ensure that we have funds left from this year to aid those in need next year. b) Contract with Hardy Construction for the Pioche Upper Park project—This will be addressed at the next Commission meeting. c) Grants Administration Policy—When Phyllis started, LC had approximately \$1.5 million in grants in Fund 23. LC was a high risk auditee. Leslie, Dan McArthur and Phyllis worked for years to make rules and regulations and get the grants straightened out. LC is now a low risk auditee. Currently, we have \$20 million in open grants. The policy is being rewritten based on some issues that have arisen. A number of department heads have ignored the grants policy that has been in place for over four years. Any entity receiving funding must adhere to all County policies when expending the funds, i.e. purchase orders, claim forms, inventory tagging, bidding, etc. Most of the rules are due to the Federal Government as much of the grant funding comes from them. These individual departments need to seek the grants, but Phyllis is responsible for administration of such when it's received. Phyllis will work with any department head to write grants. Dan McArthur has reviewed the proposed changes. There is a slight issue with Panaca Fire District grants as PFD is not a County entity and the grants themselves aren't handled by the County.. However, PFD's funds go through the County and grant information is required for administration. The changes in the policy will eliminate confusion when funds are received unbeknownst to County personnel who are responsible for disseminating the money. Oftentimes County personnel has to spend a great deal of time investigating the source of the funds as well as their destination. When the County gives a grant, like the Youth Farmer's Market, recipients need to follow the same rules placed on County departments. **Ronda made a motion to approve the new Grants Administration Policy as presented; seconded by Ed. All voted in favor.**

Lunch 12:00-1:00

#16-ORDINANCE #2009-11

This is the time and place set for public hearing an ordinance adopting the agreement between the County of Lincoln, State of Nevada, and Coyote Springs Investment, LLC, A Nevada Limited Liability Company, for the First Amendment to the Coyote Springs Development Agreement. Paul called for public comment concerning

the ordinance and amendment. A letter has been received from Harvey Whittemore outlining the terms and things he agreed to as far as the amendment. Paul read the ordinance by title. **Tommy made a motion to approve; seconded by Bill. All voted in favor.**

#18-LINCOLN COUNTY OVERSIGHT PROGRAM FUNDING OF PLANNING DEPARTMENT PROJECTS

Connie Simkins presented the correct procedures to fund activities of Lincoln County Planning Department (PD) that is related to Yucca Mountain. This is a funding commitment made in March by the JCCIAC. \$75,000 will be spent in assisting with the PD's activities related to Yucca Mountain. The funding has already been delivered and is in the bank. Current year's funding, \$1.05 million, has been received. Bret Whipple has reviewed the list of projects. 25 of the 35 PD projects need to be accomplished to handle the impacts/benefits of the YM project. Eliminated projects include: 3 Alamo Industrial Park Ordinance, 11 parcel development, 12 development standards, 14 Toquop staffing plan, 22 Rachel advisory group, 25 revise land division process, 27 housing plan update, 28 solid waste plan update, 29 recruit dedicated coordinator, and 32 development agreement template. Ronda requested that the housing plan be left in. Many of these projects are currently underway. Leslie has been working with Dan McArthur to make sure the transfer is done correctly. Tommy asked for a daily log to be kept to show work on these projects. **Tommy made a motion to approve and move the funding from LC Nuclear Oversight budget, \$75,000, into the Lincoln County Planning Department budget; seconded by Ronda. All voted in favor.**

#19-ENERGY COMMUNITIES ALLIANCE

This is a request for four individuals to travel to the Energy Communities Alliance (ECA) Conference in Washington, D.C., on February 11-12, 2010. Ed Higbee is interested in attending this conference. Greg advised it isn't a problem for three Commissioners to attend. \$6,564 is the estimated cost for this trip. **Ronda made a motion to approve; seconded by Bill.** Tommy commented attendance at this conference is very important and maybe we can get some straight answers while there. Louis Benezet remarked upon past attendance at ECA conferences that has been going on for a number of years. Louis has never seen any benefit to our program from participating in this activity. ECA publishes an extensive newsletter every month on the internet. The Board can be thoroughly informed about ECA activities by reading this. Much of this information can be accessed at no cost as opposed to the proposed \$6,000. LC belongs to the ECA, even though Louis advised we can't. LC also subscribes to the bulletin. Department of Energy (DOE) audited their funding program. One of the things questioned was the ECA membership. The head of Yucca Mountain project determined it wasn't a problem and sent the money back. Louis believes it is a decision by DOE that there isn't any problem with ECA participation. However, the nuclear waste act governs how nuclear waste funds are spent and these activities may be illegal under the nuclear waste act, Louis remarked. ECA is a lobby organization. The members of the ECA have an important agenda, which includes having the federal government take their waste off their property. LC will be a receiving community and Louis questioned why we are concerned about participating in their conversations about lobbying for this. Louis stated this is an illegal use of our funding, which is meant to determine how to protect ourselves. Paul commented that Bret Whipple has reviewed the legality of this as has the District Attorney. Louis further states his point is about whether or not the use of this funding is serving the best interests of the residents of this County. **All voted in favor.** Ronda remarked that each meeting is different and the reason we attend is to learn something new and stay current on events. Just sitting here pretending that nothing is happening around us means the Commissioners haven't done their jobs. The people are asking for information and it is the Board members' responsibility to gather it to help this community. Louis reiterated that he believes this to be an illegal use of money.

#15-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER RONDA HORNBECK met with Connie Simkins, Sarah Adler (USDA), Bill Carlson and John McClain in Carson City concerning biomass. Sarah has discussed the biomass issue with Senator Reid and has requested appropriations of approximately \$200,000 for a project. Ronda asked the Board to hold a workshop to outline projects. Ronda met with Ky Anderson; an announcement was received about NV Energy and Great Basin Transmission grouping together to come through the County with one line. Ronda attended SNPLMA; it is unknown if the County will receive any funding. Ronda attended a water rights meeting in Las Vegas. Ronda will testify at the Public Lands Committee this Friday. **COMMISSIONER BILL LLOYD** attended the Fair & Recreation Board meeting; Robin Simmers is the chairman. Bill commented that Kim Turley needs to be replaced; this person should come from the northern end of the County.

#25-PUBLIC COMMENT

Paul called for public comment. None is offered.

#17-GROVER C. DILS MEDICAL CENTER MEDIUM-TERM OBLIGATION

Jason Bleak, hospital administrator, presented this item. Grover C. Dils Medical Center (GCD) would like to purchase property that is adjacent to the hospital for future expansion. The medium-term obligation is not to exceed \$150,000 and will be applied towards the purchase of state owned land. The obligation will be repaid by the cash flows GCD and public donations. **Ed made a motion to approve the resolution authorizing medium-term obligation, not to exceed \$155,000.00, for Grover C. Dils Medical Center; seconded by Tommy. All voted in favor.**

#26-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 2: 12 p.m.; seconded by Tommy. All voted in favor.**

Attest: _____ Approve: _____

DRAFT