



LINCOLN COUNTY BOARD OF COMMISSIONERS

February 1, 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

Vice Chairman Bill Lloyd called the meeting to order at 9:07. Clerk Lisa Lloyd called the roll.

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

LISA C. LLOYD, Clerk
GREG BARLOW, District Attorney

ABSENT: PAUL MATHEWS, Chair

There is a quorum present and the agenda was posted on 1-26-10 to comply with the open meeting law. The Invocation is offered by Ed and Ronda led the Pledge of Allegiance.

CONSENT AGENDA

- 2* Approve/Deny minutes of the January 19, 2010 Regular Commission meeting and January 26, 2010 Workshop.
- 3* Approve/Deny Notification of Grant Award from Division for Aging Services to Lincoln County Human Services in the amount of \$44,500.00 for a new Senior Nutrition truck the match amount of \$7,854.00 will be covered by insurance reimbursement.
- 4* 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.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and a cash balance report. General County has a balance of \$884,060.86 with estimated expenditures being \$174,416.98. This leaves General County with a balance of \$709,643.88. Transportation has a cash balance of \$37,843.97 with estimated expenditures being \$2,360.50. This will leave Transportation with a balance of \$35,483.47. Nutrition has a cash balance of \$56,670.90 with estimated expenditures being \$7,770.89. This leaves Nutrition with a balance of \$48,900.01. Detention Center has a negative cash balance of \$22,817.20 with estimated expenditures being \$89,890.08. Detention Center will have a negative balance of \$112,707.28. Payments for November and December haven't been received; January has been billed. Solid Waste has a balance of \$92,279.65 with estimated expenditures being \$17,767.50. Solid Waste owes \$27,685.40 to Fund 87. This leaves Solid Waste with a balance of \$74,512.15. Airport has a cash balance of \$3,387.78 with estimated expenditures being \$359.36. Airport will have a balance of \$3,028.42. There is a voucher \$134.55 to Wal-Mart for a training luncheon at the Detention Center. Leslie asked the Board to determine whether or not this expenditure falls under the policy. Ronda commented the policy states that pre-approval is required for this type of expense and it's not to exceed \$100. Leslie discussed the Building Department Fund, Fund 49. Cash balance is \$51,920.34, so far this year we've collected \$30,761.26. With permits included, we should be collecting \$181,500 by the end of the year, but we are currently only collecting 17%. \$178,200 is the amount budgeted and to date this fund has spent \$81,357.72 while it has only brought in approximately \$30,000. Leslie suggested that some of Cory's work should possibly be billed to Buildings and Ground, but only \$28,255.78. If some of Cory's salary is taken out of this fund it will result in a short fall in B&G. Cory, Dawne Combs and Sequoyah Shoars' salaries need to be covered but not come out of the Building Department Fund. Leslie has requested a time sheet from Cory showing a break down

of all of the work he does. Cory Lytle commented that percentages will be the same as some of it will be development funds. Cory, Ronda and Leslie will meet to address this issue and make sure that the budget is kept whole. Phyllis Robistow commented she owes Cory's department some money out of the SNPLMA accounts, which will go against salary. **Ed made a motion to approve the vouchers with the exception of those for Mesquite Mental Health, Detention Center luncheon, and NACO dues; seconded by Ronda. All voted in favor.** Ronda discussed the voucher for the Detention Center training luncheon and reviewed the policy. Policy states that no approval will be given for presentation of purchases after the fact.

#7-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#6-RENT FOR MESQUITE MENTAL HEALTH

A bill has been received in the amount of \$450 for rent of room #2 for the Mesquite Mental Health for the months of April 2009 to June 2009. Ronda reviewed the history of this item. Ronda is concerned that the County doesn't have an agreement with Caliente to cover costs. The issue is that this bill is over six months old. **Ronda made a motion to pay \$450 for rent of a room for Mesquite Mental Health and to send a letter requesting Caliente to submit bills in a timelier manner; seconded by Tommy.** Phyllis advised it is possible the Mesquite Clinic will not exist after March as the state cuts will be deep; at least 20% for mental health. **All voted in favor.**

#8-EMERGENCY MANAGEMENT

Rick Stever presented this item. a) Update—Rick received a phone call from the insurance company, who is working to get their records/files in order. Two supply trailers were received; inside each trailer are supplies for fifty people. Rick asked if the County wants to insure these trailers. Rick is having issues with the registration of the trailers. Tommy commented the trailers should most definitely be insured; the other Board members agreed. Rick will find out what the cost is and put it on the next agenda. Funding for the Emergency Management position received from Department of Energy (DOE) could be rescinded. Negotiations are taking place right now and a seven county committee was formed to address the issue. Rick has a conference call on Thursday and will attend a meeting with the group in a couple of weeks. To date, the funding hasn't been pulled but there are several counties that want more of the money as the waste is going through their county. Rick will persist in seeking continued funding for the EM office. Rick suggested a letter of support to DOE to maintain the EM office would be beneficial. Presently there isn't any waste going through LC. Rick continues to work on the AED situation and getting the units back in good working order. The Sheriff has had an employee locate all of the AEDs they have. Once Rick finds all of the units he will order batteries and pads.

#10-COUNTY OFFICE TELEPHONE LOGS

Ronda commented that the telephone logs are required, according to the Deputy District Attorney. There are many departments failing to send the logs in with the bills. The Board is asking every department to send the required logs in when bills are submitted. The logs apply to cell phones as well; if the County pays any portion of the cell phone bill, a log is required. Laura Johnson commented that Verizon will not send the detail as the Recorder/Auditor's name is on the billing. Leslie is also unable to pull the detail. Ronda will look into this issue.

#16-CALIENTE YOUTH CENTER ROAD

This letter will be a request for the State of Nevada to upgrade the road and culvert going in to the Caliente Youth Center. Phyllis Robistow advised that the parcel of land that this road and culvert on belong to the State. The situation is ripe right now for a flood with all of the snowfall we've received. This culvert is the largest constriction for flooding. Councilman Tom Acklin has attempted for years to get the State to repair the situation. **Ed made a motion for Ronda to write a letter to Nevada Department of Transportation to improve the road and culvert going in to the Caliente Youth Center; seconded by Tommy. All voted in favor.**

#18-DESERT TORTOISE & SOUTHWESTERN WILLOW FLYCATCHER BLM COOPERATIVE AGREEMENT

This item concerns a cooperative agreement with Bureau of Land Management (BLM) for future action concerning mediation for desert tortoise and southwestern willow flycatcher habitat on federal land. This is an overall blanket agreement and will require separate work agreements for specific projects. Ken Dixon presented the draft agreement and suggested the Board not approve it until the final Southeaster Lincoln County Habitat Conservation Plan (HCP) is in place. Ronda reviewed the current status of the HCP and mitigation measures.

Ronda agreed this shouldn't be approved until the HCP is signed; this agreement is a necessary step in going forward with the mitigation. Ronda advised the concept can be approved prior to the HCP but not the actual document. **Tommy made a motion to approve the draft agreement (this approval only extends to the draft and a final will have to come back before the Board for approval); seconded by Ronda.** This agreement pertains only to BLM managed land and will give the County authorization to move forward. The County will be responsible for any contractors or work done in the HCP. The funding comes from the developers; fees paid will be used for mitigation. If there is no HCP there will be no development and without the HCP the City of Caliente can't have take down the canyon. Doug Carriger discussed the County formed GID that manages the HCP areas. Doug wonders why the County will be liable for the administration of the HCP and questioned why it should fall on the other owners in the County for administration of the HCP. There will be no money from any other County source going to fund the HCP; all funding will come from the GID. Ken commented that the GID pertains only to owners of private property within the GID. It is unsure whether or not mitigation projects can be down outside of the HCP area. There will be no obligation to other property owners within the County; GID will take care of the HCP funding. Bevan Lister, LC Farm Bureau, commented it would seem reasonable that this agreement would be with the GID and BLM, not the County and BLM. Bevan further commented that it will be effective today, whether signed or not. Bevan feels it seems unreasonable to pass a motion to approve this until the HCP is in hand. Ken commented he was only asking for approval of the draft, but this final document will have to come before the Board for final approval along with the HCP packet. This item is for the Board's information. Ronda commented that language needs to be incorporated into the agreement to include the GID. The money will flow through the GID; funding will not come through the County's general fund. The Section 10 permit is issued to Lincoln County, which makes the County responsible for the HCP. The GID is the vehicle to bring the money in from the affected parties; this ensure only those affected will pay the bill and the rest of the County will not have to be responsible. **Ed abstains as he doesn't know enough about this. Motion passes 3-1.**

#22-PLANNING DEPARTMENT

Clint Wertz presented these items. a) Update—Clint is working with Rick Stever and the Sheriff's Office on the Emergency Evacuation Plan. Clint will meet with Ronda concerning revision of the Planning Department work plan. Clint hopes the internet mapping function will be up and running within the next couple of weeks. Clint had a meeting on the development of run books for public safety, sheriff, ambulance. Clint is in the process of getting a quote to have this work done. Clint received a phone call that all signs and supplies have been shipped. The equipment is set up at the Road Department. To date, an employee hasn't been hired to make the signs; they will train full time employees. There is some question as to whether or not the Road Department is responsible for erecting the signs. A five year needs assessment plan for GIS has been created. There are two companies that collect data on roads to include it on Google Earth. Clint sent NavTech the County's data for inclusion in these other systems. Clint also sent the County's mapping information to AAA. b) Change order on scope of work for contract approved 11-20-08 for the professional services of Tischler/Bise to develop Phase 2 (Revenue Enhancement Analysis) and Phase 3 (Implement Fiscal Impact Model) for Lincoln County—The Board approved doing the fiscal impact studies last budget year. Phase I of the fiscal studies is complete. Based on the needs in the County and the change in the economy, Clint is requesting the change order. Clint is still working with Leslie on budgeting for this item. \$50,000 has been spent to date, which leaves about \$75,000 of the originally budgeted amount. We are under contract with the consultant, but Clint is trying to switch gears and look longer term at how revenues can change. Phase II and II will give options for covering the revenue gaps. No action is taken as Clint is still working on this.

#11-LINCOLN COUNTY COURTHOUSE SECURITY PLAN

Judge Dan Papez is present via telephone and presented the proposed Lincoln County Courthouse security plan and upgrades. Judge Papez has been working with the Sheriff concerning the improvement of security here at LC Courthouse in light of the shooting at the courthouse in Las Vegas. There is a pattern of increasing violence in courthouses throughout the county. Ely Courthouse has had a walk-through metal detector for years, as has Eureka. Placement of a metal detector would increase security in the courthouse. Administrative Assessment funds will be used to purchase a walk-through metal detector and a hand-held metal detector. The cost for this will be approximately \$6,000. Judge Papez wasn't certain whether or not access would be limited to just one door on court days, but if so the metal detector will be located at the west door in order to scan individuals entering the building. The Sheriff feels the scanner should be set up by the backdoor of the

courtroom. Judge Papez will continue discussion with the Sheriff to determine the best way to effectuate higher security. LC Courthouse is vulnerable to violence as is any courthouse in America. Judge Papez has a responsibility to ensure this is a safe environment for all parties conducting their litigation. Judge Papez will be issuing an order that will not allow weapons of any kind into the courthouse at any time. If access is limited on court days, this would mean all doors will be locked with the exception of the west door. Judge Papez commented there is no need to lock down doors if the scanner is placed at the back door of the courtroom; individuals would only be scanned as they are entering the courtroom itself. The placement plan will be refined when the metal detector itself arrives. Sheriff Kerry Lee advised the Board there is no perfect solution to this as the courthouse wasn't designed with security in mind. Kerry has been concerned about this situation for years. Security is necessary, at least for days when court is being held. Kerry feels it would be difficult to screen the entire courthouse; it would be better to screen those entering the courtroom. The metal detector is not the only issue, the doors are not secure. Kerry advised that doors going into the courtroom need to be replaced to make the room secure. Kerry commented that the days of jury trials will take two officers, one to work the metal detector and one to bailiff. Just purchasing the metal detector will not solve the problem. Ronda commented that placing the metal detector only in the courtroom will not protect the individuals in the offices or people in the hallways. Kerry is speaking strictly to courtroom security, not courthouse security. Bill commented that all witnesses sit in the hall, not the courtroom. The problem with placing the scanner by the front door and screening only on court days is that someone can come in the day before, week before, and hide a weapon. Prior to screening people officers would have to search the entire courthouse. Judge Steve L. Dobrescu is present via telephone as well. Judge Papez advised Ely has had huge issues with Ely State Prison inmates and they've had to deal with it the best they can. All rural courthouses are facing the same issues. Judge Papez recognizes the tight budget the County faces. Judge Papez would like to do everything in his power to protect not only courtroom individuals, but everyone in the courthouse. In order to do that we'd have to have a bailiff present at the courthouse scanning individuals every day; that isn't feasible. Judge Papez and Judge Dobrescu fully support getting three new doors, including Judge's Chambers and the courtroom. One of the most frightening moments Judge Papez has had during his tenure on the bench was in the Lincoln County Courthouse. An individual was sentenced, and by the time Judge Papez got off the bench and walked into chambers, this individual's parents were in his office standing by his desk wanting to know why their child had been sent to prison. This is how easily these things can get out of control. Judge Papez is willing to spend AA fees to avoid impacts to the County's budget. Ronda commented she appreciates the efforts. Kerry advised that he received an estimate from a local contractor to replace the doors; total cost is \$15,000. These will be metal doors that have panic hardware. Kerry corrected himself and advised that the replacement will actually include four doors, including the door that goes into the clerk's station. Double doors are required based on fire code. Judge Papez assured the Board that funding exists for this in the AA funds, and reiterated that he and Judge Dobrescu are willing to expend these funds for the upgrades. Judge Mike Cowley commented they have a facility fee that will be available to assist with this project, but the issue is that they must be budgeted. Judge Cowley advised there are several retired officers who may be able to work part time as bailiff. Judge Papez remarked that he hates to wait to get this going until after July in order to budget. There is some discussion about the possibility of moving forward with the plan and, after budgets are set, reimbursing funds back into the AA fund. Facility fees can't be used for man power. Judge Papez will check with Administrative Office of the Court (AOC) to see if they have grant funds available to assist with hiring a part time bailiff. Kerry advised this will be a man power issue. Douglas County uses retired offices to run the metal detectors. Trials take more time and personnel. Judge Papez commented that trial days will probably take three officers. Tommy remarked the Board supports them fully in their endeavors. Judge Papez welcomed all ideas to include in the plan. Wade Poulsen advised an issue to be considered will be maintenance and upkeep. Judge Papez responded there has been no maintenance required on the metal detector they have in Ely and it's approximately 5 years old. Maintenance costs will be minimal. The courts aren't required to go out to bid for courthouse improvements.

#12-PURCHASE OF METAL DETECTORS

This item concerns the purchase of one walk-through metal detector, one hand-held metal detector, one table and two small baskets. Sheriff Kerry Lee advised he might be able to get the metal detectors for a less expensive price as they qualify for GSA pricing; he will look into it. **Ronda made a motion to approve the purchase of the metal detectors, table and small baskets in an amount not to exceed \$6,500; seconded by Tommy.** Bevan Lister asked if there is a County ordinance for what items are banned in the courthouse.

Bevan further asked what items will be banned. Judge Papez will issue an order defining what items will/will not be allowed. **All voted in favor.**

#15-SENATOR JOHN LEE PRESENTATION

Senator John Lee, Government Affairs Nevada State Legislature, of the North Las Vegas area presented an overview of current and future events in the State and the Legislature. The Governor will be calling a special session shortly. Several issues will be addressed, including the tax cap. Senator Lee invited those present to come and watch the Legislature. Tommy commented the closure of the Pioche Honor Camp and Caliente Youth Center will devastate the County. Ed advised he would like to see some jobs in LC. The abatements basically "wiped" out the County. Legislature has been working on renewables. There is some discussion concerning what valuables LC has. LC mostly exports hay, cattle and our children. Senator Lee offered to aid the County if identification of the things we have to offer can be made. There is some discussion about tourism and LC. However, tourism won't work if people can't afford to travel. Cathy LeFevre commented that Nevada is against having a state lottery, but the lotteries in AZ pay millions into public education every year. This benefits education as well as allowing the state to divert education funds for other needs. Cathy asked why NV can't have a lottery. The letter Cathy received stated that the lottery would negatively impact the gaming in NV. Cathy disagreed; she doesn't gamble but does buy lottery tickets when she goes to other states. Senator Lee commented that people will buy lottery tickets as opposed to food for their children. Senator Lee further stated that hard work and education are trumped by the idea of winning the lottery and we teach our kids to gamble on the lottery. It would cost a great deal of money for NV to set up the infrastructure for lottery. Senator Lee can't see balancing the State's budget on a lottery. Bevan Lister commented LC is more or less 98% public domain. LC has tremendous opportunity in farming, ranching, and mining, but we are hamstrung by environmental recommendation and federal management. Bevan suggested that ranging cattle could be lucrative. LC has damaged range lands among several other issues, and these are all factors in a reduced economy. Senator Lee isn't a proponent of BLM. Many of the land owners and ranchers have sold their heritage as the water has become so valuable. Bevan doesn't believe the State Legislators or local officials are well trained in interaction with federal government; we have tremendous opportunities if trained. Senator Lee responded that transfers of personnel create issues. Bevan asked what it would take to reinstate the NV Constitution so we have a senator from each county. Senator Lee responded that it will never happen again. Bevan commented that NV is a sovereign state; Senator Lee disagreed. Vaughn Higbee commented that Senator Lamb voted for the one man, one vote. Senator Lamb used funds for a great deal of good, as well as bad. Connie Simkins advised that Senator Lee attempted to aid LC last session when State Parks and DOW tried to ruin Schroeder Dam. Misrepresentations were made by DOW and Senator Lee did everything he could to help LC. Senator Lee believes success is coming LC's way.

Lunch 12:25-1:30

#17-LINCOLN COUNTY HIGH SCHOOL DONATION REQUEST

Lori Cheeney advised they have 18 students going to Washington, D.C. this year. Bruce Condie, Kory Gloeckner, and Cade Lee reviewed the itinerary of their trip. **Ronda made a motion to donate \$1,000 from Fund 94; seconded by Tommy.** Tommy disclosed that the teacher, Lori Cheeney, is his daughter. Bill disclosed that his son and daughter-in-law are going as chaperones. Ed commented that these kids are going to the headquarters of the greatest nation on the earth and asked them to pay attention, come back and raise their arm to the square and swear to take up politics. Tommy requested a presentation on their trip. **All voted in favor.**

#14-VACATION/ABANDONMENT FOR FERGUSON

Dylan Frehner presented this item, which is a vacation/abandonment for Alden & Karen Ferguson to vacate a 40 foot strip of Hoffman Street that wasn't included in the original vacation of Hoffman, located in Pioche adjacent to parcel #'s 001-089-01, 001-089-02, 001-084-02 & 001-181-01. Based on the research Dylan has done he believes the street goes the full length of the property. The other property purchased their property through a County tax sale, which excludes roadways and easements. The Planning Commission recommended this for approval. Assessments have been made on both property owners for the last several years, which means the county will have to refund money. The Board believes you can only reimburse for three years back. Greg

commented that there would be no payment. **Tommy made a motion to approve the abandonment of 40 feet on Hoffman Street, authorizing a deed; seconded by Ed. All voted in favor.**

#13-GRANT FOR NEW RADAR UNITS

A grant was received from the Office of Traffic Safety (OTS) in the amount of \$16,374.00 for the purchase of new radar units for the Sheriff's Office patrol vehicles. This grant was approved last fall. Phyllis advised that she will not have money in the grants fund to pay this. Phyllis suggested that payment for this be paid from Fund 87, to be reimbursed when grant monies are received. **Ronda made a motion to approve the expenditure of \$16,374.00 from Fund 87 (to be reimbursed when the grant money is received); seconded by Tommy. All voted in favor.**

#19-BREAT BASIN TRANSMISSION/NV ENERGY

This item concerns a letter supporting inclusion in an American Reinvestment Recovery Act (ARRA) Grant Application being developed by Great Basin Transmission/NV Energy for submission to the Western Area Power Administration of funding to construct a substation in Dry Lake Valley to access the Great Basin Transmission/NV Energy proposed 500kv transmission line through Dry Lake Valley. Mike Baughman presented a proposed letter to Senator Harry Reid and Messer's Michael Yakira and Mike Segal. The substation would be owned by the utilities. If these are built they could become targets. Ronda asked if it was possible to protect the County under some type of hold harmless agreement in the event that terrorist activities occur. **Ronda made a motion to approve the letter; seconded by Ed.** Bevan Lister supports the idea of substations and tapping into these lines as they go through. Bevan asked if the Board has a conflict of interest as they are in a partnership with one of the landowners and yet they are soliciting funds to benefit that partner. Dylan Frehner, LCWD, commented that Vidler is in business with LCWD, not the County. Neither the LCWD nor the County has interest in the property. This will benefit both entities. Ronda commented there is an EIS in this area designating 50,000 acres for solar development. **All voted in favor.**

#20-LINCOLN COUNTY CEDS 2009

Mike Baughman presented this item, which concerns the Lincoln County Comprehensive Economic Development Strategy 2009 annual report to the Economic Development Administration (EDA). LC Regional Development Authority has approved this report and recommends submission to EDA. This is a requirement to maintain eligibility for grant funding. Phyllis commented there are a couple of other grants, CDBG and USDA, that like to see this updated annually as well. **Ronda made a motion to approve; seconded by Tommy. All voted in favor.**

#21-APPOINTMENT OF LINCOLN COUNTY REGIONAL DEVELOPMENT AUTHORITY DIRECTOR

Mike Baughman presented this item. Three people have expressed interest in serving, Kevin Phillips, Mick Lloyd, and Doug Carriger. **Ronda made a motion to appoint Mick Lloyd to serve on the Lincoln County Regional Development Authority; seconded by Tommy.** Bill disclosed that Mick Lloyd is his nephew. **All voted in favor.**

#5-VOUCHERS

Sheriff Kerry Lee advised that he wasn't aware of the policy. Instead of taking his officers to Las Vegas, he opted to keep them here. Either way, he had to feed them. In the future Kerry will adhere to the policy. **Tommy made a motion to approve the payment of the voucher for food for training (to be paid through the Sheriff's budget); seconded by Ed. All voted in favor.**

#23-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—LC's current unemployment rate is 9.3%. If the Honor Camp is closed it will wipe the County out. Juvenile justice will be affected by the budget cuts which could result in lost beds at the Caliente Youth Center. Bed loss will mean employee cuts. Mike Willden has advised that the County will lose many of the services that the State has taken on. The County has about \$30,000 in stimulus funds and Phyllis will use it to purchase food; State program cuts will result in homeless people. Vaughn Higbee commented that he's never seen so many angry business people. They are angry because they are not only acting as the state tax collectors, they're not making any profits, and they're angry about taxes. Even the federal taxes that are coming down to them are being blamed on the Commission.

Any type of new taxes in this County will be a hard sell since the feeling is that everyone from the Federal level down are overtaxed and it's too much of a burden for the businesses to deal with. Vaughn's never seen it like this. b) Contract with Hardy Construction for the Pioche Upper Park—This item is tabled. c) Grant award for funds to improve the Lincoln County Courthouse from the Department of Energy Stimulus Funds—This item is tabled. d) Contract between Leslie & Associates and Lincoln County for the completion of the Alamo Parks projects to include the Children's Park and Rodeo Grounds—Phyllis was able to get Special Account Reserve money to finish these parks, including engineering and construction. Bevan Lister asked if the engineering includes a complete set of detailed as-builts when they're finished. There are some firms that have made a profession out of extending and bleeding projects. Yes. County insurance company is being updated periodically. **Ronda made a motion to approve; seconded by Ed. All voted in favor.**

#24-BUILDING DEPARTMENT

Cory Lytle, Building Department Director, presented this item. a) Update—Cory discussed budgetary matters for his department; they are close to what was projected, but there are some issues with the business licenses. Cory estimates that 80-100 man hours were spent on business licenses. Leslie has requested quarterly reimbursements. Some of the SNPLMA projects are reimbursing County funds to cover costs. Cory offered an update of what his department is working on. Everything they work on gets logged so the Board can see where their time and money is being spent. Gordon Wadsworth, Dolan & Edwards Insurance, met with Cory. They are in a quagmire concerning management of County buildings. Gordon will get Cory a finalized list and he will review it to make sure all damage and replacement totals are up to date; this will result in increased costs to the County. Certain damages will be assessed to the responsible entities. Cory is working on updates to the website. Cory also continues working on the part time employment through the Southern NV Workforce Investment Board. Bevan Lister, LC Farm Bureau, expressed appreciation for the wonderful job done with the fairgrounds and buildings. Bevan offered their help and services in aiding the progress. Cory advised one of the critical situations is the need to make the building functional. A real line for water/sewer needs to be stubbed off. It will cost about \$60-70,000. Cory is concerned that the SNPLMA funding will not be received until 2012-2013, which will limit use. Concession stand can't be used if there is no water. By law there should be an eight inch water line.

#25-PUBLIC COMMENT

Vice Chairman Lloyd called for public comment. Dylan Frehner, LC Water District, discussed Southern Nevada Water Authority's (SNWA) water rights and the recent Supreme Court decision. When Las Vegas Valley Water District filed their applications in 1989 the law required the State Engineer's to go forward within one year unless they met some very specific exceptions. Exceptions would've included studies or protestant and applicant signing off that it would go beyond a year. The law was changed in 2003 that made it so that municipal applications could go beyond one year. However, when the law was enacted it was made retroactive, which resulted in the exclusion of the 198 applications. It means that this didn't go forward in a timely manner and the fault lies with the State Engineer. According to the NV Supreme Court, legally, SNWA's applications are void. Supreme Court has ruled this is the State Engineer's fault, not SNWA. The hearing in Spring Valley has already taken place and they've been awarded water. The appeal stemmed from this hearing as several of the protestants felt it should be opened up to further protests as it has been so long. The Supreme Court and District Court denied allowing more protests. Supreme Court has remanded the case back to the District Court with instruction, including that it isn't SNWA's fault and they should be able to keep their applications under equity. Instruction further included that it isn't the protestants fault and under equity they should be able to keep their protests and allow new protestants in. It is unknown at this time what will happen. This decision set off a great deal of activity. As soon as this came down, SNWA re-filed on nearly all of their 1989 applications, including Dry, Delamar, Cave, Snake, Tikapoo, Spring, and any place where they had applications where they are going forward. Any of the applications they had under agreement with the County weren't re-filed on. This brings up another issue for the County. The applications that SNWA gave to the County as part of compensation for the agreement the County entered into to withdraw their protests are almost null and void. This brings some serious issues into play with regards to LCWD and SNWA's agreement. LCWD had two basins with applications older than 2003, Clover and Virgin River Basin. LCWD re-filed on those immediately. LCWD continues to look at other applications, including Patterson and different places that SNWA granted to the County. LCWD and the County had filed behind a lot of these, but Dylan is still checking to ensure we have priority on these as well. Chairman Paul Mathews, via telephone, discussed his meeting today with the

Governor. Paul advised the Governor promised he wouldn't balance the budget on the backs of the counties. The Governor's ideas do not include taking any more money from the counties. The Governor is trying to find ways for the counties to keep more money from renewable projects. The Governor didn't discuss reapportionment of what the counties are receiving now. It looks like the State's problems are enormous and they've got to discover more revenue sources. Dylan discussed a revenue source that he wishes to bring to the County's attention. The public administrator does estates on behalf of the County. When these estates are done, the PA is entitled to compensation. There is an estate currently on file and put before the District Court for final decision on 2-12. The PA has the authority to collect 4% on the first \$15,000, 3% on the next \$85,000 and 2% on anything over \$200,000. The County could collect approximate amount of \$3,300. However, this wasn't included in the final request. The County Commission has the authority to review and offer instruction to the PA. The Commissioners can meet individually with the PA and request the money be included in the final submission. Denice spoke with Michele Wadsworth; volunteer ambulance members are covered under the insurance. Ronda spoke with the DA's office concerning a franchise agreement for Western Elite. The Board members have the draft agreement for review and it will be on the next agenda for consideration. Dawne Combs asked who is responsible for the fire hydrants during the snow. Caliente is responsible for those located within the City. Bill believes the fire departments are responsible for the hydrants. Dawn commented it took her 45 minutes to locate the fire hydrant by her house and put a pole with a flag there. Ronda suggested that Dawne call the fire department about this issue. There are many hydrants around town right now that are buried in the snow. Discussion centered on the need to put a marker by the hydrants during the fall. Bevan Lister asked if this wouldn't be Rick Stever's responsibility as Emergency Manager. Dawne has spoken to Rick about this issue. Rick wasn't certain who is responsible, either. Clint Wertz advised they can create a map showing where the hydrants are located.

#26-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 3:39 p.m.; seconded by Ed. All voted in favor.**

Attest: _____ Approve: _____