



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 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

Chairman Paul Mathews called the meeting to order at 9:04. 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 2-23-10 to comply with the open meeting law. The Invocation is offered by Bill and Ed led the Pledge of Allegiance.

CONSENT AGENDA

- 2* Approve/Deny minutes of the February 1, and February 16, 2010 Commission meetings.
- 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 \$859,365.15 with estimated expenditures being \$146,635.76. This leaves General County with a balance of \$712,729.39. Transportation has a cash balance of \$33,396.74 with estimated expenditures being \$3,027.24. This will leave Transportation with a balance of \$30,369.50. Nutrition has a cash balance of \$45,495.06 with estimated expenditures being \$21,174.01. This leaves Nutrition with a balance of \$24,321.05. Detention Center has a cash balance of \$161,772.53 with estimated expenditures being \$83,577.02. Detention Center will have a balance of \$78,195.51. Solid Waste has a balance of \$94,844.85 with estimated expenditures being \$18,833.55. Solid Waste Fund owes Fund 87 \$27,685.40, which leaves Solid Waste with a balance of \$48,325.90. Airport has a cash balance of \$2,522.89 with no expenditures. **Bill made a motion to approve the vouchers as presented; seconded by Ed. All voted in favor.**

#7-EMERGENCY MANAGEMENT

Emergency Management Coordinator Rick Stever presented these items. a) Update—Rick attended the EPWG meeting last week; this concerns the DOE grant funding that pays 50% of the Emergency Management office. The board members were in favor of keeping this office open and the support has been very good. Rick is confident we will be able to maintain the office for awhile. Revenue is decreasing. b) State Emergency Response Commission grant for emergency response equipment, not to exceed \$30,000— Local Emergency Planning Committee (LEPC) was notified that the State Emergency Response Commission (SERC) grant is available. This grant can be used for training, planning and equipment. No match is required for this grant. **Ronda made a motion to approve the grant application; seconded by Tommy. All voted in favor.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

LC HEALTH NURSE Jean Lucht met with the State last week and has been very busy giving H1N1 shots. Jean has given the second highest amount of H1N1 shots in the state and there are still 800 doses. The Panaca Elementary School will be under construction as soon as bids are awarded. **TREASURER** Kathy Hiatt advised liens were put on the three year and up garbage bills. Now all of the two years are three years. It doesn't do any good to put liens on their property, Kathy said, and small claims got more attention. This item will be put on the next agenda for action. At this point, we are constantly moving money from general county to pay Norcal.

#5-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#6-KANE SPRINGS RIGHT-OF-WAY

Tommy advised this is a ROW the County has had for many years; this is just a renewal. **Ronda made a motion to approve the application; seconded by Ed. All voted in favor.**

#9-NATIONAL CONSERVATION AREA IN GARDEN & COAL VALLEYS

This item concerns the designation of a National Conservation Area in Garden Valley. We received some information from Senator Reid's office advising that they would like to have a NCA in Garden and Coal Valley. Ronda reported that the conservation area wasn't proposed by the County originally. Mary Heizer, Wendy Rudder, Gracian Uhalde, Chad Steele are present to address this item. A letter has been received from Katy Sorenson. Ronda read a synopsis of the area. LC will only deal with the portions in LC, not those in Nye County. This won't affect grazing, hunting, fishing, or rights in this area. Access to other parcels within the NCA will not be affected. Access to "The City" will not be affected. BLM will ensure that ranchers have the ability to drive on the areas that don't have roads. There will still be open access for those areas without roads in order to make water improvements and take salt blocks in to livestock. Gracian Uhalde addressed the Board. Gracian read a statement into the record. Gracian feels the NCA will be set up to protect their rights and way of life. Gracian feels that Mr. Heizer's work is an asset. At this time, Gracian supports the NCA as long as it doesn't affect their livelihoods, private property rights, that they will have continued access to maintain and build new range improvements. Management of the NCA should be conducted through a local stakeholder committee. Gracian suggested consultation with all property owners. Private property should be excluded on Cherry Creek side. Gracian requested that he be informed of any proposed changes. Chad Steele agreed with Gracian. Chad would like to see that all water hauls and pipelines remain the same. The County has water applications in this area and the rights to these need to be preserved in a way that will allow us to work with the water. Wendy Rudder read Katie Sonnenborn's (Dia Art Foundation) letter into the record. Katie is requesting support of the NCA in order to preserve The City. Wendy is a director of Triple Aught Foundation (TA) who is tasked with completion of the City Project. TA employs anywhere from 12-20 people during construction. The average salary is competitive. TA tries to hire as many local contractors as possible. The job will taper off since they are nearing completion. They expect to be open 4-6 months of the year. There will be substantial maintenance of the project. TA pays for road maintenance to the project. TA also aids in controlling the noxious weeds. TA is a 501(c)(3) foundation. Wendy pointed out that the guests that will come to the project will arrive via Alamo. Businesses will benefit tremendously. The NCA covers approximately 600,000 acres. Ed disclosed that his family owns some private property on the west edge of the NCA. Ronda asked what the distance in miles is, from top to bottom, from the project itself. Mary Heizer responded that people who come to the project will come from Alamo; they will drive through Coal and Garden Valley. There is some discussion regarding view shed. Ronda advised she is being asked why the footprint is so large. City is about 200 acres. The Board is being asked why the request for NCA is so large. Mary commented that she and Mike have lived in the valley year round; they are good neighbors and communicate with those in the valley that have grazing rights and use the area. Mary feels the NCA will be beneficial to those in this area with grazing rights. The view shed is very important and analysis of such has been done. Since they've lived in the valley, there have been many proposed changes. Mary commented they are attempting to address the area as they see many potential changes coming their way. Ronda reiterated that this item today pertains only to the LC side of the NCA, not Nye County. The majority of the NCA is in LC. If the NCA succeeds in going through legislation, it will not become a NCA until there is an agreement in place. A conservation easement must be in place in order for the NCA to go through. This property will eventually be owned by the foundation. Borders may change before the NCA is completed as it must go to the public. Vaughn Higbee asked the Board to be careful in their

consideration of even moving forward with this. For as long as Vaughn can remember, this has been a multiple use area and could be used for development. There are some development possibilities. Vaughn asked that the Heizer's Foundation provide LC with approximately \$250,000 to have an independent study of this entire area and impacts that will be created by NCA. Vaughn is very opposed to this. BLM will administer the NCA. Vaughn's opinion is that any time the government administers anything it creates more problems and situations that we have no control over, including water and view sheds. This will basically be nothing more than a wilderness area that limits our rights, Vaughn said. Wendy commented that TA never has, nor never will, support or defend wilderness. There is no reason to go that far with this type of thing, Wendy commented. Paul discussed the difference between wilderness, NCA, and monument. It was discouraging to Paul to hear that, as a Commission and County, if we don't "play ball" to provide comments about the NCA the Legislature will make it a monument. Paul advised the Board is looking at this seriously and considering how best to protect the County. Much of this will be vetted through the public hearing process and through maintained communication with Legislature. March 10th at 3 p.m. is the first proposed public hearing date in Alamo. Tommy advised that historical use of this area has been ranching and mining. Ranchers still have range rights in this area, but mining, due to price of ore and precious metals and BLM regulation on mining, has petered out; there aren't many claims in this area due to the cost of modern day regulations BLM has imposed on the miners. Tommy feels this area is much too big for what it is proposed for and it appears to Tommy to be a continued land grab for government control. This NCA goes from wilderness to wilderness and Tommy feels it's much too big. Ed read "Withdrawal Subject to Existing Rights" from the proposed NCA. Ronda asked if there are copies of an overlay that will provide for old claims. Tommy referred to the LC Conservation Act that created wilderness; there are many requests that were ignored. This issue will go to a series of public hearings. No action is taken on this item.

#10-DRY LAKE VALLEY AND LOWER DELAMAR SOLAR AREA

This item concerns legislation being presented by Senator Harry Reid's office for the designation of solar areas in Dry Lake Valley and lower Delamar. Paul reviewed the history of this issue. Secretary of Interior has the ability to reduce or prevent royalty payments to the County for a period of five years. This would entice companies to come in and be competitive in solar. We are a second tier solar area as there are better solar areas farther south in Arizona. This is the reason for the enticement of royalty postponement. Approximate acreage for Delamar is 2,850 acres and Dry Lake is 10,980 acres. Paul disclosed that Vidler Water Company is the owner and they are willing to support this but the Mathew's family has the lease; Paul has mixed feelings about this. Holders will need to diligently develop leased parcels. Something needs to be worked out that states that if these properties aren't used for the intended lease then the lease will dissolve; this needs to be incorporated into the legislation. Ronda feels we need to figure out what the lease and royalty rates will be. It will cost the County a great deal to get the solar projects up and moving forward. Revenue from royalty and lease rates will be distributed to various entities with only 25% coming to the County. Bevan Lister questioned what the designation of this land would be under the legislation. Paul's impression was that it can only be "sidelined" through someone applying for a permit through the BLM process. Paul understands it won't be taken out of the multiple use status until someone applies for a permit. Connie Simkins questioned if there was any discussion about what might take place in this legislation in the Toquop area. The ranchers in the Toquop area aren't in favor of this. These are the only two areas coming forward and the Board members believe they stayed away from the Toquop area. Connie feels that BLM, Wells McGiffert and the Board members have opened the door so that the cowboys could have their say. Cowboys want to maintain their allotments with no net loss of AUMs and they want to be able to offer input when the solar plans come forward. Captain Ryan Price of Nellis Air Force Base discussed this issue. Mr. Bill Cadwallader is present as well. Capt. Price thanked the citizens of the County. Nellis has met with the Commission to discuss advantages and threats of solar energy. Nellis feels that lower is always better. Photovoltaic technology is low but there is much unknown about it. Nellis met with the Air Force Technology Board (ATB) concerning Coyote Springs solar projects. ATB is looking at the effects of glare and heat as well as the sonic boom impacts. Air Force encourages the Commission to step forward cautiously as renewable energy could have a negative impact as there are many unknowns. ATB hopes to complete their study at the end of May. This legislation will not remove the PEIS that is in existence; it will still go forward. The Board hoped to get a better handle on the areas that will be impacted within the County through this legislation. A private company still has the right to make application, once the PEIS is completed, anywhere they want to. The Board is hoping for language that will direct these companies to come to these areas first and foremost. Gracian Uhalde commended the County for taking the bull by the horns

in identifying and whittling these areas. Frank Cesena applauded the Board as well as Captain Price and Sheriff Lee for the current and future interests of LC. Wendy Rudder agreed with Gracian. Connie has asked BLM for a map showing current wind generation applications and current solar generation applications; she hasn't received the map yet. There is one solar application situated on Brent Stewart's property in the Pahroc area. N4 Grazing has asked that BLM make certain to not put it on Brent's white sage. The limiting factor of this application is that it is a long ways from the proposed SWIPP corridor. This makes it less economically feasible. Wells McGiffert will attend the N4 Grazing Board meeting. Tommy thanked the Nellis representatives and advised that the Board supports their mission and work for the US. Vaughn Higbee stated there will be loss of AUMs that will affect the ranchers. Vaughn would like to see a formula developed to compensate ranchers for the loss of AUMS and the ability to maintain ranching operations. As this moves forward it will have an impact on ranching operations. It will also create restrictions on many other types of wildlife. Vaughn reiterated the need to have mitigation measures put in place prior to this moving forward. Paul has addressed this issue many times to no avail. This is a multiple use area, but once it is permitted as a solar area someone should be paying for the loss. Every time Paul has addressed this he's been told it is a special use and not a real property. Paul will continue to work on this. Vaughn spent \$130,000 on the special use permits and it isn't something he'd want to give up for nothing. Ed referred to "Special Purposes". 20% of the funds shall be used for protection of the National Conservation Area that is proposed for Coal and Garden Valley. Ronda commented this is a draft and encouraged everyone to take a hard look at the language and provide recommendations. Paul suggested that a public hearing on this topic be held on March 10 in Alamo. No action is taken.

#12-PERSONNEL POLICY

Paul is the chairman of the Personnel Policy Committee and advised this item is an overview of changes; no action will be taken on this item today. This revised or draft copy is available in the Clerk's office. Paul, Dawne Combs, Recorder/Auditor Leslie Boucher and Deputy District Attorney Daniel Hooge are on the committee. Assessor Melanie McBride and Toni Pinkham were involved in the process early on. POOL/PACT offered suggestions, which were incorporated into the policy. Anywhere that different unions have something negotiated that is separate and different than employees at large they attempted to make uniform. There are several areas that the committee didn't feel should be addressed by anyone other than the Commissioners. Sheriff Kerry Lee commented that he didn't see the credit card issues addressed. The termination clause has been significantly rewritten; it requires several verbal notices and at least one written notice. There is also a section for egregious termination. Temporary suspension is allowed also. Kerry has some concerns with portions of this policy; they already have more stringent policies in place. Kerry wants to make sure that something the County puts in their policy doesn't conflict with the Sheriff's Office policies. The SO policy isn't included in the bargaining units. Provision can be made that the SO can impose other restrictions; DA's office will work on this. **Ronda made a motion to set this for public hearing on March 15th; seconded by Tommy. All voted in favor.**

#11-LETTER TO BLM RE: SALE OF TRESPASSED LAND—STEWART-NEVADA ENTERPRISES, LLC

This item concerns an addendum to the letter from Stewart-Nevada Enterprises, LLC to include: Parcel 6-SE1/4, SE1/4, SW1/4, NE1/4, of Section 2, T4S, R60East. Ronda read the letter from Stewarts. **Tommy made a motion to include a Parcel 6 into the letter that will be sent to BLM regarding Stewart-Nevada Enterprises, LLC trespass issues; seconded by Ronda. All voted in favor.**

#14-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—Nine appropriations requests were sent to Senator Harry Reid. Ronda has received notification that all nine have been received. Phyllis listened to the Special Legislation Session; some of the Governor's requests were granted at a lower rate. FMAP will assist the County in paying for the County match for Long Term Care patients. The State has no more money for unemployment unless Congress grants some. Those who have been on unemployment more than six months are no longer receiving benefits and no new applications for unemployment are being accepted. Pioche Conservation Camp is going to a ten hour per day, four day work week with one furlough day per month. Pioche Conservation Camp will also see an increase in population. State Parks didn't get closed, but the employees could go to a four day work week. Alamo Town's dump truck blew up and is beyond repair; they are looking for a replacement. b) Contract with Hardy Construction for the Pioche Upper Park project funded by Southern Nevada Public Lands Management Act (SNPLMA)—\$801,000 is the total for the project. Everything

that isn't in the scope of work will hopefully be covered by the special account. **Tommy made a motion to approve the contract with Hardy Construction for the Pioche Upper Park Project; seconded by Bill. All voted in favor.**

Paul leaves the meeting at 12:00 p.m.

#13-PLANNING ITEMS

Clint Wertz, Planning Director, presented this item. a) Update—The Census is starting to go around and leave questionnaires. April 1st is the official Census day. Clint was informed that, even though all new addresses have been provided to the Census, those who are walking around have a list containing all of the old addresses. Several of the individuals working with the Census are aware of the issues; they've requested maps from Clint. Clint believes this will work itself out through trial and error. The Census Bureau informed Clint that this process wouldn't start until March 15th, but it appears they are trying to get an early start. Someone from Boulder City will be coming up to train personnel on the use of the sign machine. Clint will schedule a meeting with County Staff to determine the County list of issues for the existing issues with the Coyote Springs Investment Development Agreement Amendment. A more formal meeting will be held with CSI later in the month. Clint has reviewed Title 15 and compared it to what the codifier has on the County website. There are some discrepancies that will need to be worked out.

#15-BUILDING DEPARTMENT

Cory Lytle presented these items. a) Update—There are several projects they are working on. Cory is working to get the Fair Building completed. New bid documents will be drafted this week. Panaca Park is moving forward and Cory continues to work with them. The septic application for Rachel Park is pending state approval. Cory believes the Rachel Park will lag behind Panaca. There are some time constraints that need to be worked through. b) Yucca Chuckers "Hare Scramble" motorcycle race—This race is sponsored by both the Yucca Chuckers Motorcycle Club and Motorcycle Racing Association of Nevada (MRAN). This event will be held March 27, 2010 in the Chief Mountain and Cobalt Canyon area. The race committee has already reviewed this request. Cory has an application that follows suit with the Special Events Policy. The NDOT and BLM plans are pending. **Tommy made a motion to approve, pending approval by NDOT and the securing of all permits; seconded by Ed. All voted in favor.** c) Contract with Phillips Construction for walkway covering or "porch" in front of the Lincoln County Library—A few people have slipped and fallen on the ice. This porch would eliminate the accumulation of ice/snow on the walkway. The total of this contract is \$3,200. Ronda advised that Pioche Public Utilities has funding available for capital improvements. Glennon Zelch advised the \$30,000 was being held as grant match money for the park improvements that won't be covered. The funding won't be used until next fiscal year. It will be next year before we get an answer on the SAR funds. Tommy reminded everyone that this is a safety factor that must be addressed immediately. **Tommy made a motion to approve the contract with Phillips Construction in the amount of \$3,200, to be paid for by Fund 13; seconded by Ed. All voted in favor.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER TOMMY ROWE reported that he attended the State Basketball Playoffs. LC qualified four teams and one title was won. These four teams did an excellent job and the bands and pep clubs did a great job representing the County. The Board appreciates the representation that these schools have given the County. Bill reported that the cheerleaders also did a great job representing the County.

#16-PUBLIC COMMENT

Paul called for public comment. Vaughn Higbee discussed nuclear waste. The license application has been withdrawn. Several legal maneuvers have been made by those who oppose the closing of Yucca Mountain. Tri Cities have sued President Obama. South Carolina has filed a Petition to Intervene and it's been determined they won't go to court. Most of these places are nuclear defense sites and material can't be stored there. The NV Test Site isn't included in LC but the closest town to the NTS is Rachel. Vaughn feels there's an opportunity for the Counties to get together; a solar park isn't the answer. If we are going to have a park, it shouldn't take up more public land as there is a tremendous amount of land available on NTS that can be used for a park. Rate payers have sued the government as approximately \$30 billion has been paid towards Yucca Mountain. Idaho is looking at joining the lawsuits as they were promised military waste.

#17-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 12:28 p.m.; seconded by Tommy. All voted in favor.**

Attest: _____ Approve: _____

DRAFT