



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 20, 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 9:06. Clerk Lisa Lloyd called the roll.

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

LISA C. LLOYD, Clerk
GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 9-14-10. The Invocation is offered by Ronda and Ed led the Pledge of Allegiance.

CONSENT AGENDA

- #2 Approve/Deny minutes of the September 7, 2010, regular 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 cash balance report. General County has a balance of \$668,216.05; receipts not posted are \$117,134.71, with estimated expenditures being \$168,168.66. This leaves General County with a balance of \$617,182.10. Transportation has a cash balance of \$26,318.48 with estimated expenditures being \$2,240.76. This will leave Transportation with a balance of \$24,077.72. Nutrition has a cash balance of \$39,676.51 with estimated expenditures being \$7,859.15. This leaves Nutrition with a balance of \$31,817.36. Detention Center has a cash balance of \$201,310.28 with estimated expenditures being \$77,216.06. Detention Center will have a balance of \$124,094.22. Solid Waste has a balance of \$115,781.12 with no expenditures. Solid Waste Fund owes Water Plan/Development Fund, Fund 87, \$27,484.15. Airport has a cash balance of \$1,813.07 with estimated expenditures being \$298.03. Airport will have a balance of \$1,515.04. Planning, Fund 110, has a balance of \$79,777.77 with estimated expenditures being \$7,293.69. This leaves Planning with a balance of \$72,484.08. Leslie presented a letter to the Board she's received from the Teamsters. Leslie will create a list of those not under the bargaining unit. This letter concerns those who derive benefits from Teamsters and they don't fall under a clerical agreement. To date, a Nonbargaining Unit Participation Agreement has not been presented or approved. Phyllis advised that Nutrition must de-obligate \$7,001 for congregate meals. **Ronda made a motion to approve the vouchers as presented; seconded by Ed. All voted in favor.**

#5-GRANTS

Phyllis Robistow presented these items. a) Update—Denice worked with Toni Pinkham on ARRA funds and the de-obligation of said funds. The Needs Assessment is going on this week. There is a feeling that if the public officials don't attend the meetings for the Needs Assessment people may be willing to open up a bit more. Phyllis provided comment forms to the Board. Phyllis is working with Gnomon on the Open Space Plan (OSP). The OSP will be on the 10-18-10 agenda for approval. Phyllis presented copies of the draft OSP to the Board and requested comments. Phyllis presented information concerning Health Care Reform Unit Highlights. b)

Save America's Treasures grant award in the amount of \$200,000 for the Million Dollar Courthouse—**Tommy made a motion to approve; seconded by Ronda. All voted in favor.** c) Commission on Cultural Affairs grant award in the amount of \$165,000 for the Million Dollar Courthouse—**Ronda made a motion to approve; seconded by Tommy. All voted in favor.** d) Grant award from Federal Aviation Administration for design of the Alamo Airport—The Airport Authority must borrow \$1,400 to do obtain a second opinion on the engineering costs. Funding from BLM will come in soon, but it isn't believed it will be here before the required payment for the second opinion is due. This must be completed in order to get the grant. Phyllis advised that the Airport has borrowed money before and then reimbursed it when funds came in. **Tommy made a motion to approve the FAA grant for the design of the Alamo Airport; seconded by Ed. All voted in favor.** e) Southern Nevada Public Lands Management Act (SNPLMA) Round 12 nominations—Round 12 projects are due November 5, 2010. Only one or two small projects may be submitted. Potential projects include Rachel/Panaca upgrades, Pioche Lower Park, Panaca Fair and Rodeo Grounds, and the pool park in Caliente (a.k.a. Super Park). Once funding is awarded through SNPLMA there is a five year period for completion of the project. It could be two years before a funding agreement is received through SNPLMA for this round. There is some discussion about proceeding with the Caliente project, which entails several ADA issues. **Ronda made a motion to send the Caliente Pool Park Complex forward for Round 12; seconded by Tommy. All voted in favor.**

#6-HIGHWAY COMMISSION

This item is covered under separate agenda.

#7-PANACA FIRE DISTRICT

This item is covered under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item is covered under separate agenda.

#9-EMERGENCY MANAGEMENT

Rick Stever reported he participated in a meeting with Pahranaagat Valley School concerning their emergency plan. Rick attended an emergency preparedness demonstration in St. George, UT, on September 11. September 14-15 Rick attended a State workshop concerning training workshops and planning. LC needs to provide plans for emergency exercises. Wednesday, 9-22, a workshop will be held in Ely with the State Division of Emergency Management.

#10-LINCOLN COUNTY AMBULANCE ADMINISTRATOR

This is the time and place set for performance review of the Lincoln County Ambulance Administrator, Louise Buettner. Louise has chosen to have the review done in open meeting. Louise reported to the Board various things she's completed in the last few years, including opening up the Pioche ambulance, getting more EMT's, including the fire departments in dual response at a scene, and encouraging the hospital to give discounts on supplies. There is better communication between the hospital and EMTs. The hospital will be holding a picnic on 10-08 for employees; EMTs will be invited to this as well. The Medicare billing issue is nearly resolved. Ronda received a call concerning the EMTs who have attended classes. The EMTs need to be written in so they get credit for their runs. Ronda asked that Louise make sure that the EMTs get whatever required paperwork, or run sheets, is needed so they can get credit for their time. Louise is taking care of this and there is a process in place that must be followed. The Board thanked Louise for the work she does. First responders are being used to act as drivers.

#11-MT. WILSON ROADS

Major Mastin commented that he used to have a private lane where he lives at Mt. Wilson. Now, he has a circular drive as his neighbor has put a gate in and closed it off. There are no right-of-ways or easements in this area; the roads being used have been in place for over 20 years. Paul commented this is a private property issue and these aren't County roads. Greg advised that a road can't be closed so as to land lock someone. This doesn't mean the access has to be where someone else wants it. Roads can be changed on private property as long as the other parcels have access. Greg said this isn't a County issue as the road is private. Ronda suggested that access for fire crews be available. Floyd Peek stated that he feels he's wasting the Board's time and if Mr. Mastin wants to gate his access he'll be happy to oblige.

#12-OFFICER/DEPARTMENT HEAD REPORTS

SHERIFF Kerry Lee advised that Cindy Sooz Restaurant went out of business. The building has been gutted and Kerry purchased some of the items for the jail, including a slicer and a three door commercial refrigerator. Kerry continues to work on patching the E911 system. Last week, a large marijuana grow was discovered. There were about 8,400 plants that were worth about \$16-20 million. Kerry advised that he purchased food, which is allowable under emergency situations. BLM fire crews came in and cleaned the site up. A bill will come before the Board to pay for the foodstuffs. No arrests were made. The plants were delivered to the land fill for burial. Kerry isn't certain what the bill for Crestline will be. **DISTRICT ATTORNEY** Greg Barlow met with Dylan Frehner, Lincoln County Water District, on Friday. A few weeks ago, Olympia Group, or C&O Holdings, submitted application with the City of Mesquite to be annexed into the City. The water district is defined with County boundaries, as is the HCP. There are serious questions as to whether or not a city can annex across county lines. The letter accompanying the application indicated the land would remain Lincoln County land. There are tax issues. If the County adjusts the taxes, there are offsets that have to be paid back; this may come into play with this annexation. The County boundaries are defined by the NV Constitution and Greg doesn't believe the boundaries can be changed without a Constitutional Amendment. If this stays as LC property, Greg doesn't believe the taxes will leave enough for Mesquite to provide the services that go with the annexation. During the PUD process, transportation and drainage studies were done. These studies took the entire area into account. There were certain percentages to be paid by each developer to fund infrastructure. If C&O develops their own system right in the middle of the Land Act property, it will cause issues and services will be fractured. A review of this application will take place on September 22. Deputy DA Daniel Hooge will attend the meeting. Greg advised the Board they will need to engage in this issue. There is a meeting in the latter part of October for City of Mesquite to consider this issue. There is a provision in the statutes to apply to the court for an order blocking. Greg doesn't know if Clark County wants to allow this. It appears this will engender a court battle. There is a requirement in the statute that any property to be annexed into a city must have at least 1/8 of the boundary contiguous with the city. This land hasn't been re-parceled, and generally you can't annex or sell something that isn't in a parcel. There are some issues that raise their heads with how C&O is proceeding with this. Greg, Dylan, and Daniel continue to research case law. Case law exists that says you can't annex across county lines. Sheriff Kerry Lee advised that the Mesquite City police department has jurisdiction only within City boundaries. LC's jurisdiction is defined by the NV Constitution. Kerry advised that the police officers would have to be sworn in, and then different detention center and court issues arise that will have to be addressed. Kerry simply doesn't see how this can happen. Greg contacted the City attorney but didn't get the gist that there is a great deal of push for this from the City. Greg heard that the City Manager may be on board with this. If this issue goes to the courts, it will be a significant civil litigation. LCWD and the DA's offices aren't equipped to handle this. Outside counsel might be required. Tommy commented that we have three acting attorneys working together for the common good; this is a first for LC. Jason Bleak asked if there is any advantage to the County to go along with the annexation. It's unknown at this time what the pros and cons are.

#13-AGREEMENT BETWEEN LINCOLN COUNTY/CLARK COUNTY

This item concerns an agreement between Clark County and Lincoln County for cooperation and installation of radio towers on Bureau of Land Management (BLM) right-of-way. **Tommy made a motion to approve; seconded by Ronda. All voted in favor.**

#20-LINCOLN COUNTY NUCLEAR OVERSIGHT

Connie Simkins advised that she has a teleconference today concerning AULG funding for next year. There is a Blue Ribbon Commission (BRC) meeting in Washington, D.C. this week. No one from LC will be attending the BRC meeting. A waste confidence rule was issued by the NRC. NRC feels nuclear waste can be safely stored at a nuclear reactor site for 60 years after the facility is closed. 10-26 there will be a one day meeting of the Nuclear Waste Technical Review Committee and Connie would like to attend. 11-15 and 16 will be a full meeting of the BRC. Approval for hiring web students will be on the next agenda. November 8-10 will be an Energy Communities Alliance meeting in San Diego, CA. There is a meeting between N-4 Grazing Board and Reno BLM Director, Ron Wenker, this Friday. 10-18 there will be an open house for biomass utilization machines in Beaver, UT. Connie has been asked to meet with Bill Carlson concerning Mt. Wilson and Table Mountain wind generation project.

Ronda Hornbeck leaves the meeting at 11:52.

#14-CONTRACT FOR CORY LYTLE

Cory reviewed the contract, which includes a 10% salary increase in current salary structure. This increase will bring the salary to \$58,300 annually. Cory commented that this increase is due to him taking on the Planning Department. The contract can be renegotiated if someone is hired in the planning position. Cory will not be required to use personal or vacation time that he has accumulated to perform voluntary service, such as attendance at Game Board, PLUAC, and Tri-County Weed meetings. **Ed made a motion to approve; seconded by Tommy. Ronda was absent for the vote. Bill, Paul, Tommy, and Ed voted in favor.**

Ronda rejoins the meeting at 1:08.

#15-MASTER PLAN AMENDMENT FOR BLT

This item pertains to the master plan amendment for BLT Lincoln County Land, LLC, for APN 008-251-03 and APN 008-251-04. The current master plan designation is mixed use residential; the proposed designation is M1/M2 (manufacturing) in order to permit the development of renewable energy. Mark Teepe, BLT Lincoln County Land, reviewed this item. An amendment to Title 14 was approved last month to allow for renewable energy. The PUD now needs to be revised to accommodate the placement of solar panels. The open space and park requirements will be reduced as there will be fewer houses. Ronda believes it will be an issue if the open space is changed at this point. Public facilities and gross acreage participation is different than open space. Open space requirements are based on dwelling units as opposed to acreage. The offset infrastructure is the participation component. The problem is the public facilities contribution was set up based on percentages being paid by all of the developers. If one developer's percentage changes then all of the others would have to increase. Only two of the developers have development agreements with the County at this time. There are some legal complications as well as some needed professional studies. How much would this reduce the public facilities need? A study would be needed to determine how much the need would be reduced. Deputy DA Daniel Hooge didn't recommend reducing the pro rata share as it causes too many complications. Both development agreements are due for two year updates soon, and this issue can be addressed during that time. Mark proposed that we look at updating the development agreement to include this matter. The first grading permit pulled requires that the developer address a satellite office; this is an issue that must be worked out as well. Planning Commission recommends approval with some conditions, but these conditions don't include the pro rata share. **Ronda made a motion to approve the master plan amendment, and requested that BLT come before the Board soon to start the process for the two year update to the development agreement; seconded by Ed. All voted in favor.**

#16-LIQUOR BOARD

This item is covered under separate agenda.

#17-PIOCHE PARK VETERANS' MEMORIAL

Erma Campbell, American Legion Auxiliary, discussed the history of the Veterans' Memorial at the Pioche Park. The names of the individuals on the monument are people from LC that have served our Country from World War I to the present time. The water and winters have destroyed the plaque and the names are illegible. The plaque needs to be replaced. The rock work has been redone and sealed against the weather. Clark & Linford of Cedar City, UT, can make a permanent plaque out of bronze metal. The recessed areas will be painted, which will seal this plaque completely. If there is any damage to the plaque, Clark & Linford will replace it free of charge. The estimated total is \$7,586. Additional names that may have been left off, and those that currently serve from LC, will be added to the new plaque. Currently, they have \$1,300. Roscoe Wilkes is considering donating the proceeds from the sale of his book to this project. This has been advertised in both the Las Vegas Review Journal and the LC Record. This project is on the Pioche Town Board agenda for consideration. Erma advised they had hoped to have the money raised prior to snowfall. **Ronda made a motion to donate \$1,500 to the Veterans' Memorial at Pioche Park, from Fund 87; seconded by Tommy. All voted in favor.**

#19-LINCOLN COUNTY TELEVISION DISTRICT

Terry Jones presented these items. a) Appointment of new board member from Panaca—Due to term limits, there is a vacancy on the TV Board for the Panaca position. After advertisement, Rose Bailey expressed interest in this seat. **Bill made a motion to appoint Rose Bailey to the LC Television Board; seconded by Tommy. All voted in favor.** b) Building use authorization at Lincoln County Airport—Terry advised they have a building at the Panaca Airport that has been completely redone. While the building was being renovated, the lady that lives at the airport asked if she could use it. LCTV doesn't use it anymore and they're willing to let her use it under the condition that if it is needed by LCTV in the future they can take it back. Ed asked if this shouldn't go through the Airport Authority first. Yes. The use of this building would be for the airport, not personal use. No action is taken and this item is referred to the Airport Authority.

Ronda leaves the meeting at 1:36.

#21-PLANNING DEPARTMENT & #22-BUILDING DEPARTMENT

Cory Lytle stated that he will have a more detailed update at the next meeting. The Building Department continues to run smoothly and quietly. The Panaca Elementary School will be finished by mid-October. Richard is on vacation this week. Business license directory is nearly complete. Cory continues to work on completing the Public Lands Plan. The PLP will play a big part in special permits. No action on these items.

#11-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER TOMMY ROWE advised that he and Ronda attended the Tri-County meeting last Thursday. The abatement issue will be addressed at the NACO meeting in November. Tommy reminded the Board members of the need to furnish a gift for NACO. **COMMISSIONER ED HIGBEE** attended an Airport Authority meeting recently. Mark Wilbur has talked to the Airport Authority about putting a new hangar in at the Panaca Airport.

#24-PUBLIC COMMENT

Paul called for public comment. Owen Hill addressed Coyote Springs (CS) and Bright Source (BS). BS contractor's license was suspended in CA because they didn't pay their workman's comp. Many contractors run into financial problems, but this company has over \$300 million. BS had a bond of \$12,500, which is the minimum. BS is proposing to develop the largest solar thermal plant and put it in LC. BS had a CA license at one point and their qualifying individual was Aria Amet. Owen hasn't been able to find anything about this individual. The only thing he could find was about a man with the same name who is a general in Israel. BS is from Israel. BS has two companies in CA, Bright Source Energy and Bright Source Construction. Owen presented various article to the Board about BS. Owen doesn't believe that Larry Lytle and Vaughn Higbee would've proposed to represent this company if they'd known about them. Paul commented that Larry and Vaughn are contracted to work with the County Planning Department, they don't necessarily work for BS. BS has a \$1.37 billion loan guarantee for Ivapah, just outside of Primm, NV. BS has pulled out of projects before based on financial difficulties. Much of the information that Owen provided is from BS's website. Owen feels that, based on BS's intelligence, they can snow anybody in this County. Owen cited that there are some flags with BS. The C.O.O.'s engineer license was canceled. Doug Buchanan is licensed and is current in CA; he's the only one that is licensed. None of their board or directors is a CA registered engineer with the exception of Doug Buchanan. Owen advised there are articles that say BS is one of the most premier companies in the world but they don't have one single asset, they are a paper company. During the recession, BS's stock has gone from \$.35 per share to \$3.89 per share. When everyone else's stock has decreased, theirs has increased nearly 10 times over. DSIRE is a database set up for renewable energy. Owen encouraged the Board to do some research on their own. Owen addressed the issue that he is under the impression that L&H Consulting can issue building permits. Paul responded that this isn't true; Cory Lytle issues the building permits. The federal government has a program that applies to everyone; if any money is spent on energy related things, the government will give you 30% of the money. This program expires 12-31-10. Owen's initial reaction is that BS is trying to get this project in so they can get the rebate. If they receive it, they'll get over \$1 billion from the feds. Paul advised there are other programs that BS will qualify for and they may actually get more money back. Owen strongly supports renewable energy. When this new technology comes along, the companies do three things: 1. they get all the tax advantages they can, 2. they get government guaranteed loans, and 3. they get accelerated depreciation. When you add these three things together, BS makes a great deal of money and

there's no incentive to stay in the project. Owen cautioned the Board that there are some flags that need to be investigated. Owen commented that when these projects are abandoned they almost always fall back on the local government. Owen hopes the future for LC includes a sign that says, "LC, renewable energy capital of the world".

#18-HUMAN SERVICES/SENIOR NUTRITION WORKER

Toni Pinkham would like to hire a senior citizen to act as a backup driver and site worker. **Ed made a motion to approve a backup driver and site worker, subject to direction from the DA as to the need for publication; seconded by Tommy. Ronda was absent for the vote. All voted in favor.**

#23-SOLAR LEGISLATION

No update on this item is offered.

#25-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 2:21 p.m.; seconded by Tommy. Ronda was absent for the vote. All voted in favor.**

Attest: _____ Approve: _____

ORANGE