



## LINCOLN COUNTY BOARD OF COMMISSIONERS

October 3, 2011  
Commission Chambers  
Lincoln County Courthouse  
181 Main Street  
Pioche, Nevada

### Commissioners

Paul Mathews  
Kevin Phillips  
Tommy Rowe  
Paul Donohue  
Ed Higbee

### **#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE**

Chairman Tommy Rowe called the meeting to order at 9:09a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS  
ED HIGBEE  
TOMMY ROWE (leaves the meeting at 10:32, rejoins at 1:00)  
PAUL DONOHUE

LISA LLOYD, Clerk  
DANIEL HOOGE, District Attorney

ABSENT: KEVIN PHILLIPS

There is a quorum present and the agenda was posted on 9-27-11. The Invocation is offered by Ed and Paul D. led the Pledge of Allegiance.

### **#2-PUBLIC COMMENT**

Tommy called for public comment. Ed advised that Tommy received an award at NACO and extended his gratitude for Tommy's service to the public.

### **CONSENT AGENDA**

- #3 For Possible Action: Approve/Deny minutes of the September 19, 2011 and September 28, 2011 meetings.
- #4 For Possible Action: Approve/Sign Notification of Grant Award for Lincoln County Senior Services for Home Delivered Meals, in the amount of \$67,010.00 with a match \$9,214.00.
- #5 For Possible Action: Approve/Sign Notification of Grant Award for Lincoln County Senior Services for Congregate Meals, in the amount of \$25,118.00 with a match of \$2,403.00.
- #6 For Possible Action: Appointment of Wade Poulsen to the Debt Management (Bond) Commission.
- #7 For Possible Action:

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

### **#8-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. There is some discussion concerning the Commission buying goods from Mountain Mercantile. Daniel cited that it isn't the Commissioners issue. If Kevin is the sole source for a product within the county it isn't a problem. If it is a matter of convenience, this could be an issue. There is a \$1,500 limit on purchases made to Mountain Merc. It is Kevin's obligation to track the amount spent monthly and to concern himself with selling to the county. General County has a balance of \$695,473.16 with estimated expenditures being \$187,487.29. This leaves General County with a balance of \$507,985.87. Senior Nutrition has a balance of \$7,147.77 with estimated expenditures being \$10,342.10. This will leave Senior Nutrition with a negative balance of \$3,194.33. Transportation has a cash balance of \$15,406.18 with estimated expenditures being \$6,049.00. This will leave Transportation with a balance of \$9,357.18. Detention Center has a negative cash balance of \$133,528.49 with estimated expenditures being \$78,929.88. Detention Center will have a negative balance of \$212,458.37. We are waiting on payments from Clark County for August and September. Solid Waste has a balance of \$29,173.90 with estimated expenditures being \$19,963.56. Solid Waste will have a balance of \$9,210.34. Solid Waste owes LC Water Special Projects, Fund 87, \$26,788.90. Airport has a balance of \$3,846.81 with estimated expenditures being \$20.72. This leaves Airport with a balance of \$3,826.09. Planning has a balance

of \$14,764.02 with expenditures being \$2,665.49. Planning will have a balance of \$12,098.53. **Paul D. made a motion to approve the vouchers as presented; seconded by Ed. All voted in favor.**

#### **#9-OFFICER/DEPARTMENT HEAD REPORTS**

**SHERIFF** Kerry Lee stated that Linda Dobovick has been out on sick leave and it doesn't look like she will be back to work; she will have to take a medical retirement. Linda has enough time to use until the first, possibly middle, of November. Linda is the TAC officer, which is an important position in dispatch. Linda coordinates everything with the state terminal and we are required to have this position. Kerry wrote the state a letter and advised that we have an assistant TAC, but Kerry hopes to choose someone within the next month to take the training and fill that vacancy. There is some discussion about not filling that position once Linda is gone. Kerry cited that it is difficult to cover as it shorts the jail and causes the use of overtime. There are only five dispatchers to cover 24 hours a day, seven days a week. You have to be certified to run the TAC terminal. Not many jailers are certified to run the terminal. One of the benefits is that Linda is at the top of the pay scale; a new employee would be at the bottom. **DISTRICT ATTORNEY** Daniel Hooze advised that he filed the Notice of Intent to Intervene with the Public Utilities Commission regarding the wind issues; all fees were waived. Daniel discussed the Steele law suit against the county; Daniel suggested to their attorney that they drop the law suit and take it through the Planning Commission for abandonment. The Mesquite law suit continues to be stuck in discovery. Daniel cited that he has been trying to save on travel, but the crown vic wouldn't start. The only car available in the "fleet" that is reliable is the Explorer. **CLERK** Lisa Lloyd advised that during the final budget hearing the salary numbers presented provided enough funding to cover both Lisa's and Teresa Seevers' salaries, as well as an extra amount to cover the lady that comes in to cover the office on odd days when needed (mostly jury trials). However, when copies of the final budget were filed a couple weeks later, it was discovered that the amount in Clerk's salaries had been reduced by several thousand dollars; this hadn't been discussed in a meeting and was a complete surprise to Lisa. The trial schedule has gone crazy and Lisa has had to have a lady come in and cover the office while she and Teresa are in court during jury seating. Lisa advised that there isn't even enough money in her budget to cover both her salary and Teresa's salary, let alone the amount she will need to pay for the part time help. Lisa is concerned that her salaries will be over before we even reach the end of the year, but wanted the Board to be aware of the situation. Lisa cited that she is working hard to not overspend her budget and has cut back on travel. Lisa hopes to save on travel and be able to use that money to cover the part time person. **FORMER GRANTS ADMINISTRATOR** Shawn Frehner advised that Alamo Town isn't maintaining their parks; she's sent them a letter concerning the need to maintain these parks. The weeds are out of control, the bathrooms have spider webs, and the drinking fountains don't work. SNPLMA will be coming to do a site inspection to close out the grants. Shawn stated that the parks being put in through SNPLMA funding must be maintained. There is \$4,500 from RTC that can be used for the maintenance on Alamo parks. As of today, there have been no reimbursement receipts related to the RTC funds. Shawn has spoken with Caliente regarding this specific issue; Caliente is adopting out planters so that they are maintained. LC Fairgrounds scoping meeting will take place this Thursday. The Pioche Phase II Park scoping meeting is also on Thursday. The storm windows on the LC Courthouse will be installed as soon as the windows come in. The balance of the grant will be used for roof insulation. LaCour Street is awaiting the Notice to Proceed. The Alamo Industrial Park, a CDBG grant, will have to be repaid; it hasn't been officially requested but it is coming. We must show 8 jobs created by this park and several of those must be low to moderate income. Shawn will work on changing the project to be area wide for the town of Alamo. Shawn is working hard to not have to pay the funds back. Paul D. stated that all the county can do is to give them the land; we don't have \$267,000 to pay it back. Mike Baughman advised the Board not to get too worked up over this; it would be irregular for them to demand the money back. CDBG appreciates that the county has been working so hard on this. Paul D. stated that we must realize in the future that these things can bite us.

#### **#10-LINCOLN COUNTY WEBSITE**

Tommy stated that he has received calls that the agenda hasn't been on the website for quite some time. Cathy LeFevre stated that she posted them late due to internet problems, but she tries to get them posted immediately upon receiving them. There are several websites for LC, but hers is the official website, [www.lincolncountynv.org](http://www.lincolncountynv.org). Cathy sends reports on the number of hits, daily average has grown from 890 per day to 1493 per day. Paul M. stated that the Commission listing needs to be updated as it still shows Ronda Hornbeck and Bill Lloyd. Ed stated that Nye County's website has a great deal of information about their government. Sheriff Kerry Lee stated that Cathy has been really good about putting information up, but those

that want information posted need to send it to her. Cathy encouraged each of the Commissioners to do a page discussing their areas of responsibility. No action is taken on this item.

#### **#11-CLERK'S FAX MACHINE**

**Paul D. made a motion to approve the Clerk's purchase of a fax machine, not to exceed \$350; seconded by Paul M. All voted in favor.**

#### **#12-HIGHWAY COMMISSION**

This item is handled under separate agenda.

#### **#13-LINCOLN COUNTY FIRE DISTRICT**

This item is handled under separate agenda.

#### **#14-LIQUOR BOARD**

This item is covered under separate agenda.

#### **#15-SOUTHWESTERN WILLOW FLYCATCHER**

Ronda Hornbeck presented a response to the U.S. Fish and Wildlife Services on their proposed designation of revised critical habitat for Southwestern Willow Flycatcher. Ronda reviewed a map for the Board showing the areas that USFS is looking at putting back into critical habitat. This letter states that the county doesn't want these areas included in critical habitat. Key Pittman has its own rules and regulations. If these areas are designated it will result in significant economic impacts. Paul D. asked that mitigation requirements be included in this letter. Mitigation must be required to address the loss of income to the locals of the county. Ronda responded that this designation doesn't allow the government to access public lands. Ronda will add language that if this becomes critical then mitigation measures must be spelled out. Paul M. stated that the county needs to maintain the approach that the USFW & government stay out of the area. The county doesn't want to give the impression that it is okay to go in these areas if they mitigate. The letter states that the county is in opposition to designation of areas listed. **Paul D. made a motion to approve the letter; seconded by Paul M. All voted in favor.** Paul M. stated that his family has the 81 leases around the lakes in the area.

#### **#16-SOUTHEASTERN LC HABITAT CONSERVATION PLAN 2011 REPORT**

Ronda Hornbeck reviewed the Southeastern LC Habitat Conservation Plan 2011 Annual Report. Site 42 has been planted; it wasn't the most successful as the water receded. Ronda will go back down the canyon to see where it's driest now so this mistake won't be repeated in the spring. Budget amounts are included in this report. The final draft for roads, trails, and fences should be completed in December. **Paul D. made a motion to approve the report and submission to U.S. Fish & Wildlife; seconded by Paul M. All voted in favor.**

#### **#17-COUNTY MATCH PROGRAM CONTRACT**

**made a motion to approve the interlocal contract between the Division of Health Care Financing and Policy (DHCPF), Division of Welfare and Supportive Services (DWSS);** This is the Medicaid match Mr. Hooge has reviewed the contract and it appears to be fair our match was ten percent. Mr. McArthur states to keep paying out of PILT. **Paul M made a motion to approve seconded by Paul D. All voted in favor.**

#### **#18-GRANTS ADMINISTRATOR**

Grants Administrator Shawn Frehner has resigned to take a position as Deputy Treasurer. Clerk Lisa Lloyd advised that the Board is able to use the applications received previously for this position as they are less than a year old as opposed to going back out to publication. There is some discussion as to the need to fill this position; is it an immediate need or something that can be postponed? There are SNPLMA and CDBG grants that have to be written; these are due shortly. Shawn stated the most crucial grants are: Million Dollar Courthouse, the Sheriff's office communication tower, and the Meadow Valley Wash Linear Park. The airport grants can be handled by the consultant, Armstrong, who runs the majority of the grant anyway. None of the grants should be left alone; they all need to keep moving forward. Paul M. stated that the previous applicants were qualified, but at this time when there are so many who want an opportunity to work they should be given the chance. Paul M. would prefer to advertise. Shawn recommended that the Board look for not only experience but also someone who can multitask, travel, and handle all the things associated with grants. Paul

M. asked how much of the workload Denice Brown could assume during the interim. Denice responded that she will help in whatever way needed. Shawn stated that she will can come in early and work through lunch to help during the period of vacancy. This would result in Shawn having to work nine hours a day, which, if tracked, the grant can pay for the extra hour a day. The Board agreed that grant related things should be billed hourly. Applications will be due by Friday, October 14 at 5 p.m. **Paul M. made a motion to approve the publication of the vacant Grants Administrator position; seconded by Paul D. All voted in favor.**

#### **#19-PANACA/RACHEL PARK**

**Paul D. made a motion to approve Change Order #1 for Jim Wilkin Trucking on park upgrades for Panaca and Rachel in the amount of \$11,115; seconded by Paul M. All voted in favor.**

#### **#20-RAIL CITY LINEAR PARK**

**Paul M. made a motion to approve the final change order for Jim Wilkin Trucking on Rail City Linear Park in the amount of \$9,075.10; seconded by Paul D. All voted in favor.**

#### **#21-LC COURTHOUSE**

**Paul M. made a motion to approve the execution of Notice of Grant Award and contract documents for the LC Courthouse storm windows to Mesquite Electric in the amount of \$57,000; seconded by Paul D. All voted in favor.**

#### **#22-MILLION DOLLAR COURTHOUSE**

**Paul D. made a motion to approve the contract for WR Henderson in the amount of \$340,000; seconded by Paul M. All voted in favor.**

#### **#23-FEDERAL AVIATION ADMINISTRATION GRANTS**

There was some discussion by the Airport Board that they want Shawn to keep this grant for the duration. Shawn doesn't see the need for her to administer this grant. Shawn will do her best to not let any of the grants be adversely affected by her resignation. Phyllis Robistow, previous Grants Administrator, volunteered to help fill in the gaps until the position is filled. No action is taken on this item.

#### **#24-ALAMO ANNEX**

This item concerns the supervision of those who do the cleaning and maintenance at the Alamo Annex. The Board discussed the possibility of having the Pahrnagat Valley Justice of the Peace, Nola Holton, be the supervisor over this position. Other county buildings take care of their own day-to-day maintenance/cleaning personnel. Cory Lytle has been called in to help when there have been major projects. Paul M. says whoever signs the time sheet is the supervisor. The lady that cleans the Annex says she was fired, but the ladies in the PVJC say that she quit. There are no agreements in place governing the cleaning position. Ed has assured the lady that she hasn't been fired, but she will not come back to work as she won't work with the person who fired her. Paul D. stated that this lady needs to be advised that if she doesn't come back to work by a certain date, she will be considered as having resigned. Paul M. questioned where Judge Holton stands on this issue; ultimately Judge Holton is the boss. Paul D. suggested that POOL/PACT be consulted about this issue. Paul D. and Ed will work on this matter. No action is taken.

#### **#25-QUARTERLY JAIL TOUR**

This item was tabled to the next meeting.

#### **#26-SOUTHERN NV PUBLIC LAND MANAGEMENT ACT (SNPLMA) ROUND 13**

This item was tabled due to incorrect wording on the agenda.

#### **#27-NUCLEAR OVERSIGHT PROGRAM**

Yucca Mountain is on hold pending outcome of appeal court in DC and congress as of September 30 no new funding. Suspended until congress gives direction. BLM rail right of way has not been canceled. BLM can cancel right of way. DOE can withdraw the right of way application at any time. LC can push BLM to terminate the application. Is working on getting the emergency run books printed. SNWA comments due next week.

### **#28-NUCLEAR WASTE**

Paul Seidler offered an update concerning Congressional funding for NV Nuclear Security Site (NNSS) as well as other nuclear waste and disposal topics. Paul discussed the management structure of the National Security Technologies (NSTec) Senior Leadership. NSTec is a private company that runs what is formerly known as the NV Test Site. Key mission targets include stockpile stewardship, nonproliferation and emergency response, homeland security and defense applications, treaty compliance technologies, and special technologies. NNSS is composed of multiple locations and facilities across the US, including NV, CA, NM, and MD. Paul reviewed the NNSS infrastructure program. FY12-17 infrastructure program requirements are driven by the experimental program major facilities (DAF, JASPER, U1a, HE Facilities, Support facilities). Staffing at the NNSS exceeds 3,000 FTE's. The "cultural revolution" in Nuclear Start-up has established a solid basis for a viable NNSS future. Paul discussed the funding for YM; he doesn't believe it will be funded this coming fiscal year. Paul doesn't believe that YM will go away as there are people who are quite serious about preventing it from being eliminated. Most important is what is happening in Congress. No action is taken on this item.

### **#29-DISPOSAL POLICIES**

This item concerns compliance with LC inventory and disposal policies of unusable and broken equipment purchased with Nuclear Oversight funds. Connie Simkins reviewed the county policy, which requires Connie to advise of equipment that is broken and no longer usable. Connie has spoken with DOE as to how to comply with inventory purchased with federal funding; they've advised her to follow the county guidelines. **Paul D. made a motion to approve the removal/destruction of certain pieces of equipment from the inventory list; seconded by Ed. Tommy was present for the vote. All voted in favor.**

### **#30-MEADOW VALLEY WASH ROAD**

Dr. Mike Baughman addressed the Board and reviewed a memorandum dated 9-26-11 re: Intertech Services Corporation's scope of work and funding to secure the encroachment permit from UPRR and Right-of-Way (ROW) from BLM to enable reconstruction of the Meadow Valley Wash road. Victoria Barr addressed the Board concerning the memo. Tommy and Kevin met with Victoria and Rosey Thomas. Based on land status maps, and talking to UPRR, about 50 miles of the road encroaches on the UPRR ROW. There is a 200 ft centerline considered to be UPRR's legal ROW. Victoria researched encroachment issues and sent Kevin and Tommy a link to someone from UPRR to contact to resolve this issue. Under FLPMA BLM will not charge the county for any work done on the ROW. It isn't anticipated that it will be very complex due to the fact that the area has already been disturbed. Wilderness boundaries have been extended beyond exiting roadways by 400ft. BLM will work with the county on an alternate route. A great deal of the area falls within the encroachment zone. Paul D. asked how hard it would be to get out of the UPRR ROW. If the road went up out of the canyon it wouldn't affect wilderness. Paul D. stated that BLM and UPRR aren't the best of friends; if the county were to "buddy up" with BLM it might be detrimental to the relationship with UPRR. BLM can help out with GIS expertise and other types of technical aids. Victoria recommended that she, Rosey, Kevin, and Tommy have another meeting to review the maps. The county needs an alignment, where it will be built, drainage studies, engineered drawings, and a letter and agreement. No action is taken on this item.

### **#31-BLUE RIBBON COMMISSION DRAFT REPORT**

Dr. Mike Baughman reviewed LC's draft comments to the Blue Ribbon Commission Draft Report that will be presented at the October 28, 2011 public meeting that will be held in Minneapolis, MN. Will share costs with White Pine County. **Paul M. made a motion to approve; seconded by Ed. All voted in favor. All voted in favor.**

### **#32-BLUE RIBBON COMMISSION**

Dr. Mike Baughman presented the letter addressed to the Blue Ribbon Commission on America's Nuclear Future, Attn: Timothy A. Frazier. Paul D. stated that he isn't sure that he agrees with item 2 where it states "The final BRC report should recommend that the Nuclear Regulatory Commission complete the ongoing Yucca Mountain licensing proceeding"; he doesn't believe that is a mutual feeling amongst all Board members. The license allows for the scientific facts to be fully vetted, thus determining whether Yucca Mountain is or isn't safe. This letter contains recommendations as to what the BRC should do in terms of the final report. Paul D. feels that the state that the project resides in should be entitled to have a say in the location. Item 3 speaks only to local government. Mike agreed to remove "state" from the end of the last sentence in item 3. Paul D. agreed

that the science of YM should never be lost. **Paul M. made a motion to approve the comment letter to the Blue Ribbon Commission on America's Nuclear Future draft report to the Secretary of Energy ("and state" will be removed from item 3); seconded by Ed. All voted in favor.**

**#33-STEWART-NEVADA ENTERPRISES, LLC**

A letter has been received from Stewart-Nevada Enterprises, LLC, requesting an addendum to the previous Lincoln County Conservation, Recreation, and Development Act sale. They are requesting the inclusion of parcel 7, E1/2, E1/2, E1/2, NW1/4, NE1/4 of Section 2, T4S, R60E in the inadvertent trespass action. Paul M discloses that he has a lease around this property and will abstain from any action. Mr. Stewart had property surveyed and found that they were trespassing. An additional 2.5 acres has been found to be not included in the original sale and would like to have this included in the addendum. **Paul D. made a motion in support of the request; seconded by Ed. Paul M. abstained. Motion carries.** Denice will prepare the letter.

**#34-LC PERSONNEL POLICY**

Paul D. addresses signature page to personnel policy. No action is taken on this item.

**#35-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS** Frances from airport is concerned about weeds. Panaca Town borrowed the mower and had it repaired; they are not done with it. **COMMISSIONER ED HIGBEE** advised we must have a program in place by 2014 for Medicare. Ed attended an open meeting law session while at NACO. If we take money from SRS it comes out of the county PILT. **COMMISSIONER PAUL DONOHUE** reported he has been meeting with Steve Chouquer regarding getting roads graded and erecting signs. They do not have anymore material to make signs; Paul will meet with RTC to get money to get this done. Paul D. stated we will have courthouse staff meeting on the 5<sup>th</sup>. Paul D. will go to scoping meeting for LC Fair Board. Narcanon advised Commissioners that Oct is red ribbon month; they have invited the Commissioners and their wives to graduation on Oct. 14. **COMMISSIONER TOMMY ROWE** reported that he attended NACO.

**#36-PUBLIC COMMENT**

Tommy called for public comment. Dawne Combs advised that the solid waste plan has been approved. Mike Ford has contacted the military in Washington, D.C. to agree on a location. N4 Grazing Board will making comments concerning the wild horse round up. Tommy states there is group like Narcanon in the county that are just hiking in the mountains. They are individuals from Utah all are incarcerated. Tommy questions if they are they subject to a business license?

**#37-ADJOURN**

There being no further business for the Board to attend to, Tommy adjourned the meeting at 3:42 p.m.

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_