



## LINCOLN COUNTY BOARD OF COMMISSIONERS

December 19, 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 9:07 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS  
ED HIGBEE  
TOMMY ROWE  
PAUL DONOHUE  
PAUL MATHEWS

LISA LLOYD, Clerk  
DANIEL HOOGE, District A

There is a quorum present and the agenda was posted on 12-14-11. The Invocation is offered by Paul M. and Paul D. led the Pledge of Allegiance.

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

Tommy called for public comment. None offered.

### **CONSENT AGENDA**

- #3 For Possible Action: Approve/Deny minutes of the November 5, 2011 meetings.
- #4 Reappointment of Varlin Higbee and Glennon Zelch to Planning Commission.
- #5 Approve/Deny special assessment for Lake Valley Groundwater in the amount of \$7,763.46.
- #6 Approve/Deny special assessment for Ash Springs Irrigation Company in the amount of \$21,035.64.
- #7 Approve/Deny special assessment for Pahrnagat Lake in the amount of \$12,692.08.
- #8 Approve/Deny re-signing of contract with BCI Communications for the communications tower project due to the change in company name from Nexlink Global Services.
- #9 Approve/Deny original and renewal business licenses with staff recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).

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

### **#10-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$552,685.37 with estimated expenditures being \$134,816.53. This leaves General County with a balance of \$417,868.84. Transportation has a cash balance of \$9,302.34 with estimated expenditures being \$4,351.85. This will leave Transportation with a balance of \$4,950.49. Senior Nutrition has a balance of \$10,007.33 with estimated expenditures being \$10,562.08. This will leave Senior Nutrition with a negative balance of \$554.75. Detention Center has a negative cash balance of \$119,732.17 with estimated expenditures being \$80,293.84. Detention Center will have a negative balance of \$200,026.01. The November payment hasn't been received; it's \$170,590. Solid Waste has a balance of \$34,704.04 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,826.61 with estimated expenditures being \$355.09. Airport will have a balance of \$3,471.52. Planning has a balance of \$21,235.42 with expenditures being \$3,021.96. Planning will have a balance of \$18,213.46. **Kevin made a motion to approve the vouchers as presented with the exception of the Mountain Mercantile and LC Telephone System vouchers; seconded by Ed. All voted in favor (Paul D. was absent for the vote). Ed made a motion to approve the Mountain Mercantile vouchers; seconded by Paul M. Kevin disclosed that he is part owner of Mountain Merc, and he abstained from all discussion concerning the store as well as the vote. Paul D. was absent for the vote. Motion carries. Kevin made a motion to approve the**

vouchers for LC Telephone System; seconded by Paul M. Paul D. was absent for the vote. Motion carries.

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

**EMERGENCY MANAGER** Rick Stever attended the Emergency Preparedness Report meeting in Carson City last week. **CLERK** Lisa Lloyd advised that there will be several reappointments to the advisory boards on the next Commission agenda. Work on the 2012 Presidential Election has started.

#### **#12-CALIENTE LIBRARIAN**

Kathy Hiatt stated that they have four applicants for the Caliente Librarian position who will be interviewed shortly. A letter was sent to the Commissioners from Theresa Acebedo, former Caliente librarian, concerning the computers at the Caliente Library, the situation at the library, and funding that she feels is owed to the library. Once a librarian is hired, web kids will come in and help to enter all the books back into the system. Paul D. stated there are hard drives that can be purchased to back up information on the computers. The system in the courthouse is backed up every day and taken to the bank for off site storage. Background checks will be performed on the new hire. No action is taken.

#### **#13-HIGHWAY COMMISSION**

This item is handled under separate agenda.

#### **#14-LINCOLN COUNTY FIRE DISTRICT**

This item is handled under separate agenda.

#### **#15-PANACA FIRE DISTRICT**

This item is covered under separate agenda.

#### **#16-FY 2010-2011 AUDIT**

Dan McArthur presented the FY2010-2011 audit report. There is a clean audit opinion in the financial statement. Dan reviewed NRS issues. There are some budget overruns in specific funds (Alamo Town Special Revenue Fund, Panaca Town Special Revenue Fund, Senior Nutrition Fund, Ambulance Special Revenue Fund, and Pioche Public Utility Electric Fund). Money existed to pay the over-expenditures for all of the funds with the exception of Senior Nutrition, which starts the year in the red. Expenditures can't take place if the purchase order isn't approved. The system for PO's is in place, but some entities choose not to use the system correctly. Purchases are made prior to the issuance of PO's. Dan discussed previous year's issues that Senior Nutrition has experienced. 2010 saw a \$30,000 loss and a \$56,000 loss in 2011. The problem lies in intergovernmental grants; there has been a significant decrease in grant funding received. As the Senior Nutrition program moves forward, the reduced grant funding will have to be addressed. 2010 year, \$44,000 of the \$330,000 was grant expenditure for equipment. \$5,000 in 2011 was spent for equipment. There is a slight increase in expenditures from 2010 to 2011, but not enough to cause the \$56,000 loss. Dan discussed the summary of all governmental funds, with the exception of Detention Center and utility funds. **Paul M. made a motion to approve the FY 2010-2011 audit as presented; seconded by Ed. All voted in favor.**

#### **#17-FY 2010-2011 SOUTHEASTERN LC HABITAT CONSERVATION PLAN AUDIT**

Dan McArthur presented the FY2010-2011 audit report for the Southeastern LC Habitat Conservation Plan. There are no NRS violations for this district and the state required and audit on this fund due to the amount of money in it. **Paul D. made a motion to approve the FY 2010-2011 audit as presented; seconded by Ed. All voted in favor.**

#### **#18-COYOTE SPRINGS GENERAL IMPROVEMENT DISTRICT**

This item is covered under separate agenda.

#### **#19-FIRE STAR INSURANCE**

This item was tabled.

#### **#20-QUARTERLY JAIL TOUR**

Kevin and Paul toured the jail and will report at the next Commission meeting.

#### **#21-NV ENERGY/ON LINE TRANSMISSION PROJECT**

Mark Sullivan, Matt Gingerich, and Mark Sieberts offered an update on the One Nevada Transmission Line Project. 175 miles are open for construction. There are 290 structures erected at this time. November 2012 is the substantial completion date. The current work force is estimated at 240 workers. The project met its obligation to exit the crucial winter mule deer range by November 14. Approximately 23 miles of wire has now been strung. Environmental Survey work is 100% complete which will allow construction to progress in a more linear fashion. The contractor is currently performing pad preparation, structure distribution, assembly and erection, anchoring and wire stringing. Contract for the microwave facilities was awarded; the contract has started to award subcontracts, procure long-lead materials. The contractor is finalizing their schedule and plans to start construction in early January. The ON Line owners' representatives continue dialog with various LC department staff, news media, local boards and committees, including N-4 Grazing Board and individual farmers/ranchers. No action was taken as this was informational only.

#### **#22-POSSESSORY USE TAXES**

**a) Possessory Use Taxes due and owed to LC as set forth in NRS 361.157**—Retired Brigadier General Ashley Hall offered a presentation on the Possessory Use taxes. Ashley is willing to research, identify, and make recommendations on how to pursue the PU tax available through NRS. There are taxes available to local government entities where entities cover the NV National Security Site. Ashley stated that he is doing it on his own dime and is willing to take the responsibility on himself. If the contract is approved, Ashley will proceed immediately. Ashley stated that they front all initial costs and will get paid when the county gets paid. **b) Appointment of Commissioner Phillips and Commissioner Higbee as lead regarding the Possessory Use Tax; their responsibilities would include representation of the county in interactions, overseeing the process and reporting to the Commission as a whole on the status of the effort**—Paul M. made a motion to appoint Kevin and Ed as point on this issue; seconded by Paul D. All voted in favor. **c) Engagement of Ashley Hall and Associates to research, identify and assess the Possessory Use Tax obligation to the county and to negotiate payment of past/current/future tax liability**—Ed made a motion to appoint Ashley Hall and Associates as the consultant to aid with this effort; seconded by Kevin. All voted in favor. **d) Contract with Ashley Hall and Associates in the matter of the Possessory Use Tax**—Daniel stated that the Board doesn't have the authority to assess any property; that isn't what they're trying to do here. Due to LC's unique situation there are difficulties in assessing. Mr. Hall would help the county in working these out. Mr. Hall will work with the Assessor, but he will not set values or be doing any assessing. Mr. Hall is simply working with the Assessor, Treasurer, and the Board based on the unique issues that LC faces. **Kevin made a motion to approve the contract, including changes added by the D.A.; seconded by Ed.** Tommy stated that our Auditor needs to be included in all discussions as well. **All voted in favor.** The process will commence immediately.

#### **#23-LC LAND ACT ROAD, FENCE & TRAIL PLAN**

Kevin made a motion to approve the extension of the Entrix contract to finish the LC Land Act Road, Fence & Trail Plan to February 28, 2012; seconded by Ed. All voted in favor.

#### **#24-LC COURTHOUSE**

This item was tabled.

#### **#25-LC LAND ACT & LC CONSERVATION, RECREATION, DEVELOPMENT ACT**

This item concerns a letter to the Bureau of Land Management (BLM)/Rosemary Thomas requesting a Solicitor's Opinion regarding the BLM's authority to expend LC Land Act and LC Conservation, Recreation, & Development Act (LCCRDA) land sale proceeds to plan, permit and implement landscape restoration projects in LC. **Ed made a motion to approve the letter; seconded by Kevin. All voted in favor.**

#### **#26-LAKE VALLEY GROUNDWATER ASSESSMENT**

Clerk Lisa Lloyd met with Treasurer Kathy Hiatt last week to research the Lake Valley Groundwater assessment. Kathy provided information showing that LC has paid this assessment to the state and is not in

arrears. **Paul M. made a motion to have Denise Brown correspond with the state offices responsible for this to let them know that this assessment has been paid; seconded by Ed. All voted in favor.**

**#27-LC PARK UPGRADES PROJECT**

Grants Administrator Elaine Zimmerman addressed this item. **Paul M. made a motion to approve Change Order #2 for Jim Wilkin Trucking for the LC Park Upgrades Project in the amount of \$6,621.02; seconded by Kevin. All voted in favor.**

**#28-LC COURTHOUSE**

Grants Administrator Elaine Zimmerman advised that there were some broken windows as well as some windows that weren't figured into the original contract. **Paul D. made a motion to approve Change Orders #1 and #2 for Mesquite Electric, LLC, for the LC Courthouse window upgrades project in the amount of \$6,735.00; seconded by Paul M. All voted in favor.**

**#29-COMMUNITY DEVELOPMENT & HOUSNG NEEDS STATEMENT**

Grants Administrator Elaine Zimmerman presented this item. **Paul M. made a motion to approve the Annual Participation Statement, required assurances, statements, and certifications for Community Development Block Grant program; seconded by Kevin. All voted in favor.**

**#30-LC PLANNING COMMISSION**

**Kevin made a motion to appoint Susan Agee to the LC Planning Commission to represent Rachel area; seconded by Ed. All voted in favor.**

**#31-COYOTE SPRINGS INVESTMENT, LLC, DEVELOPMENT AGREEMENT**

Cory Lytle presented this item, which concerns the review of Coyote Springs Investment, LLC, Development Agreement. Cory advised that nothing has occurred that would require amendments and, for the most part, nothing has changed in the last couple of years. **Kevin made a motion to approve the review of the Coyote Springs Development Agreement; seconded by Paul M. All voted in favor.**

**#32-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS** stated that Tri-County weed meeting is March 15. **COMMISSIONER TOMMY ROWE** met with Steve Hill of BLM last week. **COMMISSIONER ED HIGBEE** met with BLM rep Steve Hill last week concerning LC economic development. **COMMISSIONER PAUL DONOHUE** asked where we are with the annexation law suit. Daniel responded that the final details of discovery are being worked out. The issue will not go to trial; motion for summary judgment will be filed and the judge will render a ruling. Paul D. went to New Orleans for ECA meetings. The board meeting went well. There were several people from Nye County in attendance as well. There is a new assistant secretary for both the EPA and DOE.

**#33-PUBLIC COMMENT**

Tommy called for public comment. Dave asked what the drilling is that is taking place in Rachel. It pertains to mining and the company involved is drilling for core samples. No one knew the details.

**#34-ADJOURN**

There being no further business for the Board to attend to, Tommy adjourned the meeting at 2:20 p.m.

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