



LINCOLN COUNTY BOARD OF COMMISSIONERS

February 6, 2012
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 9:08 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS
ED HIGBEE
TOMMY ROWE
PAUL DONOHUE (leaves the meeting at 10:42, returns at 1:31)
PAUL MATHEWS

LISA LLOYD, Clerk
MATT CARLING, Dep. DA

There is a quorum present and the agenda was posted on 1-31-12. The Invocation is offered by Ed and Tommy led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Dave Luttrell addressed the Board and introduced himself. He is the new General Manager for the LC Power District. Dave doesn't believe there will be a great deal of external changes. There are no immediate plans for development of the new site by the Cathedral Gorge turn off. They will be working on a twelve year capital improvements plan.

CONSENT AGENDA

- #3 Approve/Deny minutes of January 3, 2012 and January 17, 2012 meetings.
- #4 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).

Kevin 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 cash balance report. General County has a balance of \$712,071.64 with estimated expenditures being \$176,612.86. This leaves General County with a balance of \$525,458.78. Transportation has a negative cash balance of \$1,904.89 with estimated expenditures being \$4,789.26. This will leave Transportation with a negative balance of \$6,694.15. Leslie is still waiting for the \$40,000 transfer from Regional Transportation. Senior Nutrition has a balance of \$5,902.05 with estimated expenditures being \$13,789.72. This will leave Senior Nutrition with a negative balance of \$7,887.67. Detention Center has a negative cash balance of \$34,833.64 with estimated expenditures being \$88,050.62. Detention Center will have a negative balance of \$53,216.98. Leslie stated that consideration of transferring money into DC fund is needed. Paul D. asked if it is possible to loan DC money. It has been done in the past. Paul M. has spoken with the Sheriff about the fact that this is an enterprise fund, but it also incorporates LC Jail; the Sheriff believes that the county can contribute to this fund. A balance needs to be struck with regards to handling this fund. Solid Waste has a balance of \$101,621.49 with estimated expenditures being \$21,161.37. Solid Waste will have a balance of \$80,460.12. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. \$4,200 has been received from BLM. There is a \$6,000 loan that must be paid by the end of June. Airport has a balance of \$7,503.71 with estimated expenditures being \$151.00. Airport will have a balance of \$7,352.71. Planning has a balance of \$23,168.84 with expenditures being \$8,240.05. Planning will have a balance of \$14,928.79. **Kevin made a motion to approve the vouchers as presented with the exception of LCTS; seconded by Ed. All voted in favor. Kevin made a motion to approve the vouchers for LCTS; seconded by Ed. Paul D. abstained and disclosed he is an employee of the telephone company. Motion carries.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

ADMINISTRATIVE ASSISTANT Denice Brown advised that Jean Lucht needs a letter of support from the Board; she will write it and it will be ratified at the next meeting. **GRANTS ADMINISTRATOR** Elaine Zimmerman advised that she will be working on budgets this week. There is some discussion about the Sheriff's office education program being paid for through grants. This will be sorted out and addressed at a future meeting.

#7-DEPUTY CLERK

Clerk Lisa Lloyd advised that her Deputy, Teresa Seevers, has given her notice and will be leaving March 30. Lisa requested permission to advertise and hire a new deputy so that the new person can work with Teresa for a few weeks prior to her leaving. For budgeting purposes, this will be a cost savings as Teresa is at the top of her scale. **Paul D. made a motion to approve the advertising and hiring of a new Deputy Clerk; seconded by Ed. All voted in favor.**

#8-HIGHWAY COMMISSION

This item is handled under separate agenda.

#9-BUREAU OF LAND MANAGEMENT ROAD AGREEMENT

This item was tabled to the next meeting.

#10-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#11-AMUBLANCE ATTENDANTS' LICENSE FEES

This item concerns a first responder/ambulance attendant license that will allow for the driving of ambulances to help EMTs. The EMTs in the county are understaffed and, often times, there isn't anyone to drive the ambulance. This license must be renewed annually. There are about six people in Pioche that have obtained this certification and paid for it themselves. Sheriff Kerry Lee stated there are about 3-4 first responders in Panaca who are eligible for this. Paul M. stated that the expense should be funded through LC Ambulance Fund. There is some discussion about what fund to use. Each license costs \$65. **Paul M. made a motion to approve the payment of ambulance license attendants' fees for first responders (the fund will be designated at a later date); seconded by Kevin. All voted in favor.**

#12-TAX DEED SALE

Paul D. reviewed the history of the delinquent taxes on Jim Vincent's properties; he was given a 90 day extension to pay the taxes. Some were paid, but not all. The Board needs to decide whether or not they want to hold a sale on the properties taken as tax deeds. Shawn Frehner, Interim Treasurer, stated she has been researching tax deed sales. This isn't a quick process and it takes at least six months. Title searches are required as well as several different types of notices. Shawn suggested that this issue wait to be started until a Treasurer is appointed. Shawn stated that the sale is of the county's rights to the property; it doesn't sell the property. The people that bid on this are only buying the county's rights. In order to obtain full ownership it must go through the courts and be handled as a quiet title action. The entire county would have to be handled, not just Vincent's properties. No action is taken.

#13-LINCOLN COUNTY EMERGENCY PLANNING COMMITTEE (LEPC)

This appointment is for an elected official to sit on the local LEPC committee. Meetings are held once a quarter in Panaca. **Ed made a motion to appoint Paul M. to the LC Emergency Planning Committee (LEPC); seconded by Kevin. All voted in favor.**

#14-ADMINISTRATIVE ASSISTANT SALARY

This item concerns the third floor administrative assistant position currently held by Denice Brown. Justice of the Peace Mike Cowley presented a request for salary increase so that the third floor administrative assistant will be inline with clerical positions within the courthouse. Mike suggested that this salary change be implemented July 1st, starting at the bottom of the range and bumping it up two steps. Change of pay will be a

difference of \$5400, including retirement and benefits. Mike advised that he needs two people to handle warrants. Mike is trying to ensure that this position is as secure as the others in the courthouse so that when openings happen he doesn't lose employees. He is working to level the playing field. Mike would like to see steps and increases be given in the same manner as the bargaining units; if they get one, this position gets one. If they don't get an increase, then this position wouldn't get one either. There is some discussion about other at will positions that haven't received increases. **Paul M. made a motion to accept the proposal offered by Judge Cowley to move the 3rd floor assistant position under the clerical contract, pay grade at step three, and this is to be effective July 1, 2012; seconded by Ed. All voted in favor.**

#15-SOUTHERN LC HABITAT CONSERVATION PLAN

Ronda Hornbeck and Lisa Mash presented the final draft of the Lincoln County Land Act Road, Fence, and Trail Plan for the Southern LC Habitat Conservation Plan (SLCHCP). The purpose of the plan is to allow controlled access and use of the public lands in the SLCHCP area while providing protection to the listed species and their habitat (to avoid and minimize effects to desert tortoise and/or their habitats from future development and maintenance activities). The intent is to control pedestrian and vehicle access to the adjacent ACEC areas surrounding the LCLA parcels or project site. Lisa reviewed the proposed plan in depth for the Board. Chris Armstrong with C & O Holdings stated this was an original requirement of the LCLA and development process. Chris discussed the \$550 per acre fee that was agreed to. The value of the land is about \$4,000 per acre now and this fee is a significant portion of what they think the value of the land is. The fee is onerous and, C&O feels, quite high. Chris requested that the Board reconsider changing the access to funds derived from the sale of the land for the implementation. We are asking for assistance for implementation strictly from BLM land sale proceeds, Ronda advised, not from county proceeds; as of yet we haven't received an answer. Nevada Revised Statutes set the cost of the fee. As permit holders, it is LC's responsibility to move through the mitigation measures. The fee is used to develop mitigation measures and if it is lowered it jeopardizes mitigation measures already agreed to. The fee is based on habitat quality as well and they are charging the maximum for these parcels as this is optimal habitat. **Kevin made a motion to approve; seconded by Paul M. Paul D. was absent for the vote. Motion carries.**

#16-MEADOW VALLEY WASH LINEAR PARK

Paul M. made a motion to approve Change Order #5 for Hardy Construction in the decreased amount of \$33,904.21; seconded by Ed. Paul D. was absent for the vote. Motion carries.

#17-LINCOLN COUNTY AIRPORT

This item concerns the Lincoln County Airport As-Built Layout Plan. Chris Knox from Grand Junction, CO, is present via telephone and reviewed the drawings. The drawings are being updated to reflect the new apron and taxi way built in 2007. **Paul M. made a motion to approve the as-built layout plan; seconded by Ed. All voted in favor.**

#18-ALAMO AIRPORT

This item concerns the 2012 Federal Aviation Administration Grant application of Alamo Airport, Phase II. **Ed made a motion to approve the grant application; seconded by Paul M. All voted in favor.**

#19-SOUTHERN NEVADA DESERT RACERS

Paul M. made a motion to approve the Southern NV Desert Racers motorcycle race to be held April 7, 2012 in the Mail Summit area; seconded by Ed. Paul D. was absent for the vote. Motion carries.

#20-SILVER STATE TRAILBLAZERS

Kevin made a motion to table this item as the dates are conflicting; seconded by Ed. Paul D. was absent for the vote. Motion carries.

#21-SOLAR & WIND ENERGY DEVELOPMENT

Mike Baughman presented a comment letter concerning Advance Notice of Proposed Rulemaking Regarding a Competitive Process for Leasing Public Lands for Solar and Wind Energy Development. **Kevin made a motion to approve; seconded by Paul M. Paul D. was absent for the vote. Motion carries.**

#22-BUREAU OF LAND MANAGEMENT LAND USE PLAN

Connie Simkins discussed the scoping comments letter to identify issues in Environmental Impact Statement (EIS) for great sage grouse conservation measures in the Bureau of Land Management (BLM) Land Use Plan (LUP) amendment. Connie will add language that discusses the need for predator control. Kevin asked if the county wants to be a cooperating agency or a coordinating agency. Kevin suggested that the letter be changed to read that the county would like to reiterate its request to coordinate with BLM under FLMPA for this planning effort. **Ed made a motion to approve the letter, including the suggesting changes to become a coordinating agency; seconded by Paul M. Paul D. abstained from the vote. Motion carries.**

#23-SAGE GROUSE HABITAT PROTECTION LUP AMENDMENT

Kevin submitted that the same concept applies and we can say we appreciate the invitation to become a cooperating agency; we would like to join in this conversation and wish to do so under "coordinating status" as described in the Federal Land Policy Management Act of 1976. This is our region. **Kevin made a motion to approve the letter of acceptance to participate as a "coordinating" agency in the Sage Grouse Habitat Protection Land Use Plan (LUP) amendment, EIS northeastern California and Nevada sub-region; seconded by Ed. All voted in favor.**

#24-LC NUCLEAR OVERSIGHT

Dr. Mike Baughman reviewed the Blue Ribbon Commission report on America's Nuclear Future that was released at the end of January. Some of the issues raised by LC were addressed in the final report, including that BRC didn't pay enough attention to lessons learned from Yucca Mountain. LC pointed out that they talk about involving states/tribes but they also need to engage local governments. Mike presented hearing summaries from the House Energy & Commerce Committee, Subcommittee on Environment & the Economy and the Senate Energy & Natural Resources Committee. Vaughn Higbee stated that it will cost the US taxpayers billions of dollars in fines and levees since Yucca Mountain isn't going to go forward for years and years. Promises were made that by a certain time highly radioactive material was going to be moved; it isn't going to be. Secretary Chu has said it will take more than just two deep repositories. It will be difficult to get someone to buy into deep repositories as it is difficult to get any state to agree. One of the suggestions is that they negotiate among all states involved as to what will make them all happy. Connie Simkins stated that BRC considered a report done by Sandia National Labs that says that the best granite deposit is in Minnesota, Wisconsin, and Michigan. President Obama is due to submit his budget to Congress on 2-13. Results from the Congressional hearings won't be expected until fall. There is a proposal to send waste to WIPP on custom built trailers.

#25-COMMISSIONER REPORTS

COMMISSIONER PAUL DONOHUE stated that it was brought to his attention that the advertisement for the Treasurer wasn't published long enough. It has to be published for 14 days, but was only published for 8. There is some discussion about the possible need to start over and publish a full 14 days. Deputy DA Matt Carling advised that it only needs to be advertised for one more week and the closing date extended. **COMMISSIONER ED HIGBEE** attended a wild horse tour in Clark County. Ed worked to let the attendants know that the wild horses need to be managed as they wreak havoc with critical habitat. Ed attended the Airport Authority meeting and they will recommend that Dan Simkins be appointed to the Airport Board. They will have a fuel system at the LC Airport within the next couple of years. **COMMISSIONER KEVIN PHILLIPS** continues to work on road issues. **COMMISSIONER PAUL MATHEWS** advised that we are waiting until February 15 for preliminary reports of state revenues. We will not hold budget hearings prior to that date. The first budget hearing is 2-22. Negotiations with the individual unions will be held this year. **COMMISSIONER TOMMY ROWE** attended the Southern NV Workforce Investment meeting on 1-24. Tommy attended the retirement party for Treasurer Kathy Hiatt on 1-26 as well as a NACO board meeting on 1-27. Tommy attended a breakfast meeting last Friday with Cory Lytle, Jeremy Drew, Mike Scott, and Mike Ford with regards to the wind generation on Table and White Rock areas.

#26-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins stated that the N-4 Grazing Board is asking for coordinating/cooperating status in the sage grouse efforts. On 2-1 Connie participated in a wild horse tour in southern NV. People from all over the U.S. took part in the tour. Wild horses and certificated water were

discussed. In many areas, the horses water in places where the cowboys provide watering troughs. Vaughn Higbee discussed sage grouse and stated that it will affect our grazing allotments in southern NV. Vaughn asked that the impacts the sage grouse will make to wildlife and business be included in the study. The economics will change drastically as all of the public land will be managed for sage grouse, not for recreation, cattle, or anything else. Tommy advised the NACO board has become active in the sage grouse management plan the state put together. NACO just donated funding to the program they are working on to make further flights to record more of the activities in certain areas. Connie stated that NACO has coordinated and had all 17 counties pass resolutions in support of the wild horse issue and bringing them down to low AULs. Elaine Zimmerman stated the final walk through in Meadow Valley Wash will take place Thursday. Connie commented that we will receive additional furniture from DOE and the Test Site; Connie has been working with several county entities to compile a list of things that are needed.

#26-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 2:08 p.m.

Attest: _____

Approve: _____

DRAFT