



LINCOLN COUNTY BOARD OF COMMISSIONERS

April 2, 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 9:02 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 Attorney

There is a quorum present and the agenda was posted on 3-28-12. The Invocation was offered by Ed and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. None offered

CONSENT AGENDA

- #3 Approve/Deny minutes of March 5, March 14, March 19, and March 28 meetings.
- #4 Approve/Deny the Lincoln County High School Rodeo Club request for use of the Lincoln County Fairgrounds on April 27-28 for the high school rodeo. The rodeo contestants and their families will be allowed to camp at the grounds.
- #5 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 D. made a motion to approve the consent agenda with the exception of March 14, 19, 28 minutes; seconded by Ed. All voted in favor.

#6-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$804,254.74 with estimated expenditures being \$209,438.54. General County will have a balance of \$594,816.20. Transportation has a cash balance of \$39,219.07 with estimated expenditures being \$13,949.77. This will leave Transportation with a balance of \$25,269.30. Senior Nutrition has a balance of \$13,676.15 with estimated expenditures being \$9,322.74. This will leave Senior Nutrition with a balance of \$4,353.41. Detention Center has a negative cash balance of \$200,381.73 with estimated expenditures being \$85,940.81. Detention Center will have a negative balance of \$286,322.54. Once the February billing is received this fund will have a negative balance of \$137,852.54. This fund needs to be augmented but it is such a large amount of money that it becomes tricky. Discussion of funding in the amount of \$100,000 for DC will be discussed at the next Commission meeting. This fund has been nearly \$5,000 short every month and it has started adding up. Solid Waste has a cash balance of \$104,961.56 with estimated expenditures being \$21,161.37. Solid Waste will have a balance of \$83,800.19. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$6,711.67 with no expenditures. Airport loan is due 6-30-12 in the amount of \$6,000. Planning has a balance of \$46,284.60 with expenditures being \$2,803.67. Planning will have a balance of \$43,480.93. **Paul M. made a motion to approve the vouchers as presented with the exception of Mountain Merc vouchers; seconded by Ed. Paul D. was absent for the vote. Ed made a motion to approve the vouchers for Mountain Merc; seconded by Paul M. Kevin disclosed that he is part owner of Mountain Merc; he abstained from all discussion and the vote pertaining to these vouchers. Motion carried.**

#7-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge advised he has spoken with Leslie concerning the sexual assault case he's working on. Daniel received a large bill from the psychologist and estimates he will need \$12,000 augmented into his budget to cover this case. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that the Hazard Mitigation Plan has been accepted by the state.

#8-HIGHWAY COMMISSION

This item is handled under separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#10-AUGMENTATION

This is the time and place set for public hearing on resolutions to augment 2011-2012 budget. **Paul D. made a motion to approve the resolution to augment the 2011-2012 Administrative Assessment Fund in the amount of \$27,496; seconded by Ed. All voted in favor. Ed made a motion to approve the resolution to augment the 2011-2012 Panaca Town Fund in the amount of \$13,475; seconded by Kevin. All voted in favor. Kevin made a motion to approve the resolution to augment the 2011-2012 General County Fund in the amount of \$239,416; seconded by Ed. All voted in favor.**

#11-LC/C&O HOLDINGS, LLC/CITY OF MESQUITE SETTLEMENT AGREEMENT

Ed Lubbers, representing C&O Holdings, offered background. Ed has proposed a settlement, and the proposal has been sent to Daniel and the Mesquite city attorney. Ed discussed the general concept behind the settlement. It might not be required to keep the litigation on hold while the various aspects of the settlement are worked through. Ed stated that he isn't aware of a provision that allows for deannexation. City Attorney's Office believes this can be done at the City Council level. Ed will work on this with Daniel and the City Attorney's Office on the details that will allow them to develop their land. Ed advised that they will not annex, but they need services in order to create value to the land. There are several issues that haven't even been thought of yet, and Ed is exploring the concept of forming an unincorporated town for C&O's acreage. Ed commented that he needs to find a way to ensure services, some degree of autonomy, and the ability to move forward. A settlement hasn't been worked out as of yet; they only have an outline. Paul D. commented that the litigation will continue on; the Board will not put it on hold as it must continue. The ultimate decision is with the judges. Paul D. stated that he isn't certain that the settlement negotiations will get to a point where the litigation can be dismissed. Paul D. further advised that the Board needs some time to digest how an unincorporated town would work. Paul D. is leery of another 120 days of stall tactics, based on past history. Kevin stated that the formation of a GID is a good way to move forward. This will allow for formality and execution of agreements. Kevin requested that GID be explored. Ed is interested in looking at whatever must be done to resolve this. Daniel suggested the formation of a committee to get the process started. Ed commented that the current status will not allow them to interest any financial lending source. He must demonstrate value and litigation doesn't encourage that. Kevin and Paul D. volunteered to be on the committee. Paul D. feels the litigation should be dismissed after agreements are reached, not prior to. Daniel stated that, with regards to the deannexation, agreements can be worked out and the litigation on that can be dismissed. Paul D. stated we either need deannexation or a decision. The City would be willing to dismiss the litigation and deannex as long as we continue to work towards a resolution. Ryan Tune, attorney for the City, commented that Mesquite is in the process of digesting it; they are interested in exploring the possibility of dismissal but at this time the City hasn't given direction one way or another. Daniel asked for direction from the Board. Paul D. questioned how the county can be certain that once this is deannexed the issue can't come up again. Ed stated that he can reassure the Board that his client will not try to annex again if we are in settlement discussions. **Paul D. made a motion to have Daniel proceed with settlement negotiations, the issues of deannexation and litigation are to be addressed first (the litigation is not to be dismissed until we are 100% certain that deannexation is going forward; seconded by Kevin. All voted in favor.**

#12-HABITAT CONSERVATION PLAN ADMINISTRATOR CONTRACT

Ronda Hornbeck advised that there was never an actual contract for this as the HCP itself is a contract. The HCP requires an administrator. There was some discussion about the fact that the county hasn't required contracts for at will employees for quite some time. Daniel agreed that her employment should be left indefinite.

Kevin made a motion to continue Ronda's employment as Administrator of the Habitat Conservation Plan; seconded by Paul M. Ronda commented that the county is getting a great deal of free hours from her as she has been kept at 19.5 hours and the job demands more. From start to finish, when there are projects, Ronda is putting in 10-12 hours on planting days alone. Paul M. asked if there are times of the year when the workload would be less and she could balance out. There is cap on the total number of hours per year that Ronda can work. Ronda commented that HCP office doesn't cost the county a dime. Daniel advised the Board that they can hold yearly reviews on this position. **All voted in favor.**

#13-RESOLUTION #2012-03

Ed made a motion to approve the resolution supporting Nevada Wildfire Awareness Week on April 28-May 5; seconded by Paul M. All voted in favor.

#14-NV HOMELAND SECURITY WORKING GROUP

Ed received a phone call from Commissioner Wichman from Nye County; they are looking to put someone on a Homeland Security working group. The suggested individual for appointment is Kevin Kleinworth. This is a statewide working group that receives federal funding. **Ed made a motion to recommend Kevin Kleinworth for this position; seconded by Paul M.** Paul D. stated that he would like to meet with Mr. Kleinworth prior to approving his appointment. This person represents Nye, Esmeralda, and Lincoln. **Paul D. was opposed. Motion carried.** There are 29 positions on this group and this is a statewide working group. Rick presented Mr. Kleinworth's phone number and indicated that Mr. Kleinworth is willing to come and meet everyone.

#15-PATENT & LEASE LAND

Cory Lytle advised that he has been working through BLM land patents that we hold with BLM. There are both patent and leased lands. Leslie has record of the majority of the lands in her office, but Cory and Dawne have been working to see which lands are current and which have expired. Cory commented that he believes that some of the BLM records are out of date as well. Cory presented a copy of the current patent, which has expired and needs to be renewed. Cory will work with Ty Chamberlain to get these lands "up to speed". Cory would like to work with the towns, fire districts, etc. concerning desired disposal lands as well as continue to work on cleaning up areas that the county already has. Cory has discussed working with the entities that do the mud bog races to get some land set aside for the races. Cory asked the Board for direction as to how he should move forward. Ty Chamberlain commented that RPP requires that the county do what it says its going to do within a given amount of time. There is no renewal of the lands, it's a reissue. Ty stated that this will be a new process, not a renewal. Ty cautioned the Board against biting off more than they can chew; it must be documented that work is going on, whether it be fundraising or something else. Evidence to support renewal will be needed. Some of the patents can be good for thirty years. Cory and Ty will work on the Delamar patent. Ty requested a set of priorities. Ty presented Rights-of-Way on the transfer stations to the Board. No action is taken on this item.

#16-BONNEVILLE OFF ROAD RACING

Paul D. made a motion to approve the Bonneville Off Road Racing Caliente 250 on June 22-23; seconded by Ed. All voted in favor.

#17-FREEDOM FOURWHEELERS MUD BOG

Paul M. made a motion to approve the Freedom Fourwheelers mud bog and off road event on May 5; seconded by Ed. All voted in favor.

#18-CANIDAE TAP IT SILVER STATE 300

Paul D. made a motion to approve the "Canidae Tap It Silver State 300" Best in the Desert off highway vehicle race on May 5, 2012; seconded by Ed. All voted in favor.

#19-LINCOLN COUNTY REGIONAL DEVELOPMENT AUTHORITY AGREEMENT

Dr. Mike Baughman presented the interlocal agreement establishing the LC Regional Development Authority. It was originally adopted on November 5, 1998; this is the same form of agreement. This agreement is 14 years old and the Development Authority sees no reason to revise the document. LCRDA is currently in the process of submitting a grant application. LCRDA hasn't been able to locate a signed copy of the 1998 agreement and they are asking the Board to reconsider and re-ratify the agreement. This agreement is on Caliente's agenda Thursday night. LCRDA has operated under this agreement since it was originally approved. **Kevin made a motion to renew the interlocal agreement with the date of April 5; seconded by Ed. All voted in favor.**

#20-LC NUCLEAR OVERSIGHT

Dr. Mike Baughman offered an overview on the Yucca Mountain (YM) program. The licensing proceedings remain temporarily suspended. The lawsuit filed by Akin County against the NRC is up for oral arguments on May 2. A ruling isn't expected before July. Most YM type activities have been vested within DOE's Used Fuel Disposition program. DOE is spending about \$60 million per year, these are general appropriations, to advance the concept of spent fuel management. DOE has a working group that will evaluate the Blue Ribbon Commission recommendations. A strategic plan will be developed concerning how to implement the recommendations. BRC recommended consolidated repository and permanent geological repository. We need a consent based siting process. In the meantime, parties are lining up to make the Secretary of Energy aware that they are willing to host the repository. Vaughn Higbee commented that it's interesting that the NRC can simply deny the law. If regular citizens did the same thing there would be major consequences. Vaughn believes there will continue to be stalling and not much will be done until the elections are over.

#21-ENERGY COMMUNITIES ALLIANCE PEER EXCHANGE

Paul M. made a motion to approve the attendance of Kevin, Ed, and Paul Seidler to the Energy Communities Alliance Peer Exchange in Washington, DC on May 14-16; seconded by Paul D. All voted in favor.

#22-NUCLEAR WASTE

Paul D. made a motion to approve the attendance of Tommy and Connie to the US Court of Appeals hearing on Case No. 11-1271 on May 2 in Washington, DC; seconded by Ed. All voted in favor.

#23-LC NUCLEAR OVERSIGHT BUDGET

Kevin made a motion to approve the FY 2012-2013 budget for the LC Nuclear Oversight Program; seconded by Ed. All voted in favor.

#24-YUCCA MOUNTAIN LICENSE REVIEW

This letter is asking the Secretary of Energy, Dr. Chu, to proceed with licensing of Yucca Mountain. This recommendation is consistent with comments submitted by the county to BRC. **Ed made a motion to approve the letter to Dr. Chu concerning the Yucca Mountain license review and proceedings; seconded by Kevin. Paul D. was opposed. Motion carried.**

#25-LC FAIR & RODEO GROUNDS PROJECT

Paul D. made a motion to approve the addition of construction administration services to Sunrise Engineering's contract for the LC Fair & Rodeo Grounds; seconded by Paul M. Kevin disclosed that his son is a principle engineer at Sunrise; he abstained from discussion and the vote. Motion carried.

#26-LC FAIR & RODEO GROUNDS PROJECT

Paul M. made a motion to approve Change Order #1 for the addition of construction administration services to Sunrise Engineering's contract in the amount of \$64,200; seconded by Paul D. Kevin disclosed that his son is a principal engineer at Sunrise Engineering; he abstained. Motion carried.

#27-FEDERAL AVIATION ADMINISTRATION GRANT

The match amount has increased to 6.25%, which is \$75,938. If the FAA approves the grant the county still has the opportunity to accept or turn it down. **Ed made a motion to approve and sign the revised application for**

federal assistance for the 2012 Federal Aviation Administration (FAA) grant; seconded by Paul M. All voted in favor.

#28-GRANTS

Paul M. made a motion to approve the signing of LC Senior Services Nutrition, Nutritional Services Incentive Program Notification of Grant Award in the amount of \$13,591; seconded by Ed. All voted in favor.

#29-MILLION DOLLAR COURTHOUSE

Paul D. made a motion to approve the signing of the Commission for Cultural Affairs (CCA) covenants for the Million Dollar Courthouse; seconded by Ed. All voted in favor.

#30-QUARTERLY JAIL TOUR

Paul Donohue attended the jail tour. There have been serious plumbing issues. Paul D. commented that they had water running from one pod down into another. The Detention Center has a pump since they are below the sewer ponds; this pump needs to be replaced. Paul D. suggested that the county obtain an estimate.

#31-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS attended a meeting with the colonel of Nellis Air Force. Kevin attended the HCP meeting, JCCIAC meeting, and a Quad State meeting. **COMMISSIONER TOMMY ROWE** attended a sage grouse working group in Caliente, then he attended a JCCIAC meeting the following day. Tommy had two NACO board meetings this last week in Winnemucca. There are several issues being raised with regards to term limits. It was stressed that the youth and citizens need to be involved in the running of our counties. Tommy is going to contact the government teacher, Mrs. Lori Cheeney, to see if we can get some involvement from the kids. NACO believes that term limits shouldn't apply to some of the boards. Tommy received a letter from the Mayor of Henderson; all mayors and commission chairman have been invited to a meeting in Reno on the 26th. **COMMISSIONER ED HIGBEE** has heard that Governor Herbert of UT and Governor Brewer of AZ will be working on federal land reform. Ed stated that we need to support them in their efforts as this will slow and defang the BLM. Ed asked that the public lands committee be revived. The wild horse situation is a constant struggle in NV. There was some discussion concerning reinstating the Public Lands Committee. **COMMISSIONER PAUL DONOHUE** commented that he's been incredibly busy attending meetings, including RTC. Sunrise Engineering has been chosen to create the 5 year Capital Improvements Plan for RTC. Paul D. will attend POOL/PACT in Carson City. Paul D. received a letter concerning an emergency management meeting in Fallon in May; he will attend.

#32-PUBLIC COMMENT

Tommy called for public comment. Vaughn Higbee thanked the Road Department for the wonderful work they've has done in Alamo.

#33-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 12:39 p.m.

Attest: _____ Approve: _____