



LINCOLN COUNTY BOARD OF COMMISSIONERS

May 7, 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 9:12 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
TONY GRAF, Deputy District Attorney

ABSENT: KEVIN PHILLIPS

There is a quorum present and the agenda was posted on 5-2-12. The Invocation was offered by Paul M. and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Dawne Combs asked if there is any further notice on union negotiations. Paul M. spoke with Daniel; Teamsters hasn't responded in spite of the meeting set for this Thursday. Paul M. advised that the Board is trying their hardest, but they aren't getting a response. Dawne stated that they aren't negotiating in good faith.

CONSENT AGENDA

#3 Approve/Deny minutes of April 16 and April 25 meetings.

#4 Approve/Deny Notice of a public hearing set for May 21, 2012 at 10:00 a.m. for a resolution to augment the budget: Alamo Town Board \$5,110 (opening balance larger than anticipated), China Springs \$1,000 (transfer from Lincoln County General Fund), Detention Center \$20,000 (transfer from the Lincoln County Water Special Project Fund), Detention Center \$50,000 (transfer from Lincoln County General Fund).

#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 M. made a motion to approve the consent agenda with the exception of minutes for April 25 and Item 4; seconded by Paul D. All voted in favor. The Board discussed Item 4. Star Corley addressed the transfer from the LC Water Special Project Fund to LC Detention Center. Paul M. advised that the action on this item is only to set a public hearing. **Paul M. made a motion to approve Item 4; 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 \$587,552.25 with estimated expenditures being \$197,294.26. General County will have a balance of \$390,257.99. Transportation has a cash balance of \$22,225.68 with estimated expenditures being \$6,787.62. This will leave Transportation with a balance of \$15,438.06. Senior Nutrition has a balance of \$8,026.49 with estimated expenditures being \$12,846.66. This will leave Senior Nutrition with a negative balance of \$4,820.17, but a budget transfer of \$48,000 will bring the balance to \$43,179.83. Detention Center has a negative cash balance of \$173,462.72 with estimated expenditures being \$95,485.38. Detention Center will have a negative balance of \$268,948.10. \$166,460 was billed for April, which will bring the balance to a negative \$102,488.10. Solid Waste has a cash balance of \$90,762.00 with estimated expenditures being \$21,161.37. Solid Waste will

have a balance of \$69,600. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$6,416.41 with estimated expenditures being \$70.34. Airport will have a balance of \$6,346.07. Airport loan is due 6-30-12 in the amount of \$6,000. Planning has a balance of \$43,262.90 with expenditures being \$8,447.43. Planning will have a balance of \$34,815.47. **Ed made a motion to approve the vouchers as presented with the exception of LCTS vouchers; seconded by Paul M. All voted in favor. Paul M. made a motion to approve the LCTS vouchers; seconded by Ed. Paul D. abstained as he is employed by LCTS. Motion carried.**

#7-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANGEMENT COORDINATOR Rick Stever advised that there is an emergency preparedness summit in Fallon, May 30-31. Several years ago Marge Gunn tried to get the CERT program going in the county; to date nothing has been established. There is new teen CERT program; Rick will present this to the schools to see what response he can get. Rick received a letter from FEMA stating that the Hazard Mitigation Plan update has been accepted. LC has been authorized to use the updated plan. This updated plan allows us access to FEMA funding. **SHERIFF** Kerry Lee stated they currently have 86 CCDC inmates. Last Friday, a county inmate escaped from the fenced yard. He scaled three razor wire fences because he was looking at significant prison time. Several different entities were called out to aid with the search. Kerry stated they used the reverse 911 to alert Pioche citizens as to the escape. The inmate was apprehended, taken to the hospital to be sewn up, and he's now being housed in the Ely prison infirmary. Kerry stated that there are a couple of places they will be looking at with regards to the wire. This shows the importance of classifying inmates before they come in. The feds had had issues with him. Kerry commented that the E911 system is very good. Vaughn Higbee addressed the Board on behalf of **LC NUCLEAR OVERSIGHT PROGRAM** advised that Paul Seidler has received an appointment from President Obama to serve as a member of the Senior Executive Services position in the Environment Management Program as EM3; he will be in Washington, D.C., four days per week. Paul S.'s family will remain in Las Vegas. Connie Simkins stated there is legislation in the Senate Energy and Water Committee that gives the responsibility to develop one or more consolidated interim storage facilities to DOE. It is also to design, transport, build and operate an interim storage facility in a manner that the waste shall be able to be moved to a repository built in the future; this will be on a consent based program. House Energy Committees have put in funding for Yucca Mountain. Senate Energy Committee didn't include any funding for YM. Connie will present five contracts forward at the next Commission meeting; they match previously approved activities. Last Tuesday/Wednesday Connie was in Washington, D.C. on business. She and Tommy attended the oral arguments for the case filed against the NRC asking the US District Court of Appeals for a Writ of Mandamus. The State of Washington argued that NRC should finish the review process until all of their money is gone. NRC has \$10.4 million left and they think they should shut it down as directed by the administration and save the money. The petitioners have been deprived of a process set by Congress in the Nuclear Regulations Act. The law states they must make a decision within three years. NRC asked the court to base their decision on a guess as to what Congress will/won't do in the future. Secretary Chu will comply with the law if ordered by the court.

#8-AUGMENTATION

Paul M. made a motion to approve the resolution to augment the Federal In Lieu Tax Special Revenue Fund in the amount of \$142,425; seconded by Ed. All voted in favor.

#9-AUGMENTATION

This item was tabled.

#10-HIGHWAY COMMISSION

This item is handled under separate agenda.

#11-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#12-BUREAU OF LAND MANAGEMENT/RACES

SNORE racing representative Ken Freeman addressed the Board with regards to the Bureau of Land Management's (BLM) handling of races, fees, and regulations. BLM is going through the process of revising the

RMP to allow more truck and buggy races. It could go faster than it is, but Las Vegas revised theirs and it took them six months. BLM is saying it'll take them 3 years to revise for truck and buggy. There are other organizations that would like to race up here. Ken stated they've had issues with one of their events on county roads. Ken received a ticket from BLM saying that he needed a permit for the seven people that were using the roads. They had a BBQ and fundraiser for the elementary school and BLM looked at it as part of that event. It wasn't, there were no fees collected. Ken is working with BLM on this, but at this time, Ken has been issued a court date he is looking to have it postponed. SNORE works with Laughlin Tourism, who pulls the permit for one of their events. Ken feels it might behoove the county to pull a permit so that the event stays here in the county and doesn't go up to White Pine. If it went out in a lottery, it might make it go quicker with the change in the RMP. Ken has been nominated to sit on the Mojave RAC panel as a permit holder. Ken has held permits in various district for many years. Ken asked the Board to write a letter of recommendation for him to BLM. Ken would like to try to get BLM to revise the RMP much quicker than it is. Ken commented on the BORR event that SNORE is taking over; they have contacted county roads, they'll repair to existing conditions. BLM is asking for mechanical repair but SNORE doesn't want to go through and run a blade as it will cause more damage in the long run. Ken asked for approval of the event on the 22-23. SNORE plans on about 90 competitors and it has a big impact as they'll be in the area for about 3 days. Connie Simkins commented that SNORE has a very good reputation for doing what they say they're going to; she urged the Board to support him. Paul D. stated that one of the situations that needs to be addressed is what happens around town during the event. People ride four wheelers, side by side ATVs, and go screaming around town. Often when people come from out of town they seem to think we don't have laws. Sometimes the citizens pay a price when these events come into town. Ken agreed. Ken stated they've contacted the Sheriff's Office and they will pay for two deputies to be on patrol in the area. There is no drinking during the event and teams will be disqualified if they are found to be drinking during the event. Ken worked with BLM and UPRR; ATVs will be allowed to go to the gas station to get gas and there will be a speed limit set. SNORE is going to clamp down tightly on the ATVs. Connie stated that part of the things that are happening are done by local kids, who know the out-of-towners will get blamed. It works both ways.

#13-NEVADA DEPARTMENT OF TRANSPORTATION

This item was tabled.

#14-GRANTS

There was some discussion concerning the local food growers competing with local businesses and who would own the building. Holly Gatzke has agreed to work with the local businesses. **Paul M. made a motion to approve the application for a Rural Business Enterprise grant in the amount of \$90,000 to support the start of a local food hub facility by the Lincoln County Producers Cooperative. Motion dies for lack of second.** Paul D. disclosed that his employers own the grocery store in Caliente, and went on to say that competition isn't always fair. Paul D. feels that there are happy mediums that can be addressed. Paul M. doesn't have an issue with allowing Holly to apply for the grant as long as discussion of benefits and pros/cons continues. It wasn't known how specific the grant had to be with regards to building a new facility or remodeling an older one. **Paul M. reiterated his motion to approve the application for the grant; seconded by Ed.** Ed stated that the Board needs to continue to work through it to ensure that local businesses aren't hurt. The issue isn't competition; it's government subsidy to the competition. Ken Dixon commented that this group is looking for a piece of ground in the Caliente industrial park. The group indicated that they have reached an agreement with the local grocery stores to purchase the produce. Adam Katschke advised that neither he nor his brother have been contacted on the matter. The ultimate goal is to create business opportunities and jobs, not to create a retail conflict, Paul M. said. **Paul D. abstained. Motion carries.**

#15-SILVER STATE CLASSIC CHALLENGE HIGHWAY

Ken Dixon meet with Steve Wallman, who indicated that both White Pine and Nye Counties have approved similar letters. SR 318 will be closed on Sunday, May 20. **Ed made a motion to approve the designation of Highway 318 as the "Silver State Classic Challenge Highway"; seconded by Paul D. All voted in favor.**

#16-TRI-COUNTY WEED

Brandon Vaught presented discussion concerning promotions for Tri-County Weed employees and seasonal help incentive program. At the last Tri-County Weed program promotions were approved from various

employees; Brandon is requesting approval of these promotions. Nye County and White Pine County are in favor of the promotions. These promotions don't impact county funds. **Paul D. made a motion to approve the promotions and incentive program for the seasonal employees; seconded by Ed. All voted in favor.**

#17-CORRECTIVE ACTION LETTER TO NEVADA DEPARTMENT OF TAXATION

At the end of 2010-2011 certain funds were overspent. In no case was the overall amount in jeopardy; there was always cash in the bank. **Paul D. made a motion to approve the letter of corrective action to the NV Department of Taxation for 2010-2011 over-expenditures; seconded by Ed. All voted in favor.**

#18-NV ENERGY TRANSMISSION LINE

Mark Sullivan and Linda Bisette addressed the Board and offered an update on the project. All poles have been laid down with the exception of three in Nye County. Two additional poles have been sent to Texas Tech wind farm. NV Energy is working towards a solution. It is believed that the cause of the trouble is due to the high vibration of the round structure. None of the structures that have a conductor or wire on them have had any problems. All the environmental work has been done. Mark presented information concerning the delay. It basically says the project was to be finished by the end of 2012; it is believed that the project will be finished by the second or third quarter of 2013. NV Energy is working on cattle guards; they've worked with ranchers to see where the cattle guards should go. BLM is working on the range agreements; BLM authorization is being worked through. When summer hits, NV Energy will move north.

#19-QUICKBOOKS

Treasurer Shawn Frehner advised that we are currently running on an eight year old version of QuickBooks. Tracy Lee advised that if the Treasurer's Office got a newer version, he could take a batch from our ADS program and update that into QuickBooks. This would prevent missing property owners who should be receiving landfill bills. **Paul M. made a motion to approve the request from the Treasurer's Office to purchase an updated version of QuickBooks software for landfill, not to exceed \$250.00 from the Solid Waste Account Fund 67; seconded by Paul D. All voted in favor.**

#20-TAX DEED SALE

Treasurer Shawn Frehner advised that she is just about to the point where she can take on a tax deed sale; she presented an updated tax deed list. \$72,700.97 is the total in current deeded properties. Shawn put this on the agenda so that we don't lose track of it. Shawn asked the Board if they would like to proceed or wait until the next tax deeds are taken in June. It takes about six months to do all of the research, post notices, and meet all requirements for the sale. Anyone that pays the past due before advertisement will not be included in the sale. Shawn recommended waiting until the new list is generated. Eventually the county will have to hold a sale as there are many properties on the list that are three years old. The majority of the list is Cottonwood Heights and the new list will be Toreson Properties. There are also individual home owners on the list. No action is taken and this issue will be addressed in the future.

#21 & #22-FINAL SOLAR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

Connie Simkins presented this item, which concerns Lincoln County's comments to the Bureau of Land Management's (BLM) Administrative Draft of the Final Solar Programmatic Environmental Impact Statement (PEIS) and Lincoln County's comments to the Bureau of Land Management's (BLM) draft framework for developing a Monitoring and Adaptive Management Plan and for developing Regional Mitigation Plans pertaining solar energy zones. Dr. Mike Baughman was present via telephone; both Connie and Mike reviewed the comments for the Board. **Paul M. made a motion to approve; seconded by Ed. All voted in favor.**

#23-MUSEUM EMPLOYEE

Paul M. made a motion to approve the advertisement and hiring of a part time fill-in for the museum at \$8.25 per hour; seconded Paul D. All voted in favor.

#24-MUSEUM BOARD

Donna Phillips presented a resignation from Robert Sidford and advised that they haven't had anyone show interest. No action is taken on this item.

#25-PIOCHE PARK

Paul M. made a motion to approve the signing of Change Order #2 for Trade West Construction for the Pioche Park Phase II project; seconded by Paul D. All voted in favor.

#26-LINCOLN COUNTY FAIR & RODEO GROUNDS

Ed made a motion to approve contract Change Order #1 for Jim Wilkin Trucking, LLC, for the Lincoln County Fair and Rodeo Grounds project; seconded by Paul M. All voted in favor.

#27-ALAMO LANDING FIELD

Ed made a motion to approve the contract time extension for Mel Clark, Inc., to allow completion of their duties associated with the Alamo Landing Field; seconded by Paul M. All voted in favor.

#28-LINCOLN COUNTY RUN BOOKS

Ed made a motion to approve the contract time extension for Gnomon, Inc., to ensure adequate time for completion of LC Run Books; seconded by Paul M. All voted in favor.

#29-LINCOLN COUNTY TRAVEL MANAGEMENT ROADS INVENTORY AND MAINTENANCE PLAN

Cory Lytle presented this item. JCCIAC funds were budgeted to move forward on a comprehensive travel plan. This will be Phase I of the plan, and as funding becomes available other phases will commence. Phase I will get the plan started. Paul D. asked if this can be correlated with the RTC plan for roads; Cory will look into it to make certain that work isn't being duplicated. Paul m. made a motion to approve the contract with Sunrise Engineering for the Lincoln County Travel Management Roads Inventory and Maintenance Plan, Phase 1, in the amount of \$13,500; seconded by Ed. All voted in favor.

#30-LINCOLN COUNTY TRAVEL MANAGEMENT ROADS INVENTORY AND MAINTENANCE PLAN

Paul D. made a motion to approve the creation of a support committee to assist with the Lincoln County Travel Management Roads Inventory and Maintenance Plan; seconded by Ed. All voted in favor.

#31-CALIENTE DUSTY TIMES 250

Much of the discussion concerning this item is covered under Item 12. Paul M. made a motion to approve the Caliente Dusty Times 250 (formerly the Bonneville Off Road Racing Caliente 250, which was approved 4-2-12 with conditions) scheduled for June 22-23; seconded by Ed. All voted in favor.

#32-BURNT CANYON HBITAT REHABILITATION MAINTENANCE PROJECT

This project was awarded through State Wildlife Commission. Ed made a motion to award the contract for the Burnt Canyon Habitat Rehabilitation Maintenance Project to Summitt Forests, Inc., in the amount of \$13,905; seconded by Paul D. All voted in favor.

#33-COUNTY FISCAL OFFICERS ASSOCIATION

Ed made a motion to approve the sponsorship of County Fiscal Officers Association of Nevada in the amount of \$2,500 for the 2012 annual conference to be held in Pioche; seconded by Paul D. All voted in favor.

#34-DETENTION CENTER

Paul D. discussed the need to designate funds for maintenance on the Detention Center. Paul D. asked how, in the months when we have inmates over the needed 79, the funds from the additional inmates can be set aside for maintenance. LC has negotiated with the Sheriff to soften that up and it looks like we will end up with a \$135,000 transfer instead of \$175,000. We are watching the ending fund balance closely through the end of the year because we budgeted services/supplies tightly. The best option is to budget funds out of PILT in the next year for DC maintenance. There is probably about \$25,000-30,000 in PILT that can be budgeted next year. Paul D. commented that he is working to take the additional monies in the good months, set it aside for maintenance, so that we don't have to take money from General County to cover maintenance. Paul M. has advised the Sheriff that this year we're \$175,000 short; next year we can't be \$300,000. During the lean months, some of the funding was used by DC to do various projects. Paul D. is referring to set aside any funds that are above operating costs. Paul D. asked if the Board can require that 10% of the extra monies be set

aside for capital improvements. Yes. When the budgets are set the Board can set aside 10% for capital projects. Paul M. suggested that instead of augmentations, a loan be set up that would be paid back by the enterprise funds. The deficit will not go away when the fiscal year ends and the new one starts. The county will still have to recoup the funds that they are short. The best way to figure out what percentage of the money can be set aside will be to work with Sheriff Kerry Lee. Paul D. stated that it needs to be two pronged: we need to use the funds for maintenance and to cover expenses during the lean months. Paul D. asked if it is possible to generate enough during the bounteous months to cover the DC during the lean months. The county has only \$50,000 left to pay on the DC. Paul D. is worried that we'll be sitting here this time next year with a \$300,000 deficit. No action was taken on this item.

#35-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS advised that there was a meeting in Panaca last week wherein LC Water District made a presentation to Panaca Farmstead. The discussion of trying to solve long range problems for the smaller districts is good. As these discussion take place, the public is getting more involved as they are worried about why the discussion is even taking place. The public isn't getting all of the information as to why these meetings are taking place; as we move forward, the public needs to be well informed. Paul M. **COMMISSIONER TOMMY ROWE** stated that the taxes for sales and services have crossed. It used to be that sales tax was the most prominent revenue for the state. One has been increasing while the other has been decreasing. A solution has yet to be derived. Tommy went to Washington, D.C. last week. The NACO meeting was business as usual; one of the main concerns between the north and south was the Governor trying to combine the Southern and Northern Workforce Investment Boards into just the Northern Workforce Investment Board. **COMMISSIONER ED HIGBEE** reported that Robbie Gordon won the Best In the Desert 300. Ed attended the Alamo Town board meeting and asked what the biggest problem is that the Alamo faces. Maintaining their new parks. It is difficult for them to afford to pay for the maintenance and water/power for the parks. This is something that may have to be addressed in the future. Ed attended the Airport Authority meeting; they are working on getting a fuel facility at the Panaca Airport. **COMMISSIONER PAUL DONOHUE** reported he attended POOL/PACT in Reno. Paul D. attended negotiations meetings with the Law Enforcement Association; another meeting will be held on the 10th. The Board is working to get the point across that the budget is what it is. Paul D. attended the mud bog race; it went well. Paul D. attended an RTC meeting; they discussed a new five year plan. Paul D. has been working with Room Tax and Fair Board; they held a meeting in Panaca at the blue building on the fairgrounds. The Fair Committee and Fair Board were in attendance; the meeting went well.

#36-PUBLIC COMMENT

Tommy called for public comment. There was some discussion concerning the BLM's requirements for permits on roads. Jurisdiction needs to be established. Paul D. would like to meet with Daniel concerning this issue. Connie Simkins advised that JCCIAAC will hold a teleconference tomorrow morning to approve the contracts for this next fiscal year. There is a move by the Governor to review all boards/commissioner in NV to remove duplication and to economize duties. One of the entities affected by this are the state grazing boards. The Sunset Committee has sent out letters to all boards/committees throughout the state that are being considered for removal. N-4 Grazing Board received one; Connie reminded them that they don't spend state money, hold regular meetings. It got their attention. The Chairman of the Department of Agriculture asked Connie to meet with him to fill out the form so that the Grazing Board isn't sunsetted. The lady in Battle Mountain filled out her form and faxed it to the Sunset Commission. Somehow the form wasn't recognized and now N-6 Grazing has received a letter saying that they are now sunsetted. Connie will call to find out what happened. Connie knows that Battle Mountain's letter was sent; they will be able to prove it. Connie knows that the form was filled out on a timely basis. Ed stated that grazing fees (AUMs) are being raised by \$1.00.

#37-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:31 p.m.

Attest: _____ Approve: _____