



LINCOLN COUNTY BOARD OF COMMISSIONERS

June 4, 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 9:06 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 5-29-12. The Invocation was offered by Tommy and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Dawne Combs asked if all employees will stay at their current wages when July 1 comes and negotiations aren't completed. Until all negotiations are complete things will stay status quo for everyone, Tommy responded. Daniel Hooge advised that there is a federal mediator who would like to meet the Board members to offer his union negotiation services.

CONSENT AGENDA

- #3 Approve/Deny minutes of April 25, May 10, May 14, May 7, and May 21 meetings.
- #4 Signing of the Notification of Grant Award for Lincoln County Senior Services congregate meals in the amount of \$25,118.00.
- #5 Signing of the Notification of Grant Award for Lincoln County Senior Services home delivered meals in the amount of \$67,010.00.
- #6 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 the minutes for May 10; seconded by Ed. All voted in favor.

#7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$535,281.78 with estimated expenditures being \$168,014.63. General County will have a balance of \$476,679.85. \$109,412.70 was received in consolidated tax. Transportation has a cash balance of \$13,645.21 with estimated expenditures being \$5,855.30. This will leave Transportation with a balance of \$7,789.91. Senior Nutrition has a balance of \$5,911.70 with estimated expenditures being \$9,149.85. This will leave Senior Nutrition with a negative balance of \$3,238.15 but a budget transfer of \$48,000 will be made. Senior Nutrition will have a balance of \$44,761.85. Detention Center has a negative cash balance of \$12,049.50 with estimated expenditures being \$92,415.72. Detention Center will have a negative balance of \$104,465.22. Solid Waste has a cash balance of \$73,452.78 with estimated expenditures of \$21,161.37. Solid Waste will have a balance of \$52,291.41. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$10,521.25 with estimated expenditures being \$582.92. Airport will have a balance of \$9,938.33. Airport loan is due 6-30-12 in the amount of \$6,000. Planning has a balance of \$31,743.79 with expenditures being \$2,513.79. Planning will have a balance of \$29,230.00. Building Department has a balance of \$31,743.79 with estimated expenditures being \$2,513.79. Building Department will have a balance of \$29,230.00. **Ed made a motion to**

approve the vouchers as presented with the exception of Mountain Merc and LCTS vouchers; seconded by Paul D. All voted in favor. Ed made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed that he is part owner of that company; he abstained from the vote and conversation pertaining to Mountain Merc. Motion carried. Ed made a motion to approve the LCTS vouchers; seconded by Paul M. Paul D. abstained as he is employed by LCTS. Motion carried.

#8-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge stated everything is going well and he introduced Kevin Hawkins, a federal mediator. Kevin addressed the Board and reviewed his services as a collective bargaining mediator. **TREASURER** Shawn Frehner proffered an update with regards to taxes. Tax certificates and deeds will be filed today. There are 180 first year delinquencies, 63 second year delinquencies, and 22 third year delinquencies. Tax deeds will be taken at the end of today on the third year delinquencies. The total amount of delinquent taxes is about \$231,000. Shawn stated she will be submitting an invoice to Tri-County Weed for services rendered. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever thanked the Board for allowing him to attend the emergency preparedness summit in Fallon. As a county we are behind and struggling. There are many things we can use within the county that would be of benefit to county operations and preparedness but these items will cost a great deal of money. Rick stated that an emergency fire operation originated in the county; the fire is at south White Rock and a retardant plane went down yesterday. Rick was there and worked to get information concerning the emergency. The impact that the crash had on the operation was amazing and disheartening. People had to be persuaded to continue operations. This is a tight knit community, those who are in fire operations. The plane went down in UT, so it is being handled there. The airplane was a P2V, a heavy bomber. This fire is being turned over to a Type II team today with headquarters being at the high school in Panaca.

#9-HIGHWAY COMMISSION

This item is handled under separate agenda.

#10-AUGMENTATION

Paul M. made a motion to approve the resolution to augment the Senior Nutrition Fund in the amount of \$48,000; seconded by Ed. All voted in favor.

#11-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#12-DESERT RESEARCH INSTITUTE

Ted Hartwell from Desert Research Institute offered a power point presentation on monitoring sites in LC. This item was informational only.

#13-NEVADA DEPARTMENT OF TRANSPORTATION

Rudy Malfabon from the NV Department of Transportation addressed the Board and presented the proposed 2013 Annual Work Program and the Transportation System Projects. **Paul D. made a motion to approve the annual work program and transportation system projects; seconded by Ed. All voted in favor.**

#14-SEVENTH JUDICIAL DISTRICT COURT AGREEMENT

Paul M. made a motion to approve the FY 2012-2013 agreement between LC and the Seventh Judicial District Court; seconded by Kevin. All voted in favor.

#15-PIOCHE TOWN BOARD APPOINTMENT

Paul D. stated that Dan Lloyd resigned from the Board. The vacancy has been advertised and notices were posted; no letters of interest have been received. The Board acknowledged Dan's resignation and this item will be handled at a future meeting.

#16-TURN THE TOWN TEAL

Kirt Johnson has presented a request to "Turn the Town Teal", a cancer awareness campaign that will occur in September. There was some discussion concerning this event; no one was certain what this is and Kirt was absent from the meeting. No action was taken.

#17-QUARTERLY JAIL TOUR

This item was tabled.

#18-PIOCHE TOWN BOARD DECISION MAKING ABILITIES

This item concerns Pioche Town Board's (PTB) decision making abilities. Dan Hooge addressed this issue. There are two types of town entities: one with full authority that is almost like a city and the other is an advisory board. The advisory board simply advises the Commissioners, who hold the power. PTB is an advisory board. The Commissioners can delegate some power to PTB. Some of the duties that can be delegated can be anything related to water/sewer. Several years ago, during the 1980s, an ordinance was passed that granted the PTB all authority for power/sewer/water/cemetery/dump stations/street lights. When it comes to agenda Item 19, the longevity pay increase for Rita Cheeney, this item has already been delegated to PTB. If someone works for PPU, PTB has authority to set the pay. Daniel's opinion is that it is within PTB's purview to set the salaries as long as it is within their budget. PTB has the authority to approve pay increases without going through the Board of Commissioners.

#19-RITA CHEENEY PAY INCREASE

This item is discussed under Item 18 and concerns a longevity pay increase of 5% for Rita Cheeney. No action was taken as Pioche Town Board has the authority to approve pay increases.

#20-DAN MCARTHUR BILL

There is some discussion concerning the fund that will be used to pay Dan McArthur, independent auditor. The total cost is \$18,089.50, to be shared with the LC Water District and Vidler. Each will pay an amount of \$6,029.83 for a tax analysis of Lincoln Highland Development annexation. **Paul D. made a motion to approve the payment of \$6,029.83 to Dan McArthur from Fund 86 or 87; seconded by Ed. All voted in favor.**

#21-ALAMO LANDING FIELD

This item was tabled.

#22-PIOCHE PARK

Ed made a motion to approve Change Order #3 for Trade West Construction on the Pioche Park Phase II project; seconded by Paul D. All voted in favor.

#23-LINCOLN COUNTY FAIR & RODEO GROUNDS

This item was tabled.

#24-ALAMO LANDING FIELD

Ed made a motion to approve the scope of work addition to Armstrong Consultants to continue to the next phase of the contract; seconded by Paul D. All voted in favor.

#25-MUSEUM BOARD APPOINTMENT

Denice Brown has volunteered to sit on this board. **Paul D. made a motion to appoint Denice Brown to the Museum Board; seconded by Ed. All voted in favor.**

#26-LC NUCLEAR OVERSIGHT

Connie Simkins stated there has been a decision issued by the US District Court of Appeals in one of three cases related to rate payers not having to continue to pay. The Court of Appeals will retain jurisdiction and the NRC should make a determination on that request. The US DOE has released \$452 million to study light modular small nuclear reactors. NRC has renewed an operating license for a power plant in Washington state. Chinese Legislature has approved a new safety plan for nuclear power, which will allow for approval of 28 power plants under construction in China. Connie will meet with Nye County reps tomorrow to discuss how Nye

County will move forward. Nye County isn't thinking about closing activities. Connie will be taking vacation day tomorrow to speak to the Sunset Committee on behalf of the N-4 Grazing Board. 8100 Funds are used to operate the six grazing boards in NV. Connie will attend the Eastern NV Landscape Coalition meetings in Ely on Thursday. Connie will attend a related meeting on Friday. Vaughn Higbee advised that a bill has been introduced into the House of Representatives Energy and Water Development. It calls for \$25 million to continue to fund Yucca Mountain. This money will support research and development as well as activities that will be used in support of YM as it is configured now. The whole idea of this bill is to ensure that Congress, not DOE, makes the final decision about what happens to YM. There is a move to ensure that Congress is in charge of what happens to YM. Allison McFarland has been nominated as the NRC Chair; Senator Reid is in favor of this nomination. There is a great deal of opposition to Allison McFarland, who worked on the YM project. There are many people who don't feel she'd be able to vote on any issue that concerns YM.

#27 & 30-VANGUARD PEST CONTROL SERVICES/PEST CONTROL SERVICES

Cory Lytle stated that the Commissioners approved a pest control contract with Vanguard, Van Cluff, to do pest control in multiple county facilities. What's happened over the last few years is that several facilities have been added to the list. Fund 108 is paying the bill for every building being sprayed. Cory questioned if we wanted to continue as we are or if the different entities should pay for their own pest control services. Cory's main concern is that the facilities continue to be sprayed and that we figure out the easiest way to address the contract with Vanguard. Cory suggested that the contract for all buildings be approved, but the individual entities be billed by Vanguard. Fund 108 is solely for the LC Courthouse and shouldn't be used for other county buildings. There are some funds that could be used for fund transfer for services. Vanguard sprays quarterly, but if there are problems in the interim Van will come and take care of them. Paul D. stated that he believes that Pioche Town, Pioche Town Hall, Chamber of Commerce, Road Department should be billed separately. There was continued discussion concerning some of the facilities that are included in the original contract, such as buildings that aren't owned by the county. Cory believes that Alamo pays their bill for pest control. No action was taken and these items will be brought back on a future agenda.

#28-DC DAY PARK

Paul D. made a motion to approve the use of the same fund that was used for the Detention Center plumbing repairs to pay for the plumbing repairs to DC Day Park in the amount of \$1,700; seconded by Ed. All voted in favor.

#29-RIGHTS-OF-WAY

Paul D. made a motion to approve the Hiko, Rachel, Beaver Dam, Eagle Valley, Dry Valley, and Mount Wilson transfer station rights-of-way; seconded by Ed. All voted in favor.

#31-BASIN ENGINEERING CORPORATION

There was some discussion concerning the need, of lack of need, for this contract. How long is the county under the requirement to have an outside surveyor? No one knew the answer to this and we've just been going from year to year. Dawne Combs stated that the county should have someone checking other surveyor's work. She has a map right now and the surveyor will not finish the map for the applicants. Basin Engineering has been wonderful. **Paul M. made a motion to approve a change order to extend the contract with Basin Engineering Corporation for one year, to begin July 1, 2012 and expire on June 30, 2013, for county surveyor, civil engineering, and plotting of mining claims on county base maps; seconded by Paul D. All voted in favor.**

#32-GROUNDSHAKER MOTORCYCLE CLUB

This item concerns the Goundshaker Motorcycle Club Independence Hare Scramble motorcycle race to be held June 30, 2012. NDOT permits are in place and road signage will be required. **Ed made a motion to approve; seconded by Paul D. All voted in favor.**

#33-PANACA ELEMENTARY SCENIC HALF MARATHON

Maps and permits for the race are complete. **Paul M. made a motion to approve the Panaca Elementary scenic half marathon from Spring Valley to Echo Canyon State Park on June 30, 2012; seconded by Ed. All voted in favor.**

#34-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS advised that he will be attending the Eastern NV Landscape Coalition meeting on Thursday. **COMMISSIONER TOMMY ROWE** will attend another LEO meeting in Las Vegas with regards to switching the Southern NV Workforce Investment Board to a single, state board. **COMMISSIONER PAUL DONOHUE** reported that he's attended Law Enforcement negotiation meetings. Union negotiations will be held on June 11 at 10:00 a.m. Paul D. volunteered to aid with the CFOA conference.

#35-PUBLIC COMMENT

Tommy called for public comment. Connie stated that this Friday an informal group will meet in Pioche with regards to the sage grouse issue. Both the Governor and Senator Heller have formed committees concerning this issue. Connie asked the Board to consider using this informal committee to help write a letter to be submitted on June 8. This letter will be presented to the Governor's committee on June 11. Connie proffered seven points concerning the sage grouse, including what LC wants in a policy for sage grouse priority and general habitats, supporting renewable energy, access for recreation, projects to improve conservation for sage grouse habitat that have been completed or are planned, and more pinyon juniper treatments that will support biomass. The members of the information committee have voluntarily assumed this duty; Tom Rowe, Ronda Hornbeck, Tom Brown, Mike Scott, Jeremy Drew, Cory Lytle, and Connie are members of the committee. Vaughn Higbee discussed Rudy Malfabon's presentation concerning a tax on users. We are already taxed because we live in rural areas due to the fact that we have to buy so much fuel. Now there will be a conservation tax because NDOT doesn't have enough money to do the roads? Yes. That's frightening. NDOT will know where our cars have been any time we travel. Vaughn stated that NDOT knowing where we are at any given moment is a personal affront. The Farm Bureau has fought the mileage tracking issue for years but the issue continues to come back. We are being forced to conserve, so we are. Now we are going to be taxed because we've been forced to conserve. Fuel prices have changed enough that we can hardly survive. If this tax is put in place, many farmers will not be able to continue farming or transporting their product.

#36-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:36 p.m.

Attest: _____ Approve: _____

[Large handwritten signature in red ink, possibly reading "Tommy Rowe", is written over the text of the public comment section.]