



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 18, 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 9:03 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-10-12. The Invocation was offered by Ed and Paul D. the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Dawne Combs asked for an update on union negotiations. Paul D. responded that the agreement was to revert to 2011 wages, not including the additional 5%. Insurance will stay the same price, but if it goes up the employee will pay the additional amount out of their paycheck. Insurance is predicted to be \$1100 per month by 2014, not the current \$635. As of right now, insurance and contract stays the same. Negotiations for the long term contract will start in August. At will employees will stay the same, 2011-2012 wages. Denice Brown asked about the raise she received a couple of months ago that was effective July 1. Will that stay in place or will her wages be reduced? Leslie advised she granted it because she has three different signatures, a signature from Judge Cowley, and a signature from the Grants Administrator saying that she is to pay the increase. The Board didn't know the answer to Denice's question, but Paul D. stated that he believes that it will remain as it currently is. This issue will be put on a future agenda for decision.

CONSENT AGENDA

- #3 Approve/Deny minutes of July 2, 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).

Paul D. 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 \$393,259.12 with estimated expenditures being \$244,895.08. General County will have a balance of \$148,364.04. Transportation has a cash balance of \$1,904.71 with estimated expenditures being \$3,929.64. This will leave Transportation with a negative balance of \$2,024.93. Senior Nutrition has a balance of \$39,277.68 with estimated expenditures being \$10,691.01. This will leave Senior Nutrition with a balance of \$28,586.87. Detention Center has a negative cash balance of \$88,467.95 with estimated expenditures being \$94,959.31. Detention Center will have a negative balance of \$183,427.26. June's payment hasn't been received yet. Solid Waste has a cash balance of \$38,628.52 with no estimated expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$7,190.73 with estimated expenditures being \$311.10. Airport will have a balance of \$6,879.63. Airport loan was due 6-30-12 in the amount of \$6,000, and Leslie will be paying that back at the end of the month. Planning has a balance of \$27,409.79 with expenditures being \$2,789.30. Planning will have a balance of \$24,620.49. **Paul D. made a motion to approve the vouchers as presented with the exception of LCTS vouchers; seconded by Kevin.**

All voted in favor. Ed made a motion to approve the Mountain Merc vouchers; seconded by Paul D. Kevin disclosed that he is part owner of Mountain Merc; he abstained from the discussion and vote pertaining to these bills. Motion carried. Ed made a motion to approve the vouchers for LCTS; seconded by Kevin. Paul D. abstained as he is an employee of LCTS. Motion carried.

#6-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge discussed the collective bargaining agreements. One of the things proposed for the Sheriff's Association was Holiday Pay, they would receive four holidays off. One of the holidays was July 4, which has now passed and this creates an odd situation. When time sheets are turned in there may be an issue with them. The latest is that the SA was going to give up one of four holidays; since contracts haven't been finalized no one is certain what they will put in for. Paul D. stated that he doesn't believe the Board agreed to the non-holiday. SA has already met, voted, and approved the holidays. Daniel continues to wait for proposed language from Dave of Teamsters. Recology has requested the maximum 12% increase. The Board needs to decide how much they will raise the rates; it must be between 6-12%. HCI, Hardy Construction, did the parks in Caliente. Sunrise Engineering, the County, Caliente met with Hardy dozens of times and several change orders were signed. Every time a change order was signed, Hardy was explicitly advised that they would only be paid what the contract stated and that they would have to be done within the same time period. Hardy said it was fine every time and that they could do it. Hardy is finished and they've been paid everything that the contract required. Now they've filed a request for arbitration as they feel they should've been paid more. Daniel has written a response to them and advised that he doesn't feel arbitration applies. Daniel's responded that they aren't entitled to arbitration as we've paid them everything that was due them in the contract. If they're arguing that the contract doesn't apply, then they have no right to arbitration. Unless they have some specific term they feel we've violated, it shouldn't go to arbitration. If they believe we've violated something specific, then we can go to arbitration. Daniel doesn't think it's a good idea to go to arbitration. They knew how much was in the grant and they are now requesting over \$500,000. If this goes to arbitration, both parties have to agree to the arbitrator. Most likely we would pull a licensed arbitrator from Clark County. Daniel guesses that a motion will be filed in district court; it would force the county to go to arbitration if the judge decides it fits within the arbitration clause. Cory Lytle stated that Hardy Construction underbid this job by a huge amount, they basically went in the hole and they want it paid back. Sunrise has all the necessary documentation if this goes to court. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever commented that we've had flash flooding in the county due to the rain. Hwy. 93 was closed on 7-12 for about 4.5 hours. There are problems that have arisen again as another flash flood came through yesterday. A single lane is open and it will probably remain single lane until tomorrow. NDOT has hired a contractor to do a safety survey of US 93. They are looking at particular sections of highway where they've had accidents, especially MM25-29 and MM 94-95. The survey will be done July 31st and there will be an afternoon meeting and tour. **BUILDING/PLANNING COORDINATOR** Cory Lytle discussed the business plan meeting with BLM today. Revisions to the plan have been drafted and returned to BLM. Cory will provide copies of the Roads Inventory Maintenance Plan for the Board members. Phase I is complete. This is similar to the NDOT categorization, except that our best roads are "A" roads and worst are "K" roads. Cory will present the maps to residents of the county that have lived here for a long time. There is a great deal of information that Cory will be including in the database, including coordinates. The types of roads are being numbered and broken into segments. Airport has had some sewer issues; Cory is working on this and the airport manager needs a new septic system.

#7-HIGHWAY COMMISSION

This item was handled under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#9-GRANTS

Rick Stever advised that the money has been approved; he's received confirmation from the state. The funding will be available the end of this week. Rick asked for approval of this item as the radio technician wants reimbursement for funds he's already spent. The reimbursement request was made three weeks ago, and even if this is approved he won't be paid for another two weeks. This is similar to a payday loan; it's a contingency measure. **Paul D. made a motion to approve the loan to Emergency Management in the amount of**

\$106,000 for radio technology, to be reimbursed when grant monies arrive; seconded by Kevin. All voted in favor.

#10-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#11-LINCOLN COUNTY LIQUOR BOARD

This item was tabled.

#12-GRANTS

It is estimated that reimbursement from the state will take about 60 days. The funds are in place and this is a reduction from the original grant. This grant is going to be used to replace laptops. **Ed made a motion to approve the loan to Sheriff's Office in the amount of \$59,766.70 for Spillman Mobile Upgrade from Fund 012, to be reimbursed when grant funds come in; seconded by Kevin. All voted in favor.**

#13-MEDIUM TERM OBLIGATION

Jason Bleak addressed the Board and discussed the hospital's need for a CT Imaging Machine. **Paul D. made a motion to approve the resolution authorizing a medium-term obligation by the Lincoln County Hospital District, dba Grover C. Diels Medical Center, in the amount of \$209,000 for 10 years at a fixed interest rate of .0016% for the purchase of a Computed Tomography (CT) machine; seconded by Ed. All voted in favor.**

#14-4-H YOUTH GARDENING CLUB

Holly Gatzke addressed the Board and discussed the gardening club. The majority of the kids are between 5-10 years old. Holly stated she only needs \$450 as Dr. Mike Baughman from Intertech Services Corp. has donated \$500. The money is going to be used to keep a young man employed who helps care for the gardens. **Ed made a motion to approve the payment of \$450 to the 4-H youth gardening club from Fund 72; seconded by Kevin. All voted in favor.**

#15-RESOLUTION #2012-17

This item concerns a resolution of the Board of Lincoln County Commissioners asking the Congress of the United States to amend the Lincoln County Land Act and the Lincoln County Conservation, Recreation, and Development Act to expand the allowable uses by Lincoln County and the Bureau of Land Management of land sale proceeds. Dr. Mike Baughman presented the resolution to the Board and reviewed it. Tommy asked if some of the roads that have been closed by accident should be added to this amendment. Mike responded that the roads were closed administratively; they should've been cherry stemmed and they weren't. Including these roads may muddy the waters. Because they were closed administratively, the first step would be to go through the administrative process and get the closure undone. The more controversial the things are that are included will end up creating more issues. The road issues weren't raised verbally in the visits that were made with the delegation. Paul D. stated that he doesn't believe the LC Water District has formally approved asking Congress to reimburse LCWD \$998,319.53 yet it is part of the resolution. Paul D. further stated that he doesn't remember the LCWD ever talking about this. The amount previously requested by LCWD was only cost recovery. A proposed, revised MOA was presented to Amy Leuters, and this is where the total calculation for cost recovery and contributed funds for the EIS contractor. Mike responded that, in fact, LCWD representatives have requested the reimbursement of \$998,139.53. Paul D. isn't comfortable with the resolution as he feels it is to benefit LCWD and Vidler. Mike commented that the resolution is multi-faceted and includes the county and HCP as well. Kevin stated that it was the Board that proffered both generations of land acts. This resolution is the first formal summarizing attempt to put in writing the proposals that have been verbally expressed that make modifications to the land acts. **Kevin made a motion to approve the resolution to formalize the language and seek the amendments to the act proposed and passed on behalf of LC; seconded by Ed. Paul D. stated he agrees with the principle, but not with how this came about. Paul D. is opposed. Motion carries.**

#16-GRANT

Paul D. made a motion to approve and sign the Community Development Block Grant Certification letters; seconded by Ed. All voted in favor.

#17-GRANTS

Paul D. made a motion to approve and sign the Community Development Block Grant Notice of Grant Award for the Rural Nevada Development Block Corporation Housing Rehabilitation grant; seconded by Ed. All voted in favor.

#18-GRANTS

Ed made a motion to approve and sign the Community Development Block Grant Notice of Grant Award for the Pahrnagat Valley Senior Center improvements grant; seconded by Paul D. All voted in favor.

#19-RETIRED/SENIOR VOLUNTEER PROGRAM

This item concerns the retired and senior volunteer program contribution in the amount of \$15,000. The county has historical made this donation on an annual basis. It is used to put in phone lines and have respite care come in. **Ed made a motion to approve and pay RSVP from PILT Grant Match, Fund 012; seconded by Paul D. All voted in favor.**

#20-TAX DEED SALE

Treasurer Shawn Frehner presented discussion concerning a tax deed sale. Would the purchaser of the property receive clear title? DA Daniel Hooge commented that in NV the tax deed is whatever priority the county has. All taxes get first priority. When someone buys the deed at tax sale they get first priority. Often, a mortgage company will come and pay the taxes prior to sale. Everything before first priority is gone. The Board asked if some of the entities on the tax list can be left out. Daniel stated that criteria can be set up that would decide what parcels get sold, but the Board can't cherry pick. Cory Lytle mentioned that BLM land sales will be released and he doesn't want to flood the market. The county has three options: lease the property, give the property away to another governmental entity, or sell it. The people on the list aren't someone that has just had a difficult year; these people haven't paid for three years. The first step will be a title search; costs for this will be added to initial bid costs. **Paul D. made a motion to move forward with the sale (the sale will be February 15, 2013); seconded by Kevin. Ed abstained. Motion carried.**

#21-COMMISSIONER REPORTS

COMMISSIONER TOMMY ROWE stated that the Southern NV Workforce Investment Board continues to disagree with the state over taking over the board. Tommy attended several of the fires; his services were contracted to BLM. **COMMISSIONER ED HIGBEE** stated that Sierra Club is going after the grazers in the western US. Ed will be attending a tour tomorrow in Area 3 to see the dump site for low level nuclear waste. **COMMISSIONER PAUL DONOHUE** attended the RTC meeting last week. An update on the contract for road identification was received from Sunrise Engineering. Sidewalks are being redone in Panaca. There is a fair board meeting on 7-18 in Panaca. The fair is coming up shortly and the plumbing for the restrooms isn't complete. Air condition/heating isn't finished either.

#22-PUBLIC COMMENT

Tommy called for public comment. Daniel advised he's on the Panaca Pioneer Day committee; festivities are this weekend and he said parade floats are still needed. Daniel invited everyone to attend.

#23-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 11:52 a.m.

Attest: _____ Approve: _____