



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 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 9:03 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-31-12. The Invocation was offered by Paul M. and Paul D. the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of July 16, 2012 meetings.
- #4 Approve a tax strike on APN 13-160-32 for \$131.87, Grant Wilshire, LLC, no improvements on parcel.
- #5 Approve a tax strike on APN 1-240-50, John S. Henderson, \$469 assessed. Assessor/Treasurer will bill MH1117 as unsecured because it belongs to Bill Fernandez.
- #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).

Kevin made a motion to approve the consent agenda; 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 \$196,410.39 with estimated expenditures being \$198,621.38. The \$6,000 transfer will be done prior to the next meeting. General County will have a balance of \$96,428.92. Transportation has a cash balance of \$29,830.57 with estimated expenditures being \$4,182.00. This will leave Transportation with a balance of \$25,648.57. Senior Nutrition has a balance of \$41,363.17 with estimated expenditures being \$12,704.60. This will leave Senior Nutrition with a balance of \$28,658.57. Detention Center has a negative cash balance of \$27,689.29 with estimated expenditures being \$91,663.16. Detention Center will have a negative balance of \$119,352.45. Solid Waste has a cash balance of \$40,745.19 with estimated expenditures being \$21,161.37. Solid Waste will have a balance of \$19,583.82. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$8,023.13 with estimated expenditures being \$58.02. Airport will have a balance of \$1,965.11 after it pays back the \$6,000 loan. Planning has a balance of \$25,235.19 with expenditures being \$8,454.72. Planning will have a balance of \$16,780.47. **Ed made a motion to approve the vouchers as presented with the exception of Mountain Merc and LCTS vouchers; seconded by Kevin. 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 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.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

HCP COORDINATOR Ronda Hornbeck stated that when the flood occurred in Caliente a few weeks ago it only bent the willows over. Only a few were lost. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever reported that July 25 there was a HazMAT incident north of Pioche. A tanker truck with hot asphalt mix wrecked and spilled the asphalt. Cleanup started immediately and it didn't run very far. Cleanup was completed by August 1. There was a traffic safety meeting on July 31 that Rick attended. There was a train derailment on August 4 that involved hazardous material. The railroad is handling this incident. **TREASURER** Shawn Frehner reported that she is updating the web page extensively, and secure taxes are included. Anyone in the county can look at this information, including how much an individual owes on taxes. **DISTRICT ATTORNEY** Daniel Hooge advised that a complaint from Hardy Construction has been received; they're asking a judge to force us into arbitration. It isn't a complaint for any certain sum, it simply asks that we are forced into arbitration. Their claim is that we exerted pressure on them and they signed something they shouldn't have. Daniel stated that salaries/wages are included in the newspaper and we actually need to put both what we spend and what we receive in the newspaper. It is the responsibility of the Board to make these publications; the Treasurer is willing to provide the needed information to the Board members. Everything received quarterly is to be published. **GRANTS ADMINISTRATOR** Elaine Zimmerman advised that Jeff Wilbanks of SNPLMA division came to inspect projects that are closing. Elaine has the Logan Simpson contract for Echo. Elaine has a USDA grant and loan package for Panaca Fire District that required some modifications. PFD's CCR expired and the grant has been transferred to LC's name/number. Elaine advised that the grants administration policy specifically states that all grant request come through her office. There was some discussion concerning the LaCour Street sewer project.

#9-HIGHWAY COMMISSION

This item was handled under separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#11-LINCOLN COUNTY LIQUOR BOARD

This item was tabled.

#12-SOLID WASTE RATE INCREASE

Paul D. made a motion to approve the 6% increase for Recology and to increase the waste collection fees assessed to the residents of the county accordingly; seconded by Ed. All voted in favor.

#13-CONTRACT BETWEEN LC/CLARK COUNTY

The only change is that the cost increased from \$70 to \$74 per inmate. **Kevin made a motion to approve the contract for inmate housing between LC and Clark County; seconded by Paul M. All voted in favor.**

#14-COLLECTIVE BARGAINING AGREEMENTS

This item concerns the Collective Bargaining Agreements between Lincoln County and the Teamster Local 14 clerical, dispatchers, and Road Department unions. A negotiating team comprised of Kevin, Paul D., and Paul M. were set up and attended the meetings. This is a one year extension and all pay increases are frozen. Teamsters Local 14 has agreed to keep the insurance premiums frozen at the current amounts for the one year term. Teamsters originally wanted to increase it to \$750, which would've cost the county an additional \$112,000. Paul D. stated he is grateful that they were willing to leave it at that rate. The progression chart shows that the insurance will be at \$1100 per person within three years. Paul D. said negotiations to address issues in the contract will begin this month, including longevity and step increases. The agreement says that there will be no layoffs, except in an emergency situation. Paul D. advised that this needs to be taken out as it shouldn't be part of the contract. Everyone agreed that a no-layoff clause wouldn't be included. Paul M. agreed with Paul D. that the clause needs to be removed. The county couldn't agree to a no layoff clause due to how tightly we are budgeted. **Ed made a motion to approve the agreements subject to the removal of the no layoffs clause, paragraph 5; seconded by Paul D.** Treasurer Shawn Frehner asked how our budgets will be handled since a 5% reduction was included in the salaries category. The paychecks will be written without reductions, but augmentations can take place if needed. **All voted in favor.**

#15-LAW ENFORCEMENT COLLECTIVE BARGAINING AGREEMENT

This item concerns the collective bargaining unit agreement between LC and LC Law Enforcement Association. Daniel reviewed the terms. This is a two year agreement. Longevity will be split into two classes; anyone hired after 7-1-2012 will receive longevity after their last step increase. Anyone hired before that receives longevity at the same time as the step increase. Longevity will be frozen for the first year of the extension. The second year longevity will be paid. No step increases will be paid the first year, but they will be paid the second year. The employees will receive pay for seven holidays versus the standard 11 days, and they will receive 32 hours of annual leave. The second year, all normal holidays will be in place. During the first year, employees will receive a partial uniform/equipment allowance of \$550. There will be no physical agility pay during the first year. If there is an emergency situation the agreement will be reopened. **Paul D. made a motion to approve the agreement; seconded by Paul M. All voted in favor.**

#16-WESTERN CORRECTIONS GROUP

This item was tabled.

#17-MEMORANDUM OF UNDERSTANDING WITH BUREAU OF LAND MANAGEMENT

This MOU pertains to sage grouse. **Paul D. made a motion to approve the MOU with Bureau of Land Management (BLM) to become a cooperating agency; seconded by Ed. All voted in favor.**

#18-REQUEST OF FUNDS FROM BUREAU OF LAND MANAGEMENT

Ronda Hornbeck presented a letter to the Bureau of Land Management (BLM) requesting funding from the disposition of proceeds from the LC Land Act (LCLA) and the LC Conservation, Recreation, & Development Act (LCCRDA). The letter addresses how the 10% of land sales money that the county received has been used. The letter also discussed the Habitat Conservation Plan (HCP). LC Water District has expended both time and funds on rights-of-way (ROW) into the land areas. The ROWs could be paid for. The HCP and costs to keep the office running are discussed as well. The county has done its part with regards to law enforcement. Sheriff Kerry Lee discussed the law enforcement position that is currently covered by SNPLMA. The letter requests that when the SNPLMA law enforcement officer funding goes away it then be funded through LCLA/LCCRDA monies. Cory Lytle stated that he originally scaled back some of their requested costs for Building/Planning office. The extra time and effort needed by Building/Planning Office as growth expansion moves forward is a concern. Cost estimates for operations are included in the requests in the amount of \$380,000 for four years. Public lands will be put in private hands, this is the bottom line. Bevan Lister stated the funding for the BLM law enforcement officer should come from internal funds, not land act funds. Ronda responded that in LCLA, section 5, it discusses the authorizations for using the funds. BLM has presented this to their solicitor to make certain that this money can be used for enforcement; it can. The gist of this letter is to allow the county to be involved in the process of spending the \$47 million from the land sale. **Paul M. made a motion to approve the letter; seconded by Kevin. All voted in favor.**

#19-LC LAND ACT/LC CONSERVATION, RECREATION, & DEVELOPMENT ACT

This item was tabled.

#20-SILVER STATE TRAILBLAZERS

Paul D. made a motion to approve the Silver State Trailblazers AMA National Hair and Hound Race on September 8, 2012; seconded by Kevin. All voted in favor.

#21-SILVER STATE TRAILBLAZERS

Ed made a motion to approve the Silver State Trailblazers use of Lincoln County Fairgrounds on September 7-8; seconded by Kevin. All voted in favor.

#22-LINCOLN COUNTY TRAVEL MANAGEMENT ROADS INVENTORY & MAINTENANCE PLAN

There is some discussion about repetitive work with regards to the roads inventory. JCCIAC is funding this project. They are still working on naming, numbering, and mapping roads. Grants Administrator Elaine Zimmerman asked if this can be incorporated with the work that Jason Pitts is doing on the addressing system. No; they are separate projects. The GIS files for this project will eventually be included in our system. Bevan

Lister asked if the agreement with Sunrise allows that the county is the owner of all the data and documentation. Yes; the county will have copies of everything as well as ownership. Paul D. asked how this corresponds with what Sunrise is doing with RTC, who is doing capital improvement planning. In the future, this project will provide road lengths. Cory advised that this project includes town roads. Paul D. said this is double dipping as RTC is already doing this type of work through the same company. Paul D. asked that Cory make certain that we aren't paying for the same project twice. We need to ensure that the projects are two completely separate things. RTC budgeted \$60,000 for a roads project with Sunrise. Paul D. stated we need to make sure that the projects are two completely separate projects. Paul D. is in favor of the projects, just wants to make certain we aren't paying for it twice. **Paul M. made a motion to approve the contract with Sunrise Engineering for the Lincoln County Travel Management Roads Inventory and Maintenance Plan Phase II; seconded by Ed. Kevin disclosed that his son is a principle engineer with Sunrise; he abstained from the discussion and vote. Motion carried.**

#23-HELPING AMERICA

Sugarcube Productions is interested in filming "Helping America" in LC. This film will help promote tourism and the building of needed things. The hosts will interview locals of Pioche and film various areas of the county. **Paul D. made a motion to approve the filming of Helping America; seconded by Ed. All voted in favor.**

#24-LACOUR STREET SEWER PROJECT IN PIOCHE

Paul D. made a motion to approve and sign Change Order #1 for Leslie & Associates to include surveying and inspection services; seconded by Ed. Bevan Lister asked if the county will get As Builts. Yes. **All voted in favor.**

#25-ALAMO LANDING FIELD

Changes continue to be made to this application. All of the bids were over so some of the intended items had to be revised. There is no contract to sign at this time. **Ed made a motion to sign the revised grant application; seconded by Paul D. All voted in favor.**

#26-ALAMO LANDING FIELD

No action was taken.

#27-LC NUCLEAR OVERSIGHT

Vaughn Higbee addressed the Board and stated that it looks like we will not have a federal budget, we'll be operating on a continuing resolution. The appeals court postponed making a ruling; NRC was required to appear before them and will be required to do so again on December 14. \$15 billion has been spent on Yucca Mountain and about \$9.5 was collected from rate payers. Connie Simkins discussed the NRC decision; the issue was that the NRC ruled that they didn't have the money to finish the license review. 8-21 the NV Committee for High Level Nuclear Waste will meet; Connie will be there. 7-19 Connie went to YM and brought back office furniture for several different county departments. E911 continues to move forward. Connie has been working with Sheriff and Rick Stever on school safety; they've purchased booklets that will help the teachers respond to terrorist threats, shootings, chemical release, or any other incident that will cause need to keep the kids safe. Superintendent Holton has safety personnel located in both Alamo and Panaca. Connie will attend the school board meeting on 8-9 to provide the booklets to members as well as internet access. The states of Arkansas and Pennsylvania have sent resolutions to Congress saying they either want an interim storage facility built now or they want their money refunded immediately. The solar EIS final has been released. 61 pages are included in the executive summary and it is very lengthy. Dr. Baughman, Connie and Jeremy Drew are reviewing it and they will present it on August 20 for consideration of protest and comments letters since they didn't listen to us. During the EIS it was determined that certain areas were not suitable for further solar development; those areas were left in the final document as proposed variance areas. The BLM and DOE are having a meeting on 8-29 & 30 to plan a pilot project solar energy zone on Dry Lake in Clark County; Connie and Jeremy Drew will attend. The NRC has come out with new regulations called Modern Regulations; UT has questions about this as it will allow more hazardous materials to be placed in there site near Toole. BLM has come out with a final EIS on SNWA pipeline project; it gives SNWA the go-ahead and Connie expects extensive lawsuits.

#28-ENERGY COMMUNITIES ALLIANCE

ECA will reimburse for two of the gentlemen to go. **Paul D. made a motion to approve Kevin Phillips, Vaughn Higbee, and Ed Higbee attendance at Energy Communities Alliance Peer Exchange in Los Alamos, NM on August 15-17; seconded by Paul M. All voted in favor.**

#29-COMMISSIONERS REPORTS

COMMISSIONER PAUL MATHEWS commented that he's had a couple of insurance brokers contact him concerning health insurance in the county. Paul M. asked that another Commissioner attend meetings with him to see what is happening in the insurance world. Paul M. doesn't want anyone to panic, thinking that the Board is shopping for new insurance. It is the gathering of information only. Paul M. has told both insurance companies that we are currently locked into contracts with our current insurance providers. Kevin offered to attend these meetings with Paul M., who will set them up. **COMMISSIONER KEVIN PHILLIPS** offered remarks to RPEN members on 7-21 concerning the solid waste issue in LC. 8-1 Kevin and Ed met with Ashley Hall & Associates with regards to possessory use taxes. LC has been assigned a contact person within the US Air Force to continue the dialogue. Kevin believes the amount of value exceeds that we are being told by the Air Force. **COMMISSIONER TOMMY ROWE** attended the indigent accident fund board meeting on 7-24. Tommy attended a NACO board meeting in Ely on 7-27. This Friday there is a Tri-County meeting in Pioche. The LC Technology kickoff meeting will be at 1:30 at City Hall in Caliente this Friday as well. **COMMISSIONER ED HIGBEE** attended a RAC meeting on 7-18 & 19 in Ely. Ed toured Madeline Pickens' mustang ranch. 7-30 Ed attended LC Regional Development meeting in Caliente. We are the lowest paid per household in the state. There have been several fires in the Alamo area. Ed wants to move on the public lands committee and suggested that it might be possible to get funding from BLM to get it going. Ed was called by John Carpenter about a week about with regards to putting together a coalition. Vaughn Higbee will be on the coalition and a resolution will be considered on the next agenda to help us fight off the money grab by the big counties. Vaughn Higbee addressed the Board. LC no longer has an outreach program for the community. We are the only county in the state that doesn't have one. This is because of our situation in being linked to Community College of Southern NV, which has withdrawn all funding for an outreach program. Pete Goichachea said the only way we'll get funded is to get a line item in the Governor's budget. If we can become associated with Great Basin Community College we'll be better off. They want a resolution from each county commission. The original funding came from funding Legislature appropriated separately and gave to the colleges to use for outreach. Much of this funding was pulled into the colleges, little by little, and used for other things. When you get into the outlying areas there are no options for education/outreach. All the funding has been lost for outreach and this will be an attempt to regain some of it. This resolution will work towards getting the Governor's attention. Legislature would work to fund it, if it becomes a line item. In rural areas, time and distance are things that cost more money; the state has always recognized this and given extra funding to the rural areas. The university system now wants to base the formula on number of graduates. We don't have the numbers and have fought that for many years. We have higher percentages of people using the system but we don't have the numbers. This committee has been formed to create a mechanism to build a rural formula. They know we have no service whatsoever. This committee is willing to go to bat for us. If we are ever going to get back to where we need to be, this is the mechanism to do it. It will help us move into the Great Basin Community College network. Community colleges focus on two year programs to put people to work. Every kid should go out of high school with one year certification in something so that they can go out and earn their way through college. Paul M. asked if a facility would help, if the county offered a facility for them to work out of. They told us to make a list of things we want so they can incorporate them. Agreements with the high schools are needed, but we also have a facility that can be used as a base. Vaughn intends to meet with school administrators within the next few weeks. What do we need in LC to make us school viable? The other thing is, LC will have to support them. Once the resolution is obtained, they will approach the Board of Regents to ask that they support a rural funding source. Paul M. feels the old Panaca Elementary School would be a good place to locate this facility. Many of the people that need the service require personal interaction to make things happen. If there was a center where people could obtain the advice and counseling needed it would be used. With the type of internet connection we have in LC it is possible to be connected to nearly any school that has an outreach program. Paul M. suggested that monies be funneled to create a position as he described, someone that can help students hands on. Vaughn asked that the Board members send their ideas to him for inclusion in the resolution. Tommy suggested that Caliente come up with a resolution like this as well. The whole idea is to get the Governor's attention. Ed discussed the registration fee for OHV that must be registered

with DMV. Ed suggests we write a letter to the Sheriff and ask him to ignore the registration requirement and not give tickets. Our AG picks what will be enforced, why can't the Board? Tommy asked the Assessor's Office how to register; they weren't sure and referred him to the State. **COMMISSIONER PAUL DONOHUE** met with the Fair Board and Room Tax Commission; they are getting ready for the fair this weekend. Paul D. discussed the LaCour Street in Pioche issue. Paul D. will attend an RTC meeting tonight to see if there is more funding to cover the costs of redoing the street. The contractor told Pioche Town it would be cheaper for PPU if they could borrow a blade. Paul D. wasn't comfortable letting a contractor use a county blade, so he talked to Steve Chouquer about it. Steve and Shane Cheeney were more than happy to help and worked on the project. Now, since they worked on the project, they must be paid prevailing wage. Glennon Zelch stated that PPU will pay for it, regardless of what it costs.

#30-PUBLIC COMMENT

Tommy called for public comment. Cory Lytle advised that there has been a great deal of public outcry about using personal aircraft to hunt big game; it's prevalent in Area 24. There is a game board meeting here at the courthouse tomorrow night and input will be provided. An ordinance against flying personal aircraft for this purpose will be proposed. They are going to take this same issue before the State Game Commission. Bevan Lister proffered an update on the sage grouse situation. Governor's task force completed their duties and they've submitted their report to the Governor for consideration. Bevan assured the Board that the committee members had great concern for the sage grouse. Bevan is comfortable with the recommendations and strategies submitted to the Governor. Bevan reviewed the recommendations for the Board members. About 1/3 of the state is encompassed in sage grouse management areas. Within those management areas, they defined occupied habitat. This is the part of the landscape that will have minimal disturbance and maximum restrictions for industry; the footprint is very small. The majority of the management area is termed "potential" habitat. These areas will be open for mitigation for projects that might affect habitat areas. There is a section of the management areas that is termed "non habitat". Within the occupied habitat, there is a 5% per square mile for 640 acre slot for restriction on disturbance. If the project will be greater than 32 acres it will be submitted to a state technical team for review. The overall approach is to avoid, minimize, and mitigate. The large part of the ground work will be done within local area working groups. These groups will work under our conservation districts. Bevan asked the Board to look through the recommendations. Bevan feels a letter of support or resolution from the county would be beneficial. Bevan asked that this include that the Governor's office push for this strategy be put in place for interim management plan for BLM and that it be listed as the preferred alternative as they move forward.

#31-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 2:25 p.m.

Attest: _____ Approve: _____