



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 3, 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 9:04 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 11-27-12. The Invocation was offered by Paul M. and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Phyllis Robistow, Airport Board Member, updated the Board concerning LC's two airports. There is a weed problem; they are looking to purchase weed killer and have it spread by Tri-County Weed. They will also be doing a controlled burn and Phyllis has spoken with Panaca's fire chief. The mix in the asphalt at Alamo Airport had oddities in it and clay bits are popping like popcorn when it rains. This is an engineering and contractor problem. This issue will be returned to the FAA and their attorneys will work it out. Airport Board will write a letter to FAA explaining the problem as well as proposing a resolution. Las Vegas Paving has admitted to the problem and they're aware of the issue. Connie Simkins stated that she has been involved with County Commissions for 33 years; she's never served with someone more ethically intended than Tommy Rowe. Connie thanked him for his service. Connie asked if the Board has made a decision about the employee retirement buyouts. If a decision hasn't been made, when will they make the decision? Tommy responded that the Board hasn't seriously considered it. Paul M. commented that the committee has collected a great deal of information. This issue will be on the next Commissioners' agenda. Dave Luttrell, LC Power District, updated the Board on LCPD's activities. LCPD is making great progress while holding the line on the rates. LCPD has the lowest rates in the state. LCPD has increased communications with customers through publications and internet sites. Another 11 miles of the main transmission line rebuild into LC have been completed. A hot arm transmission has been completed in Lake Valley and this will hopefully eliminate the outages they've been experiencing in this area. They are mapping the entire pole system as well as testing the poles; those testing as bad or dangerous will be changed out. Coyote Springs' work has been completed and seven meters have been connected that produce revenue to the system. Jim Wilkin, President, is terming out at the end of this month. Ed Wright will join the board. A complete safety review was done this year to improve safety performance. There was only one injury this year that required medical attention. Due to the safety improvements that have been made this year, insurance rates will go down. 2013 will be every bit as busy, and the line serving Pioche will be rebuilt during April-May.

CONSENT AGENDA

- #3 Approve/Deny minutes of the November 13 and November 19 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 \$617,919.17 with estimated expenditures being \$159,329.22. General County will have a balance of \$458,589.95. Transportation has a cash balance of \$201,875.56 with estimated expenditures being \$4,804.40. This will leave Transportation with a balance of \$197,071.16. Senior Nutrition has a balance of \$81,709.68 with estimated expenditures being \$9,699.37. This will leave Senior Nutrition with a balance of \$72,010.31. Detention Center has a negative cash balance of \$106,275.72 with estimated expenditures being \$92,032.96. Detention Center will have a negative balance of \$198,308.68. Payments for October and November haven't been received as of yet. Solid Waste has a cash balance of \$33,706.89 with estimated expenditures being \$24,970.41. Solid Waste will have a balance of \$8,736.48. Bills will be sent out the first part of January. Leslie will not have the funds to cover January's bill. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$2,501.19 with no expenditures. Planning has a balance of \$2,614.38 with expenditures being \$2,121.78. Planning will have a balance of \$492.60. There was a voucher for Pearson Bros. Construction for \$45,300; Leslie is denying the voucher due to the fact that they didn't follow the bidding process as required by statute and county policy. The work was for car port structures in Alamo. Daniel stated he spoke with Judge Holton and there is some confusion. The car port was paid for by AA fees. In the past, there was confusion about who controls the AA fees. Turns out, the expenditure of these fees is at the discretion of the courts. However, they are still required to follow the bidding process. Daniel recommended that it be paid, in spite of being handled incorrectly. Leslie advised that there was a voucher submitted for Burt Rudder, \$12,113.53. Leslie has spoken with Grants and DA's office and she's been advised not to pay the bill as presented. The consequences of paying this bill are a gross misdemeanor. The statute says the Board shall not pay anything that is in violation of the statute. If someone is on a board they can't hire anyone within the third degree of consanguinity. Since Wendy Rudder is on the Board, the county can't pay her husband Burt as it is a crime. Daniel recommended that the Board not pay this voucher. Ed stated the reason this work was done as they'd received word from FAA, who advised them that these were all things the airport managers (Wendy and Burt Rudder) can do. FAA follows federal law and the conflict comes via state law. There are items in the bill that should be paid, including payment to Jim Wilkin. It is possible to pay reimbursement if Burt provides actual receipts. The labor is the only thing that can't be paid, pursuant to the law. Scholzen, Wilkin, and Rockscape will be reimbursed and voted on at the next meeting. **Paul D. made a motion to approve the vouchers as presented (including the voucher for Pearson Brothers Construction for the work done on the Alamo Annex) with the exception of the LCTS; seconded by Kevin. All voted in favor. Kevin made a motion to approve the vouchers for LCTS; seconded by Paul M. Paul D. abstained as he is an employee. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner advised they are getting ready to bill for landfill. Shawn presented a list to the Board members for review. The full amount is \$189 for next year. Landfill is billed per home owner. Shawn stated that Tony Graf paid the taxes for a patented mining claim. Since that time, after completion of the title search and further investigation, it has been discovered that the property isn't a patented mining claim. Assessor Melanie McBride, DA Daniel Hooge, and Shawn have decided the property was incorrectly deeded to Tony. The money will be refunded to Tony and the prior owners have until the end of the month to pay the taxes. Shawn believes the prior owners intend to make the payment. Property procedure for a mine was followed, but the property is regular property with mines on it and is categorized differently. Shawn stated that there will be a Christmas luncheon on 12-17. Shawn has been in contact with Clark County as they are having a tax auction this week; Shawn will attend to view the procedure. **DISTRICT ATTORNEY** Daniel Hooge stated there are some outstanding garbage bills that need to be collected; these will be handled after the holidays and letters will be sent. Small claims lawsuits will be filed against those that are 3 or more years overdue. There was some discussion by Board members concerning the inclusion of the landfill costs on the tax bills. **GRANTS ADMINISTRATOR** Elaine Zimmerman advised that CDBG meetings will commence and she will be gone quite a bit as she is on the selection committee. **PLANNING DEPARTMENT DIRECTOR** Cory Lytle is working on RPP mapping for some of the towns. Mesa Vista is starting preliminary work with a development agreement in Toquop. Cory will be presenting fee revisions at a future meeting. The Building Department is steady and the Transportation Plan is nearly complete. Committees will be formed and maps finalized in the next few months. Cory believes the entire GIS program can be looked at and options will be reviewed during the budget cycle.

#7-HIGHWAY COMMISSION

This item was handled under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#9-COYOTE SPRINGS GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#10-BUDGET TRANSFER

Paul D. made a motion to approve the resolution to transfer funds in the Southeastern Lincoln County Habitat Conservation Plan District Fund for the 2012-2013 fiscal year; seconded by Kevin. All voted in favor.

#11-ATTORNEY GENERAL PROSECUTION

District Attorney Daniel Hooge presented a request to have the Attorney General's Office investigate and prosecute a conflict case involving Wendy Rudder. This is not a new case; the AG contacted Daniel a couple of weeks ago. One case has already been prosecuted, a second one investigated, and they're now ready to prosecute the second case but they've noticed that the resolution didn't mention Wendy Rudder's name specifically. This case involves misappropriation of funds in a case involving a ward of the county. At the time, Mr. Barlow was the public guardian and Wendy was acting at the deputy public guardian. **Kevin made a motion to approve the request; seconded by Paul M.** The county is in no way saying that they believe in the guilt of this individual, that's up to a jury. When this Board signed the original resolution there were two separate investigations that applied. The case handled by Judge Holton last year was the first part; this one, the investigation has just taken longer. This time, the AG prefers to have Wendy Rudder's name specifically on there. **Ed abstained. Motion carried.**

#12-GRANTS

Paul D. made a motion to approve the use of an additional amount of funds from Federal In Lieu for the Senior Nutrition vehicle match, not to exceed \$4,000; seconded by Ed. All voted in favor.

#13-COMMUNITY DEVELOPMENT BLOCK GRANT

Paul D. made a motion to approve the signing of the Community Development Block Grant Level of Environmental Review Determination for the Pahrnatagat Valley Senior Center improvement project; seconded by Ed. All voted in favor.

#14-NEVADA DEPARTMENT OF HEALTH DIVISION, ENVIRONMENTAL HEALTH

Chuck Stahl and Mary Wherry, Nevada Department of Health Division, Environmental Health, reviewed services that are being rendered to the county. Mary discussed the budget for mental and public health for the next biennium. Nicole Rowe is LC's new public health nurse, WIC program director, and school nurse. Karen Collis, Nicole's supervisor, was present at the meeting as well as Joe Pollock, who proffered facts on restaurant and other environmental health services. Nicole addressed the Board and presented a flyer outlining the services provided by the clinic. Nicole has experienced an increase in TB services as well as direct observation services. Nicole will receive training in STD services. Since September, 7 families have enrolled in WIC. Services in LC include: vaccines for children, well-child exams, WIC hemoglobins, fluoride varnish, cervical/breast cancer screening, mammogram and WIC referrals, STD/HIV testing, counseling and education, reproductive health, testicular exams, vasectomy referrals, family planning, tuberculosis screening, case management, and treatment. Joe discussed regulated programs, including food establishments, temporary food establishments, residential septic systems, public bathing places, recreation vehicle parks, mass gatherings, schools/institutions/jails, conservation/labor camps, drugs and cosmetics, and truck wrecks. No action was taken on this item as it was an update only.

#15-EMERGENCY TELEPHONE SYSTEM

This item concerns the identification of revenue sources for maintenance and replacement of the telephone system used for reporting emergencies, the possible creation of a master plan related to the 911 system, the

establishment and appointment of an advisory committee to create said plan, and consideration of a surcharge or taxing district. During the budget process there was a line item requesting a phone system for the Courthouse. At that time, it was decided that the Board would worry about the phone system for the Sheriff's Office first. Tracy Lee stated that it was nearly \$80,000 when the system was purchased and that was just the 911 telephone equipment. The system is very expensive to replace and there is no funding in the Sheriff's budget or IT budget to replace the system. This item concerns the replacement of 911 system only. Paul D. asked if there were any items that can be negotiated or left out in order to save money. Tracy responded that the current system is obsolete and the manufacturer no longer supports it. Previous discussions were held about the problem and at that time Tracy and Sheriff Kerry Lee more or less told LC Telephone System that they'd work towards replacing the gear due to the incompatibility. The calls coming into the current system must be an analog call. LCTS's new equipment is digital. Felix Murrin got creative and was able to make the SO's analog system work. Not only is the 911 system antiquated but the pieces of equipment that make it work are as well. If the 911 system could be upgraded to digital or Ethernet it'll help it from LCTS's perspective. The ultimate concern is that if something happens to the current system there is no recourse with the manufacturer to service it. Tracy stated there are opportunities for the county to address revenue resources according to the NRS. NRS 244A.7463 and NRS 244A.767 allow for a taxing district or surcharge. For every telephone line, an excise fee can be charged, or this issue can be put to the voters in a general election to take property tax that is specific to funding the system. The county will continue to grow but the number of telephone lines that'll grow with it will not be in direct pace with the number of lines in the county. Many people will just have a wireless device. In order to make sure we've gotten the appropriate fees for services for everyone who lives here it will have to be a property tax. Tracy stated that we should be setting aside \$85,000-100,000 every couple of years to replace the system every 5-6 years. The idea right now is to identify how the county would like to pay for the system. Right now, the system is operational but we need to look at how we will pay for the upgrades beforehand. Paul D. discussed replacing the system every 5 years; even if the system isn't replaced every 5 years there are updates every year that will cost nearly the same as replacing the system. Not only does the Board need to consider the replacement costs, but maintenance costs of \$20,000-30,000 need to be addressed on an annual basis. Kevin suggested that identification of the most reasonable, sensible system that fits the county's needs is required. Costs then can be addressed. All this must be done prior to taxing the people. Once this is figured out, the Board can figure out how to fund the system. The tax levy must fit the needs of the county. If the revenue stream is identified beforehand the system may be cheaper or more expensive in the future. Whatever is done, the future must be considered versus looking at what needs to be done today to bandage the current system. Ty Chamberlain suggested that the county lease equipment instead of purchasing it. If the lease costs more than buying it outright then the county would just purchase it to save the additional costs. The county does not have to provide 911; the statute is pretty liberal. The county must have a mechanism to provide for emergency calls within the county. Paul M. suggested that this issue be assigned to a committee to be vetted and hopefully present a resolution. Tracy stated that the reason that he and Kerry have presented the idea of a tax issue is because every time this issue has come up during budget hearings they've been told there is no money. The issue needs a creative resolution. Once the Board identifies a source, Kerry and Tracy can provide numbers. This item was discussion only as this matter will take quite some time and consideration to resolve. An item will be included on the next agenda for creation of a committee. No action was taken.

#16-CHUCK REIFSNYDER TAXES

Paul D. reviewed the history of this issue, which has been discussed and acted on at previous meetings. Paul D. would like to see \$2,777.11 in taxes refunded to Chuck Reifsnyder as the home was assessed as real property but was never converted. Paul D. stated that he feels that the county should refund the full amount, not the two years' previously approved. Daniel advised that the county commission has the authority to spend their money in whatever way they choose. In court, the rule is the rule unless there are extenuating circumstances. Payment for these taxes will come out of the General Fund, and approximately \$700 has already been reimbursed to Mr. Reifsnyder. Daniel cautioned the Board that there is a procedure in place for a reason. Everyone has the right to go before the Board of Equalization and have it corrected. Individuals have up to three years to go before this board. Paul D. stated that the Reifsnyders believed that everything had been done properly; the mistake occurred in the Assessor's Office. There was no way for Reifsnyders to go before the BofE as they weren't aware of the mistake. The correct paperwork was never filed and they've been paying on real property when that process was never completed. Tommy stated that this problem could snowball and

residents throughout the county could be asking for refunds based on similar situations. A tax strike for the current year has already been approved for Reifsnnyder. **Ed made a motion to pay back the full amount owed to the Reifsnymders; seconded by Paul D. All voted in favor.**

#17-LINCOLN COUNTY ARCHEOLOGICAL INITIATIVE

Ed presented updates on the LC Archeological Initiative, which is in Round 6. Ed stated there is a great deal of funding coming in from land sales. \$500,000 per year has been spent on LC since 2000. Reports of how this money is being spent are held, but Ed wasn't sure where they are or when they're held. Ed stated that the county is "missing the boat" on these funds. Ed suggested that scientists be allowed to come here and study different items in LC. People have items in their possession and Ed suggested that there be a place set up where these items can be collected, studied, and shared with others. Ed would like to get funding from the land initiative in order to hire an individual to attend meetings and work on getting this set up. Ronda Hornbeck stated the committee doesn't receive per diem. F&W, BLM, and several other federal entities are included in this committee, but they don't get paid. When this fund was set up, it was done for scientific studies to various areas. The funding can't be spent on private property or private citizens. The funding is to be used by BLM on BLM owned areas. Ed would like to press BLM to sell more land in LC. Archeological funding has parameters set by legislation. Cory Lytle stated they've done an extensive amount of work with the Ely Office. Cory discussed the business plan. Many studies have been done, and at the last meeting the question was asked if projects on the ground could be done. Legislation says that archeological funds will be used for scientific studies. Ty Chamberlain suggested that one of the things the county can do is increase tourism in the county, this is a serious issue. Ty believes that if the county put together a proposal for BLM it would be within the field manager's authority to say yes/no. Part of the proposal process is identifying groups to put these proposals together. Cory discussed the RPP process and outlined the work that's been done on it. Cory stated more acreage will be submitted to BLM, in spite of the fact that some of the properties that were requested five years ago still haven't been sold. The county needs to keep the pressure on. Ronda stated that the Board needs to understand that the county has a group of individuals working hard to make this happen. NACO has joined with other states and other organizations to file suit against BLM for failure to obey the law with regards to mustangs. Tommy suggested this is an initiative that should be taken to NACO. Adam Katschke met with Dr. Baughman last week. Adam suggested that the ongoing map be kept and acreage be identified each year, all of it accruing on the map. Maybe if BLM sees that LC is pushing for more and more land every year it may cause BLM to act. LC is showing good faith and efforts. The land must be suitable for disposal. Ty cited Caliente as a good example; they have a master plan of development outlining utilities, telephone, etc. Other areas of the county don't have master plans for the land requests. The law requires BLM to dispose of 3,000 acres but it doesn't require a master plan prior to sale. No action was taken on this item.

#18-SOUTHEASTERN LINCOLN COUNTY HABITAT CONSERVATION PLAN 2012 ANNUAL REPORT

Ronda Hornbeck presented the report. **Paul M. made a motion to approve the Southeastern Lincoln County Habitat Conservation Plan 2012 annual report; seconded by Ed. All voted in favor.**

#19-QUARTERLY JAIL TOUR

Paul D. will tour the jail and report back to the Board at the next meeting.

#20-TOQUOP DEVELOPMENT

DA Daniel Hooge addressed this item, which includes determination of protocol and procedures for working with the Toquop Development. Daniel asked if the Board would like to have a committee attend the meeting with C&O Holdings next Tuesday at 11:00 or does the entire Board want to attend. **Kevin made a motion to appoint Paul M. and Paul D. to the committee that will attend the meeting Tuesday; seconded by Ed. All voted in favor.**

#21-HUNTING OR SHOOTING WITHIN TOWN LIMITS

Paul D. discussed the possibility of an ordinance or signage preventing hunting and shooting within town limits. In the past couple of months, hunters have been shooting close to residences and town. Daniel advised that we don't have any regulations on the county level. The state can regulate "no hunting" but the county can't. The law prevents firing in a public building or highway. You can't fire at a building or vehicle; these are serious felonies. What many towns in NV have done is pass an ordinance that prevents the firing of firearms within

town limits. There are several ordinances that prevent people from firing within so many feet of a residence or building. Ed stated that an exception for shooting varmints should be included. Paul D. discussed signage and asked what the best way is to get the word out. Signage is needed around the school in Pioche. The problems are bad during hunting season. The Board suggested that signage be erected that uses current state language. Paul D. will continue to work on this issue by speaking with state entities. Paul D. will also take into consideration the property owners/ranchers/farmers in the areas with multiple problems. Adam Katschke stated that some of the property being considered is private, but signs depicting state law can be erected by the schools. "Violators will be prosecuted" can also be included. Paul D. suggested that the Board write a letter to the state and request a game warden. Cory stated that the Game Board has made this request multiple times. No action was taken on this item.

#22-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS discussed the jail proposal/ground lease. Paul M. discussed the tax exempt status requested by WCG. Dan McArthur advised that there are two types of bonds that are exempt, including industrial bonds. If we use the municipal bond avenue, there is risk to the county in that if WCG defaults, then the county's bond rating takes a hit. **COMMISSIONER KEVIN PHILLIPS** participated with Ronda Hornbeck in the Implementation Monitoring Committee meeting. **COMMISSIONER TOMMY ROWE** went to the NACO conference in Carson City, along with Commissioner Phillips and Commissioner Elect Adam Katschke. Tommy attended the Southern NV Workforce Investment Board meeting on 11-27. Kerrie McCarty has been hired to administer the program in LC. Funding has been allocated for training. **COMMISSIONER ED HIGBEE** attended the Airport Authority meeting. **COMMISSIONER PAUL DONOHUE** attended the town board meeting with Paul M. to hand out the "Thanks for Giving" awards. Denice, Cory, and Paul D. met with the gentleman who owns the mill in Pioche; he has proposed giving it to the county. The museum board doesn't want it.

#23-PUBLIC COMMENT

Tommy called for public comment. Cory Lytle stated that TransWest Express should be getting close to having a finished draft EIS. They have identified preferred routes. The route they are leaning towards will come through LC. Cory is working through remaining issues on the business plan. There is a state meeting for the Game Board this week. Ty Chamberlain advised that Meadow Valley Mine will employ 12 people as soon as the road is completed.

#24-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:17 p.m.

Attest: _____ Approve: _____