



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 17, 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 9:0 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: ED HIGBEE
PAUL DONOHUE
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 12-12-12. The Invocation was offered by Kevin and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of the December 3 meeting.
- #4 Approve/Deny Commissioner Phillips' attendance at the American Lands Council strategy meeting January 5, 2013, in Salt Lake City, Utah. Payment of \$100.00 registration fee and mileage are required.
- #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 D. made a motion to approve the consent agenda; 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 \$479,308.22 with estimated expenditures being \$126,653.99. General County will have a balance of \$352,654.23. Transportation has a cash balance of \$26,841.41 with estimated expenditures being \$4,271.08. This will leave Transportation with a balance of \$22,570.33. Senior Nutrition has a balance of \$83,442.89 with estimated expenditures being \$9,103.95. This will leave Senior Nutrition with a balance of \$74,338.94. Detention Center has a negative cash balance of \$5,692.78 with estimated expenditures being \$73,883.37. Detention Center will have a negative balance of \$79,576.15. Solid Waste has a cash balance of \$10,525.91 with no expenditures. \$22,431.05 is the amount of the January payment and there isn't enough in Solid Waste to cover it. Solid Waste also owes LC Water Special Projects, Fund 87, \$27,484.15. The list of outstanding balances (three years or more) has been submitted to the DA for action. Leslie asked how the Board wants her to pay the January bill. Does she take it from General County and reimburse the fund later? Yes. The question of why the county is the garbage bill collectors was discussed. Originally, the Board's intent was to protect the citizens. Airport has a balance of \$2,501.19 with estimated expenditures being \$747.77. Airport will have a balance of \$1,753.42. Planning has a balance of \$1,113.99 with expenditures being \$2,305.36. Planning will have a negative balance of \$1,191.37 but \$38,000.27 will be transferred into this fund in January. **Paul D. made a motion to approve the vouchers as presented with the exception of the LCTS and Mountain Merc vouchers; seconded by Kevin. All voted in favor. Kevin made a motion to approve the vouchers for LCTS; seconded by Ed. Paul D. abstained as he is an employee. Motion carried. Ed made a motion to**

approve the Mountain Merc vouchers; seconded by Paul D. Kevin abstained and disclosed that he is part owner of the company. Motion carried.

#7-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge stated that last week he sent out a memo concerning hiring/purchasing/contracting with relatives. There are two conflicting chapters in the Statutes that deal with nepotism. You can't hire a full time employee who falls within the third degree of consanguinity; other situations are dealt with on a case by case basis. Daniel spoke with Wendy Rudder and believes the issues with hiring her husband, Burt, who is an airport manager, are worked out. As of December 1, there are no restrictions on Wendy Rudder with regards to handling billing. Daniel spoke with Sheriff Kerry Lee and Recorder/Auditor Leslie Boucher concerning the new hires at LC Sheriff's Office. The collective bargaining agreement between the county and union deals with everything related to pay. The law says that if it isn't in the agreement you can't do it, except for past practices. Basically, if you've done something forever and ever it ends up becoming part of the bargaining agreement. A situation arose with the SO and the Road Department; the entities doing the hiring want to start the new employees at a higher rate. Because the Board never dealt with the request to start them at a higher rate, it falls back to past practice. Because the issue was brought up and no one dealt with it, it is basically acquiescence. Daniel has advised the Sheriff that legally the request is considered "past practice" and it's binding until it is removed from the agreement. Sheriff Lee and Steve Chouquer can bump the pay up for the new employees, but they are still required to live within his budget. If it has been done in the past, it has to be allowed. This item will be on a future agenda for decision. **BUILDING/PLANNING DIRECTOR** Cory Lytle stated that they are making progress on the roads issues with regards to the GIS. Cory is working on recreation and public purposes leases with the towns. Cory is working on open space designation instead of going through RPP. There will be new updates to the building codes, including some exemptions. Cory will be revamping the fee structure. A check was received from the School District on the Panaca Elementary School. Cory will work with the contractors to change a few things. Cory has been working with a couple of the Toquop developers; meetings will ensue in the new year. **EMERGENCY MANAGEMENT DIRECTOR** Rick Stever attended a meeting with the emergency preparedness working group. The state is persistent in trying to gain more control over the funding DOE is giving to the six counties. 50% of the Emergency Management budget comes from those funds. Once the state acquires control we will not be able to maintain the amount we are presently receiving. Rick met with Leslie, Daniel, and Paul M. concerning restructuring as Rick has two jobs, or two positions right now.

#8-HIGHWAY COMMISSION

This item was handled under separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#10-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#11-COYOTE SPRINGS GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#12-EMPLOYEE BUYOUTS

This item concerns the buyouts of Lincoln County employees' retirements. Paul D. stated that during the negotiation process discussion was held while dealing with law enforcement; they talked about layoffs. Paul M. contacted Dan McArthur at this time to talk to him about this issue. With current unemployment laws, unemployment has been moved to 18 months. This requires the county to pay a certain portion of an employee's salary for 18 months if there are layoffs. Discussions were held concerning how much that would cost. If an individual at the top of the ladder is able to retire, you don't have to pay unemployment. There are people who are at the higher pay who aren't finished working. During the process, they came up with a plan. One was to take the equivalent value of two years PERS, the county would purchase two years of PERS, and individuals could retire with 30 years. For those individuals who are on the higher end of the pay scale it is extremely expensive to buy them out. The next portion of discussion centered around the costs to give the

employee the cash value of two years. Daniel figured out a weekly structure, where you would pay a certain amount based on number of weeks worked. After considering several different scenarios, the group agreed that they'd better see if there are any individuals interested in retiring. Comments received in response included the question as to why the county would pay someone to retire who has more than thirty years in. The group never really settled on whether or not there was a plan or benefit to the county. Paul D. stated that a decision needs to be made as to whether or not this issue is feasible and the buyouts are going to happen. This issue was back on the agenda to see what the desire of the Board members is with regards to moving forward. The approach to this whole thing was that if it is beneficial to the county it is something that can be considered. It may be more beneficial to do buyouts versus layoffs. Situations will have to be considered on an individual basis. Dan McArthur stated that this is a very complicated issue. LC School District did this type of thing, but they only had one department. The county has several pots of money and it complicates things. The Board can't discriminate and exclude anyone interested and the Board will also have to choose the source of money that will fund the buyouts. Daniel stated that he has met with Dan and Paul M. concerning this issue. Daniel has collected information from Henderson and LCSD to see how they handled the buyouts. Daniel stated that the county really doesn't want to do this unless they reach the point of layoffs. Unless the county is at that point, it doesn't make sense financially. Buyouts are only advantageous if you are facing layoffs. Vaughn Higbee advised the Board that they'd better know why they're going to do buyouts before they consider it; they'd also better have exact figures for every person and possibility. No action was taken on this item.

#13-911 SYSTEM ADVISORY COMMITTEE

Ed made a motion to appoint Tracy Lee, Paul D., Cory Lytle, Dawne Combs, and Sheriff Kerry Lee to the 911 system advisory committee (this committee is to present approximate costs, the reason the system is needed, and the type of system needed); seconded by Kevin. All voted in favor.

#14-FY 2011-2012 AUDIT

Dan McArthur presented the FY 2011-2012 audit. A clean audit opinion has been issued. There are seven funds that have violations, but they are insignificant. **Kevin made a motion to approve the FY 2011-2012 audit; seconded by Ed. All voted in favor.**

#15-FY 2011-2012 MULTI-SPECIES HABITAT CONSERVATION PLAN AUDIT

Dan McArthur presented the FY 2011-2012 audit; clean audit opinion has been issued and there are no compliance issues. **Kevin made a motion to approve the FY 2011-2012 audit; seconded by Ed. All voted in favor.**

#16-TRI-COUNTY WEED BUILDING

Kevin made a motion to approve funding in the amount of \$180,000 to purchase the building occupied by Tri-County Weed from Fund 97, Land Act Special Use Fund; seconded by Ed. All voted in favor.

#17-TAX REFUND

Kevin made a motion to approve the refund of taxes paid by Tony Graf on APN #006-251-11 in the amount of \$2,774.05 as the property was deeded as a patented mining claim but further research shows it's real property and shouldn't have been transferred by petition; seconded by Ed. All voted in favor.

#18-LC NUCLEAR OVERSIGHT PROGRAM

Vaughn Higbee reviewed Nevada National Security Site (NNSS) Final Site-Wide Environmental Impact Statement (SWEIS) Update document dated November 16, 2012. Vaughn reviewed the November 16, 2012 minutes of the Transportation Working Group meeting, which group may be eliminated. Connie Simkins discussed "Five Myths About Yucca Mountain" by Isaac J. Winograd. Connie also presented letters dated July 12, 2012 from LC Commission and Nye County Commission concerning recommendations for consideration by the Nevada Legislative Committee on high-level radioactive waste. Jeremy Drew, Dr. Mike Baughman, and Connie have remained active in the planning of the Dry Lake Valley solar energy zone. On December 6 Dr. Baughman participated in a webinar conducted by DOE and BLM concerning on-site mitigation. Connie presented a meeting summary of the State of Nevada Commission on Nuclear Projects Clark County Government Center dated November 29, 2012. Connie also provided a summary of court hearings attended; we are waiting for a decision from the US Court of Appeals.

#19-AMERICAN LANDS COUNCIL

Kevin offered a video presentation regarding the American Lands Council. Kevin suggested that LC study this issue and join the ALC. No action was taken on this item.

#20-COMMISSIONERS REPORTS

COMMISSIONER ED HIGBEE attended the Civilian Military Council, accompanied by Lonny Walch. The county was asked to pay \$500 to participate in this council. Ed has learned that the Air Force pumps \$4-5 billion into Clark County's economy every year. **COMMISSIONER PAUL DONOHUE** attended the City of Mesquite City Council meeting when they adopted the ordinance to de-annex the Toquop property. Paul D. also attended a meeting with property owners in Toquop area. Ed Lubbers advised that he is amazed that we are further along than he had dreamed. Paul D. agrees that there is a completely different attitude on the City Council than there was several years ago. One of the things the Board will need to talk about is that they've talked about an active adult community. This would establish an age limit for the group of people allowed in that area; there would be no children. They've subsequently asked that if this community is included would they be allowed to not pay the school tax on that property.

#21-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins stated that she's remaining active in the sage grouse information effort on her own time. Connie offered information printed from the BLM website concerning sage grouse and conservation. January 16 is the next meeting of the local sage grouse committee. Connie has been nominated, and appointed, to serve on Eastern Landscape Coalition board. Connie will travel to Ely tomorrow to count ballots for the N-4 State Grazing board. Cory Lytle presented the draft road plan map books for review.

#22-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 2:36 p.m.

Attest: _____

Approve: _____

[Large, faint, handwritten signature or scribble in red ink, possibly reading 'D. HIGBEE']