



LINCOLN COUNTY BOARD OF COMMISSIONERS

January 7, 2013
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips, Vice Chair
Adam Katschke
Paul Donohue
Ed Higbee, Chair

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman Ed Higbee called the meeting to order at 9:06 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: ED HIGBEE
PAUL DONOHUE
ADAM KATSCHKE
KEVIN PHILLIPS
PAUL MATHEWS

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 1-2-13. The Invocation was offered by Ed and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Dawne Combs asked if there has been any discussion concerning the commencement of budget hearings. No, but they usually start in February. Sheriff Kerry Lee asked about employee contracts; are we going to try and get started on negotiations before budget hearings? Yes.

#3-COMMISSION ASSIGNMENTS

Kevin made a motion to open nominations for Chairman; seconded by Paul M. All voted in favor. Paul D. nominated Ed to be the Chairman. Paul M. stated that finance and budget have traditionally been the responsibility of the Chairman and he feels it should remain with the Chairman. **Kevin nominated Paul M. to be the Chairman. Ed agreed with the nomination. Kevin made a motion to close nominations; seconded by Paul D. Motion carried. Ed was appointed chair by majority vote. Kevin, Paul M., Adam, and Paul D. voted in favor of Ed being appointed Chairman. Paul D. made a motion to open nominations for Vice Chairman; seconded by Kevin. All voted in favor. Paul D. nominated Kevin to Vice Chairman. Paul M. nominated Paul D. to be Vice Chairman. Paul D. made a motion to close nominations; seconded by Kevin. All voted in favor. Kevin was appointed Vice Chair by majority vote. Ed, Adam, and Paul D. voted in favor of Kevin.** Board responsibilities were addressed. Responsibilities are divided. Adam's responsibilities are: finance & budget, museum & library, LC Regional Development, MV Wash & Steering Committee, Senior Programs/LC Transportation/Social Services, NACO, Job Training Board, NDOT/ACT, employee contracts, and LC Land. Act. Paul D.'s responsibilities are: TV district, employee contracts, Room Tax/Fair Board, Rural Community Development, Road Department, insurance POOL/PACT, LC Courthouse/county facilities, Planning/Building Department, Regional Transportation Commission, power issues, LC Land Act, LC Health Nurse, and Board of Equalization. Ed's responsibilities are: Emergency Management, Nellis/USAF, insurance POOL/PACT, HCP, JCCIAC, NACO, and airports. Kevin's responsibilities are: public lands/water, landfill issues, BLM range management, Tri-County, Quad State, HCP, legislative issues, and JCCIAC. Paul M.'s responsibilities are: landfill issues, legislative issues, Quad State alternate, BLM range management, Ag Extension, Detention Center/public safety, finance and budget, Tri-County Weed, and Tri-County. **Kevin made a motion to approve the responsibilities as discussed; seconded by Paul D. All voted in favor.**

CONSENT AGENDA

#4 Approve/Deny minutes of the December 17 meeting.

- #5 Approve/Deny reappointments of the following: Alamo Town Board: Vern Holaday, Lola Sharp, Lonny Walch; Panaca Town Board: Linda Lee, Gary Elmer, Jim Hill; Pioche Town Board: Glenn Zelch, Cindy Free; Game Management Board: John Tibbitts, Dane Bradfield; Debt Management (Bond) Commission: Glenn Zelch, Kevin Phillips, Vaughn Higbee; Fair & Recreation Board: Paul Donohue, Kris Higbee; Regional Transportation Committee: Paul Donohue, Tim Perkins.
- #6 Approve/Deny budget transfers: General County to China Springs in the amount of \$1,947, General County to Planning in the amount of \$38,027.
- #7 Approve/Deny a tax strike for Albert and Barbara Frehner, APN 4-091-02; 1,680 assessed for 2012-2013 tax year. Tax refund of \$57.45 for 2011-2012 tax year, \$57.45 for 2010-2011 tax year. The mobile home was moved to Nye County in 2004.
- #8 Approve/Deny special assessment for Ash Springs Irrigation Company in the amount of \$24,860.30.
- #9 Approve/Deny special assessment for Lake Valley Groundwater Basin in the amount of \$7,766.73.
- #10 Approve/Deny special assessment for Pahrnagat Valley Lake in the amount of \$20,307.33.
- #11 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 Kevin. Ed disclosed that his wife was being reappointed; he abstained. Motion carried.

#12-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$505,573.37 with estimated expenditures being \$196,561.56. General County will have a balance of \$309,011.81. Transportation has a cash balance of \$22,639.92 with estimated expenditures being \$3,487.57. This will leave Transportation with a balance of \$19,152.35. Senior Nutrition has a balance of \$75,949.75 with estimated expenditures being \$11,787.86. This will leave Senior Nutrition with a balance of \$64,161.89. Detention Center has a cash balance of \$105,254.39 with estimated expenditures being \$117,338.01. Detention Center will have a negative balance of \$12,083.62. Solid Waste has a cash balance of \$15,321.21 with estimated expenditures being \$15,321.21. \$7,926.69 was taken from General County as there wasn't enough money in Solid Waste to pay this month's bill. Solid Waste also owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$1,753.42 with estimated expenditures being \$129.11. Airport will have a balance of \$1,624.31. Planning has a negative balance of \$21.93 with expenditures being \$1,496.18. Planning will have a negative balance of \$1,518.11, but the Board approved a budget transfer of \$38,027 earlier. **Adam made a motion to approve the vouchers as presented with the exception of the LCTS, Meadow Valley Pharmacy, and Mountain Merc vouchers; seconded by Kevin. All voted in favor. Kevin made a motion to approve the vouchers for MV Pharmacy; seconded by Paul M. Adam abstained and disclosed that he is an owner of MV Pharmacy. Motion carried. Kevin made a motion to approve the vouchers for LCTS; seconded by Paul M. Paul D. abstained as he is an employee of LCTS. Motion carried. Paul M. made a motion to approve the Mountain Merc vouchers; seconded by Adam. Kevin abstained and disclosed that he is part owner of the company. Motion carried.**

#13-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge stated that Teamsters has sent him an email concerning meeting for contract negotiations. Dates need to be chosen for regular meetings. Daniel will contact Law Enforcement Association so that all contracts may be handled at the same time. **GRANTS ADMINISTRATOR** Elaine Zimmerman reported that one of the CDBG applications hasn't been submitted for this cycle as there are several complications. **TREASURER** Shawn Frehner advised that her office has been working on the landfill bills. \$280,000 was billed for the current year in landfill. \$74,500 is the amount of unpaid for prior years. Those that are more than three years past due have been sent to the DA's Office for action. **MEADOW VALLEY JUSTICE COURT JUSTICE OF THE PEACE** Mike Cowley advised that new seating for the gallery has been purchased through Sauder Seating. This company is also providing seating for the jury box. The seating will arrive between 2-18 and 3-1. The flip-fold chairs will be replaced with fabric covered oak benches. This will increase the seating capacity by nearly 25. Mike has met with Cory and Richard concerning work that must be done prior to the installation. There are several people interested in purchasing some of the seats. The library in the courtroom has been donated to the county public defender, who has offered to repair the wall behind the bookshelves so that it matches the remainder of the courtroom. Eventually, the lighting will be upgraded. Mike advised that security cameras have been installed on the main floor and the entry way to the Justice Court.

There has been some concern about the recording of conversations. Mike stated that this is a public building and there is no reasonable right of privacy in this building. The cameras don't have the capability for audio. Mike stated that there is no place in the building where conversations are being recorded. The system is monitored by a computer upstairs as well as the server. In the event of a break in, identification of the perpetrator could be made. The original purpose of the cameras was to allow Justice Court employees to be forewarned when a person is coming in. The system is being maintained by Tracy Lee. Mike advised that there will be no audio capabilities whatsoever at this time. Further, Mike stated that everyone will be notified if he decides to implement audio in the future. Elaine said she has a great deal of confidential information that comes and goes from her office; this can't be recorded.

#14-HIGHWAY COMMISSION

This item was handled under separate agenda.

#15-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#16-TRUSTEE AUCTION

Treasurer Shawn Frehner presented the packet she created for this auction. **Paul D. made a motion to approve the Trustee Auction, to be held on February 15, 2013; seconded by Kevin. All voted in favor.**

#17-CLAIMS ARBITRATOR

Paul M. made a motion to approve the appointment of Phillip Dabney to arbitrate the claims between Hardy Construction, Inc., as plaintiff and Lincoln County/City of Caliente as defendants; seconded by Kevin. Hardy Construction, Inc. claims the county and city should have paid more despite the contract language. Paul D. stated that the county should approach the City of Caliente and ask them to pay ¼ of the costs. **All voted in favor.**

#18-CLAIMS ARBITRATOR

Daniel requested authorization for half of the payment, and then he will approach Caliente about paying 1/4. Daniel will speak with John Brown, Caliente's attorney. **Paul M. made a motion to approve the advance payment of half the deposit to Phillip Dabney, payable from PILT Grant Match Fund, and Daniel is to approach the City of Caliente to pay for 1/4; seconded by Kevin. All voted in favor.**

#19-CHARLES REIFSNYDER TAX REFUND

This item concerns the dedication of a source to fund the repayment of property assessments made in error to Charles Reifsnyder. Daniel advised that the law provides for paying back up to three years of back taxes. When this was initially discussed, Daniel advised the Board they could do whatever they chose but it isn't like a tax strike. Because the Board has decided to refund the taxes paid by Charles Reifsnyder a fund must be designated. Paul M. asked how many more of these issues will raise their heads and attempt to reach the level of refund, the level that this current case is at. There was some discussion about taking each of these matters on a case by case basis. Paul D. stated that Reifsnyers purchased a piece of property and were told it had been converted. No action was taken on this item and Paul M. agreed to work on figuring out what fund is the most appropriate for the refund.

#20-2013 LEGISLATIVE SESSION

This item was tabled.

#21-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS went to D.C. with the elementary school kids in December. During that time, Paul M. met with Senator Harry Reid. **COMMISSIONER KEVIN PHILLIPS** attended the meeting of the American Lands Council in Salt Lake City; he proffered an in depth report. **COMMISSIONER ED HIGBEE** advised that he appreciates the opportunity to serve as Chairman; he will do his best. **COMMISSIONER ADAM KATSCHKE** stated he appreciates the opportunity to serve. **COMMISSIONER PAUL DONOHUE** commented that he is grateful to have Commissioner Katschke aboard and welcomed him. Paul D. attended a road meeting

and he's been working with RTC and Sunrise Engineering on a five year plan for roads. A priority list has been received from each town. Paul D. will meet with the 911 committee later this week.

#22-PUBLIC COMMENT

Ed called for public comment.

#23-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:36 p.m.

Attest: _____ Approve: _____

DRAFT