



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 15, 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

Chairman Ed Higbee called the meeting to order at 9:05 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-9-13. The Invocation was offered by Paul M. and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Assemblyman Oscarson sent a thank you letter to the Board members for their support during this last legislative session.

CONSENT AGENDA

- #3 Approve/Deny minutes of the June 6 and July 1 meetings.
- #4 Approve/Deny the advertising and hiring of a replacement Homemakers.
- #5 Approve/Deny the Lincoln County Health Nurse to advertise and hire a replacement Administrative Assistant.
- #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).

Adam made a motion to approve the consent agenda; seconded by Kevin. All voted in favor.

#7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$263,310.84 with estimated expenditures being \$282,357.08. General County will have a negative balance of \$19,046.24. As the tax money comes in it will be apportioned; the first installment is the biggest. Leslie advised that this is a cash flow problem not a budget problem; an increase in revenue would solve this problem. The Board will have to tighten their belts and be careful as Leslie believes this is going to be a problem from here on out. The Board discussed the possibility of doing a budget transfer in from another fund to cover this deficit. The county has experienced a decrease in revenue and that results in the shortage. Consolidated tax is decreased for this year and ad valorem remained the same. Paul M. suggested that the Board meet with Dan McArthur to see if the C Tax and ad valorem are lower than the amount budgeted for this year. If that is the case, the Board will need to make some adjustments and curb the spending. Transportation has a cash balance of \$59,216.87 with estimated expenditures being \$2,826.44. Transportation will have a balance of \$56,390.43. Senior Nutrition has a balance of \$101,489.47 with estimated expenditures being \$12,814.74. Senior Nutrition will have a balance of \$88,674.73. Detention Center has a cash balance of \$202,354.18 with estimated expenditures being \$110,679.67. Detention Center will have a cash balance of \$91,674.51. Solid Waste has a cash balance of \$65,314.36 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,498.35 with estimated expenditures being \$2,759.44. Airport will have a balance of \$738.91. Planning has a balance of \$2,557.13 with estimated expenditures being \$10,153.93. Planning will have a negative balance of \$7,596.80. Reimbursements of

\$8,121.44 and \$524.64 will be made to this fund. There are two vouchers for Stewart Title for the Tri-County Weed building. The checks were cut in February but the money was returned due to a delay in the sales process. The checks have been reissued and the sale of the building is now complete. **Paul M. made a motion to approve the vouchers as presented with the exception of the LCTS, Mountain Merc, and Meadow Valley Pharmacy vouchers; seconded by Adam. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed he is part owner of Mountain Merc and he abstained from the vote. Motion carried. Adam made a motion to approve the vouchers for LCTS; seconded by Kevin. Paul D. abstained as he is an employee of LCTS. Motion carried. Paul M. made a motion to approve the MV Pharmacy vouchers; seconded by Kevin. Adam disclosed that he is the owner of the pharmacy; he abstained from the discussion and the vote. Motion carried.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge discussed the Hardy Construction arbitration; he filed a Motion for Summary Judgment and this will be heard in August by the arbitrator. Daniel has decided to enter into a contract with Matthew Carling to cover the deputy duties. Entering into this part time contract will help the DA's office save some money. Daniel advised that there are no wage scales for his office and he doesn't have anyone that is covered under the collective bargaining unit. NRS states that the Board sets wage scales for employees. Personnel Policy states that we will have wage scales for all employees as well but we don't. Having these scales in place will help Daniel know what he can advertise for with regards to wages. Daniel asked the Board to set the wage scales for Deputy District Attorney and his Paralegal, Mercedes Howard. Adam asked for comparative figures from other counties; Daniel will present this information at a future meeting.

GRANTS ADMINISTRATOR Elaine Zimmerman stated there is a slowdown in receiving reimbursements from a couple of the agencies we deal with. There are a couple of large expenditures coming up under the SNPLMA funds but the reimbursement process takes too long. We have a \$2 million expenditure coming up for the Echo project but we haven't the money. We must spend the money prior to getting it back. Elaine will continue to work on this. The county is under review. Elaine advised that she will be on vacation next week.

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that state officials have been discussing the transportation of radio active waste to the NV Test Site. This issue has been closely scrutinized by our government officials. There is some potent waste that is heading to the NTS but routes aren't being disclosed. LC is on the map as a route for transporting this waste to the NTS. **ASSESSOR** Melanie McBride attended the State Board of Equalization. Jim Toreson appealed to the state as he disagreed with the county board's actions and valuations of his property. Jim wanted the state board to force Melanie to use their valuation for this year and the past five years. The state board found no evidence to support the county board's value and the state board repealed the county board's decision. They voted to retain Melanie's values as she had the evidence and methodology to support it. Melanie is getting ready to reappraise general county and Panaca Fire and she is short staffed. Melanie asked for permission to close her office during the lunch hour and suggested she could publish something asking the public not to come in between the hours of 12 p.m. and 1 p.m. **TREASURER** Shawn Frehner presented numbers from the 2013-2014 tax roll numbers. There were 4,442 parcels that tax bills went out on. Shawn presented a list of the current delinquent tax parcels. Shawn discussed the payment of the landfill bills, including the delinquents. **BUILDING/PLANNING DIRECTOR** Cory Lytle advised he attended the SLUPAC meeting last week; there was a great deal of discussion concerning sage grouse. There is a lot of building going on in the county at this time and his department is very busy.

#9-FAMILY TO FAMILY/FAMILY CONNECTION PROGRAM

Holly Gatzke and Pam Teel presented information concerning the Family to Family and Family Connection program activities. This program has been around for many years. Kris Wood has been running the program and it's funded 100% through state grants. Services are provided to anyone in the county who wants to sign up for federal government services; Kris helps the people go online and get signed up. Kris runs a backpack program for the county. 100 kids get backpacks to take home for the weekend so they don't go home hungry. Kids are also fed meals every day. Early intervention and child find is still available, but the people come from Ely and Las Vegas. The county no longer has these resources. Many of the programs that were put on through this department have disappeared as funding was removed, including Love and Logic and other programs that helped new parents. Any help that can be received to keep the programs going in this county would be much received. Kris has been really good at finding grants to keep some of the programs going. One of the biggest

limitations is that this program will be cut down to 12 hours staff time and this completely eliminates travel time. No action was taken as this item was informational only.

#10-HIGHWAY COMMISSION

This item was handled under separate agenda.

#11-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#12-PANACA FIRE DISTRICT

This item was tabled to the next meeting.

#13-COYOTE SPRINGS

Michael Ghorso of Coyote Springs Investment and Coyote Springs Nursery discussed the availability of trees, plants, and shrubs that they would like to donate to LC agencies, including parks/rec, school district, and the county in general. Michael presented a list of the available plants. Those interested should contact Michael or Emilia Cargill. CS will load the trees but not deliver. There are several 36" trees available. Those interested should contact CS in advance and make an appointment so that staff is available to load the plants. No action was taken on this item.

#14-PANACA TOWN CENTER

This item concerns the proposal from Sunrise Engineering for engineering services for the Panaca Town Center (formerly known as the old Panaca Elementary School). Cory Lytle discussed the requirement for going to open bid process due to the amount of work required. Cory thinks the Board should choose a couple of high priorities and then Sunrise should be allowed to get going on this. HVAC is the highest priority, Cory advised. Electrical must also be addressed. Cory doesn't want to gut the electrical, but there are some areas that must be addressed. Cost for the various phases is: basic floor plan \$2,300; mechanical & electrical design \$8,200; architectural (restroom upgrade & cosmetic issues) \$4,600; bidding & contract documents \$3,000; and project administration \$5,000. Hourly rates apply for project administration. **Paul D. made a motion to go with Sunrise Engineering's proposal in the amount of \$23,100, paid from Fund 124; seconded by Paul M. Kevin disclosed that his son works for Sunrise; he abstained. Motion carried.**

#15-CALIENTE POOL AND PARK

This item was tabled.

#16-COMMUNITY SERVICES BLOCK GRANT

Paul M. made a motion to approve and sign the grant award and related documentation to accept the Community Services Block Grant award for fiscal year 2014 in the amount of \$42,515.00; seconded by Kevin. All voted in favor.

#17-ALAMO GID WATER PLAN

Paul M. made a motion to approve and sign the Notice of Grant Award documentation from the Governor's Office of Economic Development for the Alamo General Improvement District Water Plan in the amount of \$65,000; seconded by Adam. All voted in favor.

#18

This item was omitted from the original agenda.

#19-MICROFILM EQUIPMENT

Connie Simkins presented a request for permission to use unspent 2012-2013 supplies line item funds to purchase microfilm/microfiche machine and zoom lens for document retention and storage. **Adam made a motion to approve \$8,125 for the purchase of this equipment; seconded by Paul D. All voted in favor.**

#20-POSSESSORY USE TAXES

This item was tabled.

#21-LINCOLN COUNTY LAW ENFORCEMENT ASSOCIATION AGREEMENT

This item concerns the review of the status of the collective bargaining agreement between Lincoln County and the Lincoln County Law Enforcement Association. Derek Foremaster discussed this item with the Board. A contract was put in place dated 8-12-12 for a two year duration. However, a letter was sent indicating that the county has met a trigger and the contract needs to be reviewed. LCLEA doesn't believe the trigger has been met. Paul M. advised that the trigger is related to the Consolidated Tax (C Tax) for the patrol side. The number of inmates on the jail side is great and has been exceeded. When the response letter was received from LCLEA stating that they don't feel the trigger had been met Paul M. contacted Dan McArthur to see where we are at. To date, nothing has been heard back from Dan. One of the two triggers hasn't been met but the other has (the C tax is below 102%). Derek advised that it is now July 1 and the officers/jailers are expecting their raises. Derek would like to know if these employees are going to receive their raises or not. Paul M. stated that the numbers used in the budget process show that we fell below the 102%. Derek asked if there are any other monies coming in for the current year that the county is still waiting on. No. Paul M. stated that the General Fund is in the red and this shows that even the tax revenues are lower than anticipated. Paul M. is concerned about whether or not the cash flow will match what was budgeted. The Board used the numbers presented by the state but so far we are below those. Ad Valorem is up by \$46,000. Adam stated that the General Fund is down by \$130,000 from last year. Derek referred to Item 20 and asked if the county was going to be compensated for the possessory use tax. That item has been tabled and it is unknown. Derek represents 25 people and those people would like to know if they're going to receive their increases. Derek has advised the members of LCLEA that they will receive their raises as it is in their contract. If the Sheriff signs off on it, the budget will be short and he will have to take action. Not everyone is due for a raise, but those that are are inquiring about whether or not they'll receive them. Daniel advised that the contract is still in force; he was contacted by Leslie and asked what she should do when July 1 came and people submitted payroll change forms to get their raises. Daniel advised her that the contract is still in force and he told her to abide by it until the Board works through the changes. Derek asked the Board to provide the evidence they need to open the contract. Since nothing has been heard back from the Board with regards to evidence, LCLEA is assuming there is none and the contract continues as written. Derek stated they can open the dialogue and meet with the Board to discuss what can be done for the upcoming year. Once the numbers come back for this year they can meet and talk about the current year. The only problem is whether or not they start the raises; do they get held until the numbers come in? Kevin stated another big piece of the puzzle is the insurance issues. The price of the insurance will either consume all of the money set aside or they'll be able to negotiate a lower rate and have a little bit left over for raises. At this point in time, it is believed that the county will see an increase of \$300 per month per employee for insurance costs. It is believed that solid numbers from the Teamsters will be received tomorrow as well as a quote for private insurance. Derek asked Daniel for a legal opinion as to what should be done with the raises. Do the raises get paid or put on hold and then paid retroactively? Daniel stated that legally the county has to pay them but it is a lot easier to pay retroactively than try to get money back. Derek asked that the Board hold off on the raises since it will be easier to pay retroactively. A negotiations meeting will take place between the county and LCLA on Monday July 22 in Caliente. Sheriff Kerry Lee advised that his budget request for patrol was smaller for the current year than the previous year due to the change in personnel. When the Sheriff's budget was submitted for the current year it included all of the raises.

#22-LINCOLN COUNTY WEB SITE

Tracy Lee presented an update and review of the LC website. Tracy did a survey of all county departments that use the current website and asked the department heads to rate the current site as well as whether or not they thought a new website would be beneficial. Most departments agree that improvements to the website are needed. The departments would like to control their own content and be able to add information without contacting someone else to do it. Some departments would like more customization on their page. Those who put content up are more concerned with the visual nature of their page as well as the content. People are asking to have their email information on there. Creating an internal mechanism where the email address isn't present but the information would be sent to the person would be beneficial. Tracy isn't a big fan of putting the email addresses on the website as it generates spam. Tracy recommended that the Board establish policy for cash receipting and how to handle e commerce. It is easier to pay online but no one wants to be taxed or penalized because they've paid online. Almost 2% of the transaction when you pay your taxes online goes to Visa. Tracy would like to put out an RFQ in the future months. No action was taken on this item.

#23-LINCOLN COUNTY PERSONNEL POLICY

This item concerns proposed changes to Chapter 1 of the LC Personnel Policy (PP). The Board agreed that this chapter looks good and they didn't see anything that needed changes. Shawn advised that sections are being referenced that don't exist (1.9.1). Shawn discussed 1.4, Change of Address. It says the applicant needs to inform LC of their current address. Shawn feels it should state more specifically who should be told of the change of address. Currently, the employee advises the department head of any changes and the department head submits a change form to the Recorder/Auditor's office. Daniel submitted copies of his recommended changes. Typically, a file is kept on an employee for employee separation. It's a record keeping mechanism to ensure that all warnings are maintained should it ever result in termination. The file is for the county to protect themselves, not for the employees. 1.5 recommendations include the requirement of INS Form I9 W4. A job description and wage scale should also be kept in each file for each employee. Documentation of reprimands or disciplinary notices would be maintained in the file as well; so would resume/applications. Daniel discussed changes to section 1.53, which outlines obtaining permission to put anything bad in a file. As an employer you always want to be upfront and honest. This allows the employee to correct any incorrect information on file. An employee can look at their file any time and if there is anything they disagree with they can request a closed hearing with the Commissioners. If they say it's factually incorrect it can be removed from the file. The next recommendation concerns section 1.6, confidential information. It was cleaned up as it was confusing as to what is confidential and what isn't. Sheriff Kerry Lee asked who maintains these files. Leslie. Kerry maintains separate files as he is under a much more strict policy. The disciplinary issues are spelled out in statute for him. Kerry asked if he has to copy all of his files and give them to Leslie. No, Daniel responded, the county maintains its own files but the department heads can maintain files as well. 1.6.1 Item 8 was discussed; sexual orientation and marital status needs to be included in the PP under confidential. The Board has control over all employees with regards to salaries/wages. That's the limit of the Board's control. It is the department head or elected official's responsibility to handle disciplinary issues. Daniel will expand the scope section to say when the polices do/don't apply. With regards to the Sheriff, anything pertaining to salaries/wages should be shared with Leslie's file but disciplinary issues should be maintained by the department head. Daniel proposed that he could include different sections concerning payroll files and personnel files. Adam suggested that the Board set a date for when they hope to have the revisions completed. January 1, 2014 is the goal. Section 2.1 to 2.7 will be reviewed for next meeting. No action was taken as Daniel will rewrite the proposed changes and send them to the department heads for review.

#24-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS reported the Tri-County Weed building purchase has been completed. the Board will meet with the Teamsters tomorrow at 1 p.m. **COMMISSIONER ADAM KATSCHKE** has been contacted by the school board and the school district with regards to insurance. They are about to lose their insurance, their self-funded plan. Their third party administrator is going out of business. They've asked how likely it is that they could be part of the county's insurance. The Board members agreed that the school district insurance issue is completely separate from the county. Adam has been studying the affordable care act and is concerned with how our insurance may or may not stand up. There are a lot of penalties that will exist when you have too low a deductible. Entities will have a penalty if they have a low deductible plan versus a high deductible plan. Anyone with a deductible under \$3,000 will be penalized. There will be penalties if there are certain wellness checks not met by the county employees. For this reason, a good many companies are going to opt out of the Affordable Care Act and pay the initial penalties. With regards to insurance from a personal standpoint, there are some contracts, especially with the pharmacy, where Adam doesn't get the best deal. If employees decide to go with mail order they get it free but if they go to him they pay \$15. This is something that can be changed and the school district has always written theirs so it is favorable to MV Pharmacy. The county can have the same contract as mail order and there are certain states that have enacted that; if mail order has certain stipulations they then have to be offered to everyone. It would be nice to do that for other providers in the county whether they're dental, vision, hospitals, etc. County entities should get the same kind of deal. **COMMISSIONER PAUL DONOHUE** met with the Room Tax and Fair Board last Thursday. The fair preparations are well underway. RTC will meet on 7-23 in Alamo. Kevin and Paul D. will meet with NV Energy on Thursday.

#25-PUBLIC COMMENT

Ed called for public comment. Treasurer Shawn Frehner asked that a date be set for the landfill committee to meet or something to be decided in order to get things moving forward. A meeting will be organized so that a list of items that need to be addressed with Recology can be created. This committee will meet Wednesday the 17th. Ronda Hornbeck attended the RAC meeting last Friday. As of now, Ronda is the only LC representative on that committee. A decision was made that travel and motel rooms will no longer be paid for. Ronda can be renewed for two years or another person can be appointed to that committee. There will be an emergency horse gather this weekend in the Alamo area due to starvation. They will save as many as possible but the rest will be shot where they're found. Another gather will take place the following weekend in Alamo. Connie stated that the N-4 Grazing Board has recommended Susan Agee and Bevan Lister for appointment. Cory Lytle met with Kirt Johnson of Freedom 4Wheelers. They have an event scheduled for next weekend but they failed to have the special events permit approved by this Board. Cory will send an email to all entities affected. The process wasn't followed correctly.

#26-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:27 p.m.

Attest: _____ Approve: _____

[Large, faint, red handwritten signature or stamp, possibly reading "Ronda", is present across the page.]