



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 5, 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 9:08 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 7-30-13. The Invocation was offered by Kevin and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Nicole Rowe, County Health Nurse, asked to be put on the next agenda for hiring her administrative assistant (AA) full time. Her current AA doesn't need benefits. Nicole stated that we are the only rural community office that has a part-time AA; the other counties have full time AAs. The work isn't getting done by the end of the week; there aren't enough hours in the day/week to get the work finished. Adam read a letter from Governor Sandoval concerning the letter of support the Board sent him. Treasurer Shawn Frehner addressed Item 13, Commission chambers remodel. Shawn is concerned with this item due to all of the cutbacks we've had. The Treasurer's Office can't spend money on anything that isn't a necessity. Shawn has purchased her own shredder and the fax machine in their office belongs to Shannon Simpson. They provide their own equipment as there is no money to purchase it. Shawn asked the Board to be conscious as they are spending funds to remodel the chambers as there are other needs throughout the courthouse. The offices in the building are being very cautious in their expenditures and Shawn asked the Board to keep in mind the need to be careful in spending. Shawn further stated that a high capacity shredder is needed for the courthouse as most of the offices have many sensitive documents that need to be shredded.

CONSENT AGENDA

- #3 Approve/Deny minutes of the July 15 meeting.
- #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 M. made a motion to approve the consent agenda; seconded by Kevin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$239,838.73 with estimated expenditures being \$169,215.11. General County will have a balance of \$70,623.62. Normally taxes aren't reapportioned until the end of August; due to the current situation, the Treasurer apportioned the funds that we have at the end of this last July. Taxes will be reapportioned again at the end of this month. Transportation has a cash balance of \$65,192.29 with estimated expenditures being \$6,939.59. Transportation will have a balance of \$58,798.70. Senior Nutrition has a balance of \$96,405.77 with estimated expenditures being \$12,540.68. Senior Nutrition will have a balance of \$83,865.09. Detention Center has a cash balance of \$249,908.25 with estimated expenditures being \$88,703.09. Detention Center will have a cash balance of \$161,205.16. Solid Waste has a cash balance of \$71,956.53 with expenditures of \$22,431.05. Solid Waste will have a balance of \$49,525.48. Solid Waste owes LC Water Special Projects, Fund 87,

\$27,484.15. Airport has a balance of \$777.79 with estimated expenditures being \$25.00. Airport will have a balance of \$752.79. Planning has a negative balance of \$5,722.31 with estimated expenditures being \$2,046.20. Planning will have a negative balance of \$7,768.51. Leslie will transfer approximately \$14,674 at the next meeting into the Planning fund. Leslie advised that the voucher for Jule Wadsworth, approximately \$150, will not be paid this time. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc and Meadow Valley Pharmacy vouchers; seconded by Kevin. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul D. Kevin disclosed he is part owner of Mountain Merc and he abstained from the vote. Motion carried. Kevin made a motion to approve the MV Pharmacy vouchers; seconded by Paul M. Adam disclosed that he is the owner of the pharmacy; he abstained from the discussion and the vote. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge advised that C&O wanted to have a workshop but they can't make it to either of the meetings this month. Daniel will pursue a meeting with them for September 3. C&O would like to discuss how they should structure things in their development so they can do interlocal agreements with Mesquite. **TREASURER** Shawn Frehner presented the monthly reports to the Board.

#7-HIGHWAY COMMISSION

This item was handled under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#9-PANACA FIRE DISTRICT

This item was tabled to the next meeting.

#10-LC FAIR

Shantel Holt addressed the Board and requested advance payment for services obtained for the LC fair. Shantel attempted to get advertising from radio stations in Las Vegas, St. George, but they want payment in advance. Shantel was told that we can't do payment until after services are rendered. Shantel was told she could use personal credit cards and be reimbursed. Shantel did \$500 per radio stations and they matched the costs. All but one station wanted payment up front. Shantel was able to sweet talk several of them and work it out, but for future reference we still have to pay up front for other services. Coyote Country reaches several million listeners per week; these are individuals that we could reach if we could simply get the advertisement paid for. Paul D. commented that if Shantel could get vouchers or invoices it might be possible to process them in advance. Paul D. commented that with an invoice Fair Board would at least pay half up front. Shantel advised this is a one time instance for her, but there are several members on the Fair Board that pay for things up front and then wait for reimbursement. Shantel had invoices from every radio stations that said it would obtain so many spots per week. These invoices were turned over to Jule Wadsworth but Jule was told by the Fair Board that these couldn't be paid until after services were rendered. Paul D. will work with Shantel on this issue. Ely Radio doesn't accept payment until after services are rendered. Next year an invoice should be obtained about a month in advance. No action was taken.

#11-RETIRED SENIOR VOLUNTEER PROGRAM

Susan Haas, Executive Director of Retired Senior Volunteer Program (RSVP), and June Taylor, area representative, addressed the Board concerning the program. Susan discussed the programs of assistance for senior citizens and some disabled persons. This is a volunteer program. Mostly seniors volunteer but younger people can volunteer if they'd like. June invited the Board members to the new office open house tomorrow. No action was taken on this item.

#12-RETIRED SENIOR VOLUNTEER PROGRAM

Retired Senior Volunteer Program (RSVP) requested funding in the amount of \$16,384 to continue their program. Paul M. advised that the funds have been budgeted under Federal In Lieu. **Paul M. made a motion to approve the \$16,384 for RSVP; seconded by Paul D. All voted in favor.**

#13-COMMISSION CHAMBERS REMODEL

This item was tabled.

#14-MOUNTAIN BIKE TRAILS

Patrick Kell of the International Mountain Bicycling Association (IMBA) addressed the Board concerning the idea of developing a mountain bike trail system in and around Caliente. Over the last year, he's met with BLM concerning this issue and they've toured the landscape. Patrick met with Caliente City Council recently and discussed the development of the mountain bike trails and how it could impact the economy. Existing infrastructure should be utilized. A trail network would be focused on keeping people on main street for parking but then public lands would be accessed from main street. The proposed trail would start in the downtown area of Caliente. The trail network would be easily accessible for local residents as well. 80% of riders are moms/dads/families. Keeping that in mind, the easiest trails are closest to the parking lots. Mountain bike trails could be brought to some phenomenal areas, including beautiful vistas and areas of heritage. The trails will be professionally designed. Once the trails are in place high quality maps and signage would be produced. Mountain bikers look for a back country, remote experience. Caliente is a blank canvass; there isn't a significant population of mountain bikers there right now. A state of the art system could be built from scratch and all demographics could be involved. Mountain bike tourism brings in \$25 million per year to Mesa County, CO. There are many benefits to consider, including economic and community health. Along with BLM, Victor Jones of Caliente is involved; they'd love to have someone from the Commission to take part in the planning. The goal is to raise \$25,000 to do a trail design. \$5,000 has been allocated by IMBA to get the ball rolling on this project. Patrick asked that a member of the Commission be a point person. Kevin commented that he's the former mayor of Caliente and he worked hard to promote this very thing. Kevin stated he is willing to participate in this effort. **Paul M. made a motion to have Kevin and Adam be involved as point people; seconded by Paul D. All voted in favor.** Paul D. asked if there is any funding available for the county to match the \$5,000 that IMBA has put towards this project; he will look into this.

#15-EAGLE VALLEY HEALTH HAZARD

Ronda Hornbeck advised that she talked to BLM several years ago about the campground that is just above Eagle Valley. The camp is right where the intake valves are for EV irrigation. People were putting tents up and blocking the water. Ronda asked if BLM could stop them from putting tents there. BLM put in rocks so the people couldn't erect their tents in that area. Ronda stated that there are no restrooms in the area. This year she is cleaning toilet paper out of the grills. With the alfalfa valves the waste is in your face and you are walking in it. Ronda has spoken with Paul and Rosie at BLM concerning this issue. Paul asked Ronda if she would like him to close the campground. No, but restrooms need to be put in. BLM wants to take a look at this to see what can be done, it may include installing more vault toilets. Ronda stated that, unless the area is completely closed off, people will continue to camp there. BLM will analyze a range of resolutions and this item is on their work plan to deal with. Ronda has an issue with this as it is a huge health issue; she is willing to write a letter to ask that something be done to remedy the situation. Kevin stated that BLM needs to close that area immediately and install signs. The real solution is to install a vault toilet. **Paul D. made a motion to approve a letter to BLM requesting them to immediately address the health hazard stemming from the BLM campgrounds just above Eagle Valley, including that they close the area and erect signage until resolution is reached (this letter will go to the Schell office); seconded by Kevin. All voted in favor.**

#16-POSSESSORY USE TAX

This item was tabled.

#17-LC LAW ENFORCEMENT ASSOCIATION AGREEMENT

This item was tabled.

#18-NEVADA DAY PARADE

A letter was received from Ken Hamilton inviting the county to participate in the Nevada Day Parade in Carson City on October 26, 2013. **Ed made a motion to have Shonna Donohue, Adam and Paul D. participate in the Carson City parade; seconded by Adam. All voted in favor.**

#19-AMBULANCE

Lincoln County Ambulance needs a new ambulance; they have funding set aside and have gone to bid with the money they have. A new ambulance is about \$140,000. George Rowe has gotten a quote from a place that can take the existing box and put it on a new chassis. The Board agreed that this is a good idea. Paul D. stated the bid needs to be very specific when written. No action was taken.

#20-DRY LAKE NORTH SOLAR ENERGY ZONE

Kevin made a motion to approve a comment letter to BLM regarding further National Environmental Policy Act (NEPA) Analysis and Regional Mitigation Planning for the Dry Lake North Solar Energy Zone; seconded by Paul M. All voted in favor.

#21-WILSON CREEK WIND PROJECT

Connie Simkins presented the draft letter to Ely BLM requesting submission of Public Utilities Commission of Nevada (PUCN) Order to Dismiss, Docket 11-08028, to the Interior Board of Land Appeal concerning the Wilson Creek Wind Project. The application for the project has been rejected by Ely BLM and the proponent has appealed to the IBLA. The order issued by PUCN to dismiss the application would give weight to the BLM's position and possibly encourage IBLA to make their ruling. **Paul M. made a motion to approve the letter to BLM; seconded by Kevin. All voted in favor.**

#22- WILDLIFE HERITAGE TRUST FUND PROJECT #14-07

Cory Lytle advised that the county wildlife board was awarded a grant in the amount of \$15,000 for the Patterson project. The funds are to be administered by the county through the Grants office. **Kevin made a motion to approve the receipt of the grant from NDOW Heritage Trust Fund Project #14-07, Patterson Pass; seconded by Paul D. All voted in favor.**

#23- WILDLIFE HERITAGE TRUST FUND PROJECT #14-07

Paul M. made a motion to approve the Contributed Funds Agreement between LC/BLM for the NDOW Heritage Funds Project #14-07; seconded by Kevin. All voted in favor.

#24-WILDLIFE HERITAGE TRUST FUND PROJECT #14-07

No action was taken on this item.

#25-SILVERSTATE TRAILBLAZERS' AMA NATIONAL HARE N' HOUND

Adam made a motion to approve the Silverstate Trailblazers' AMA National Hare n' Hound motorcycle race scheduled for August 24, 2013 in the Panaca area; seconded by Kevin. All voted in favor.

#26-BUSHWHACKERS M/C HARE SCRAMBLES

Kevin made a motion to approve the Bushwhackers M/C Hare Scrambles motorcycle race scheduled for September 21, 2013 in the Pioche area; seconded by Adam. All voted in favor.

#27-TRANSWEST EXPRESS TRANSMISSION LINE PROJECT

Cory Lytle presented information concerning the draft Environmental Impact Statement for Transwest Express transmission line project; proposed route will go through a portion of LC. There were several alternative routes and LC recommended a more northerly approach. Since then, the proponent has offered their preferred alternative, which is the Kern gas line corridor. The agency preferred alternative cuts through near Modena and over through Uvada then connects to the utility corridor. Cory believes one of those two routes will be the one chosen. Cory asked which route the county wants to support. The Board discussed preferred route. Connie Simkins stated the N-4 Grazing Board supports the proponent's route as it will affect the fewest grazing operators. Connie is making a map and will send it to the Board; the map depicts how many grazing operators will be affected. Connie believes there is a way to do the project so that it will benefit the grazing operators. N-4 Grazing Board has been accepted as a cooperating agency and they will be able to submit comments during the draft. Cory has received a couple of comments from the public advising that they don't want to see it in the Beaver Dam area. Paul D. stated that we don't want to impact the cattle society if possible but we do need to get as much of it in LC as possible. Kevin commented that it seems advantageous to have the route come

through Toquop Wash. A letter will be presented for discussion and approval at the next meeting. September 30 is the final date for written comments to be submitted. No action was taken.

#28-PIOCHE CONSERVATION CAMP

When this was done originally, one of the conditions was that they would provide a crew to Pioche. Since then, it has become increasingly difficult for Pioche to get a crew and Pioche also has to pay a great deal of money for such. Nothing concerning the crew is included in the lease. This is a 20 year lease and it adds that we will provide access to the access road and well. **Paul D. made a motion to approve and renew the lease with the Nevada Department of Corrections for operation of the Pioche Conservation Camp; seconded by Adam. All voted in favor.**

#29-PARALEGAL WAGE SCALE

Daniel presented the proposed classification for the wage scale for the paralegal position in the District Attorney's office. The legal secretary that works in his office does normal secretarial things as well as paralegal work. Daniel looked throughout the state to find the minimums and maximums for the legal secretary position. Mercedes Howard has been in the DA's office since 2009. She started at \$15 per hour and hasn't received an increase since then. Daniel presented a proposed ten step salary increase program. Daniel has funds in his budget to increase Mercedes' salary to \$15.71 per hour. Consistently, in all of the 17 counties, the paralegal is one of the top classified positions in the county. The paralegal position isn't included in the bargaining units at this time nor is it addressed in the personnel policy. There is nothing included in Daniel's proposed wage scale for longevity. Mercedes works a 35 hour week and doesn't get the full 2,080 hours per year. If Daniel had a full time deputy he wouldn't be able to afford the increase for Mercedes. Adam stated that Daniel should be in charge of his own budget; if he's over-budgeted, he won't be able to get a full time deputy. Paul M. commented that the Board can accept the scale and not move Mercedes up. **Adam made a motion to take two weeks to look over the information presented; seconded by Paul M. All voted in favor.**

#30-LC PERSONNEL POLICY

Daniel emailed Chapter 1 proposed changes and didn't receive any comments in return. **Adam made a motion to accept the changes to Chapter 1; seconded by Paul D.** Shawn asked that clarification be added to Section 1.4 as to who the employees are to notify of change of address; it simply says they need to inform LC in writing. **Adam amended the motion to include that employees will notify the HR representative (Recorder's Office) of changes of address; seconded by Paul D. All voted in favor.** Daniel commented that there are a lot of places that say you will complain to the EEO coordinator for sexual harassment. There is no definition of who the EEO officer is and it is believed that when the last version of the policy was written that person was the county manager. Paul M. suggested that the DA be designated as the EEO officer. Shawn asked if the DA's office would be able to be that person if he was representing the county in a case; is there a conflict? If there is a problem, the Clerk's office will be the alternate EEO. Shawn advised that the policy states that training will be provided to all employees concerning harassment. The school district has a website; when the training is complete supervisors are notified that it's been done. Paul D. suggested this could be utilized at the county level and stated that the section about training and harassment needs to remain in the policy. ADA compliance was addressed. ADA officer is DA's office. Daniel will attach a list showing where ADA forms can be found. Shawn advised that safety sensitive positions are addressed in the policy; it also says there is a list of those positions. Shawn commented that there is no list of those positions and she doesn't know what the safety sensitive positions are. The Board discussed random drug testing of these positions. 2.7.17 (5)(b) refers to a section that doesn't exist. It should say 2.7.12. No action was taken.

#31-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS discussed the LC fair. **COMMISSIONER ED HIGBEE** met the new colonel at Nellis AFB. **COMMISSIONER PAUL DONOHUE** advised that the LC Fair is this weekend. The building is now air conditioned. Varlin Higbee has been working on the fairgrounds for several weeks. Connie advised that the section of bleachers that is broken still hasn't been fixed. Those bleachers need to be moved or fixed by 8 a.m. Thursday morning. It is believed that a crew will be arriving to take care of the weeds. A crew to sterilize the weeds was put together several months ago but no one seems to know why it hasn't been done. Paul D. met with the Law Enforcement Association representatives as well as NV Energy representatives. Paul D. spoke with Mr. Chamberlain; coal burning power plants are being closed down in NV. Paul D. attended the

RTC meeting; Panaca Town has nearly finished the curb/gutter around the center of town. Road Department is patching roads in the towns. Cory and Paul D. will meet with City of Mesquite tomorrow.

#32-PUBLIC COMMENT

Ed called for public comment. Rick advised that he received a letter from FEMA concerning the flood control basin in Spring Heights in Caliente. They are requesting input from agencies or interested entities, due August 24. Connie Simkins will participate with the other AULGs to discuss recent legislation in Congress. Connie will take part in a conference call with Eastern NV Landscape Coalition and tomorrow she will attend a conference call with Pinyon Juniper Partnership. Connie asked if the Board has hired a Road Department Supervisor or additional workers. No. At the next meeting a committee will be formed to hold interviews and hire. Victoria Barr of BLM advised that she will be hosting a tour at Ash Springs for our senators. Public meeting process will start in October to get ideas from the public for the future of Ash Springs. BLM will look at all ranges of alternatives.

#33-ADJOURN

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

Attest: _____ Approve: _____

[Large, stylized, handwritten signature in red ink, possibly reading "DORIS"]