



## LINCOLN COUNTY BOARD OF COMMISSIONERS

August 19, 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 9:03 a.m. Deputy Clerk Marie Bleak called the roll.

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

MARIE BLEAK, Deputy Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 8-13-13. The Invocation was offered by Ed and Kevin led the Pledge of Allegiance.

### **#2-PUBLIC COMMENT**

Ed called for public comment.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the August 5 meeting.
  - #4 Approve/Deny the hiring of Pioche Public Utilities Office Clerk as recommended by the Pioche Town Board.
  - #5 Approve/Deny the appointment of Mayor Stana Hurlburt to the Lincoln County (LC) Regional Transportation Commission to replace former Mayor Ashley Moore.
  - #6 Approve/Deny original and renewed business licenses according to staff recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).
- Kevin made a motion to approve the consent agenda; seconded by Adam. All voted in favor.**

### **#7-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$126,337.22 with estimated expenditures being \$123,284.02. General County will have a balance of \$3,053.20. Transportation has a cash balance of \$65,541.18 with estimated expenditures being \$5,018.15. Transportation will have a balance of \$60,523.03. Senior Nutrition has a balance of \$86,145.57 with estimated expenditures being \$8,936.95. Senior Nutrition will have a balance of \$77,208.62. Detention Center has a cash balance of \$163,060.20 with estimated expenditures being \$64,024.55. Detention Center will have a cash balance of \$99,035.65. Solid Waste has a cash balance of \$54,008.09 with expenditures of \$0.00. Solid Waste will have a balance of \$54,008.09. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$752.79 with estimated expenditures being \$493.93. Airport will have a balance of \$258.86. Planning has a negative balance of \$7,702.40 with estimated expenditures being \$3,291.35. Planning will have a negative balance of \$10,993.75. **Kevin made a motion to approve the vouchers as presented with the exception of the Mountain Merc, and LCTS vouchers; seconded by Paul M. All voted in favor. Kevin made a motion to approve the LCTS vouchers; seconded by Adam. Paul disclosed he is an employee of LCTS and he abstained from the vote. Motion carried. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed that he is the part owner of Mountain Merc; he abstained from the vote. Motion carried.**

## **#8-OFFICER/DEPARTMENT HEAD REPORTS**

**District Attorney** Daniel Hooge advised that Coyote Springs is suing Brightsource Energy and that the attorney for Brightsource wanted to depose several members of the commission. Daniel is confident they have worked out a compromise and the attorney for Brightsource would like to meet with Lisa Lloyd, Cory Lytle, Paul Mathews, Ed Higbee and Rhonda Hornbeck via teleconference this afternoon. During this meeting he will ask them each a few questions in hopes to find out what they know. At that point he will decide if he still wants to depose. Daniel will talk to Cory about the meeting and asks Paul M. and Ed to meet after today's commission meeting at about 1pm. Paul and Ed will be available.

On another note, Daniel was able to get a hold of Teamsters, they are able to meet either Aug 26<sup>th</sup> or 27<sup>th</sup>. Kevin is unavailable Tuesday the 27<sup>th</sup>. Paul D. is unavailable Monday the 26<sup>th</sup>. Daniel will schedule the meeting for Monday at 1pm. Daniel spoke to Kelly Ware, she said she believes she can get the quote she gave but only if both the School District and Hospital District can get on board as 300 members are required to get the large group quote. However, Daniel believes this will not work as the School Districts deadline is September 1st. Adam is under the impression that the school will use the Leavitt Group. Daniel states that Ms. Ware said it would go up one hundred dollars for the larger group if the smaller group is not able to work. Ms. Ware quoted approximately \$280 for the small group, said it would be approximately \$383 for the large group. Adam questions whether or not Ms. Ware could offer a plan similar to the plan the Leavitt Group has offered the City and the School District. Daniel will schedule the meeting with Teamsters for the 26<sup>th</sup> of August at 1pm to discuss these possibilities. Paul Donohue leaves the meeting. Paul Mathews feels it is better to wait until after the Teamsters meeting to meet with the Sheriffs Association.

**LC Homemaker** Tony Pinkham advises the board that the program has been cut by almost \$14,000. With this cut they will only be able to cover about 9 people on the current grant but they have about 30 clients that could use the help. Toni has already talked to the Division of Aging and they are unable to provide any additional funding so she is asking the Commissioners for another \$25,000 to keep the program going. If they are unable to provide the help she may have to lay someone off or cut someone's hours to part time. Funding last year was categorical at \$42,000, they were able to spend it how they needed and they were not required to earn the hours. This year they are on fixed fees, which is \$15 an hour. Based on these fixed fees they are only able to keep approximately 9 clients for the year. Employees spend approximately 1 to 2 hours with each client per week. Toni worries the number might actually be less than 9 after considering insurance and retirement costs. On the previous budget they were able to keep 6-8 clients for each of their 4 homemakers. Toni states that the going rate that she is aware of for this type of service to be done privately is \$10 an hour. Elaine Zimmerman speaks, feels Toni has done everything she can to keep these figures as low as possible while still providing the services needed. She advises the additional funding Toni is requesting is available in the grant. Tony is hoping to get two of her drivers to also do half homemaker and half nutrition as a full time position with benefits. This grant match money comes from PILT money, the match this year was approximately \$3,000. Tony would like help finding a solution to the problem if the money is not approved. Ed asks Toni to put together a proposal and possibly a packet to have it in writing. This item will be put on the agenda for Sept. 3<sup>rd</sup>. Toni will be unavailable but will see if Trina Lytle can be here on that day.

**Grants Administrator** Elaine Zimmerman was gone for much of last week attending the executive committee meeting to finalize the SNPLMA awards for 2014. She has several other meetings she will be attending in the near future and will report as appropriate.

**Sheriff** Kerry Lee advises that the week before Labor Day Clark County Detention Center officials will be in the area to do a walk-through of the Lincoln County Detention Center. He is planning to take them to lunch. If any of the commissioners are interested in meeting the CCDC officials Kerry will let them know a date and time. Kevin and Ed will plan to meet them. This is an opportunity for our Sheriffs office to get to know the new officials at CCDC and to foster the relationship between LCDC and CCDC. There are no major issues to be addressed before they come, though Kerry states that storage continues to be a problem at LCDC and they will continue work on it as much as possible before the visiting CCDC officials arrive. Kevin suggests Kerry bring a plan to the commissioners to resolve the problem with the female prisoners. Paul M. mentions the \$340,000 that was budgeted as a loan from the Land Act monies to address this issue at LCDC. Kerry also advises the board that they will be adding another 1000 gallon propane tank to the facility.

## **#9-HIGHWAY COMMISSION**

This item was handled under separate agenda.

#### #10-ROADS DEPARTMENT

Paul D. feels a supervisor needs to be appointed and then a committee created with two commissioners. Shane Cheeney would appreciate a committee. Paul feels the same committee should also interview the applicants for supervisor, minus Shane Cheeney as the appointed supervisor. Paul M. suggests scheduling a special meeting of commissioners to hire the supervisor as the supervisor position works for the board. This would have to be an open meeting. According to Paul D. there are currently 3 applicants for the supervisor position. Paul D. advises that the Roads Department is down, at minimum, a mechanic and two blade operators. Adam would like Shane, as the acting supervisor, to show the commissioners, through work orders etc., that there is in fact a need to fill all the positions discussed. Paul D. advises that when the blades are taking care of the maintenance of the roads the Department is bringing in revenue, and he feels the positions should be filled. The commissioners discuss scheduling an open meeting to hold interviews to hire the supervisor and then to establish a committee that would decide which vacant positions need to be filled and then hire the workers for those positions. The meeting is scheduled for Monday morning, August 26<sup>th</sup>, at 9am.

#### #11-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#### #12-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#### #13-NDOT PERMIT FOR RADAR SPEED SIGN

Shawn Han from the Panaca Town Board addressed the board. He advises that the Panaca Town Board cannot file for this permit as they are not officially incorporated, so they are asking for the commissioners' assistance. The radar sign will be near the senior center and will scan traffic coming in from the east. This would be permanent radar. There is an additional cost of approximately \$600 for a solar attachment to power the sign; Mr. Han believes it would cost more to have power run to it so they have decided to purchase the solar attachment. The total cost will be approximately \$2,750.00 which will be paid for by funding from the RTC. Keith Pearson is set up to do the installation. Shawn will need to fill out his documents before one of the commissioners will sign it. **Kevin made a motion to approve the signing of the application for a Nevada Department of Transportation permit for a radar sign, Seconded by Adam. All voted in favor. Motion carried.** Paul M. says he will sign the application.

#### #14-BUDGET TRANSFERS

These funds would all be transferred from the Federal In Lieu Special Revenue Fund.

**Adam makes motion to approve transfers as presented; seconded by Kevin. All voted in favor. Motion carried.**

#### #15- INTERNATIONAL MOUNTAIN BIKE ASSOCIATION

Paul M. recalls that \$5,000.00 is being requested from the county for this project. Adam is hesitant to make a motion without having something in writing. Daniel says the \$5,000.00 was for the survey portion of the project. It would be \$25,000.00 to draw up the plans, then an additional \$25,000 per mile with 5 to 10 miles worth of trail. Adam would like to have clarification of the total amount the county would send. Connie Simpkins would like to know how the City of Caliente will be involved emotionally and financially. The commissioners' understanding is that the City of Caliente will also be giving \$5,000.00 towards the project. Adam suggests waiting for clarification on this item as they have a conference call coming up next week regarding it. Paul M. would also like to have a discussion with the Grants Administrator Elaine Zimmerman on this item. She is available but will need to get more information as well. No action was taken on this item.

#### #16-PUBLIC LAND USERS ADVISORY COUNCIL COMMITTEE

Kevin gives the board a recap of the Nevada Land Management Committee meeting he attended in Eureka. Kevin request we tune up the PLUAC and reorganize the committee, and proposed that the following people be asked to participate on the committee: as representatives of grazers, Jon Sanders, Varlin Higbee, Kenan Gloeckner, Dennis Sonnenberg; as representative of off road activities Donald Jackson; as representative of economic development Dave Hurd. Connie Simpkins suggested adding someone who would represent the hunting community. Ed adds an additional category, a representative from the hunting community. **Adam**

made a motion to approve the reorganization of the PLUAC committee as set forth. Seconded by Paul M. All vote in favor. Motion carried.

**#17- ECHO CANYON CAMPGROUND EXPANSION**

Grants Administrator, Elaine Zimmerman addresses the board. She has spoken with the gentleman at SNPLMA and was advised that due to continual delays we have until July 2014 to complete this project. She advises that there is over two million dollars to spend and very little has been done. Elaine has had conference calls with Sunrise Engineering, SNPLMA, and the State Parks to get this project moving forward. State Parks agrees that they do need assistance. Sunrise Engineering has offered a proposal on how to get the project completed on time. Copies of the proposal were given to the board. **Kevin discloses that his son is one of the principal engineers for Sunrise Engineering; he abstained from the discussion of this vote. Paul M. made a motion to accept the proposal from Sunrise Engineering, seconded by Adam. All vote in favor. Motion carried.**

**#18 CHANGE ORDER #3 FOR SUNRISE ENGINEERING**

Paul M. Advises that this changes takes the work the State Parks would have done for the Echo Canyon Campground Expansion project and moves it to Sunrise Engineering. **Paul M. made a motion to approve the change, seconded by Adam, all voted in favor. Motion carried**

**#19-GRANT AGREEMENT FOR AIRPORT LAYOUT PLAN**

Elaine Zimmerman advises that there is only a two week turnaround time to submit signatures for this grant if it is approved by the board. A layout plan is required every five years for the improvement program process. The application was signed in July for a federal loan amount of 74,000.00, with the county's portion being \$5,000.00 **Paul M. made a motion to approve the signing of the grant agreement for the airport layout plan for the Lincoln County Airport in Panaca, seconded by Adam. All voted in favor. Motion carried.**

**#20-COMMUNITY DEVELOPMENT BLOCK GRANT**

Paul M. is not present. **Adam made a motion to sign the environmental review for the Alamo General Improvement District, seconded by Kevin. All voted in favor. Motion carried**

**#21-NATIONAL ENVIRONMENTAL POLICY ACT**

**Adam made a motion to approve the Community Development Block Grant finding of categorical exclusion from the National Environmental Policy Act requirements for the Alamo General Improvement District Award, seconded by Kevin. All voted in favor. Motion carried.**

**#22-PAVEMENT ISSUES AT THE ALAMO LANDING FIELD**

**Adam made a motion to approve the letter to Mel Clark, Inc. regarding the pavement issues at the Alamo Landing Field, seconded by Paul M. All voted in favor. Motion carried.**

**#23-OAK RIDGE TENNESSEE PEER EXCHANGE**

Ed and Adam volunteer to attend this meeting in Oak Ridge, Tennessee, Sept. 17 thru Sept. 20, 2013. Connie will make all the arraignments. Paul D. returns. **Kevin made a motion to have Commissioner Higbee and Commissioner Katschke represent Lincoln County at the Oak Ridge Tennessee Peer Exchange, September 17th thru September 20<sup>th</sup>, Paul M. seconds. All voted in favor. Motion carried.**

**#24-JOB CLASSIFICATION/WAGE SCALE FOR PARALEGAL POSITION IN THE DISTRICT ATTORNEY'S OFFICE**

Daniel presented the board with the proposal he put together for the job description, classification and proposed wage scale of the Paralegal position. Based on comments the commissioners have made in the past Daniel feels this is a good plan and that it does what the board wants it to do. Paul M. mentioned that as this type of move is the boards desire, he would like to be able to establish this scale and structure for all the at will employees. There was discussion on how this would take place and which employees would qualify. He suggested working first on all the courthouse employees that would fit under this classification and then broaden it to include other. Daniel stated that his hesitation with that idea is that he doesn't have the time to put things

together for that many people, additionally he doesn't want to be involved. Shawn Frehner suggests department heads do it for the other employees. The only other courthouse employee that would fall under this category is Elaine Zimmerman. Connie Simkins questions if she and Rick Stever be included. They would, but the suggestion initially was for courthouse employees. Paul stated that if there are only one or two courthouse employees then they could probably extend it to other at will employees. When asked what the job classifications and descriptions for the Paralegal position are, Daniel stated that for this classification the requirement is two years on the job experience and that there is not specific certification for a Paralegal. Paul D. stated his belief that if this item is approved it will be a part of the next negotiation discussions. **Kevin made a motion to approve the job classification and wage scale for the paralegal position in the District Attorney's office, seconded by Adam. Four vote in favor, one opposed. Motion carried.**

#### **#25-PERSONNEL POLICY**

Paul Donohue is not present. Paul M. addresses the employment of relatives. Daniel sites state law that the relative can not be the one who is doing the hiring but as far as supervising goes, that state law has no restrictions. He states that a nepotism problem would come into play with regards to hiring, promoting, and or discipline and that is what needs to be avoided. Paul M. suggested changes that would address where certain issues would be handled, whether it would be with Human Resource or with the District Attorney. Daniel states that typically any complaint about inappropriate activity would come to his office as complaints such as not receiving correct pay would go to the Human Resource department. Ed stated that he feels much of the language in the personal policy is vague and that is could be rewritten to be more understandable and specific. Daniel made a recommendation to simplify to policy regarding disposal of property. Connie suggested posting property to be disposed of onto the county website for other counties to see and possibly benefit from. Cory Lytle addressed solicitation. Shawn Frehner mentioned the signature notary services available in the courthouse and posed the idea that allowing those services, in certain offices, does not follow the Personnel Policy as they can be considered a personal business. She questioned if these services need to be stopped or if the policy should be changed to continue to allow the service. Daniel advised that there is a definite need for notary services in the courthouse. Corry suggested clarifying the exemptions, possibly adding a few more exemptions to the statement on solicitation. Daniel would like the ability to refer patrons to his deputy, as a service to the patron, for private work, even when it would fall under county hours. Shawn mentioned a couple typo errors that should be corrected in section 2. No action was taken.

#### **#26-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS-** Tri County meeting was canceled. Paul will meet with the Sheriff today regarding Law Enforcement Association and budgets. **COMMISSIONER KEVIN PHILLIPS-** Attended the Nevada Land Management Committee meeting in Eureka. Conclusions were that it is profitable in our sister states to manage their own public land and that it is done more efficiently across the board, in terms of dollar and employees. Kevin feels this would be a good option for our county. They will meet again in Winnemucca next month. On the agenda for that meeting, Kevin has requested to have a discussion regarding what the role of the State would be and what the role of the respective counties would be. There is a meeting scheduled in Salt Lake City, Utah, in early October, regarding this topic and conducted by the American Lands Council, which Kevin plans to attend. **COMMISSIONER ED HIGBEE-** Spoke to Dan Simpkins who said the weeds are bad at Panaca Airport. Ed spoke to Paul D. about it who said he would get it taken care of. **COMMISSIONER ADAM KATSCHKE-** Mesquite meeting went well. Additionally, Adam and Kevin are going to a meeting today with Mike Baughman and the Lincoln County Regional Development. They are wanting to sit down and discuss why they are not getting more land from the BLM each year when we can get up to 90,000 acres **COMMISSIONER PAUL DONOHUE-** Discussed the meeting he attended with the City of Mesquite, said it went extremely well.

#### **#27-PUBLIC COMMENT**

Ed called for public comment.

Jerry Kline comes before the board to present the design he created for the commissioner's desk. This is not a remodel of the chambers, simply a remodel of the desk. Jerry has figured out a U shape design that would work. He has also been able to design bookshelves to work into their plans. Jerry shares the templates he created to give the commissioners and idea of what completed project would look like.

Connie Simpkins offers brochures for the commissioners' review. Connie is putting together wild horse numbers for White Pine and Lincoln counties to assist with a law suit by the Nevada Association of Counties against the BLM, requiring them to bring the wild horse numbers down to appropriate management levels. Dylan Frehner advises the board that the City of Caliente had a special workshop on Thursday before their City Council meeting, to discuss the host settlement with the Nevada State Engineer on their water rights. The settlement was approved.

**#28-ADJOURN**

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:56 p.m.

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_

DRAG