



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 16, 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 9:12 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 9-10-13. The Invocation was offered by Paul D. and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Treasurer Shawn Frehner attended meetings at NACO last week. Shawn discovered that the landfill committee needs to meet under an agenda due to the changes in the open meeting law. The landfill meeting that had been set for today was canceled as no agenda had been posted. The meeting will be rescheduled and an agenda will be posted. Ed presented a letter from Patrick Kell concerning the bike path.

CONSENT AGENDA

- #3 Approve/Deny minutes of the August 19, 30, and September 3 meetings.
- #4 Approve/Deny tax strike and refund for Vance and Vickie Higbee, APN 11-200-02, special assessment \$533.50. Special assessment was attached to the Higbee parcel but should have been billed to Joe Higbee. Joe Higbee will be billed \$533.30 unsecured.
- #5 Approve/Deny tax strike and refund for Mark and Sandy Robinson, APN 001-192-02. 2012-13 is 12,777; 2011-12 is 14,938. Total tax dollar amount is \$884.57; total assessed is 27,715. Assessors records reflect a converted modular home. The home has not been converted pursuant to NRS 361.768(b).
- #6 Approve/Deny a 2013-2014 budget transfer of \$76,297 from the Capital Improvement Fund to the Vehicle Capital Project Fund.
- #7 Approve/Deny the advertising and hiring of a replacement Deputy Clerk for the Clerk's Office.
- #8 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).

Adam made a motion to approve the consent agenda, with the exception of minutes for August 30 since no meeting took place that day and Item 7, which has been tabled; seconded by Paul D. All voted in favor.

#9-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$317,529.85 with estimated expenditures being \$151,892.62. General County will have a balance of \$165,637.23. Transportation has a cash balance of \$62,647.09 with estimated expenditures being \$2,765.43. Transportation will have a balance of \$59,881.66. Senior Nutrition has a balance of \$125,467.18 with estimated

expenditures being \$5,935.49. Senior Nutrition will have a balance of \$119,531.69. Detention Center has a cash balance of \$221,430.34 with estimated expenditures being \$79,656.08. Detention Center will have a cash balance of \$141,774.26. Solid Waste has a cash balance of \$115,928.21 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$297.54 with estimated expenditures of \$109.49. Airport will have a balance of \$188.05. Planning has a balance of \$40,102.80 with estimated expenditures being \$2,265.61. Planning will have a balance of \$37,837.19. Jason Bleak addressed the Board and stated that there were renovations taking place of the Ambulance Association when the County Manager, John Lovelady, was still here. Jason was working with John at the time to bring in more funds. As part of the agreement the hospital takes 10% of whatever funds are collected. The hospital forgot to submit their bills for payment over the last year. They collected over \$220,000 and submitted a bill for over \$22,000. There is a NRS that states that the Board can't pay anything older than six months. Jason is asking forgiveness and asking the Board to figure out how to make this work so the hospital can be made whole. This particular statute preventing old bills from being paid has been side stepped in the past, according to Jason, and he is asking that the Board approve the payment of \$22,000. Daniel advised that this is one of those laws that seems very harsh, but it is what it is. Vouchers that are older than six months can't be paid. Daniel recommended that the Board follow the law and possibly consider changing the agreement for the future, including paying them 20% for the next year. It is possible for the Board to pay the last six months but nothing beyond that. The time frame for submitting requests for payment is from the date of the bill to six months after. It is due or payable once it's earned. Ed and Adam agreed that April and May could be paid. Daniel advised that the Board can agree to pay 40% for the near future until it is caught up. **Adam made a motion to pay them 50% for the future until the \$20,000 is reached, once that happens we will go back to 10%; seconded by Paul D. All voted in favor. Adam made a motion to approve the vouchers as presented with the exception of the LCTS and Meadow Valley Pharmacy vouchers (further backup is required for the Ranch Rodeo bill but once it's received the bill is to be paid); seconded by Paul D. All voted in favor. Paul D. made a motion to approve the MV Pharmacy vouchers; seconded by Ed. Adam disclosed that he is the owner of the pharmacy; he abstained from the discussion and the vote. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Ed. Paul D. disclosed that he is an employee of LCTS and abstained from the vote. Motion carried.**

#10-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner attended the Power 1 meeting for certified public officials. There were classes concerning open meeting law, ethics, finance, and several other topics. The meetings were very beneficial. Shawn also attended a Treasurers' meeting.

#11-HIGHWAY COMMISSION

This item was handled under separate agenda.

#12-CITY OF CALIENTE GAS TAX FUNDS

This item concerns the propriety of sending gas tax proceeds to the City of Caliente and possibly taking action to fund projects in the city through other funds such as ad valorem taxes, federal in lieu funds, etc. Adam stated he isn't convinced they can't use the other money. Daniel stated once the funds go into the road fund they absolutely can't be used. All funds received went into the road fund. When the money comes into the Treasurer's Office it goes into the road fund. Shawn advised that the funds are receipted to the road fund. The law has been broken through the years because the county has been paying them out of this fund. The statute John Brown brought up pertains to ad valorem taxes. Everything the county receives is gas tax. The money for this year isn't available. The Board will need to let Caliente know that the law prevents the county from paying the \$93,000; those funds will have to stay in the county road funds. Daniel advised that the Board can still pay the money but they'll have to identify a different fund for it to be paid from. Paying this from another fund will take money away from sources that may need it in the future. The 235 fund was never set up, never finalized. All of these things have been spoken about before but a solution was never identified. The road money comes in every month. If a fund were established, the funds could be receipted to it. Daniel advised the Board that they could establish a fund. The last time this issue was addressed it was decided not to set up the fund because it takes money away from the road department. No action was taken on this item and it was tabled to the next meeting.

#13-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#14-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#15-EMERGENCY MANAGEMENT

This item concerns the discussion, and possible decision, to use grant match funds to offset the amount taken by the county from Emergency Management to pay for insurance. Rick Stever addressed the Board and stated the funds weren't budgeted previously. The insurance was presented as a bill. Rick offered a copy of his budget including the amount for services/supplies. Cory Lytle stated Buildings/Grounds budgeted the entire amount for the insurance. There is a reimbursement program from entity to entity back into the 108 account. All other facilities that are covered under this insurance reimburse Fund 108. Cory has worked hard to get the list of county facilities updated. In doing so, insurance rates have increased. Cory advised that he doesn't know how it was billed or budgeted in the past. Rick stated that this cost wasn't budgeted. $\frac{3}{4}$ of the funding for Rick's position comes from other sources; some of this can be submitted for reimbursement. Rick wasn't aware of this cost so he can't submit a request for 25% reimbursement. We need to find out where it was paid from before it was charged to the Emergency Management Fund. There is a statement of values list that needs to be checked. The amounts for Emergency Management versus Fire need to be identified. Cory will work on identifying the costs. The Board needs to provide a list to all entities that will pay so they can budget for this next year. Rick will look into splitting the amounts up; Cory will relay the message to Dolan and Edwards. The bill has already been paid for this year. A fund needs to be identified to reimburse Emergency Management. Paul D. stated it will have to come out of the fire department or federal in lieu. Adam commented that he'd like to see the breakdown prior to paying it. Leslie asked if the Board would like her to take the reimbursement out of General County Fund 108. Leslie stated that we should look to see what amount is for the fire department; the remaining amount can be taken out of Fund 108 for the reimbursement. The Board agreed. A portion will be taken out of the fire fund and the remainder will come out of Fund 108. A decision will be made at the next meeting after Cory and Rick meet to identify costs for both Emergency Management and LC Fire. No action was taken.

#16-RESOLUTION #2013-16

Sheriff Kerry Lee advised that this has been advertised and the requirements of the State Department of Taxation have been followed. **Paul D. made a motion to approve the resolution to authorize a medium term obligation for the purchase of 3 patrol/detention vehicles not to exceed \$90,000 for 36 months; seconded by Adam.** Adam read the resolution into the record. **All voted in favor.**

#17-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION

A power point presentation was offered by Eileen Christensen concerning the projects and goals of the Rural Desert Southwest Brownfields Coalition (RDSBC). **Adam made a motion to approve and sign the Brownfields Revolving Loan Fund (RLF) Coalition Memorandum of Agreement; seconded by Paul D. All voted in favor.**

#18-ENGAGED LEADERSHIP CONFERENCE

Gina Smith discussed attendance at the Engaged Leadership Conference Finale. The three Engaged Leadership groups have done many great things in the community. Gina invited the Board members to the Finale on October 28 at Kershaw Ryan at 5 p.m. There will be a dinner/BBQ. Des Craig will be here from the Governor's Office and the groups will proffer a presentation concerning the things they've accomplished. No action was taken.

#19-C&O HOLDINGS, LLC

Ed Lubbers presented an update on the development project in the Toquop area. There is pressure on land prices again. Land prices have doubled in this calendar year. C&O anticipates the ability to sell will increase. Ed advised that closings on houses could be realized as early as 2018. Based on whether or not there are restrictions on the age for the communities, there could be anywhere from 9,000-12,000 people living in the area by 2023. Various agreements have been prepared by Ed. C&O still needs an interlocal between town and

Mesquite for sewer and between C&O and LCWD for water. Ed believes that garbage, telephone, and cable agreements will need to be drafted. Ed still needs to meet with the school district to see if there is an adult only exception for schools. Ed will also meet with the Sheriff to consider planning for the development. The plan is to do a restated development agreement in the near future. C&O's goal is to obtain as many of the services from the county as possible. Toquop area is part of the LC Fire District. Jason Bleak asked what thoughts have been put towards primary care, clinics, and medical services. Ed responded that this hasn't been considered yet. Ed and Jason will meet to discuss medical issues. Paul D. reviewed his meeting with Mesquite personnel. Cory advised that he has worked with Ed, Chris, and Paul to float different ideas. C&O is going to create a better product. Cory advised that there is an existing development agreement that will be revisited. Whatever burdens the county takes on will require plans for maintenance. Also, plans need to be made so that the taxpayers in the rest of the county aren't burdened with the costs. Ed commented that he doesn't anticipate meeting with Mesquite without the presence of the Commissioners. Ed's plan is to continue with the creation of a town. There was some discussion about things that could come into play with the creation of a town, things that will have to be considered. No action was taken on this item.

#20-LC HEALTH NURSE ADMINISTRATIVE ASSISTANT

This item concerns the hiring and funding of a full time administrative assistant for the LC Health Nurse. This is a continuation of discussions held at previous meetings. Adam stated he would like to recuse himself today as his personal interests clash. However, he participated in this item due to the fact that there were only three Commissioners present. Nikki Holton addressed the Board and advised that they've worked hand in glove with the health nurse in years past. There is an agreement and contract in place for the position between the school district and the state. This contract entails payment to the health nurse's salary. Nikki reviewed the obligations included in the contract. The school district's contract includes that they will provide clerical duties. The problem with this is that there are fiscal and financial issues. \$4,788 is paid per year for the health nurse; this is paid directly to the state. The contract with the state is for a two year span. The state is to provide health screenings, immunizations, HIV awareness and puberty classes, and several other things. Nikki was disgruntled to find out that this issue was being addressed at this level as opposed to being dealt with in her office. Nikki has offered to let one of her secretaries help out with some of the health nurse's services. Nikki advised that the school district doesn't have any more funds to contribute to this item. Paul D. advised that Nikki is his sister. Paul D. advised that in the last meeting the Board agreed to sit down and talk about this item with Nikki. Daniel stated that it is understood that the school district isn't obligated to the county; both contracts are similar and they're both with the state. Our contract says we'll pay X amount per month for salary and administration. The county was simply interested in seeing if the school district would be interested in entering into an interlocal contract to share costs for the administrative assistant. The county isn't saying that the school district owes the county any money. Nikki stated the Nye County Coalition asked for office space to come up and help Nicole Rowe; the school district is willing to do that. Nikki stated they can work out just about anything in a cooperative manner but providing staff is difficult at this time due to funding issues. The school district is willing to arrange time with staff and work out alternative methods versus providing funding. The school district contract also says that the health nurse can be housed in their building; Nikki stated they can do that. Nicole advised that the health nurse pays rent every month. Paul D. asked if the county put the health nurse in a building rent free would that equal enough money to pay for full time administrative assistant. Nicole stated that she provides services for many other entities than just the school. If the county provided an office rent free, utility free, would this free up enough funds to help with the administrative assistant? Nicole responded that it is possible but she'd have to look into it. Paul D. stated that ultimately the issue is where the money to fund this position will come from. No action was taken.

#21-ON LINE TRANSMISSION PROJECT

Mark Sullivan offered a quarterly update on the On Line Transmission project. The project continues to make progress and is on target to be energized by December 2013. Post-construction and land restoration activities will continue through the first quarter of 2014. Final completion activities in 2014 mainly include clean up, reclamation grading, reseeding, and replanting activities. The last of the 845 tower structures were erected in August. The retrofit work to weld helical strakes to each tubular guyed V structure is nearly complete. Crews installing the conductor lines are currently in White Pine County and have approximately 60 more miles of line work to complete. Crews will return to LC in October to complete some unfinished line-stringing work. Reclamation work is about ¼ complete. The main focus of the reclamation road work has been to ensure roads

have good profiles, good drainage, and no inappropriate berms. The contractor will be coordinating with county representatives to review and accept road work to release reclamation bonds, where applicable. The majority of the cattle guards are in place. No action was taken as this item was informational only.

#22-CONTRACT RE: MEDICAID COUNTY MATCH PROGRAM

Paul D. made a motion to sign amendment #1 to the interlocal contract with the Department of Health and Human Services Division of Health Care Financing and Policy for the Medicaid County Match Program; seconded by Adam. All voted in favor.

#23-TRANSWEST EXPRESS TRANSMISSION PROJECT

Cory Lytle presented an overview of the draft environmental impact statement and route. Cory recommended that the Board support the applicant proposed and agency preferred routes. Connie Simkins recommended that the Board consider asking the people who are writing the final to be more specific about the tax benefits. Connie also stated that the Board needs to ask the BLM to make a stipulation in the record of decision requiring the Transwest Express company to confer with the county and grazing operators. Cory advised that these conditions can also be added to the Special Use Permit. Adam and Paul D. agreed that the Board should support only the Barclay route, the agency preferred route. The Board doesn't want the applicant proposed route. **Adam made a motion to draft a formal comment letter to the Bureau of Land Management promoting the agency preferred route and making certain that an N4 representative is included "at the table"; seconded by Paul D. All voted in favor.**

#24-NUCLEAR OVERSIGHT ISSUES

Adam made a motion to approve the travel of two people, one of which is Paul D., to an intergovernmental meeting with Department of Energy in New Orleans October 28-30; seconded by Paul D. All voted in favor.

#25-YUCCA MOUNTAIN LICENSING PROCEDURES

Adam made a motion to approve filing a response to the Nuclear Regulatory Commission's request for input on restarting the Yucca Mountain licensing proceedings; seconded by Paul D. All voted in favor.

#26-LINCOLN HIGHLANDS

This item is redundant and was covered under Item 19.

#27-MEMORANDUM OF AGREEMENT WITH US GOVERNMENT FOR LC FACILITIES

This item was formerly discussed as possessory use tax. This item concerns a memorandum of agreement with the United States Government for facilities located in Lincoln County. Ashley Hall addressed the Board. Ashley presented a settlement offer between LC and US Air Force. Daniel summarized the agreement. Federal Law doesn't allow the Assessor to fulfill her duties under NRS 361; this agreement allows the Assessor to complete her duties. The Treasurer will then be able to bill contractors in that area. Part of the agreement entails settlement for past taxes that haven't been paid; the core part of the agreement is to create a framework for future assessment. Although the Assessor can't go onto the property, the Air Force has agreed to honor NRS 361 using their people. Air Force will meet once per year with county employees to review their numbers and present their "assessment". The county will then bill for that amount. As far as 2013-2014 year is concerned, it's about \$745,000. \$1,874,000 is the amount for past years owed. These two amounts will be paid before October 1. This agreement is a compromise worked out with the Air Force, Assessor, and Treasurer; Daniel thought it was a good agreement and recommended it for approval and signature. The funds will go into ad valorem instead of PILT. The funds will be treated the same way as any other possessory use tax; it'll be apportioned. Paul D. stated that when this item first came up the Board agreed to pay Ashley Hall a certain percentage. Ashley responded that the county will pay net, net, net for four years. Paul D. asked what portion of the funds would end up in the general fund. Ashley addressed the net percentage. Ashley advised that they don't want to take gross, they only want to be paid based on what actually came to the county. The MOA is for five years with a renewal possibility. **Paul D. made a motion to approve and sign while giving Daniel authority to make any minor changes; seconded by Adam. All voted in favor.**

#28-LC PERSONNEL POLICY

This item was tabled.

#29-COMMISSIONER REPORTS

COMMISSIONER ED HIGBEE attended the Civilian Military Council dinner last week. Adam and Ed will travel to TN this week to learn about nuclear storage and several nuclear related issues. Ed stated that Little Ash was closed by BLM, and the people in Alamo are going to work towards getting some land disposed of by BLM to reopen it. **COMMISSIONER ADAM KATSCHKE** was approached by George Rowe concerning the ambulance building in Caliente; they would like to fix it. Does this have to go to bid? No, if it's under \$25,000 they can hire whoever they'd like but they must be a licensed contractor. The licensed contractor must have his name on the contract. **COMMISSIONER PAUL DONOHUE** advised that Dan Devlin was promoted to mechanic of the Road Department. Two operators were hired: Cade Lee and Dave Pearson. There were 30 operator applications. There were 20 laborer applications. Paul D. stated that he would like to see a couple of laborers hired in the near future. Paul D. met with Joe Phillips concerning the need for a retention basin by the school. BLM is waiting for the county to show them engineered designs for approval to create the retention basin. The BLM will give us rip rap for free. Paul D. attended the road agreement meeting with BLM.

#30-PUBLIC COMMENT

Ed called for public comment. District Attorney Daniel Hooge reminded the Board that they have Teamsters negotiations on September 23-24. Law Enforcement Association would like to reschedule; Daniel will attempt to add them to the 23-24. Treasurer Shawn Frehner advised that Teamsters has switched to Aetna; it doesn't cover Grover C. Dils. Shannon Simpson just received information stating that they will allow our providers with the courthouse to be able to use the clinic and hospital. The claims will go through Zenith and will be paid at the provider rate as opposed to going through Aetna. Shawn suggested that a memo be sent out to everyone advising that they need to let the clinic and hospital know that all claims have to be submitted to Zenith. Shawn advised that she and Shannon have names and contact information for people to call if they've had issues.

#31-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 2:29 p.m.

Attest: _____ Approve: _____

