



LINCOLN COUNTY BOARD OF COMMISSIONERS

January 21, 2014
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

Ed called the meeting to order at 9:04 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 1-15-14. The Invocation was offered by Adam and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Ed has been assured that PILT will be passed so that it lasts longer than one year; it is hoped that it will be passed and funded in full for five years. Ed has asked Denise to help write a letter to Congressman Horsford about what it mean to the people of LC if PILT isn't funded in full. Adam read a letter from Jim Manner concerning his protest of the escalating rates of landfill fees. Elwyn Robison advised that nothing's been done with 2nd North Street; he asked when it will be worked on. Paul D. responded that there will be no building removal due to the cost but the Road Department will clean it up, put down Type II, and pack it within the next two weeks.

CONSENT AGENDA

- #3 Approve/Deny minutes of the January 6, 2014 meeting.
- #4 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).

Paul D. 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 \$544,062.40 with estimated expenditures being \$211,599.13. General County will have a balance of \$332,463.27. Transportation has a cash balance of \$53,167.59 with estimated expenditures being \$3,380.64. Transportation will have a balance of \$49,786.95. Alamo Town has a balance of \$6,463.69 with estimated expenditures of \$3,401.23. Alamo Town will have a balance of \$3,062.46. Senior Nutrition has a balance of \$144,822.80 with estimated expenditures being \$14,151.10. Senior Nutrition will have a balance of \$130,671.70. China Springs has a balance of \$2,886.58 with estimated expenditures of \$8,158.00. China Springs will have a negative balance of \$5,271.42. Detention Center has a cash balance of \$374,125.30 with estimated expenditures being \$111,954.32. Detention Center will have a cash balance of \$262,170.98. Solid Waste has a cash balance of \$96,395.25 with expenditures of \$7.48. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Solid Waste will have a balance of \$96,387.77. Airport has a balance of \$5,128.45 with estimated expenditures of \$375.66. Airport will have a balance of \$4,752.79. Planning has a balance of \$22,960.24 with estimated expenditures being \$7,393.81. Planning will have a balance of \$15,566.43. **Paul D. made a motion to approve the vouchers as presented with the exception of the LC Telephone System, Meadow Valley Pharmacy, Mainstreet (Panaca) Market, and Mountain Merc**

vouchers; seconded by Kevin. All voted in favor. Paul D. made a motion to approve the Meadow Valley Pharmacy and Mainstreet (Panaca) Market vouchers; seconded by Kevin. Adam disclosed that he is part owner of the pharmacy and the store; he abstained from the discussion and the vote. Motion carried. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed he is part owner of Mountain Merc and abstained from the vote. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Kevin. Paul D. abstained as he is an employee of LCTS. Motion carried.

#6-BUDGET AUGMENTATION

Paul M. made a motion to approve the public notice of intention to act on a resolution to augment the FY 2013-2014 budget for China Springs Fund in the amount of \$8,158.00; seconded by Kevin. All voted in favor.

#7-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooze advised that the Hardy Construction arbitration has been pushed back to 2-10. A letter was received from Mr. Thiriot, who is upset about the fact that SNPLMA wouldn't fund the purchase of his lots for Pioneer Park. We are in the bidding phase now and that has been taken out. The contract was specifically conditioned upon us receiving grant funding; this has been the agreement from the beginning. Denice Brown advised that the comment period on the BLM and State Sage Grouse proposals are due by 1-29. Adam attended a meeting concerning the sage grouse issue. There were many state legislators and county commissioners at the meeting in Winnemucca. They've asked that comments be submitted, but they need to be professional, not snippy. Substantive comments that seek specific changes are what they desire. It doesn't sound very optimistic that comments will be included in the EIS. If it is passed and the bird is listed it will most likely result in a lawsuit. Adam feels that because we've joined the American Lands Council they will do everything they can to make it hard on us, including taking away PILT. Regardless, we are getting regulations. Some of the comments submitted could include the predator control. Adam suggested that we work with Senators Reid and Heller in drafting their bill. If we provide comments, they will try and include things in the bill to protect the county. Many of the counties are opposed to it because of wilderness. Paul D. commented that the county needs to go on the offensive with this issue and be proactive. Denice stated that, from a farm/ranch standpoint, they'd greatly appreciate an ordinance or resolution. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever asked if any of the Board members has made plans to attend the Tremor '14 exercise in Vegas this Thursday. Rick received communication from the USDA concerning 9 counties that have been designated as primary natural disasters due to drought. There are a couple that are included in the letter that weren't on the state report, including Clark County. They are preparing financial assistance for any businesses that are severely impacted by the drought. **SHERIFF** Kerry Lee advised that the jail tour was held. Adam commented that a full time maintenance person would be in line for the Detention Center. This individual might be able to cover other areas, including Alamo. Paul D. suggested a contract maintenance worker. Kerry stated the Detention Center is a county building; it should be the county's responsibility. To date, Kerry has been lucky to have men/women working there that are mechanically inclined. The plumbing issues are endless and Kerry is working with Larry Stever towards a resolution. Plumbing is a major problem at the DC. Constant maintenance is required due to the level of use. Kerry stated that he needs someone that would come in once or twice per week. IF the DC had a good maintenance person they could be kept busy full time. Doors need to be painted. Kerry cited that he spent \$3,000 in a two week period on HVAC maintenance; they're charging \$200-300 just to drive over here, this doesn't include parts or labor. The showers need to be addressed during budget hearings.

#8-HIGHWAY COMMISSION

This item was handled under separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#10-PANACA FIRE DISTRICT

This item was covered under a separate agenda.

#11-SHERIFF'S OFFICE VEHICLE DONATION

Paul D. made a motion to approve the donation of an old Dodge Durango from the Sheriff's Office to the City of Caliente for an animal control vehicle; seconded by Adam. All voted in favor.

#12-PART-TIME DISPATCHER

Paul D. made a motion to approve the hiring of two part time dispatchers if the budget will allow for it; seconded by Kevin. All voted in favor.

#13-LINCOLN COUNTY-COYOTE SPRINGS CONSOLIDATED GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#14-RANGE VENDOR TEAMING AGREEMENT

Paul M. made a motion to approve the range vendor teaming agreement with the NV Institute for Autonomous Systems (NIAS) program for the Alamo airport; seconded by Kevin. All voted in favor.

#15-NEVADA INSTITUTE FOR AUTONOMOUS SYSTEMS AGREEMENT

Paul D. made a motion to approve the non-disclosure and confidentiality agreement with the NV Institute for Autonomous Systems; seconded by Adam. All voted in favor.

#16-LIBRARY BOARD APPOINTMENT

Kevin made a motion to appoint Peggy Hone to the Library Board; seconded by Adam. All voted in favor.

#17-HOUSING AUTHORITY BOARD APPOINTMENT

Kevin made a motion to appoint Melissa Davey to the Housing Authority Board; seconded by Adam. All voted in favor.

#18-TRI-COUNTY WEED

Paul M. made a motion to approve the request from Tri-County Weed to purchase refreshments, not to exceed \$75.00; seconded by Kevin. All voted in favor.

#19-LC NUCLEAR OVERSIGHT PROGRAM

Connie Simkins offered an update on the program. The President's state of the union address is next week. The ECA conference will take place after the President has revealed his budget. There is a grand opening for the NV Energy line this Thursday at Apex. Connie continues to spend the oversight funds judiciously. A decision was made earlier this year to have Mike Baughman appear at the Atomic Safety and Licensing hearings. Connie's been notified there will be no hearings this year; they will go ahead and review the safety evaluation report and release it. However, Bret Whipple is our representative on paper and he would like to stay involved. Connie asked for direction as to how to resolve this issue. This will be on a future agenda. Connie is working towards moving her office to the county building in Panaca. She's been working with Cory to decide what repairs should be made to the room she'll be in; they will not spend funds on new carpet but try instead to clean what is there. There are enough shelves in the room, along with those the Oversight program already has, to meet her needs. Connie requested a closed session at a future meeting to discuss new assignments, hours, and stretching her employment. Connie received a request from Emergency Management to help purchase a laptop with a DVD player that will be used for remote training. 4-16-14 is when the annual energy fair will be held in Milford. ECA will have a budget call tomorrow. Connie encouraged the Board members to participate in the spending bill. Neil Cornsey's nomination has moved out of the Senate Committee onto the floor, he's been suggested as the new national head of BLM. Congress has authorized a one year renewal of grazing permits at the current price. Emmy Lasofske, who has worked for Senator Heller, has moved to appropriations. The next local sage grouse meeting is in Caliente on 2-11. The next date for N-4 Grazing Board meeting hasn't been set as of yet. Connie's been told the money is not forthcoming because of the sequestration and the government shutdown. We don't know when the funds will come, but when they do the meeting will be scheduled for Panaca and the Board members will be invited. Dr. John Tull has gone to work for NV DOW as their wildlife specialist. He is an honest and forthright person. Vaughn Higbee stated that the

Board needs to protect Connie's office with what funding they have left. Connie met with Ace Robison in his home. He's getting along well and is taking college classes.

#20-DRY LAKE VALLEY NORTH SOLAR ENERGY ZONE

Paul D. made a motion to approve the letter and comments to Dry Lake Valley North Solar Energy Zone Draft Impact and Mitigation Summary Table; seconded by Adam. All voted in favor.

#21-NV & NORTHEASTERN CALIFORNIA EIS FOR THE GREATER SAGE GROUSE

Connie Simkins addressed this item, which concerns the EIS for the NV/Northeastern California Greater Sage Grouse. Connie worked with Cory Lytle and Jeremy Drew extensively to develop 37 pages of specific comments. Connie stressed that nothing new was stated in the letter that hasn't already been addressed in prior efforts. This is consistent with what has been told to both the Governor and the BLM. Some of the comments state that we don't believe the Ely Land Use Plan needs to be changed; we believe it is valid as it is. We worked hard to include LC's comments when it was formed in 2008. We asked them to listen to their own counsel in their record of decision. We stress the pinyon-juniper conservation, predator control, no new wilderness areas, wild horse management, and we've discussed infrastructure for renewable energy. We are opposed to development of wind energy in critical habitat for sage grouse, namely White Rock and Wilson Creek ranges. The county is on record as opposing solar energy development outside of the designated solar energy zone in Dry Lake Valley and Ely Springs. There are some alternatives to the plan that have been brought forward by people with no clear knowledge of things on the ground. We are asking that those alternatives not be considered. We strongly support the Governor of NV's alternative. Paul D. stated that the reaction of all parties involved to the sage grouse issue has him nervous. It was mentioned that the sage grouse might be listed and then everyone took steps to protect them, thinking that if the steps were taking the bird wouldn't have to be listed. Paul D. commented that he doesn't know that anyone has ever stood up to Fish & Wildlife (F&W) and firmly told them no. Paul D. stated we also need to tell the BLM no; we don't want them to treat it like it's listed. We should just let it go until it looks like it's going to be listed. The bird hasn't been listed, the paperwork to list it hasn't even been started, yet we are all behaving as if the bird has most definitely been listed. Paul M. stated there are two avenues to approach this: the legal process (doing an EIS, getting on the record) and direct opposition to the concept. Paul M. stated the politics and money behind this keep rolling. Paul D. suggested the Board create a resolution stating that we will not participate in any plans that have anything to do with the preservation of the sage grouse. If we do that, we will no longer be a player, no longer be allowed to be at the table. Paul D. argued that we might be at the table, but we are giving them what they want. The BLM is treating the bird as though it's already listed. Paul D. stated if the BLM is treating the bird like it's listed, then it's listed. Paul D. questioned how aggressive we can be. AUMs being cut is one of the proposed alternatives. Paul D. asked that the county include in the comments a strong stance that says "no!". There are people going bankrupt all over the place due to this but the government is pushing the issue anyway. Kevin asked if they address, adequately, the effects to the human population and economy of LC as required by NEPA. Connie has reservations about what they have as they tend to lump LC with Clark County population numbers, employment/unemployment numbers, and educational opportunities. Connie doesn't believe it's valid. Kevin commented that a legitimate statement can be added that the Board of LC Commissioners and LC constitutionally are responsible for the health, safety, and welfare of the citizens here. Also, to the degree that those requirements are not met or addressed in this plan we will take exception and be involved in litigation. This body, on behalf of the people, is responsible for protecting the health, safety, and physical welfare of the people of this county. **Paul M. made a motion to approve the comments, including amendments concerning societal impacts, to the draft land use plan amendment/draft environmental impact statement for the NV & Northeastern California Sub-region for the Greater Sage Grouse; seconded by Paul D. All voted in favor.**

#22-ECA PEER REVIEW TRIP

Kevin made a motion to approve Adam and Kevin to attend the ECA Peer Review trip to Washington, DC on February 26-28, 2014; seconded by Paul M. All voted in favor.

#23-SOLID WASTE

Kevin made a motion to write off \$805.99 as bad debt owed by Cottonwood Heights, LLC, for garbage collection fees; seconded by Adam. All voted in favor.

#24-NEVADA ASSOCIATION OF COUNTIES (NACO)

There was some discussion about who should attend. **Kevin made a motion to approve any Commissioner, as assigned by the Chair, to attend NACO meetings; seconded by Adam. All voted in favor.**

#25-RESOLUTION #2014-01

This item concerns clarification of the above listed resolution, which augments funds obtained from the Federal Government. Treasurer Shawn Frehner asked for specifics concerning this resolution. Daniel drafted a new resolution to resolve the problems. This new resolution specifies that we will first pay Ashley Hall & Associates and then transfer the remaining. **Kevin made a motion to replace the prior resolution with this one just crafted by the DA; seconded by Paul M.** Adam read the resolution into the record. Paul D. agrees with the resolution in principle but he's leery considering the risk of employees that haven't had a raise in four years. Vaughn stated this isn't a possessory use tax. This resolution applies only to possessory use. If it is every found not to be possessory use, Daniel advised that Vaughn would be protected. This resolution only concerns apportionment and transfer afterwards. According to Daniel, if the funds are ever deemed to be anything but possessory use then it will revert back. **Paul D. is opposed. Motion carries.**

#26-LANDFILL HOST FEES

Adam addressed this item, which concerns a resolution or ordinance to charge host fees for landfills located in LC pursuant to Title 10, Chapter 4 of the LC Code. We have Class I, Class II, and Class III landfills in our county. We need to get all of the landfills on the same page. Adam stated there are private industries as well as government subsidized. There are different aspects to consider with regards to private/government subsidized. The host fees should mostly apply to household waste. The county is subsidizing approximately \$50,000 per year; a host fee would help offset this cost. Host fees are assigned in the Recology contract but there are two other landfills to consider. Adam commented that the county is losing revenue. This would poise us to deal with Western Elite's (WE) Class I landfill; they should pay a host fee for bringing that type of waste in. The host fee would be negotiated with each entity and could be based on tonnage. Paul D. agreed with Adam. Adam asked for direction from the Board on this issue so that he might take it back to the landfill board for review. Paul M. asked how these fees might affect the relationship we have with Mesquite as it would impact the Mesquite landfill. Residential garbage, including sewer, is included with Enterprise's fees. Adam feels that WE is going to get their Class I permit. The question is what the county should do to help itself before the permit goes into effect. There is a statute in NRS that says the state regulates all solid waste, except the county can charge fees. These fees can be charged by resolution. Adam suggested the fees be broken down based on the class of the landfill. Daniel advised that we don't want to mix franchise fees with host fees. Paul M. would like to see Mesquite involved in the discussion of these fees. Paul D. and Adam will meet with the Mesquite Mayor. Daniel advised the Board that they can have different tiers but they have to be uniform. Adam suggested that something addressing private versus government subsidized be included. The landfill committee will work on this issue. No action was taken.

#27-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS attended the Quad State meeting last Friday. Clark County has told USFW that they will not write anymore checks for tortoise. Kevin will attend the implementation and monitoring committee meeting tomorrow morning. Kevin will attend meetings in Carson City on Friday. **COMMISSIONER ED HIGBEE** attended the Lincoln Day breakfast up in Ely. Ed attended a teleconference with Senator Horsford's Office. **COMMISSIONER ADAM KATSCHKE** did the jail tour as well as went to Winnemucca for a sage grouse meeting. Adam attended a PILT conference call with Congressman Horsford's Office, who is encouraging us to write a letter concerning what we would have to eliminate if we didn't have PILT. Nye County is closing Senior Nutrition, animal shelters, and two jails. Included in the letter should be language that states that it should be based on acreage. Adam will be in Las Vegas tomorrow for the I-11 meeting. Adam will attend the workforce board meeting next week. Adam suggested that we need to fight for some of these projects to come through the county so we can get some of the revenue, including I-11. Adam asked when budget meetings will be held. Paul M. will work with Recorder/Auditor Leslie Boucher and Auditor Dan McArthur to set dates. **COMMISSIONER PAUL DONOHUE** advised that he and Shane Cheeney met with all of the town boards. Room Tax will hold a meeting tomorrow.

#28-PUBLIC COMMENT

Ed called for public comment. Vaughn Higbee stated he thought the I-11 corridor was a Hwy 93 route to twin Falls and into Canada. Ed responded that this is true but 95 fought it. This is strictly political. There will be two highways up the coast. Kevin commented that the I-11 from Phoenix to Vegas is set. Kevin argued that the route go on the east side of Sunrise mountain. Vaughn stated the BLM no longer represents him and his grazing interests. How many AUMs would it take for Vaughn to have LC represent him and his group? They would pay the grazing fees into LC with the idea that LC would then protect them against the federal government or whatever other groups came to take away their property, something along the lines of what Cliven Bundy has done except legally. Denice stated there is a law that allows the ranchers to pay their AUM fees to the county, not BLM. How many AUMs would it take for the county to consider that? Paul D. responded that it should only take one but the ramification is that we're going to get sued. The lawsuit would be over who controls the land. The county would have to step up and protect the AUMs. Paul M. asked if the law says how much of those fees have to be retained. Denice responded that she believes it stays in trust, with a portion going to the grazing board. Vaughn suggested the county have an elected board to administer those grazing fees in a logical and timely manner. Because the BLM has so many irons in the fire, and because grazing is such a low priority on their list, Vaughn can't even get on their docket for three years. He's had the pipe for a project for six years but BLM doesn't represent his interests. BLM represents sage grouse, solar energy, and all kinds of other things, but they no longer represent Vaughn's interests. In order to continue in business, Vaughn needs someone who can make a decision. He is asking for a body that he can approach to receive authorization to complete projects. Vaughn's few thousand AUMs wouldn't pay for the county to go to court for him, but if the county has 90% of the AUMs for the ranchers in the county the county could then protect them. If Vaughn can generate interest he will put this issue on a future agenda. Vaughn plans to talk to the commissioners in Elko County as well.

#29-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:57 p.m.

Attest: _____

Approve: _____

[Large handwritten signature in red ink, likely reading "Ed" or "Vaughn"]