



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 7, 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 9:12 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-1-14. The Invocation was offered by Adam and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Malinda McCrosky addressed the Board concerning Alcoholics Anonymous. There were 3 facilities they looked at for starting meetings in Panaca. AA would like to pay rent for using the Senior Center in Panaca. Malinda asked who the funds get paid to. Paul D. suggested that Malinda pay the Senior Citizen board because they manage the facility. Dixie Tienken is the treasurer and Marty Buschman is the secretary. The check should be made out to Panaca Senior Center. There is some confusion as to the management of the building, but Paul D. is working on it. The building itself is insured by the county. The deed says that if the building isn't used to help the senior citizens of Panaca then it will revert back to the original holder. No pets are allowed in the building.

CONSENT AGENDA

- #3 Approve/Deny minutes of the June 2, 16, and 30 meetings.
- #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).

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

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$552,213.69 with estimated expenditures being \$289,913.49. General County will have a balance of \$262,300.20. Transportation has a cash balance of \$49,849.84 with estimated expenditures being \$5,152.06. Transportation will have a balance of \$44,697.78. Alamo Town has a balance of \$3,606.72 with estimated expenditures of \$3,426.74. Alamo Town will have a balance of \$179.98. Senior Nutrition has a balance of \$128,208.93 with estimated expenditures being \$16,990.85. Senior Nutrition will have a balance of \$111,218.08. China Springs has a balance of \$4,701.65 with expenditures OF \$4,016.25. China Springs will have a balance of \$685.40. Detention Center has a cash balance of \$453,642.74 with estimated expenditures being \$99,314.36. Detention Center will have a cash balance of \$354,328.38. Solid Waste has a cash balance of \$123,548.71 with expenditures of \$23,776.91. Solid Waste will have a balance of \$99,771.80. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,041.58 with estimated expenditures of \$25.00. Airport will have a balance of \$3,016.58. Planning has a negative balance of \$36.42 with estimated expenditures being \$2,542.25. Planning will have a negative balance of \$2,578.67. Division of Water Resources submitted a voucher for a dam storage fee, which was approved on 6-16. Flood Control has

\$7,000 in the fund and Leslie would like to take it out of there. Adam asked why the dam storage fee wouldn't be charged to the LC Water District. Glenn Zelch advised that the money in the Flood Control Fund may be needed for the mitigation around the school. The Board agreed to have Leslie take the approximate \$900 for the dam storage fee out of the Flood Control Fund. A transfer from General County to Planning will be made as soon as all signatures are in place. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, LCTS, MV Pharmacy, Mainstreet Market 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 abstained from the vote. Motion carried. Kevin made a motion to approve the Meadow Valley Pharmacy and Mainstreet Market vouchers; seconded by Paul D. Adam disclosed that he is part owner of the pharmacy and market; he abstained from the discussion and the vote. Motion carried. Kevin made a motion to approve the LCTS vouchers; seconded by Adam. Paul D. abstained as he is an employee of LCTS. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

ADMINISTRATIVE ASSISTANT Denice Brown advised that Patrice Lytle contacted her and she's looking to meet with Commissioners to put together the NACO conference. Ed is the NACO rep.

NUTRITION/TRANSPORTATION Toni Acuff advised that BLM donated a great deal of food for nutrition and the food bank.

GRANTS ADMINISTRATOR Elaine Zimmerman advised that the Grant Match funds will have to be augmented sometime in the future as over \$200,000 wasn't budgeted as requested. Phyllis Robistow advised that the Airport Authority continues to work on getting a building in Alamo.

TREASURER Shawn Frehner presented the monthly report. \$2,927,255.48 was receipted for the month of June. The DA's office and Treasurer are moving forward with trying to locate heirs for the Bristol project. The next step will be notice by publication. Shawn received a certified letter from the NV Taxation Commission requesting her appearance for a meeting regarding Air Force funds. Those requested to appear may have to go to Carson City, including Shawn, Assessor Melanie McBride, and a couple of Commissioners. This meeting is set for 7-15. Daniel stated that the state only has jurisdiction over method of assessment and distribution. Daniel has spoken to the director of the Department of Taxation, who has no authority over contracts or direction of the Commission. Daniel feels that the meeting and notice are unethical. The state can direct the Assessor and Treasurer to perform certain duties, but it must pertain to a standardized method of assessment. This notice is a method for the state to intimidate the county officials. The state has no authority over the Commissioner but they do over the Treasurer and Assessor. The state has to establish protocols for assessment and collection. The county presented a declaratory action to the judge and if anyone wants to file against it they must do so within 45 days of filing. It is possible the judge could call for oral arguments.

DISTRICT ATTORNEY Daniel Hooge advised that he's spoken with Teamsters; the "ball is in their court" and they need to come back with a proposal for the county. Daniel meets with the Law Enforcement Unit this Thursday.

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that the building in Panaca has settled even more; something needs to be done. The seams in the pad in front of the building are showing more separation. The Board needs to decide what they'd like to do. Would they like to hire a contractor? Ed suggested it might cost less to tear the building down and put it back up. The Board suggested that Rick contact a couple of local contractors to have them look at it to see what can be done. Rick has already done this and the individual that came up from Las Vegas requires more money to do testing. There is a company in Cedar City, UT, that charges \$500 to even come and look at it. Paul D. suggested that Rick look into costs to have the company from Cedar City and Las Vegas to come back. There is a meeting in Carson City on 7-10 concerning proposed legislation, NRS 414A. This governs how the county can enter into mutual aid for intrastate activity.

BUILDING/PLANNING DEPARTMENT COORDINATOR Cory Lytle advised the Board that they will be considering an abandonment at the next Commission meet. Cory would like to get the Round IV disposal list together; he will discuss this at the next meeting.

#7-PIOCHE TOWN BOARD APPOINTMENT

One letter of interest was received but this item was tabled to the next meeting.

#8-RESOLUTION #2014-17

When people don't pay their bill they are sent a certified letter advising they have 5 days to pay or it'll be turned off. The meter is then pulled. The \$20 charge would cover these costs. There is also a reconnect fee but this covers only the cost of the paperwork for the disconnect. This fee has already been assessed and this

resolution authorizes it to be switched to the billing. **Kevin made a motion to approve the resolution authorizing a \$20 administrative fee for a notice to disconnect for Pioche Public Utilities; seconded by Adam. Paul D. was opposed. Motion carried.**

#9-HIGHWAY COMMISSION

This item was handled under separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#11-LIQUOR BOARD

No meeting was held.

#12-HEALTH AND WELLNESS PRESENTATION

There are a couple of representatives from POOL/PACT who have created a health/wellness program that could be beneficial to county employees. Paul D. asked if the Board was interested in having them come to present their program. Yes. **Paul D. made a motion to have the reps come and present their program; seconded by Adam. All voted in favor.**

#13-SALARY COMPENSATION SCALE

Daniel presented a resolution pertaining to various supervisors, including Building/Planning, Roads Supervisor, Grants Administrator, and Justice of the Peace. Elaine Zimmerman stated she is disappointed in the lack of respect for various departments who have made requests for someone to come in to see what their job duties include. There is a great deal more responsibility than assumed. Elaine has the same level of responsibility, comparable tasks, and work load as Building Department and other departments. Elaine is disappointed that she is valued so low and there wasn't any discussion concerning job scales. Adam asked if these discussions shouldn't be held in closed session. Daniel stated that if an employee performance review was done it would have to be handled in closed session. If the job scale is to be discussed it should be done in open meeting. Phyllis Robistow stated that prior to coming up with a job classification/salary schedule, the Board should sit down with the supervisors/elected officials to find out what they actually do. Paul D. agreed that the Board should speak with the various employees. Because duties change over the years, it is important to check in with each department periodically to see what has been added or removed. Discussion ensued concerning the importance of the Board finding out what individuals actually do. It is also important that the Board members remember that Lincoln County is unlike any other county in the state. Most offices have multiple employees. LC offices usually consist of one supervisor/elected official and one employee. This means that all individuals working in any one office are trained and able to conduct all duties associated with that department. Emergency Management wasn't included in the resolution and will be added to the next draft. Connie Simkins advised that she has contacted several other counties and those job descriptions are nothing like what she does. Shane Cheeney stated he is still working under the assistant supervisor contract in spite of being the supervisor. Justice of the Peace Mike Cowley advised that he asked that the elected officials' salaries be used as the basis for salaries for the group of employees that don't fall under any contracts or bargaining units, including the JPs. Mike believes that Adam is on the right track by basing the salaries on the elected officials' salaries. Adam agreed and said that he and Daniel want to establish a set rate. To date, only the JPs have approached them about having a set rate. Rick has asked multiple times in public meeting to have his position considered. Adam responded that Rick needs to contact the Commissioner that is over his department to set up a time and date for a meeting. Adam stated that the only ones at this time that are negotiating salaries with department heads are he and Daniel. Elaine isn't asking to negotiate her salary at this time; she is simply trying to demonstrate what her job duties include. Phyllis commented that the Board is on the right track but this resolution is premature. The Commissioners agree that they will meet with those individuals associated with their various Commission assignments concerning this topic. Ed and Paul M. will meet with Rick. Adam will meet with Toni Acuff. Paul D. and Adam will meet with Shane Cheeney. Daniel advised that there is only \$60,000 in the new budget to address salary increases. Connie Simkins' and Ronda Hornbeck's positions will be included in the meetings. No action was taken on the resolution.

#14-TRI-COUNTY WEED APPOINTMENT

Adam made a motion to remove Keith Whipple and Cory Lytle (pursuant to resignations received) from Tri-County Weed Board and to appoint Ronda Hornbeck to fill Cory's spot; seconded by Kevin. Paul D. was absent for the vote. Motion carried.

#15-LINCOLN COUNTY HUMAN SERVICES EMPLOYEE

Adam made a motion to approve the advertising and hiring by Lincoln County Human Services for the Alamo area; seconded by Paul D. All voted in favor.

#16-HUMAN SERVICES

Paul D. made a motion to approve the purchase of office furniture for the Human Services Department, not to exceed \$5,000 and to be paid from the Nutrition portion of the Area funds; seconded by Adam. All voted in favor.

#17-ALAMO LANDING FIELD

Kevin made a motion to approve the signing of the Record of Negotiations for selection of the consulting firm for the Alamo Landing Field storage building and equipment project; seconded by Adam. All voted in favor.

#18-ALAMO LANDING FIELD

Kevin made a motion to sign the addendum to the contract for Armstrong Consultants, Inc., in the amount of \$56,240 for services related to the Alamo Landing Field equipment and storage project; seconded by Adam. All voted in favor.

#19-LINCOLN COUNTY AIRPORT

Kevin made a motion sign the addendum to the contract for Armstrong Consultants, Inc., in the amount of \$37,317 for services related to the LC Airport pavement rehabilitation project; seconded by Adam. All voted in favor.

#20-DRY LAKE VALLEY NORTH SOLAR ENERGY ZONE

Paul D. made a motion to approve Connie Simkins' travel to the Dry Lake Valley North Solar Energy mitigation planning in Denver, CO, July 16-18; seconded by Kevin. All voted in favor.

#21-OIL & GAS LEASING BY BUREAU OF LAND MANAGEMENT

Kevin made a motion to approve the comment letter concerning the lease of oil and gas by BLM in LC; seconded by Adam. All voted in favor.

#22-UNMARKED HORSES

Kevin made a motion to approve the letter to Bureau of Land Management concerning the removal of excess unmarked horses down to appropriate management levels; seconded by Adam. All voted in favor.

#23-UNMARKED HORSES

If the motion to dismiss is granted then none of the Amicus Briefs will be read by the judge. If we file right now, we are "spinning our wheels". If the judge denies the motion to dismiss we can then file the Amicus Briefs. Kevin made a motion to file the Amicus Brief, at the appropriate time; seconded by Paul D. All voted in favor.

#24-COUNTY SURVEYOR

Adam made a motion to approve the change order to extend the contract with Basin Engineering Corporation for one year, to begin July 1, 2014 and to expire on June 30, 2015 for county surveyor, civil engineering services, and plotting of mining claims on county base maps; seconded by Kevin. Paul D. was absent for the vote. Motion carried.

#25-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION

Cory Lytle offered a power point presentation concerning the Rural Desert Southwest Brownfields Coalition (RDSBC). **Adam made a motion to approve the Rural Desert Southwest Brownfields Coalition Area Wide Plan; seconded by Kevin. Paul D. was absent for the vote. Motion carried.**

#26-LC PERSONNEL POLICY

Chapter 4 of the LC Personnel Policy is reviewed. Every position should be classified and a compensation schedule should be set for each position. This section discusses work week, which is 40 hours. **Paul D. made a motion to adopt Chapter 4 as proposed; seconded by Kevin. All voted in favor.**

#27-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS attended the BLM open house in Caliente. **COMMISSIONER ED HIGBEE** reported that there have been several BLM fires. Our state senators are very concerned. The fires are currently under control. **COMMISSIONER ADAM KATSCHKE** attended meetings in Las Vegas for Local Elected Officials meetings as well as meetings in Mesquite. Adam has meetings with Law Enforcement this week. Adam would like the Board to approve a moratorium on the medical marijuana issue and asked that this issue be on a future agenda. **COMMISSIONER PAUL DONOHUE** has been working with the Road Department on various projects. They ran into a problem with the roads in Highland Knolls, but it has been solved and letters have been sent. Gary Elmer has requested that the county address flooding issues in Panaca by Gilpatrick's and Beckstrand's. Dirt work has been done to fix some of the problems. However, in this process, a house was missed and when it rains the water fills the hole up. RD will address this problem immediately. The county fair is getting close and two people have resigned from Room Tax & Fair Board, Robin Simmers and Dawn Young. Room Tax & Fair Board will meet on 7-29. The ice machine in the courthouse is broken and may need repairs.

#28-PUBLIC COMMENT

Ed called for public comment. Connie Simkins advised she wants no change in her negotiations with regards to salary/services. Connie was hired for 7 hours per day and this is what she still works. Connie thanked the Board members for her job.

#29-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 2:46 p.m.

Attest: _____ Approve: _____