



## LINCOLN COUNTY BOARD OF COMMISSIONERS

December 1, 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 9:02 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 11-21-14. The Invocation was offered by Paul D. and Paul M. led the Pledge of Allegiance.

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

Ed called for public comment. Carol White stated that during the Ashley Hall agenda item at the last meeting Daniel Hooge didn't offer a legal opinion as to whether or not the contract had been breached for nonperformance. Carol addressed the article that appeared in the newspaper; it is impossible to prove a negative and she can't prove that the meetings between the Assessor and Treasurer and AH took place. Just because the attorney turned pages and rattled off some dates doesn't mean he fulfilled his contract. Carol didn't allege anything with regards to the nondisclosure documents signed by the military. The Department of Taxation made those allegations on July 14 when the County refused to answer. Adam advised that the hospital hasn't received payment as of yet. Recorder/Auditor Leslie Boucher advised that the hospital didn't submit a voucher. Leslie advised that she doesn't believe it has been determined whether or not the individual is indigent. The process for determining that an individual is indigent is outlined in the recently passed resolution needs to be followed. Adam will follow up on this issue. If the individual isn't indigent, the Board will have to determine which fund to pay the hospital out of.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the November 17 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).

**Paul M. made a motion to approve the consent agenda with the exception of the minutes; seconded Kevin. All voted in favor.**

### **#5-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$717,874.59 with estimated expenditures being \$160,027.33. General County will have a balance of \$557,847.26. Transportation has a cash balance of \$81,727.48 with estimated expenditures being \$4,709.09. Transportation will have a balance of \$77,018.39. Alamo Town has a balance of \$6,873.71 with estimated expenditures of \$1,494.59. Alamo Town will have a balance of \$5,379.12. Senior Nutrition has a balance of \$111,434.49 with estimated expenditures being \$8,613.26. Senior Nutrition will have a balance of \$102,821.23. China Springs has a balance of \$1,139.28 with no expenditures. Detention Center has a cash balance of \$769,151.98 with estimated expenditures being \$78,183.53. Detention Center will have a cash balance of \$690,968.45. Solid Waste has a cash balance of \$50,956.76 with expenditures of \$26,641.01. Solid Waste will have a balance of \$24,315.75. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has

a balance of \$9,101.71 with estimated expenditures of \$2,627.25. Airport will have a balance of \$6,474.46. Planning has a balance of \$49,699.50 with estimated expenditures being \$1,901.07. Planning will have a balance of \$47,792.43. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, Meadow Valley Pharmacy, and LC Telephone vouchers; seconded by . All voted in favor. Paul D. made a motion to approve the Meadow Valley Pharmacy voucher; seconded by Kevin. Adam abstained as he is the owner of the pharmacy. Motion carried. Paul D. made a motion to approve the Mountain Merc vouchers; seconded by Adam. 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-OFFICER/DEPARTMENT HEAD REPORTS**

**ADMINISTRATIVE ASSISTANT** Denice Brown advised that the NACO conference was well attended. **TREASURER** Shawn Frehner advised that there was an item in the newspaper regarding the landfill; there were a couple of incorrect things in the article. Shawn stated that the temporary contract that was signed for landfill has an increase included in it. Shawn addressed the Ashley Hall contract; Vaughn Higbee came to the Treasurer's Office and requested information on several different occasions. The \$1.8 million Area money still hasn't been apportioned. The lawsuit is still in place and no direction has been received from the Department of Taxation. The DA's Office has had meetings with the Department of Taxation (DOT). Shawn is working on the Bristol Mills project; all of the affidavits have been completed and are ready for presentation to the judge. Notice will be given by publication if approved by the judge. Shawn is sending out title searches on the properties that are held in Treasurer In Trust. Certified letters will be sent to the owners advising of the amount owed and the timeline for payment. There isn't a firm date yet, but Shawn hopes the sale will occur on April 3, 2015. Daniel has spoken to the state several times concerning the lawsuit for the Area money. Daniel advised we are waiting to hear from the state as to how we should apportion the money. Daniel understood the direction from the Board was to negotiate a settlement with the state. Daniel advised against dropping the declaratory action. If the state can't tell us how to split the money, the suit should go forward so the judge can tell us how to apportion it. Even if the Board gave direction for the lawsuit to be dropped and Shawn to apportion the money she couldn't do it. In order for Shawn to properly apportion, the Assessor's Office would have to bill for it. The Assessor's Office can't do a bill without the assessed amount, or assessed value. The Assessor doesn't currently have the assessed value, so the bill can't be sent. Shawn advised that, if she has a dollar amount, she can calculate how it would be apportioned for General County District. If Shawn did this it wouldn't be official; it would be her forcing it. At one point Shawn was going to do that but she was advised against it due to the pending lawsuit. Shawn can force it but she would prefer to have the DOT advise us as to how the funds should be apportioned. Daniel has spoken to the DOT several times in the last month; DOT has told him they're trying to do the apportionment the right way. They don't want to do anything until they figure out exactly how it should be apportioned. DOT asked for time to work things out the last time Shawn spoke with them. Daniel advised that this isn't adversarial in any way, it is simply a wait and see process. No action was taken on this item.

#### **#7-HIGHWAY COMMISSION**

This item was handled under separate agenda.

#### **#8-LINCOLN COUNTY FIRE DISTRICT**

This item was covered under separate agenda.

#### **#9-PAHRANAGAT VALLEY HIGH SCHOOL**

Several students from Pahrnagat Valley High School participated in an archeology contest and offered a presentation to the Board concerning their experience with various rock art sites in southern LC. The students offered presentations concerning the need to protect these historic rock art sites and prevent vandalism. Emily Baine read her essay "You Wouldn't Paint Over the Mona Lisa". Kayla Abnetter, Alejandra Linares, and Maggie Rasmussen presented their posters to the Board. Jessica Basopoli and Morgan Harris presented their power point entitled "Early Native Americans". Brooke Higbee and Mateo Linares offered their power point presentation on Hells Bells pictographs/petroglyphs. All of the students have reached an understanding of the importance of preserving the rock art and protecting it. The students have created "Vandalism Busters Club". A proposal to implement similar projects for the students in the northern end of the County is forthcoming.

#### **#10-LINCOLN COUNTY MASTER PLAN**

This was the time and place set for a workshop amending the LC Master Plan and the LC Public Lands Policy Plan. The amendments are due to NRS 278, NRS 150, and NRS 170 and include the designation of above ground utility corridors, policy updates on energy development, and other matters related thereto. The width of the corridor will be determined by the size of the power line. Dave Luttrell, LC Power District, addressed the Board. The mapping doesn't look like what we would draw if done so locally. Dave referred to the map; it doesn't line up with existing transmission facilities. Dave is trying to figure out the purpose of the map. If it is to coordinate local facilities it needs to be examined closer. The corridor is intended for higher voltages, but what typically happens is that they'll want LCPD to be in that corridor. LCPD has several 230 lines for which they've applied to BLM; none of these show up on the BLM map. Dave asked that the map be customized for LC needs. Paul D. advised that the Board will make sure that LCPD be given great priority. LCPD is trying to manage the power system for LC but this map is geared towards the folks that are going through our county. The map the Board was looking at is a composite that includes RMP rights-of-way and amendment to RMP rights-of-way. There are some discrepancies that are very concerning, including things that dead end and don't match a power line from LC. Ty Chamberlain and Cory Lytle will spend time reviewing the database to see how the file was created. Paul D. suggested to Ty that a representative from LCPD be included in the review. Connie Simkins advised she helped Cory work on the language changes related to renewable energy. AB 239 requires LC to comply with the regulations included in it. No action was taken on this item.

#### **#11-PARTIAL ABANDONMENT OF JANE STREET IN HIGHLAND KNOLLS**

This is the time and place set for public hearing on the partial abandonment of an unimproved portion of Jane Street, located west of Ruby Way in Highland Knolls, adjacent to APN #013-42-42 and #013-042-43. Ed called for public comment. **Paul D. made a motion to approve the abandonment; seconded by Paul M. All voted in favor.**

#### **#12-NACO CONFERENCE**

**Paul M. made a motion to approve the payment of the NACO annual conference costs in the amount of \$100 for Assessor Elect Mark Holt, paid from Commission budget; seconded by Adam. Kevin disclosed Mark is his brother-in-law; he abstained from the vote. Motion carried.**

#### **#13-EMERGENCY MANAGEMENT BUILDING**

Emergency Management Coordinator has spoken with Contract Keith Pearson, who has suggested that more shots be taken and things written down then review it again in the spring. Keith wasn't comfortable with the engineer's proposal to take the floor out and working on the building; it could be dangerous. Rick asked Keith to provide a written document that includes his impressions and suggestions for repair. There is a slope and small hole in the southeast corner; Keith suggested that the grout work be redone so that it might not settle there and it'll drain towards the south. The east door doesn't open at all. Rick asked if the Board would be comfortable with hiring a contractor to make a drainage ditch. Yes. Rick will bring the estimate back to the Board for approval. No action was taken on this item.

#### **#14-HUMAN SERVICES**

**Adam made a motion to approve the hiring of a replacement worker for Human Services commodities; seconded by Paul D. All voted in favor.**

#### **#15-RESOLUTION #2014-28**

This resolution would allow nonessential County Offices to close on December 26, 2014 without charge against them or without withholding from their salary. This issue was discussed at the last Commission meeting; the Board was concerned about giving employees another paid holiday. There was some discussion about allowing employees to take the day off by using annual leave. Daniel advised the statute states the Commissioners can only do this if there is savings. The theory is that if the employees have to come to work and no one comes in the employees are being paid to do nothing; the savings comes in heating and lighting. **Paul D. made a motion to approve the resolution; seconded by Paul M. Kevin, Adam, and Ed were opposed. Motion died.** The Board discussed allowing the courthouse to be closed while allowing the employees to take a day of annual leave. **Paul D. amended his motion to allow the closure of the courthouse on 12-26 and require the**

**employees, if they choose, to take annual leave or use their floating holiday if they want the day off; seconded by Paul M. All voted in favor.**

#### **#16-AUTOMATED EXTERNAL DEFIBRILLATORS**

There are 30-35 batteries, \$240 each, and the pads are \$35 for adult and \$80 for pediatric. Paul M. suggested that any of the AED batteries and pads associated with the General Fund should be purchased. Rick advised that the Sheriff might be able to budget for the one in the Detention Center. Paul M. asked if the various entities that have the AEDs can pay for their replacements. Treasurer Shawn Frehner advised that training needs to be given to employees so that they are prepared should an incident arise. Adam asked, if training is given, does that obligate everyone to use the AED. Paul M. suggested that we purchase 12 of the batteries/pads from General Fund Miscellaneous. Rick can then research to see which AEDs are still active and in use. Dylan Frehner, counsel for City of Caliente, asked that the Board include their AEDs in there so they can receive a lump sum discount, the City will pay for its portion. NRS 450B is the section of the statutes that applies to AEDs. The County isn't required to have them. **Paul M. made a motion to purchase 15 out of General Fund Miscellaneous; seconded by Adam. All voted in favor.**

#### **#17-RESOLUTION #2014-27**

Carol White addressed the Board and stated that she doesn't understand the need for this money to be moved from the General Fund. If a new department needs to be created it would be best handled during the budget process. At a previous meeting, Carol advised, Kevin stated part of the reason he wanted this money moved is so the Teamsters can't find it. Carol said this is paramount to bad faith bargaining. The Clerical, Road Department, and Dispatchers units have been working on an extended labor agreement since 2010. They have given up step increases under extension agreements. Carol doesn't believe it's fair to take money from the General Fund that can be used for raises. Carol commented the Commissioners weren't elected so they can do their business "by hook or crook". Paul M. responded that the creation of this department will keep the funds in the General Fund; the money will be assigned to a department that is within the General Fund. This money will be subject to the regular provisions that apply to rollover. **Paul M. made a motion to approve the resolution creating the Building and Facilities Department within the General Fund and transferring budget appropriations into said department; seconded by Kevin. Paul D. was opposed. Motion carried.**

#### **#18-LANDFILL ISSUES**

This item was tabled.

#### **#19-LANDFILL BILLING 2015**

Treasurer Shawn Frehner met with the Landfill Committee concerning the billing of landfill for 2015, including the amount to bill, collection of payments, and waivers. The committee discussed the possibility of the Treasurer's Office no longer handling the building. Currently we are in an interim agreement. Shawn is concerned as they normally bill annually; given the current situation, it isn't possible to send an annual billing. Shawn asked if the Board wants her to send a quarterly bill or monthly bill. Shawn advised that it will be difficult for the Treasurer's Office to handle the waiver process on a monthly or quarterly process. Seasonal use waivers are overwhelming. It was suggested that the Treasurer send out the bill with Recology's name and direction to contact them if there are questions or concerns. Shawn's goal is to have the billing sent back to Recology. Paul M. commented that a quarterly billing is a good idea. The landfill cost goes up by 6% in February. The Board agreed that a yearly billing should be sent out and the waiver process remain as it is now. Adam disagrees with having the waivers, with the exception of those who are indigent. The Board discussed revisiting the waiver policy in the future to possibly make changes. **Adam made a motion to approve \$212 annual billing for 2015, due at the end of 2015; seconded by Paul M. All voted in favor.**

#### **#20-LC SOUTHWESTERN WILLOW FLYCATCHER MITIGATION BANK PROJECT**

This item was covered under separate agenda.

#### **#21-SOUTHEASTERN LC HABITAT CONSERVATION PLAN**

This item was covered under separate agenda.

**#22-DC DAY PARK**

Paul M. made a motion to approve the reimbursement to BLM for an ineligible expenditure demand for the DC Day Park using Southern NV Public Lands Management Act funding in the amount of \$3,850 (to be paid from the Building & Facilities Department); seconded by Kevin. All voted in favor.

**#23-PAHRANAGAT VALLEY DRAIN PROJECT**

Paul M. made a motion to sign the amendment to extend the time for the NV Department of Wildlife's LC Pahranaagat Valley drain project agreement; seconded by Kevin. All voted in favor.

**#24-PAHRANAGAT VALLEY DRAIN PROJECT**

Paul D. made a motion to use the Grant Match account to pay for costs incurred on the Pahranaagat Valley drain project (to be reimbursed once the funding is received from the NV Department of Wildlife); seconded by Paul M. All voted in favor.

**#25-HOST FEES ORDINANCE**

Paul D. made a motion to set the public hearing for the ordinance setting host fees for garbage entities for January 19 at 11 a.m.; seconded by Adam. All voted in favor.

**#26-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS** will attend the Tri-County meeting on Friday. **COMMISSIONER KEVIN PHILLIPS** addressed the Constitutional requirement to provide indigent defense; Kevin would like the state to provide the money and we would take care of the indigent defense on a local level. **COMMISSIONER ED HIGBEE** attended the NACO conference. **COMMISSIONER ADAM KATSCHKE** attended the Regional Development meeting in Caliente. Adam met with City of Caliente; they have an interest in trying to use the same insurance the County has. Daniel will contact Teamsters to see if they can participate. Adam attended the Landfill Committee meeting. Adam discussed several legal issues with regards to the agreement made with Recology and assurances. Anyone that hauls garbage in our County has to haul it to Crestline and Recology charges \$95-96 per ton, which is the highest rate in the nation. This hinders anyone else from hauling the County's garbage. Adam attended the NACO conference. Adam suggested that the County pay attention to various BDRs, including several unfunded mandates that stem from the State's budget shortfall. **COMMISSIONER PAUL DONOHUE** has been working with the Road Department to address the issue of the blades.

**#27-PUBLIC COMMENT**

Ed called for public comment. Treasurer Shawn Frehner presented the landfill policy, waiver forms, and the updated waivers through October. Dylan Frehner addressed the Board and advised that the Supreme Court is having a hearing on indigent defense. There has been a report that the state should pay for it. Ultimately, when the state pays for indigent defense, they want their staff handling it. Dylan believes he will have saved the County close to \$100,000 by the time his contract for public defender expires. The Supreme Court is looking at requiring that any contracts with private attorneys include provisions requiring the County to agree to fund any large capital cases. Ty Chamberlain advised that BLM is hosting an open house in Alamo this Thursday. Elaine Zimmerman advised that every county is required by NRS to have a county health board; LC doesn't have one.

**#28-ADJOURN**

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:44 p.m.

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