



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 21, 2015
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips, Chair
Adam Katschke, Vice Chair
Paul Donohue
Varlin Higbee

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Kevin called the meeting to order at 9:06 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL DONOHUE LISA LLOYD, Clerk
VARLIN HIGBEE DANIEL HOOGE, District Attorney
KEVIN PHILLIPS
ADAM KATSCHKE
PAUL MATHEWS (joined the meeting at 9:53 a.m. and left at 12:21 p.m.)

There is a quorum present and the agenda was posted on 9-15-15. The Invocation was offered by Paul D. and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. Adam advised that he spoke with City of Caliente concerning emergency funding. Caliente is looking for help, not just financial, to help clean out the wash. The state emergency management has been down to look at the wash. Adam asked if the County received funding from the state. Leslie will check. The reason the wash wasn't cleaned out by the City immediately is because their equipment sunk when they attempted it. The Board needs to take action concerning the cleaning of the wash. An item will be on the agenda to address a solution at the next meeting. Caliente has taken the necessary steps but they need help cleaning it out. Mayor Stana Hurlbert advised that they met with NDOT and the marshal from state emergency management. NDOT is responsible for 50 feet above the bridge and 100 feet below it; they will be helping with that portion of the cleanup. The Notice of Intent was approved by Caliente and sent to the state. The state, Rick Martin, asked Stana what kind of help the County would be offering. The state has advised that they give the County money for flood relief. Kevin responded that the County is well aware of the situation and wants to help. Paul D. advised that NDOT called and work on the culverts between the shooting range and Lurette Lee's home will begin tomorrow. There are several catch basins in Caliente, Alamo, Hiko, and Panaca that are full of silt. Kevin stated that a funding source for flood control maintenance throughout the County needs to be identified so these problems can be addressed. Kevin suggested that a flood control district could be created but this will cut some of the funds to other districts in order to not raise taxes. The Board will have to trim points from other districts in order to eliminate a net increase in taxes. Rick Stever has attempted to contact the Corps of Engineers as they created the regulations on the streams and waterways in the County. Rick has been unsuccessful in his endeavors. Paul D. commented that he and Shane Cheeny will get with Jerry Carter to set up a work schedule and create an agreement. Jerry met with the surveyor this morning; they are working on elevation shot and control points. They are working to identify points that they will be excavating to. The County will excavate to whatever specifications Caliente identifies. Jerry stated he will work with Shane to calculate fuel and man hours.

CONSENT AGENDA

- #3 Approve/Deny minutes of the September 8 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).

Adam made a motion to approve the consent agenda; seconded by Paul D. Paul M. was absent for the vote. All voted in favor.

#5-VOUCHERS

General County has a balance of \$1,252,169.72 with estimated expenditures being \$159,397.87. General County will have a balance of \$1,092,771.85. There is a bill for Spillman for \$30,639. This funding wasn't budgeted in PILT but Leslie suggested it be paid out of PILT in December when the auditor comes and we know what the ending fund balance will be. If the funding isn't there we can decide at that time on another fund to take it out of. The Spillman bill is for annual maintenance. Leslie suggested that the loss of equipment, the server and switch, be taken from the same fund. Once the audit is complete Leslie will know if there is extra money that can be augmented. **Paul D. made a motion to approve the vouchers as presented, with the exception of the LCTS and Mountain Merc vouchers, and to pay the Spillman vouchers from PILT fund and to use the ending fund balance at the end of the year to augment; seconded by Varlin. All voted in favor. Paul D. made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin disclosed he is part owner of Mountain Merc; he abstained. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Varlin. Paul D. disclosed he is an employee of the telephone company; he abstained. Motion carried. Paul M. was absent for this item.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner will be gone this week to CFOA in Reno. **PPU MANAGER** Nathan Adams reported that Labor Day went really well; he thanked the RD for cleaning the roads so well. Pioche Town hired Kathy Hale as the new office clerk. PPU has asked the LCWD to do a water study on the town similar to the study that is being done by LCPD. Video cameras have been hooked up throughout the park and swimming pool. There has been some vandalism over the past few years. **LC NUTRITION SUPERVISOR** Toni Acuff advised they are attempting to do lunches again. They will see how things go before someone is hired permanently. Toni will be in and out of the office in the next few weeks for meetings. Social Services vouchers were changed a few months back; Toni isn't getting the bills back and it's creating a problem. Toni has to write letters to the individuals being helped but she isn't able to when she doesn't know when payments are being made. The way things are set up right now isn't working. Adam will work on a resolution to this solution. Toni asked that things go back to the way they were. The bills are created, Elaine creates the PO, and then the bills come back to Toni so she can write letters and submit vouchers; this is the method that works best for Toni. **DISTRICT ATTORNEY** asked Kevin to sign a couple lien releases. The Air Force expressed their appreciation for the County's help with the drone problem. **CLERK** Lisa Lloyd reported that she will be requesting more funds to cover the incidentals resulting from the JAVS upgrades in the approximate amount of \$7,000. Lisa will be at CFOA/elections meetings the remainder of this week. **GRANTS ADMINISTRATOR** Elaine Zimmerman addressed the problem with Toni's vouchers. Elaine runs a report but the report isn't working for Toni. Elaine, Adam, and Toni will work on this. Elaine has been in Las Vegas, Elko, and Virginia City for meetings. She will be in Las Vegas again next week. **IT COORDINATOR** Tracy Lee advised that we lost a UPS and switch in the data center. Tracy talked with Leslie, who suggested that he come back to the Board in January to discover a funding source as this is unfunded.

#7-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#8-BUDGET AUGMENTATION

This was the time and place set for public hearing on a resolution to augment the budget for FY 2015-2016 for the General County Fund in the amount of \$5,000. Kevin called for public comment. None offered. **Paul M. made a motion to approve the resolution; seconded by Adam. All voted in favor.**

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#10-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#11-LINCOLN COUNTY MONUMENT

Linda Price and Mike Herder of BLM presented an update concerning the planning process for the Monument Plan. The proclamation for the Monument is one of the better written proclamations; it's clear and will go far in helping people become more comfortable with it. There is a line that states there will be maximum public input possible. There are a number of activities going on at this time and they want to include those in the monument. BLM will be conducting stakeholder meetings and interviews. Public workshops that are topic oriented will then be held. We will end up with a stand alone management plan for the Monument. There was some discussion about livestock grazing. The proclamation states that livestock grazing will continue to be managed under the current laws and regulations. BLM intends to start from this point and go forward; it's been monumental in how it's been managed and there's no reason to change that. Wade Poulsen asked when the public hearings would start. The deadline is to have the plan up and running within 3 years; they hope to start the public hearings soon. Wade stated that LCWD owns the senior water applications in Garden/Coal Valley. They are very concerned about the development of those water applications. A monitoring program has been in place for the last 4 years and significant funds have been spent on this. Wade asked to be added to the stakeholders list for public meetings. No action was taken as this was information only.

#12-QUALIFIED INSURANCE SERVICES

Treasurer Shawn Frehner advised that it is very difficult to have so many people coming to offer insurance. We currently have plenty of entities offering insurance and it is very disruptive to have so many agencies interrupting our work days.

#13-LAW ENFORCEMENT ASSOCIATION

The Law Enforcement Association objects to the County's interpretation of Section 4, Article 9 of the collective bargaining unit agreement concerning the payout of unused sick leave at the time of retirement. Matt Bailey addressed Article 9, Section 4 and stated they were asking for clarification. An officer just retired and questions arose concerning Section 4. Sick leave is not to exceed 720 but they interpreted differently. If the officer had 1200 hours of sick leave when he retired it would be divided by 1.5. If it exceeded 720 it wouldn't make a difference; the officer would be paid for 720. The officer wasn't paid according to this interpretation. The County used 720, threw out his additional hours, and then divided that by 1.5. The officer was only paid for 480 hours. Daniel stated that because it is divided by 1.5, you basically get 2/3s of your sick time and you lose 1/3. The County only allows for accumulation up to 720. The question is when the cap is applied. Is it applied before or after the 720? Varlin stated that you can build up as much sick leave as you want, but the max you can get paid for is 720. Employees are now vested at ten years. Matt replied that the LEA's interpretation is that they get paid for the 720, not 480. Varlin advised that the state calculates state employees as part of their wage. Adam commented that the way it is written is that they will get paid for up to 720 hours. Adam interprets it the same way as LEA. Total sick leave is divided by 1.5 and they are paid for the amount up to 720 hours. Daniel responded that this is part of the bargaining unit agreement. The language in the agreement is unclear. This issue of interpretation had been raised but it died out. The language was used as it is standard. The Association always interpreted it this way. Daniel's interpretation was to take the 720 off but after reading it again he can see how two interpretations can be derived. If push comes to shove it can be taken to an arbitrator. The best thing to do was to bring it to the Board to see what they want. What should the cap be, 420 or 720? If a rolling cap is used, it is an annual cap. This means that every year you can't accumulate more than 720. Daniel advised that Leslie has been accumulating over. The clause itself is very vague. Matt Bailey presented the way it was handled in the past. It used to be a hard cap at 720 but this isn't in the new contract. Adam interprets the new contract to allow for payment up to 720 hours. Paul M. commented that if the intent of the old one is applied to the new one it is capped at 720 and multiplied by 1.5. You still only get 2/3. Direct action to change it specifically was never taken. Daniel believes it was so vague that he believed he was covered. This was the Teamsters version of language that they approved and Daniel was working to keep it uniform. As of right now, this affects only one person. This clause really only applies to long term employees. The intent of sick leave is so that an employee can use it if they are ill; it isn't to get paid. Buying sick leave provides a deterrent from using it. The intent of the Board was to cap it. Paul M. said that, based on the old contract, he was paid correctly. Based on how vague the new contract is, this section needs to be rewritten so it is clear. The Association is on a different track than the others and expires this coming June 30. The Board agreed that this issue needs to be addressed during contract negotiations. The individual has already retired and he was paid according to the old contract; he was paid for 480 not 720. The Association is asking that the

individual be paid the remaining 240 hours. **Adam made a motion to pay the additional 240 hours; seconded by Paul D.** Paul M. won't vote in favor because clarification will cause it to be paid this way in the future. This will result in the most equality. Paul M. feels the intent has been met and it was paid correctly. **Motion died. Kevin, Paul M., and Varlin were opposed. Paul D. and Adam were in favor.**

#14-WESTERN ELITE YOUTH FUND

Paul D. to approve \$2,000 from the Western Elite Youth Fund for the purchase of uniforms & equipment for youth football teams; seconded by Paul M. All voted in favor.

#15-GRANTS

Adam made a motion to sign the Notification of Grant Award from the State of Nevada Division of Aging and Disability Services Division for home-delivered meals in the amount of \$72,370 and to approve the required match of \$10,160 from the Grant Match Fund; seconded by Paul M. All voted in favor.

#16-GRANTS

Adam made a motion to sign the Notification of Grant Award from the State of Nevada Aging and Disability Services Division for congregate meals in the amount of \$30,000 and to approve the payment of the required match of \$3,265 from the Grant Match Fund; seconded by Paul D. All voted in favor.

#17-GRANTS

Adam made a motion to sign the Business Associate Addendum with the Department of Health and Human Services Aging and Disability Services; seconded by Paul M. All voted in favor.

#18-HOST FEE ORDINANCE

This item concerns the Host Fee ordinance. Adam likes the idea of a host fee but as he's thought about it he'd like to have it tied to each entity's special use permit. A set limit for each landfill isn't fair. In the pricing section of the ordinance it should say it will be determined during the SUP hearing. Adam would like to see something in the ordinance setting the money aside so the County can eventually start its own landfill if needed. If the County ever has to come up with its own landfill it will be incredibly expensive to set it up and man it. Paul M. agreed with Adam; the SUP is the way to cover the cost of the fees. The SUP allows it to be done on an individual basis for each entity. Paul D. feels the ordinance is fine; he worries that these entities will refer to the SUP and try to rely on that. Will we make everyone apply for a new SUP? The SUP itself requires entities to reapply every five years. Paul D. stated solid waste is incredibly expensive for each resident. Treasurer Shawn Frehner is concerned how this will set us up for inequality between different landfills. How do we get away from being sued? Is this something we should be concerned about? Shawn is opposed to not having a fixed rate due to inequality and the possibility of lawsuits. Daniel responded the price could be the same for all but the SUP could contain exceptions. Daniel responded that there is nothing illegal about a discretionary tax. This is a tax, if there is any type of discretion in a tax and someone is treated differently it's a "slam dunk" case. The Board must try to keep everyone on a level playing field. LC is already supplementing the costs for landfill use with PILT. The proposed ordinance needs to allow enough flexibility to approve separate host agreements for each entities. The Board needs to determine what changes will take place. Will the negotiations be monetary or handled through Planning Department? The Board needs to outline rules for the Planning Department. Varlin suggested that the fee be income based. Kevin stated that he wasn't referring to net revenues; he means gross revenue. There would need to be some way to verify it as well. Income is easy to manipulate whereas it's much more difficult to manipulate tonnage. Daniel said he can't find anyone who does it by gross but he can find hundreds that do it based on tonnage. Shawn asked if it is possible to have two different ordinances written for consideration. They can then be reviewed and the better of the two can be chosen. Daniel is willing to draft two separate ordinances if the Board gives him the framework. Cory Lytle asked that the fees be tied to SUP. Turning the negotiations over to the PC isn't a good idea; parameters are needed. Cory believes the flat fee is too high as written. The County is trying to figure out a way to keep the garbage rates low. Once the special conditions are recorded on the property they become a legal right of the property. Cory feels the ordinance should have a provision that allows for modification of the fee to be done by resolution, to make it simpler. It can be tied to the CPI. Cory is in favor of a flat fee. Bevan Lister stated that any ordinance that creates a tax should be earmarked for a purpose. If we're going to negotiate individually, there is no purpose for an ordinance as it is a contract negotiation. If handled by SUP, Bevan assumes the ordinance will write up the administrative

procedures process if the permit is denied. Bevan asked if solid waste companies are a utility that is governed by the public utility commission. No. They are governed by state EPA. Adam suggested that a flat fee and credits could be included in the ordinance as well as tying those to a SUP. Cory responded that the appeals process is already in place. No action was taken and this issue will be on the next Commission agenda.

#19-LINCOLN COUNTY DETENTION CENTER

This item concerns funding options for the priority list and maintenance/upgrade list for the LC Detention Center. The payment that was previously being made on the DC wasn't budgeted and is now included in the ending fund balance. The showers need to be done immediately. Paul M. commented that, based on the current situation of the showers, the showers can be paid for through the enterprise fund. There is about \$800,000 in the enterprise fund right now. **Paul M. made a motion to use the enterprise fund to pay for the repairs in the DC; seconded by Paul D. All voted in favor.**

#20-STATE LAND USE PLANNING ADVISORY COUNCIL

Paul D. made a motion to approve the letter of recommendation for Varlin to remain on the State Land Use Planning Advisory Council; seconded by Adam. All voted in favor.

#21-GREATER SAGE GROUSE ENVIRONMENTAL IMPACT STATEMENT

Connie Simkins stated she and Cory Lytle have been working with Tory Suntime, NACO public lands hiree. Tory has helped with the format. NACO is threatening to sue if the sage grouse is listed. Connie presented a new release concerning how the cattlemen in Montana and Wyoming have been dealing with the sage grouse. NACO has informally requested funds. Cory advised if the sage grouse is listed it will kill LC. The declaration focuses on LCCRDA and the idea that any proposed disposal lands will be thwarted by the EIS. Transportation and access are also being included. Economies are also a crucial impact that will be included in the declaration. Bevan Lister stated this declaration and the action NACO is proposing is geared towards BLM's land use plan amendment. The listing decision for the greater sage grouse will be issued tomorrow. In many ways, the land use plan amendment proposed by BLM is as bad as listing. Bevan agrees with Cory and the direction the declaration is taking. There are several inconsistencies between the land use planning act and the County public land use plan. The LC Sage Grouse Plan has been adopted and ratified by the Board; this can be used for the inconsistencies. There are several proposed actions that will move forwards regardless of economic impact. This is a firm violation of FLPMA. If NACO is based on those kind of grounds, it should be a solid direction. Paul D. asked that the Board make the recommendation that we use the County-generated maps.

Paul D. made a motion to approve the letter of declaration concerning the Greater Sage Grouse Environmental Impact Statement and habitat impacts/conservation plans to be used by the Nevada Association of Counties; seconded by Paul M. All voted in favor.

#22-BETSY WHIPPLE APPEAL HEARING

Paul M. was absent for this item. This was the time and place set for appeal hearing. Betsy Whipple presented her appeal regarding a parcel map that was approved by the Planning Commission for Whipple Cattle Company near Ash Springs. The parcel map was previously approved by the LC Planning Commission. Betsy has a controlling interest in Whipple Cattle Company, LLC (WCC). Controlling interest in an S Corp is anything that is over 30% ownership under majority or under 50. Betsy requested a denial of the maps to section off 100 acres of the WCC, or about 10% of the land. DA Daniel Hooge issued a ruling that the Planning Commission could proceed with the sectioning off of the land. Betsy believes Daniel gave the PC inaccurate information. This case hasn't been to court; there was a Lis Pendens hearing. The case was dismissed without prejudice. Due to the letter Daniel wrote, it was believed that the majority could out-vote Betsy and she could no longer interfere. Betsy asked Daniel to meet with her and her attorneys. That didn't happen. In order to section off the land it would require a 75% vote. They didn't have that and they will never have it. Betsy stated the PC was directed improperly and she asked the Board to reject their decision. Betsy purchased her sister's shares and now has 40% ownership. Betsy has requested financial documentation to see how much was put into the ranch versus the Kent Whipple Ranch next door. A great deal of debt has been placed on the S Corp. All of the money borrowed against the S Corp has been put into the Kent Whipple Ranch Trust. There is nothing in the NRS or private corporation laws that allows them to put one entity in debt to the point it is insolvent and then put that into a different entity. There is nothing in their bylaws that allows for that either. As a minor share holder of

the S Corp, the recourse is with the director, who happens to be Betsy's mother. When Betsy and her sister approached their mother about the debt going into the property they were told to go along with it or they would be disinherited. They are being reproached for having questions about the other entity. They are using one ranch as an organ donor for the other ranch. Betsy hasn't been able to get the financials to know exactly what the debt level is. She refuses to give them more money as she needs to know that all of the debt put on S Corp stayed in the S Corp ranch. Now they are attempting to section land off on the S Corp and sell the water to a neighbor to make money. They are taking 10% of the assets on the S Corp and diluting her share significantly. This has consistently escalated to the point that they hired Mr. Coache to get her mother to sign a sworn affidavit stating that all the water was hers and she could do with it what she wanted. The Kent Whipple Ranch Trust is set up in an A B Trust. They are now trying to change the name of the Trust to Kent Whipple, LLC, in order to move water. In an attempt to move assets around, the boys have changed the title on the land and the water. When Betsy and Peggy filed a request to drop the water the State filed a letter that they wouldn't touch it because it was so convoluted. The same thing is happening with the S Corp. The boys are trying to pull 10% of the land out now and sell it. The boys have never given Betsy an offer or a choice to see what the land is. Betsy is 40% owner; statute requires the boys to go above and beyond to notice her. Betsy asked the Board to table this in hopes that several of the things going on will force the boys to sit down with her to work on this. Betsy's brothers have gotten her mother to sign an affidavit saying she is the sole owner of the ranch, which she is not. Betsy and her sister are filing a complaint with the bar against her brothers. The boys have never acknowledged Betsy's ownership nor given her the chance to look at the financials. Betsy asked the Board to table this until a court order is issued. Daniel advised the PC believes the issue at hand is whether or not the specific parcel should be split into 4 parcels. Does it fit the area as well as the overall plan for the County? Is it a good fit for zoning laws? Daniel commented that he sees that Betsy is asking the Board to determine whether or not the other share holders breached their fiduciary duties. The Board can't do this. There is nothing that says there is any impropriety. Until the allegations are adjudicated outside of this forum, the Board has to go with the majority of the holders. Betsy stated she's attempted to provide Daniel with documentation concerning the share holders but she couldn't get in touch with Daniel. Paul D. asked what the harm would be in a temporary suspension. Betsy stated she has reached out to the boys dozens of times to find out what the situation is with the S Corp. Statutes require that Betsy be provided quarterly financials. Betsy asked that this be suspended indefinitely. The boys consistently rule as a strong arm body. Betsy wants to sit down with the boys, as a family, and deal with the entire situation, including the Kent Whipple Ranch and Whipple Cattle Company. Adam responded that there is a great deal of this presentation that the Board can't deal with. The Board can only make a decision on the map. Betsy contends that the underlying property isn't in good standing. Daniel stated the issue is whether or not the particular land use would be appropriate in that area. The PC and the County are not deciding whether or not to record the map and take the action. Their decision is only to decide if the split is appropriate based on the County's land use plan. Betsy thinks that the Commission would like to make sure the property is in good order before they make a ruling. The underlying issue is that the property isn't in good standing. Betsy doesn't believe it should have been before the PC. Betsy reiterated her request to table this indefinitely so everyone will be forced to sit down and work through this. Daniel stated, that if Ms. Whipple had a legitimate claim, she should've filed suit and asked for injunction or temporary restraining order to stop this action. Betsy didn't file either of those. Betsy wants to adjudicate the issues before the Board instead of the district court, where it belongs. Betsy stated that the cost to file an injunction is thousands of dollars. Betsy stated that they have violated every step along the way; they don't have the votes to do what they want to do. Betsy will file an injunction if she must but it was really hard on her mother to do that. Varlin asked if Betsy can still file an injunction to stop the sale of the land if the Board rules on this. Daniel responded that injunction would be an injunction against anyone to record the map and action to split the parcels. Even if it were already recorded it would be possible to go back and merge. The question is whether or not there will be irreparable injury. Daniel was trying to avoid being pulled into the adjudication of this issue. This issue isn't really proper for this setting nor was it for the PC. A factual determination is needed to determine whether or not the case is good but it isn't proper for the Board to determine whether or not fiduciary duties have been met. The Board must go with what the majority wants to do. If action is taken by their board, and it violates a fiduciary duty, then that is for the courts to decide. Betsy stated that they don't have the 75% vote. Betsy said that Daniel was inaccurate in his advice as they didn't have the majority vote. The Planning Commission put this in Daniel's hands to determine whether or not they can vote on it; Betsy feels Daniel gave bad advice to the PC. Betsy feels Daniel's letter to the PC gave them the freedom to make a decision. Cody Whipple, Whipple Cattle Company Vice President, advised that Bret Whipple is the President and Blu Whipple is the Secretary.

This has nothing to do with Whipple Cattle Company or Kent Whipple Trust. Cody advised that Daniel correctly relayed the information about the shareholders. They try to do things as fairly as possible with the family cattle ranch. To eliminate the possibility of any of the shareholders building on the same ten acres, they wanted to make it a very certain 75% that they would let Betsy/Peggy buy these ten acres. What was done by the corporation has nothing to do with individual ownership. It doesn't change Betsy's ownership. Cody advised they've had people contact them about the purchase of the land. The Corporation has an obligation to create income to pay for its actions. In order to pay for the development they've sold hay as well as property. Cody advised that the mylar copy of the map hasn't been recorded yet. State law allows for one year to record once the map is approved. There are no rules/regulations for tabling. Cody commented that the consideration to sell had to be discussed and voted upon by the board. Cody stated that Betsy has had every opportunity and it is difficult to communicate with someone who doesn't attend meetings. It is Betsy's responsibility to show up and explain to the board her feelings. Cody stated that their board has meetings regularly. Betsy presented a letter from her attorney to the boys requesting financial information. Betsy provided numerous dates that she was available; she didn't want to attend meetings without financials in hand. Betsy has letters from attorneys dating clear back to 2004 that request information so that she might be able to attend the meeting well-informed. Betsy stated the boys refuse to provide documentation. Betsy can't put anything on the agenda unless she gives 30 days notice but the boys like to hold special meetings with only 10 day notice. Betsy asked the Board to table this for 6 months. Kevin stated that he has not been convinced that this matter should be adjudicated or ruled on by the Board; the Board must decide only whether or not the map meets the County's plan. Cory commented that when an applicant comes in to do land use business, they fill out an application. When Whipple Cattle Company came in with their application, they brought a notarized statement that they are able to do the parcel map in question. The Planning Department doesn't research what type of company/individual they are. They take the application at face value and deal with the business at hand. When they go to get their map recorded, if they've paid their property taxes, the Treasurer can okay it. PD doesn't research companies to see if they are or aren't solvent. Face value, they're dealing with a land use project. The recorded deed is part of the application. There has been talk in some counties that a complete title search be done with approval of the parcel map. The exponential costs for LC to do that are prohibitive. Varlin's initial thought, when he was on the PC, was to deny it and let the courts sort it out. Adam shares the concerns with Varlin and questioned what impact this will have on the County. Daniel cited that this is an appeal hearing; it requires only a reversal or confirmation of the PC's decision. Daniel advised that the corporation owns the land; the only questions are allegations of breach of fiduciary duty. An allegation is only an allegation and only becomes fact until it is adjudicated in court. You must prove you have a likelihood of success and irreparable damage. Betsy stated the PC was split until they received the letter from Daniel. The letter was a big misrepresentation of the facts. Betsy believes the PC would have voted differently if they hadn't received the letter. Kevin asked if anyone on the Board had a desire to reverse or affirm the decision of the PC. **Adam, Kevin, Varlin, and Paul D. voted to confirm the decision of the Planning Commission.**

#23-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS advised he might be absent on the Commission meeting on October 5. Varlin was appointed to chair the October 5 meeting. **COMMISSIONER ADAM KATSCHKE** will be out of town on October 5.

#24-PUBLIC COMMENT

Kevin called for public comment. None offered.

#25-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 2:33 p.m.

Attest: _____ Approve: _____