



LINCOLN COUNTY BOARD OF COMMISSIONERS

April 4, 2016
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 MATHEWS
ADAM KATSCHKE
KEVIN PHILLIPS
VARLIN HIGBEE

LISA LLOYD, Clerk
FRANKLIN KATSCHKE, Dep. District Attorney

ABSENT: PAUL DONOHUE

There is a quorum present and the agenda was posted on 3-29-16. The Invocation was offered by Paul M. and Adam led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. None offered.

CONSENT AGENDA

#3 Approve/Deny minutes of the March 16 and March 21 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; seconded by Adam. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$924,524.01 with estimated expenditures being \$175,216.11. General County will have a balance of \$749,307.90. **Adam made a motion to approve the vouchers as presented with the exception of the A & H Katschke vouchers; seconded by Paul M. All voted in favor. Paul M. made a motion to approve the A & H vouchers; seconded by Varlin. Adam disclosed he is the owner of A & H; he abstained. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner reminded the Board of the tax auction that will take place this Friday, April 8. Delinquent tax notice reminders have been mailed. Delinquent landfill notices have also been sent. Shawn continues to work on the Floral Mills/Combined Metals properties that are held in Treasurer in Trust. They are working towards some type of resolution as there are dual owners of the property. Larry Atkinson is the owner of Combined Metals; he has signed a deed of trust reverting his ownership of the property to the Pioche Floral Mills site. This property has been removed from the auction. Paul D. will be acting as the trustee on this property. There is a period of one year to get the taxes collected on this property. This will allow for resolution for those who have this cloud on their titles. **GRANTS ADMINISTRATOR** Elaine Zimmerman sent an email to each of the Board members concerning reporting that requires them to respond. It concerns how we comply with NRS. Elaine has presented this information to the DA's office as well. Elaine stated that reporting on these issues is required but we don't have to give a great deal of information. The Board was also given the Community Needs Assessment surveys, which should have been completed and returned by now. Elaine hopes for a more thorough assessment as distribution wasn't very well-done. Elaine asked the Board to complete these surveys as soon as possible. **BUILDING/PLANNING DIRECTOR** Cory Lytle discussed the

Commissioners' desk, which will be completed towards the end of the month. A soils report and change order will be required for the restroom addition to the LC Courthouse; cost will be \$7-10,000. Cory will be speaking to various local sportsmen in the County concerning the Basin & Range National Monument questionnaire. It is tailored towards what can be shut off and managed. Cory would like the emphasis to be on what we can do to keep things status quo. We need to take the time to get as many grazing operators to comment as possible as well as the sportsmen. Connie Simkins stated the last page makes her upset as it asks if people will be interested in joining a friends' group of the Basin & Range National Monument. It instructs them to contact Jocelyn Torres, Basin Range Friends Group. Connie asked why the LC Commission, the ranchers, the N4 Grazing Board members, or the NV Mining Association aren't listed on there

#7-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#9-LIQUOR BOARD

This item was covered under a separate agenda.

#10-LC BOARD OF HEALTH

This item was covered under a separate agenda.

#11-BUDGET AUGMENTATION

Kevin opened the hearing and called for public comment. None offered. Kevin closed the public hearing. Paul M. commented that last year adjustments were made with the idea that they had to earn enough money to sustain themselves. This fund is already over and needs to be augmented. Leslie suggested that the Board address this problem during the budget process. **Paul M. made a motion to approve the resolution to augment the County Fair budget for FY 2015-2016, transfer from Fair & Recreation in the amount of \$15,000; seconded by Adam. All voted in favor.**

#12-BUDGET TRANSFER

Paul M. made a motion to approve the transfer from the General County Fund to the China Springs (Youth Services State Levy) Fund in the amount of \$4,000; seconded by Varlin. All voted in favor.

#13-GROUNDSHAKERS HARE AND HOUND RACE

Paul M. made a motion to approve the Groundshakers Hare and Hound motorcycle race on April 30, 2016; seconded by Varlin. All voted in favor.

#14-SOUTHERN NEVADA DESERT RACERS

Paul M. made a motion to approve the Southern NV Desert Racers motorcycle race on April 9, 2016; seconded by Varlin. All voted in favor.

#15-WESTERN ELITE YOUTH FUNDS

Adam made a motion to approve the request from Lincoln County High School for \$3,000 for scholarships to be paid from the Western Elite Youth Fund; seconded by Paul M. All voted in favor.

#16-TEAMSTERS LOCAL 14 MEMORANDUMS OF UNDERSTANDING

This is a continuation of an item previously discussed at the March 21 meeting. These MOUs are with the three units of Teamsters Local 14 (clerical, road workers, and dispatchers) shifting the pay scale, which was previously tied to the State of Nevada's pay policy 3, and moving them to the State of Nevada's pay policies 1 and 2 with adjustments for translation. The resulting change will simplify Public Employees Retirement System (PERS) calculations for employees on both employer paid and the split pay plans and will not reduce any employees pay. DA Daniel Hooge presented the new scales. When we chose the state's scale we chose the law enforcement/fire scale, which has a higher rate that changes at different times. This rate stayed the same but the PERS rate went up for everyone else. The result of this was that the County had to add in PERS and

people's wages didn't match the scale. Pay policy 2 will correctly reflect the increases in PERS. Daniel discussed the translation from one scale to the other. Clerical, for instance, will go to 27-01. Daniel suggested that the County go with the 2% jump in order to translate. Every individual on the pay scale will be moved down one grade, which is still a 2% increase. None of the positions included on this scale will lose any wages, Teamsters wouldn't agree to that. There are triggers built into all of the contracts. Based on current projected budget numbers, we'll hit the triggers. If you hit those, then you reopen by sending a letter to Teamsters. Paul M. asked if it would make sense to hold this item until after the next budget meeting to see what the budget projections are. Recorder/Auditor Leslie Boucher stated if the dispatchers are moved to General County it will greatly impact the budget. Paul M. responded that there is no immediate plan to move the dispatchers. Adam met with Jeff Weeks, Clark County's preliminary date is still September 1, 2016. At this time, they will decide whether or not they'll be removing their inmates from LC. Kevin opined that this item should be held until after the next budget meeting. **Paul M. made a motion to table this item to the next Commission meeting to allow for a budget meeting to take place in the interim; seconded by Varlin. All voted in favor.**

#17-LANDFILL FEE WAIVER

Timothy F. Johnson has submitted a landfill fee waiver request for his 2015 landfill fees. Timothy submitted a letter to the County advising that he received a letter from the DA's office concerning a past due landfill bill of \$212 for the 2015 year. Timothy included two printouts from LC Power District showing zero usage on this property. Timothy indicates he hasn't used the landfill dumpster in Rachel in over two years and he'd like to receive the waiver because of this. **Paul M. made a motion to approve the waiver and require that Mr. Johnson file his future waivers in a timely manner; seconded by Adam. All voted in favor.**

#18-AB 191 MOTOR VEHICLE FUEL TAX BALLOT QUESTION

Paul M. made a motion to approve the following ballot language: "Shall the Lincoln County Board of Commissioners enact an ordinance to impose, for the period beginning January 1, 2017 and ending December 31, 2026, annual increases in the taxes on certain motor vehicle fuels based on construction inflation not to exceed 7.8 percent for the purpose of funding repairs and maintenance of roads (and projects that will reduce traffic congestion and enhance public safety) in Lincoln County?"; seconded by Varlin. Varlin commented that this tax will be a benefit to the County. The state will receive some of the funds but they are required to spend the funds in the county that generates them. **All voted in favor.**

#19-TAX STRIKE

Assessor Mark Holt advised that this item is a refund for the 2013-2014 tax year. It went before the State Board of Equalization, the NV Tax Commission, and then on to a district court judge. The judge ruled that LC has to pay Level 3 Communications the abatement on the reassessment that the State Board of Equalization made. There may be another of these refunds coming for the 2014-2015 year. Level 3 has already contacted Mark about this. This was originally assessed by the Tax Commission and it was passed on in 2013-2014 to the previous Assessor, who assessed them at that time but it has been a fight since then. This is a personal property refund. There was some discussion about the apportionment of these taxes and whether or not it might be possible to get the previously apportioned funds for Level 3 returned to the County. Mark will call the state to see how we can get the money back from those entities that have already received their apportionment. There was some discussion about the possibility of withholding or debiting future apportionments to the various entities in amounts equal to those already received for the Level 3 taxes. Shawn didn't know if it's legal to do that but it's worth looking into. **Adam made a motion to approve the tax strike refund for Level 3 Communications (CM-001009 \$928.55 and CM-001028 \$62,537.94) for a total of \$63,466.49, to be paid from General County Miscellaneous (with the caveat that we charge those who have received their apportionments); seconded by Paul M. Varlin and Kevin were opposed. Motion failed due to a tie vote, 2-2.**

#20-DRY LAKE VALLEY NORTH SOLAR ENERGY ZONE

Paul M. stated that he has a conflict of interest with this item. Connie Simkins advised that she notified the new owner of the allotment, Shane Mathews, and provided him with a copy of the letter but she wasn't aware if he was going to attend today's meeting or not. According to earlier instructions, Connie was asked to provide two letters. One would comment on the final mitigation strategy and how the funds will be spent. The other would support the ranchers' interests in maintaining multiple uses. After further discussions, it was decided that one

letter would be drafted that addressed both issue. This letter kept us involved and allowed us to be involved in any work on the SEZs provided that there are no net losses of AUMs. Some of the things that can be done include distribution of water. Connie worried about how vigorously the cows will rub on the solar installations that are on pedestals. The letter requests that appropriate technology be used so that multiple uses will not be curtailed. Shane Mathews is concerned about the acreage and losing his cattle allotment. The prior owner/permittee wanted solar in this area. The new owner/permittee wants to run cattle; Kevin advised that he doesn't want to disrupt this. LC supports utility scale solar development within the Dry Lake Valley North SEZ using technology that would minimize impacts and involving solar project developers which would commit to mitigating impacts to existing multiple uses, especially livestock grazing that would result in no net loss of grazing AUMs within the Ely Springs Cattle Allotment. LC encourages BLM to further refine the Regional Mitigation Strategy for Dry Lake Valley North SEZ to encourage rather than discourage such development. Grazing is the primary use of this area. How will the power be sold? LC has less than twenty kw available to ship. The new SWIPP line is fully subscribed. Connie was uncertain as to how the solar energy would be moved to sell it. Also, a substation would be needed and that is very expensive. Eventually, LC Power will boost that to 138kv but that could be thirty or forty years in the future. Shane Mathews addressed the Board concerning the solar development that is proposed for his allotment. Shane wrote a letter to BLM last September; he is opposed to a solar project on the Ely Springs allotment for various reasons. This ranch has many resources that will be destroyed or eliminated by this development. It is well fenced. It's well watered and well developed for distribution of the water. The resource is being used to a full extent. There are other sites in that valley that never get grazed and the acreage isn't being used in a productive manner. The previous owner was much more favorable to the SEZ development. If this moves forward in spite of Shane's objections it is hoped there will be compensation for the loss of AUMs. There are better places to put the solar as opposed to one of the best ranches in the County. Shane stated his letter went to Dan Netcher. Shane's range con, Cameron Boyce, and several others from the BLM office have agreed with him. BLM is getting pressured by the Senate to make this happen. Shane was given the impression by BLM that they are glad he objects; this gives BLM grounds to object as well. Kevin supports Shane and asked that he write the Board a letter concerning his position and what he'd like the Board to do. Shane advised there are many other locations that are much more suitable to solar, locations that won't impact a cattle rancher. Shane believes the more barren lands, those that are not being used for anything, should be used for solar. It should be located on lands where no one is being impacted. If the correct places were chosen there would be no need for mitigation. No action was taken on this item.

#21-QUARTERLY JAIL TOUR

Adam and Kevin will make the tour and report at the next meeting. No action was taken on this item.

#22-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS advised that Tri-County Weed hasn't scheduled their quarterly meeting yet. There are a few issues right now but Paul M. will work on sorting them out. Paul M. was contacted by a gentleman from Three Square. **COMMISSIONER VARLIN HIGBEE** met with Nellis Air Force Base Commander Colonel Dempsey and Roger Christiansen to discuss the base. They're working to renew their permit for the bombing ranges. Varlin has researched this and stated that the bombing range is different than the test range itself. The Air Force went to the State Legislature and petitioned them for that area to become a bombing range, yet they still have to obtain permits from BLM to retain that for 20 more years. Varlin commented that they also discussed the Corn Creek road. Mr. Christiansen has documentation showing that they still have agreements in place with regards to the grazing allotment. Varlin believes the water attached to those is still attached to the allotment itself. They were asking the Commission if the County is on board with them retaining their permit for the bombing range. Varlin will work to get more information. **COMMISSIONER KEVIN PHILLIPS** is meeting with the BLM this afternoon concerning Little Ash. At the last NACO conference, Governor Hutchison sponsored a public lands workshop. This is now going to be a quarterly breakfast meeting to maintain the dialogue. Kevin will attend this breakfast in two weeks in Reno. **COMMISSIONER ADAM KATSCHKE** met with Western Elite in Alamo to discuss the Class III host fee. WE is resistant to this fee and they want the funds to come to the Youth Fund. The amount of money raised via a host fee will be less than they are contributing to the Youth Fund. We are currently getting between \$30-40,000 per year for the Youth Fund; we don't want to "look the gift-horse in the mouth". Adam attended the Brownsfield meeting. The Angus McIntosh presentation will take place on April 16th in Ely.

#23-PUBLIC COMMENT

Kevin called for public comment. None offered.

#24-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 11:40 a.m.

Attest: _____ Approve: _____

DRAFT