



## LINCOLN COUNTY BOARD OF COMMISSIONERS

June 6, 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 9:13 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL DONOHUE LISA LLOYD, Clerk  
ADAM KATSCHKE DANIEL HOOGE, District Attorney  
KEVIN PHILLIPS  
VARLIN HIGBEE  
PAUL MATHEWS

There is a quorum present and the agenda was posted on 5-31-16. The Invocation was offered by Paul D. and Varlin led the Pledge of Allegiance.

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

Kevin called for public comment. DA Daniel Hooge advised that last week it was incredibly hot. The HVAC units are not working at all. It was over 80 degrees in his office last week. Clerk Lisa Lloyd advised that it is even hotter than that in her office with the election machines in there. Lisa is very concerned that the machines will get too hot and could possibly burn up. Paul D. will call the company that installed them to see if they can come out immediately to repair the problems.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the May 16 and May 23 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 \$774,518.50 with estimated expenditures being \$246,535.27. General County will have a balance of \$527,983.23. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, and A & H Katschke vouchers; seconded by Varlin. All voted in favor. Paul D. made a motion to approve the A & H Katschke vouchers; seconded by Paul M. Adam disclosed he is the owner of A & H; he abstained. Motion carried. Paul D. made a motion to approve the Mountain Merc vouchers; seconded by Adam. Kevin abstained and disclosed he is part owner of this firm. Motion carried.**

### **#6-OFFICER/DEPARTMENT HEAD REPORTS**

**ASSESSOR** Mark Holt advised that he and his deputy have been attending classes in Las Vegas over the last month and they will be taking a certification test on 6-14. **SENIOR NUTRITION DIRECTOR** Toni Acuff attended a nutrition conference next week. There are different options for some of the regulations that will be coming down. Toni and the bus driver will go to Las Vegas Wednesday for safety training and next week Toni and Trina will go back to Las Vegas for Three Square conference. **DISTRICT ATTORNEY** Daniel Hooge advised that Grant Davis has emailed a couple of times asking what the status of the new wage scale is. Daniel will put this on the next Commission agenda for consideration. **TREASURER** Shawn Frehner presented the monthly report. Taxes will be apportioned at the end of this month for the end of the year. Shawn reported that she received a hoax email from Kevin's email; it's fraud based and asks for account information. Shawn hit reply on this email

to see what the email address is; it's completely different from Kevin's. Shawn stated that the Treasurer's office is the only office that would have the authority to handle this type of fraud. The County doesn't have the ability to pursue this type of fraud. Shawn has forwarded this email to the bank. There are many safety mechanisms in place with the bank that are set up to try and prevent this type of fraud. Shawn has advised the bank to clear a check in advance of sending the check. Paul D. cautioned that it is possible that we are sending a "worm" with these emails when we forward them. **LC NUCLEAR OVERSIGHT PROGRAM COORDINATOR** Connie Simkins has been attending webinars regarding consent based siting. Connie contacted Mr. Kotek, Assistant Secretary of Nuclear Energy, who indicated there might be a possible grant application funding source to continue the work we're currently doing. Connie is pursuing that. Connie had a telephone conversation with Mr. Kotek and two of his staff; he asked Connie to meet with him privately in Boise, ID, when they have the next consent based siting meeting. Connie attended the NV Legislative Committee on High Level Radioactive Waste meeting.

#### **#7-GRANTS**

**Adam made a motion to sign the FY 2017 United We Stand grant application in an amount not to exceed \$20,000; seconded by Paul M. All voted in favor.**

#### **#8-WESTERN ELITE YOUTH FUND**

**Adam made a motion to approve the request for \$500 from the Western Elite Youth Fund to purchase swim lesson equipment; seconded by Paul D. All voted in favor.**

#### **#9-LC GRANTS ADMINISTRATION POLICY**

This item concerned the review of the LC Grants Administration Policy and addition of a reporting/auditing section to the policy. Adam addressed this item and stated he feels there are several holes in the grants administration policy; he's met with several people in the County who work with grants, including Elaine Zimmerman. Adam feels an auditing section needs to be added to the policy; this section should include the name of the grant, how much was budgeted, how much has come in and how much is going out, as well as the amount that is remaining. This information is readily available in the computer system, so perhaps only the grants that have problems need to be reported to the Board. Adam discussed indigent. Elaine handles indigent but the policy states that the Human Services Director is in charge of the indigency program. Elaine responded that the policy states that if there are any questions that can't be answered it comes to her. Traditionally, the majority of the indigent grants come to her (this mostly concerns medical and those services provided through the CSBG grant). The wording in the policy is somewhat confusing. Elaine stated this part of the policy is geared more towards indigents seeking assistance, including utilities, and occasionally they will have medical needs as well that are addressed through Toni Acuff's office. Indigent services provided include homeless individuals traveling through and inmate medical services; both go through Elaine. Elaine stated it adds an additional layer; if the Board would like she can work on streamlining the process. Adam commented that the Board doesn't know what grants are going through and what is left. He suggested that language be included to address any troublesome grants. The policy is mostly sound. There are some departments that need vouchers processed and it takes a little bit longer going through Elaine's office but that's what the policy requires. Elaine stated that once everyone is aware of the schedules/deadlines, things work fairly well. It takes a little bit longer because Elaine has to review the submissions prior to them going to Leslie's office. Adam stated everyone needs to be on the same page with regards to policies as well as who is in charge of what and how things work. The current process versus policy is somewhat convoluted. Paul D. commented that he would like to know six months prior to CDBG applications that it's coming open. Paul D. would like to see a spreadsheet showing what our upcoming grant possibilities are and when they're due; he'd like to see this spreadsheet about six months before the applications are due. This would allow for Paul D. to meet with individuals and let them know what grants are available. Adam responded that he and Elaine brainstormed about ways to get this out to town boards and other entities that might qualify. Oftentimes, though, we receive grant notices that state the applications are due within one month; there simply isn't much notice. CDBG is usually the same time every year but the majority of the grants do not occur on a regular or predictable basis. A spreadsheet would be nice but with our current system it is something that would have to be worked on consistently. Ultimately, the Auditor is responsible for every dollar that comes in and out of the county; she feels a responsibility for this as does Elaine. The spreadsheet outlining upcoming grants would be simple if all grants occurred on a regular basis. However, needs change as does the amount of grant funding we received. Paul M. asked if Elaine could

present what grants are open on a quarterly basis. Elaine responded that she can try to jot them down and keep a running list of grants. Generally, if there is a running need she looks for grants in that vein and directs them to the person who would most likely be interested. Elaine assists many different people in the search for grants. Paul D. commented that he thought the purpose of the Grants office was to find grants and get grants for those who needed them. Paul M. stated this is an at-will position that is here to help the County find and administer grants; there is flexibility with regards to what is written in the policy. Paul M. suggested that Adam work with Elaine on writing policy language to bring before the Board for approval. Adam will work with Elaine and Leslie to come up with some ideas for the reporting. Paul D. reiterated his request for a list of upcoming grants. Adam stated that if Elaine reported on every grant she has it would take the majority of the meeting. Elaine advised she keeps individual spreadsheets and she's trying to find a way to link these to one spreadsheet so the reporting is automated and simpler. Some of the things that have been requested for the reporting could take Elaine anywhere from an additional 2 to 20 hours each week. Adam suggested that Denice might be able to help Elaine, since she also works under grants part time. A quarterly report may not change the way things are done, but the Board would like to hear about grants more often. Kevin stated there are holes in the reporting; he, too, would like to see a quarterly report outlining where we're at. Kevin would also like to see a spreadsheet containing the windows of opportunity. The Board was discussing two separate spreadsheets, one for financial and the other for potential grants. No action was taken on this item as Adam will work with Elaine and Leslie.

#### **#10-GRANTS**

**Paul M. made a motion to approve the revised FY 2016 Nutrition Services Incentive Program grant award from the Aging and Disability Services Division in the amount of \$16,929; seconded by Varlin. All voted in favor.**

#### **#11-WESTERN ELITE YOUTH FUND**

Pioche Elementary is requesting funds for the purchase to install a gym divider with a project cost of \$20,000. The Board stated that this is a very large amount being requested. Elaine advised that we don't have this much in the WE fund. Elaine spoke with Trista Boyce, who indicated that the school intends to do this regardless but they're looking for any help they can get. **Paul M. made a motion to deny the request; seconded by Varlin. Paul D. was opposed.** Varlin stated that the Board has approved these funds for individual youth activities; this is a school district infrastructure request and doesn't fall inline with the manner in which the WE funds have been spent to date. **Motion carried, 4-1.**

#### **#12-GRANTS**

This was the time and place set for public hearing on this item. Kevin called for public comment. None offered and the public hearing was closed. **Paul M. made a motion to approve and sign LC's application to the United States Department of Agriculture Rural Development Community Facilities Program for approximately \$20,000 in funding for equipment at the Olsen Senior Center in Caliente, match to be paid via the Grant Match Fund; seconded by Varlin. All voted in favor.**

#### **#13-HIGHWAY COMMISSION**

This item was handled under a separate agenda.

#### **#14-LINCOLN COUNTY FIRE DISTRICT**

This item was covered under a separate agenda.

#### **#15-BUDGET AUGMENTATION**

Kevin opened the public hearing and called for comment. None offered. Kevin closed the public hearing. **Paul M. made a motion to approve the resolution to augment the budget for FY 2015-2016 Museum Fund in the amount of \$10,000; seconded by Paul D. All voted in favor.**

#### **#16-PANACA TOWN CENTER**

**Paul D. made a motion to approve the lease agreement with the State of Nevada, Department of Administration, Public Works Division on behalf of the Department of Health and Human Services,**

**Division of Public Behavioral Health, Rural Community Health Services for office space; seconded by Paul M. All voted in favor.**

**#17-LEASE AGREEMENT WITH NV HIGHWAY PATROL**

**Paul M. made a motion to approve the lease agreement with the State of Nevada, Department of Administration, Public Works Division on behalf of the Department of Public Safety, Highway Patrol Division for office space at the LC Courthouse; seconded by Paul D. All voted in favor.**

**#18-DOWNWINDERS**

Sherrie Hanna, advocate for Downwinders, offered a presentation to the board concerning the boundary flaws that include certain portions of Clark County and Mohave County, AZ. Sherrie advised that she will be making video presentations to Congress/Senate. HR 3345 and SB1845 were included with the email Sherrie sent as well as a couple of support letters from other areas. Sherrie gave an overview of Downwinders, past to present. Certain portions of Clark County and Mohave County were omitted from compensation. The new bills would amend RECA to include these portions. RECA covers 19 types of cancer. These types of cancers have been found in the proposed expanded areas. Sherrie advised they're hoping to get bipartisan support from NV. **Paul M. made a motion to approve a letter of support for the amendment of RECA to adjust the boundaries; seconded by Varlin. The Board will copy our NV Delegation. All voted in favor.**

**#19-LETTER OF SUPPORT FOR JIM WILKIN**

**Paul M. made a motion to ratify the letter of support for Jim Wilkin Trucking for an A-1 airport license; seconded by Paul D. All voted in favor.**

**#20-BEST IN THE DESERT MOTORCYCLE RACE**

This item concerned the BLM fees being paid by Best in the Desert (BID). Chris Carlton, BLM, discussed the only race held this year with BID with total fees being \$1,081.95. Varlin asked to discuss the Vegas to Reno race. Daniel discussed the percentage of the fees that the County receives from BLM; there is no law that states we get any share of general use/recreational permits. The County gets a portion of SNPLMA sales. If BLM sells land in Clark County, LC is in line to make application in grants on 10%. Ronda commented that we get 10% on Clark County sales but only through parks and trails. The County gets 10% of sales on the Land Act on actual sales in LC. Varlin stated that BID approached him and stated they already paid \$30,000 for the race. Post race, BLM charged them another \$27,000. If it's under 50 hours to process the application, BLM doesn't charge. If it takes over 50 hours, they do. The Vegas to Reno is 640 miles and goes across four field offices. The fact that the race goes through the Monument didn't result in more charges; the cost is based purely on the amount of hours it takes to process the application. The proponent must also pay the costs for law enforcement to cover the race. No action was taken on this item as it was discussion only.

**#21-LANDFILL FEE WAIVER**

Michael Romero is requesting 2015 and 2016 landfill fee waivers. Treasurer Shawn Frehner discussed this item and advised that seasonal use was previously awarded for 2016 as Michael Romero didn't meet the vacant home requirements, he met seasonal. Shawn has started questioning some of the waivers being submitted; the last two weren't even eligible. People are applying for waivers that they don't qualify for. Shawn stated that the waivers are being abused and there is no way that the Treasurer's office has time to check them all for legitimacy. **Paul D. made a motion to deny the waiver request; seconded by Paul M. All voted in favor.**

**#22-2016 ROUND 5 BLM LAND DISPOSALS**

**Paul D. made a motion to approve the letter of support for the proposed 2016 Round 5 disposal of approximately 960 acres of BLM managed land located within LC per the LC Conservation, Recreation, and Development Act and the 2008 BLM Ely District Regional Management Plan (RMP); seconded by Paul M. All voted in favor.**

**#23-BUDGET TRANSFER**

**Paul D. made a motion to approve the resolution to transfer funds within the Panaca Town fund for FY 2015-2016; seconded by Paul M. All voted in favor.**

#### **#24-BUDGET TRANSFER**

**Paul D. made a motion to approve the resolution to transfer funds within the Alamo Town fund for FY 2015-2016; seconded by Paul M. All voted in favor.**

#### **#25-MUSEUM EMPLOYEE**

**Paul M. made a motion to approve the hiring of a fill-in, part-time person for the Museum; seconded by Paul D. All voted in fa for.**

#### **#26-28-SOLID WASTE ISSUES**

These items concern the current situation with the hauling of our solid waste as well as the contracts the County has in place for solid waste. Paul D. stated that he is offended by Recology and the suddenness of all of this. Paul M. commented that until Recology insinuated we have responsibility in the closing of the landfill we never contemplated that. For Recology to put that on us with higher prices if we don't accept it is unacceptable in itself. Paul M. has never wanted litigation to be our avenue; it's expensive and ugly and there's no security in what the results might be. The Board doesn't believe we have a liability to this landfill. Due to Recology's bad business plan, they can't fulfill all of the obligations and promises made to the County. Adam commented there are three options: 1. Go with WE's proposal and work out an agreement for the hauling of the waste in the County; 2. We purchase and operate Recology's landfill and operate the landfill in the County; 3. We put different areas out to bid, set up transfer stations, and have private contractors to haul the waste. Adam believes "we've been served something we didn't order". Recology let our contract expire and then asked that we go month to month. Now they can do whatever they want and we're being used/abused so they can leave the County. Adam stated that the Board feels what is best for the County at this point is to move forward with a lawsuit. The citizens of the County can't afford to pay the \$800,000 Recology wants just to run the landfill in addition to the costs for hauling. The Board also believes the WE proposal is high. Paul M. stated the Board realizes the WE cost is high because, one way or another, the County is paying for the costs to close the landfill. Paul D. stated that the amount of waste being hauled is closer to 5-6 tons per day, not 20 tons per day. Paul M. asked if there is a way to substantiate the tonnage. Scott Seastrand advised that the State should have a report of annual tonnage. The price for WE to haul Caliente's waste is not included in the \$50,000 that was quoted to us. Scott asked that the Board keep in mind that it has to be purchased but WE also has two other capital expenses: permanent closure of Crestline facility (WE would bear the closure expense) and the development of a Class II facility. Scott stated that WE can't run the facility for less than \$50,000 per month. The liability for post closure would be turned back over to the County since it isn't WE's waste. WE is simply trying to help the County to find a way to move through this difficult situation. Kevin stated that at no time, did any of the Board members believe for even one minute that the County had the liability of this business proposal brought before this Board for closure. The liability should be born by the business who sought the landfill business. Kevin commented that the County has been trampled on and has been dealt with not only poorly, but deviously by Recology. Paul M. stated it is the County's obligation to file suit and protect the citizens from this. **Paul M. made a motion to file a lawsuit as we have no liability to the landfill and that we pursue a lawsuit stating that fact; seconded by Paul D. All voted in favor.**

#### **#29-CLOSED SESSION**

**Adam made a motion to go into closed session; seconded by Varlin. All voted in favor. Adam made a motion to go into open session; seconded by Paul D. All voted in favor.**

#### **#30-RECOLOGY FRANCHISE AGREEMENT**

This item was tabled.

#### **#31-WESTERN ELITE SOLID WASTE COLLECTION AGREEMENT**

This item was tabled.

#### **#32-COMMISSIONER REPORTS**

**COMMISSIONER ADAM KATSCHKE** stated he helped with the food drop; it was a great experience. **COMMISSIONER PAUL DONOHUE** advised that Room Tax Board will meet on June 23 in Alamo. There is an RTC meeting on June 14 in Alamo as well. There is a road meeting with BLM at 8 a.m. tomorrow.

**#33-PUBLIC COMMENT**

Kevin called for public comment. None offered.

**#34-ADJOURN**

There being no further business for the Board to attend to, Kevin adjourned the meeting at 12:54 p.m.

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