



LINCOLN COUNTY BOARD OF COMMISSIONERS

November 14, 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

Paul M. called the meeting to order at 9:01 a.m. Clerk Lisa Lloyd called the roll.

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

There is a quorum present and the agenda was posted on 11-8-16. The Invocation was offered by Varlin and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Paul M. called for public comment. None offered.

CONSENT AGENDA

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

Paul D. made a motion to approve the consent agenda; seconded by Varlin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$826,496.78 with estimated expenditures being \$164,796.54. General County will have a balance of \$661,700.24. The next tax apportionment will take place at the end of January. Leslie presented a voucher from Alamo Power District. Alamo Town fixed a light pole on Senior Nutrition property. Leslie has worked to see who is responsible for that work. Alamo Town is paying Senior Nutrition's electrical bill as a courtesy. Alamo Senior Nutrition board will pay \$300 of the bill. Leslie asked who is responsible for the remaining \$302 of the bill. Leslie suggested that Senior Nutrition and Buildings/Ground split the bill; the Board agreed. **Paul D. made a motion to approve the vouchers as presented; seconded by Varlin. Paul D. disclosed he works for LCTS. All voted in favor.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge praised Recorder/Auditor Leslie Boucher with regards to her help with Hardy. The settlement is complete and we have paid them. **EMERGENCY MANAGEMENT CORR DINATOR** Rick Stever advised his office has been involved in two exercises over the last few weeks. Rick's office is busy and he continues to stay involved in several activities with the state. Rick received a letter from the State DEM. One of our grants, the Emergency Management Performance Grant, is nine months late but has been backdated to October 2015. There have been discussions as to why some of our grant funding is low and doesn't show it coming in. Tardiness on behalf of the state is one reason; we reason the funds late and we run behind. **TREASURER** Shawn Frehner presented the monthly report; \$2,175,290.29 was received.

#7-2016 GENERAL ELECTION CANVASS

Clerk Lisa Lloyd reported that we had a 78.65% turnout. There was one discrepancy between the roster count and the machine count in Alamo. One of those was caused by a vote save fail error and the other is believed to be someone who simply decided not to vote the machine. Things ran incredibly smoothly during counting and there were no problems whatsoever. Both of the County questions failed. **Paul D. made a motion to approve the canvass of the 2016 General Election; seconded by Varlin. All voted in favor. Paul D. made a motion to approve the school bond question resolution; seconded by Varlin. All voted in favor.**

#8-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#10-EMERGENCY MANAGEMENT DIRECTOR/LC FIRE DISTRICT CHIEF

This item concerns any and all possible action needed to advertise and hire an Emergency Management Director and LC Fire District Chief. Paul D. advised he hasn't met with Rick yet. Rick advised that this is simply a matter of the Board recognizing the need for these changes. Every time Rick presents information to the Board regarding the exercises we're included in he receives questions for answers concerning protocol and responsibility. Rick advised the Board of the need to look at the numerous responsibilities of these positions. Paul M. asked if the advertisement is for one or two positions; this is a decision the Board needs to make. The Board must determine whether each position is full time, part time, or even quarter time. Paul D. commented that he isn't certain how a full time fire chief position can be justified as it came about via taxes. There must be valid reasons for creating a full time position for fire chief. Paul D. further commented on the Emergency Management position; it doesn't appear that part time would be enough for this position and it then begs the question as to where the funding for the remainder of the salary would come from. Paul D. advised it will take a great deal of justification to turn these positions into three full time positions, a fire chief, an emergency management coordinator, and an individual to handle all of the paperwork. Rick advised there is a tax in place for the fire district to cover the expenses of said district. The district was created with the goal to establish fire protection in the outlying areas of the County; this includes equipment, buildings, etc. Both of these positions have grown enough that Rick is unable to keep up with both of them. Rick simply hasn't the time to do all of the office work and obligate evenings, nights, weekends for trainings and public meetings. For this reason, Rick has been asking for help for several years. Varlin asked for information from Rick concerning how much time per week he spends on each. **Paul D. made a motion to have Rick work with the Board on the preparation of a job description, job duties, and qualifications so that the Emergency Management can and will be advertised (after this is done then the Board can deal with the Fire Chief position); seconded by Varlin.**

#11-ORDINANCE AMENDING LC CODE, TITLE 10, CHAPTER 4

This item concerns an ordinance amending the LC Code, Title 10, Chapter 4 Solid Waste Management. The amendments include updated language for the management, collection, and fees associated with solid waste in LC. Cory Lytle reviewed the amendments. This was the time and place set for public hearing. **Paul D. made a motion to approve the ordinance; seconded by Varlin. All voted in favor.**

#12-ORDINANCE AMENDING LC CODE, TITLE 11, CHAPTER 4

This item concerns an ordinance amending the LC Code, Title 11, Chapter 4 Business Licenses. The amendments include updated language regarding business license requirements, fees, and solid waste management considerations. This was the time and place set for public hearing. Cory Lytle reviewed the amendments. **Paul D. made a motion to approve the ordinance; seconded by Varlin. All voted in favor.**

#13-SOLID WASTE FUNDS TRANSFER

This item concerns the clarification of the transfer of funds to Solid Waste. DA Daniel Hooge advised there are some changes that need to be made pursuant to the conference call between Daniel, Leslie, and Dan McArthur. This item will be on the next agenda.

#14-DETENTION CENTER CONTRACT

The contract has been presented to the LC Sheriff. No action was taken on this item and it will be on a future agenda.

#15-LC WEBSITE

This item concerns a letter received from JC Enterprises terminating the contract to provide web hosting services for LC government. Tracy Lee advised the Board that they need to determine what to do. Tracy is prepared to run an RFP. The site has been paid for for one year and the Board can specify Tracy as the person that receives the password, etc., to run the site until the RFP process is completed. **Paul D. made a motion to accept the letter of resignation and to appoint Tracy Lee to run the website until after the completion of the RFP; seconded by Varlin. All voted in favor.** Tracy will present the RFP at the next meeting.

#16-VORTEX POWER, INC./PEGASUS ENERGY, INC./VANNATTA WORLDWIDE

Marcia Hurd, Vortex Power, Inc., presented the initiating ordinance. Jim VanNatta flew in and spent time with the Commissioners to identify concerns and questions. The initiating ordinance will allow for this to be opened up to the public for discussion. Varlin commented that this needs to be sold to the public. Marcia reviewed the initiating ordinance, which is based on NRS. The initiating ordinance names a district, sets the powers, sets the boundary description, and sets the place and time for public hearing. Marcia advised the district they're considering is a public/private partnership and the liability falls on the company. This type of district produces its own revenue and does not require taxes. The ordinance would then clarify accounting practices and technical components. Marcia advised they are asking for a special district as it will give the County a voice and vote when it comes to discussion concerning the waste energy district. It also locks in and protects the design of the concept. This district will also provide the ability to look for strong funding and loan guarantees. Paul D. asked if the wheeling price for the power is known and whether or not there is a business plan. Marcia responded that power purchase agreements are available. There are renewable energy portfolio standards that say this state must purchase "X" amount percentage of their power in green energy. It isn't possible to have a power purchase agreement before you actually have power. DA Daniel Hooge advised that forming the 318 district boils down to whether or not this service is necessary and something that is needed for the County. The consideration is whether or not the County need a green energy burning vortex unit? Is it necessary? The statute requires answer to those questions. Daniel's second concern is the fact that it says the primary purpose is not to finance a private entity. Paul M. commented the last time we met none of the four requirements were met. However, if this is taken to the public and the public deems it necessary then the district can be considered. Paul M. referred to the process, which mandates that the Board is comfortable with the plan. Paul M. asked if there is some way that a public meeting can be held prior to the initiating ordinance, especially since the initiating ordinance is for the purpose of initiating a 318 district. Lisa Lloyd asked if there is a need to publish prior to passing the initiating ordinance. There was some discussion concerning this and Daniel advised that it is necessary to publish in order to meet statutory requirements and to put the public on notice. **Paul D. made a motion to table this and advertise; seconded by Varlin. All voted in favor.**

#17-SILVER STATE CLASSIC CHALLENGE

Paul D. made a motion to approve the closure of State Route 318 on May 21, 2017 and September 17, 2017 for the Silver State Classic Challenge; seconded by Paul M. All voted in favor.

#18-LEVEL 3 COMMUNICATIONS

Paul D. made a motion to authorize the amendment of the bill for Level 3 Communications unsecured by \$54,864 (this is part of the 2013-2014 abatement judgment); seconded by Varlin. All voted in favor.

#19-PAHRANAGAT VALLEY GROUNDWATER BASIN ASSESSMENT

Paul D. made a motion to approve the special assessment for Pahranaagat Valley groundwater basin for FY 2017-2018 in the amount of \$4,000; seconded by Varlin. All voted in favor.

#20-LC LIBRARY DIRECTOR

Suzanne Reifsnnyder, Library Board member, addressed the Board. The five-member board advertised and held interviews. The Library Board recommends that Sharron Faehling be hired. Jo Lloyd, former Library Director, addressed the Board and stated that currently there is only a four-member board. Richard Sidford hasn't been

appointed to the Board and should not have attended the closed session. Jo advised she was denied the minutes from the meeting and she believes the vote was 3-2. If Richard Sidford hadn't voted, it would have been a 2-2 vote. Paul M. stated the Library Board is an advisory board and asked if she had another person she would like to nominate. Jo nominated Chassy Scott as she has been her assistant for the past several months. Chassy is the most qualified and knows the voucher system as well as how to run the library. She has been the Library Director substitute for months now and has been filling that position. Suzanne stated that the interviews showed that the most qualified person isn't necessarily the one who has been doing the job for the last several months. **Paul D. made a motion to accept the recommendation of the Library Board and hire Sharron Faehling; seconded by Paul M. All voted in favor.**

#21-RESIGNATION

Paul D. made a motion to accept the resignation of Kathy Hiatt from the Library Board; seconded by Varlin. All voted in favor.

#22-TAX DEED AUCTION

Paul D. made a motion to approve the beginning of the process for a tax deed auction tentatively scheduled for April 2017; seconded by Varlin. All voted in favor.

#23-HEALTH CARE REPORT

Paul D. made a motion to approve and sign the report to be submitted to the Legislative Committee on Health Care pursuant to NRS 435.010; seconded by Varlin. All voted in favor.

#24-PRIVATE PROPERTY TAXING

This item concerns the County's ability to tax private property on federal lands. Assessor Mark Holt believes the improvements on federal lands can be taxed. We tax mining claims and Mark assumes we can tax in a similar manner. Mark hasn't found anything that says we can't tax personal property. Varlin commented water rights and springs we water livestock on were taxed a few years ago. By doing that, the County is saying it isn't recognized as a private property right. Varlin's intent to reestablish this tax is to have the County recognize it and therefore it can be protected. It gives leverage. 90% of our tax base is driven by natural resource based industries. When action is taken by the federal government to diminish the tax base, it has a direct impact on the County. This will help establish the impact. Treasurer Shawn Frehner asked what happened in those years to cause the change so that it isn't taxed. When did it stop and why? We don't just drop off and not tax because we want to. Shawn reiterated her question as to why it happened, why it stopped. It has only been a couple of years that people have been complaining about not being taxed. Shawn suggested that Mark check with other Assessor's to see what happened. Mark will email the other Assessor's and research this issue. Glennon Zelch advised that if you can't show ownership BLM can declare it abandoned property. No action was taken on this item.

#25-NEVADA TEST SITE & TRAINING RANGE

This item concerns the NV Test Site & Training Range 300,000-acre expansion. Varlin advised they need to be able to close the gate several times per year to be used for maneuvers and training. Their offer to the County is that they will allow the County to open the gate, maintain the roads, reestablish the wells with solar pumps/panels, and reestablish grazing in that area if they can close it off several times per year. Cory Lytle asked if it is in the EIS; this is where the language must be. Cory suggested that the above criteria be listed in the comment letter; we need something that guarantees access and those types of usage. Scoping comments are due mid-December. No action was taken on this item and it will be on a future agenda.

#26-QUARTERLY JAIL TOUR

This item was tabled.

#27-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended the drone event last week. **COMMISSIONER VARLIN HIGBEE** has been working with F&W to get the Corn Creek road open. The road is now open well enough that we can get emergency vehicles in there if needed. Varlin received a phone call this morning from Utah's PLUAC concerning common issues that affect each state, including horses and things of that nature. These issues will

be taken to Congress. **COMMISSIONER PAUL DONOHUE** commented that there is a great deal of work being done on the Detention Center; it looks great. It has been painted and repairs are being made. Paul D. continues to work on the DC contract; there are three items that still require resolution.

#28-PUBLIC COMMENT

Paul M. called for public comment. Cory Lytle advised they've been working with the local area group on sage grouse. A plan addendum was done for the 2004 plan; it'll be presented to the Commission at a future meeting.

#26-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 12:05 p.m.

Attest: _____ Approve: _____

DRAFT