



LINCOLN COUNTY BOARD OF COMMISSIONERS

November 4, 2019
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Varlin Higbee, Chair
Jared Brackenburg
Bevan Lister
Kevin Phillips
Keith Pearson

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

The meeting was called to order at 9:03 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: VARLIN HIGBEE LISA LLOYD, Clerk
JARED BRACKENBURY DYLAN FREHNER, District Attorney
BEVAN LISTER
KEVIN PHILLIPS

ABSENT: KEITH PEARSON

There is a quorum present but only for a few items on the agenda. The agenda was posted on 10-29-19. The Invocation was offered by Varlin and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. Carol White is not now, nor has she ever been, in favor of transferring the power to LCPD. All of her efforts have been aimed at making the advisory board do their due diligence in operating the utilities and trying to get the Commissioners to take some responsibility for what goes on at the PPU office and with the advisory board. Carol believes it is now imperative they transfer the power due to the continued failure of the advisory board to ensure the PPU manager does his job. Carol referred to the resolution to transfer the power. Carol is disturbed by the section that says the Town Board and residents discussed that PPU has only 2-3 full time employees to manage the entire utility and that the employees are not licensed to work on the electric utility. To the best of her knowledge, that has never been an issue. Whether or not we need a lineman was never an issue, but Pat Kelley and Larry Stever were never licensed and they went out and did their jobs. Carol has a few concerns about the way it was supervised when his predecessor was there. Carol understands the PPU manager was given a condition of employment when hired that he would no longer race dirt bikes as they intended to put him through lineman training and didn't want to waste their resource. During his probationary period, he traveled to California, sustained an injury, and broke his femur. Instead of being off work or reprimanded, he was allowed to stay home and recover for 2-3 months with pay. The PPU manager was never required to do the power. Several times the advisory board has had the opportunity to terminate him. When Carol worked for the City of Las Vegas she was also a labor official. Carol would never have defended the PPU manager on any of the actions or failures committed during his tenure at PPU. The advisory board failed to act on the time the PPU manager sat in an inmate van for over 4 hours while having an inmate put a tattoo on his skull with an illegal tattoo gun. He later paid the inmate with tobacco for his services. As recently as last year, he posted comments advising he wanted to put money on the books of those individuals who attempted to murder Carol's grandson at the potato farm as he wanted to reward them for what they'd done. Carol is assured any other county employee would have known better than to do that or they would have been disciplined. The advisory board failed to discipline him. The office manager received advice from the DA to file a TPO against Carol to keep her from the town meetings. During that TPO hearing, the PPU manager perjured himself under oath. When Carol filed a formal complaint with the SO, the previous DA failed to act as he thought it was a misunderstanding. Carol is very proud of the county employees for the most part as she believes they're honorable and they know what their jobs are. Carol believes they'd have known better than to do this, but perhaps conduct unbecoming an employee isn't an issue anymore. Carol believes there's a conflict going forward with the DA advising the Pioche Town Board with regards to the PPU manager's employment status as we've now lost the resources of our power utility. The DA has represented the PPU manager against the town board in employment matters in the past and there is a conflict. LCPD has done much for Pioche over the years to ensure we still had an operational system despite the fact the PPU manager has never been forced to do his electrical power duties. Carol's impression is that the town board is going to

allow the PPU manager to stay in his current position at his current salary but this will be a grave disservice to the residents of Pioche. They've just advertised for a new office manager but, with the loss of the power utilities, they don't need to fill that position at this time as they've lost a major portion of their resources. The town board lacks the fortitude to take the necessary action. Carol is further investigating what "hook" the manager has that has allowed him to be disloyal to the residents of Pioche for so long. Carol commented he has shown no loyalty and is owed no loyalty from the residents or the board.

CONSENT AGENDA

#3 Approve/Deny amended minutes from October 7 and 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).

Jared made a motion to approve the consent agenda; seconded by Bevan. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances for October to the Board. There are unposted details that must be worked out in their system, so she couldn't provide November's balances. General County has an estimated cash balance of \$1,491,583.10. Gross wages total \$98,126.80; this doesn't include benefits. Fund 23 has a balance of \$4,404.99. Payroll is over \$12,000; this doesn't include benefits, which will leave this fund in the negative. Fund 64 will have a balance of \$83,536.74. Estimated payroll is over \$49,000; this doesn't include payroll. The Drug Court fund is overdrawn. There is another bill for over \$850. Amy believed there was to be a transfer in of over \$10,000, but she looked and there isn't a budgeted transfer. It was discussed during budget hearings but didn't make it into the budget. Something will have to be done at the next meeting. Amy asked the Board for direction as to where to take the Drug Court voucher from. It was suggested the PILT Grant Match be used. Lisa advised another item that didn't make it into the budget was approximately \$35,000-40,000 for elections equipment software licensing/maintenance. Lisa and Amy have called Dan McArthur's office to see if it is hidden somewhere in the budget. Bevan asked if it wouldn't be reasonable to transfer in from General County instead of paying the Drug Court expenditures from Fund 12. If this is the case, Amy can put a transfer on the next agenda. This transfer would take care of the cash problem. There was some discussion about paying the Drug Court voucher out of Fund 113 and then, in two weeks, the Board would transfer funds in. The Board agreed it seemed cleaner to do it this way. **Bevan made a motion to approve the vouchers, including the payment of the Drug Court voucher from Fund 113, and with the exception of the voucher for Mountain Merc; seconded by Jared. All voted in favor. Jared made a motion to approve the Mountain Merc vouchers; seconded by Bevan. Kevin abstained he is part owner of that firm. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

LC AMBULANCE Sherlyn Fackrell and Kristin Umina reported they have over \$42,000 in their fund. Kristin advised there were 20 calls in September. Total cash in was over \$6,000. There were 13 calls in October. Total cash in was over \$18,000. \$1,600 was received from the movie company for the ambulance being on standby. CLERK Lisa Lloyd reported the go-live date with their new case management system has been set for December 9. Discovery is nearly complete and training will commence the first week of December. As of right now, it looks like the system will increase the workload in the short term, but in the long term it will be worth it as it collects so much more data. EMERGENCY MANAGEMENT COORDINATOR Eric Holt has been working with Denice Brown to square away grants. He attended a school safety planning meeting last week. The next LEPC meeting will see them discussing the United We Stand and SERC grants. Eric presented the Area 51 cost breakdown; it's about \$125,000 spent to date. We saved a great deal of money on projected costs for food and port-a-potties. Most of the expenses have come through. The low-level waste quarterly meeting will take place later this week in Pahrump. Eric discussed the ambulance service, which is doing well and they're up to about \$43,000. There is still a challenge in getting paperwork done correctly, which results in inability to bill for certain things. Eric is working on better training to correct the paperwork submissions. There is an upcoming intermediate class wherein 11 EMTs will be participating. ASSESSOR Mark Holt advised he and Cydney worked with Devnet employees yesterday. The Treasurer goes live this week. PPU MANAGER Nathan Adams advised they spent 5 days reading meters last week. Once the power isn't being read, this process can change. Nathan discussed the Caselton water line. Nathan hopes to get an easement for that project in the few weeks. Nathan is keeping his seasonal employee on in hopes of getting the project done soon. The sanitary survey will

be completed soon. Nathan has been working with Denice Brown on the CDBG grant. LIBRARY DIRECTOR Sharron Faehling advised she is in the process of creating a technology plan; their computers are aging out and will no longer be supported come January. They need to get computers before they put in the new program. Our numbers with the bookmobile have been fluctuating; it's up to the teachers whether or not the kids are allowed to go to the bookmobile or not. They'd like to provide a hotspot via the bookmobile, which might help draw more adults. Sharron wants to boost the literacy rates in LC and hopes the library will be more of a community center. PLANNING/BUILDING DIRECTOR Cory Lytle reported Southwest Gas is in the process of pulling a special use permit. Virgin Valley Water District is putting a new water line into their water tank. Cory is winterizing facilities. Richard Simpson retires on December 14th. DISTRICT ATTORNEY Dylan Frehner presented the check for PILT underpayments. Dylan will be out of the office from November 12-26.

#7-REORGANIZATION OF BOARD DUTIES

Jared transferred Emergency Management/LCFD Fire Chief/Detention Center/Public Safety/LEPC to Bevan. Bevan would also become the chairman of the LCFD (Jared will be vice chairman). Library/Museum were transferred to Jared. Panaca Fire District is transferred to Bevan as well. **Bevan made a motion to make these changes; seconded by Jared. All voted in favor.**

#8-GRANTS

This item concerned the balance of the Grants fund and a possible transfer. Denice Brown, Grants Administrator, presented her cursory audit of the grant funds. Fund 23, after accounts payable/payroll, will have an estimated balance of \$18,100. It was anticipated there would be over \$55,000 from Workforce by 10-31-19, but the new grant year changed their reports/reporting procedures. Launa Chouquer has been working with them and they're going to send us a draw of \$38,122.81. With the new reports/reporting procedures, we're behind \$9,252.94. Because 95% of the grants are reimbursement grants, we're going to be continually struggling with negative balances. Previously, funds were put into the grants to fix this but right now it's not addressing the problem. There are still a number of grants Denice is working to get caught up and to get funds drawn on. With anything state/federal, she's having to go through the process of signing up for, and getting access to, funding sites. Once complete, Denice is able to balance and draw down funds for the Alamo Landing Field, HCP, and Pahrangat Valley drainage. Denice would like to continue working with Amy and the granting agencies to see if they can get the nonactive grants cleaned up. Denice is very concerned about Dept. 807, miscellaneous county money; she asked for direction as to how to handle these funds. Denice has been moving forward with the SNPLMA grants. The Caliente bike trail is ready to be closed; she'll be working to have it completed and closed in January. The Fair & Rodeo Grounds are moving forward; we should start work on them as scheduled in September 2020. Denice continues to work on the CDBG grant. FLAP projects are being opened up; Denice received an email this morning. 11-19 and 12-11 there will be webinars on these grants. There is a SNPLMA training on December 3rd in Ely. Denice has had several people approach her about grants; she's making a list as most grants aren't open right now. Denice advised she isn't sure what to do with the BLM deputy and the Western Elite Youth fund. As a whole, Fund 23 must balance with what Amy and Shawn have. The issue with each individual department is that revenues are not tracked individually. There are several Caselle reports that can be used to track individual department spending. There was some discussion about checking the coding on vouchers. Shawn corrected the confusion as to the revenues; we can track revenue and expenses but we can't track individual cash balances. Amy checks the vouchers to make sure the policy has been met and the backup is all there. The department head signs off on the vouchers and is responsible for making sure they're accurate. The issue right now is that we're waiting for reimbursements. We can't just stop taking care of grants as we must pay the bills. Jared cited there has to be a line somewhere that causes us to stop until the match funds come in. There is some confusion as to the SERC grants. The bottom line is that the Board must put funds into the Grant fund until some of the reimbursements come in. Workforce is still 4 months past due, estimated to be about \$85,000. Shawn previously recommended we stop paying Workforce's bills until reimbursement comes in. EPWG is behind by about \$50,000. These are the two problems at this juncture. Shawn started at a base of where Elaine left her records. Shawn didn't go back and double check; she moved through every single grant using Caselle and ADS to ascertain balances. To go back to the beginning of time will be very expensive and very time consuming. When Shawn talked to Dan McArthur, he agreed Shawn's plan of attack was correct; start with the data that was already there and move forward. The problem Shawn ran into was that Elaine put it into the system the date she entered it, not the dates worked. Shawn tried to

match dates and amounts. It could be possible to compare expenditures and revenues year by year to see where we are. After payroll, Grants will be in the negative by about \$18,000. Amy advised AP can be held this time and it would be enough to cover payroll and prevent the negative balance. Denice suggested we give Workforce this week to get funds to us. Jared commented he feels bad taking it out on the employees for Workforce's failure to reimburse the county. Maxine Lance has already held her payroll for two months due to the reimbursement issues. Amy advised there are still individuals with contracts through AP as well as the kids who are working via the Workforce program. If the Board holds AP, these are the people who will be affected. The question is whether or not the Board can get by for two weeks without putting money into the fund. Amy asked when the money is coming. We haven't had a payment from Workforce since June; we've been carrying them for four months. Launa put together the July/August/September reports and turned them in immediately. Jared commented the Board should cover it but get on it and never let it happen again; once the funds are received, the account used to cover it will be reimbursed. Then, we tell Workforce this is the very last time it will be handled this way. Jared asked Dylan to write a formal letter advising this is a one-time thing, it won't be allowed to happen again. Varlin offered to contact Workforce's council. It was suggested the letter be written by the Board and sent to their council. Jared suggested this be taken from Fund 12. **Bevan made a motion to approve a transfer of \$20,000 from Fund 12 if needed to cover the grant bills (these funds are to be reimbursed when monies come it); seconded by Jared.** A letter will be prepared for approval at the next meeting. **All voted in favor.**

#9-GRANTS ADMINISTRATOR

This item concerned the finalizing of the job description, hours, and pay rate for the Commissioners' Assistant/Grants Administrator position. Bevan advised he'd like to be involved on the job description portion but refrained from participating in the pay rate portion. Before Denice took the new duties on, she was making about \$30,000 per year. Jared recommended Denice be moved to pay grade 32. Amy reminded Denice to keep in mind the scale is base so it will be adjusted down for retirement. Amy takes the base, applies it to every employee based on what their retirement is. Denice is employer paid, so hers would be reduced down. Jared discussed starting Denice at 32-06. This is taking a part-time position to a full-time position with double the duties. Starting her at this rate leaves options for increases for the future. Jared suggested Denice's title continue to be Commissioners' Administrative Assistant and the grants duties be added to that. The grants administrator was a salaried position. **Jared made a motion to title Denice's position Commissioners' Administrative Assistant while adding grants to her duties, move it to full-time with a pay grade starting at 32-06, retroactive to October 8, 2019 (this position is salaried, exempt and at will); seconded by Kevin. Bevan abstained. Motion carried 3 in favor, one abstention.**

#10-HIGHWAY COMMISSION

This item was covered under separate agenda.

#11-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#12-COMMUNITY DEVELOPMENT GLOCK GRANT

This item concerns the ranking and selection of the Community Development Block Grant (CDBG) proposals. Denice Brown suggested we do drainage/curb/gutter project this year. Next year we can do the asphalt. This project will go from highway to highway on Airport Road in Pioche. It will keep the existing curb in place and match it. There is no problem doing the projects in two phases. The drainage is anticipated to be \$30,000; Pioche Town has the funds. Denice advised no other responses/projects have been received. Pioche is the only town we can get CDBG funds for. There was some discussion about possibly splitting the curb/gutter; they could do one side then the other if needed. **Kevin made a motion to approve the Airport Road projects (Phase I-drainage/curb/gutter and Phase II-asphalt); seconded by Bevan. All voted in favor.**

#13-PIOCHE ELECTRICAL SYSTEM TRANSFER TO LC POWER DISTRICT

This item concerns the transfer of the Pioche electrical system to LC Power District. Dylan reviewed the contract. He's met with Dave and the LCPD attorney to discuss modifications. There was a liability provision. The capital improvements fund will be transferred and used for the full liability. Dylan cited the exhibits as being missing from the agreements the Board had in their packets. If approved today, everything will close/transfer

December 1st. **Bevan made a motion to approve the interlocal electric utility transfer agreement between LC and LC Power District No. 1; seconded by Kevin. All voted in favor.**

#14-ALAMO LIBRARY

Kevin made a motion to approve the hiring of an aide for the Alamo Library; seconded by Jared. All voted in favor.

#15-LIBRARY BOARD

Kevin made a motion to appoint Gerri Phillips to the Library Board; seconded by Jared. All voted in favor.

#16-STATE LAND USE PLANNING ADVISORY COUNCIL (SLUPAC)

Kevin made a motion nominate himself to the State Land Use Planning Advisory Council (SLUPAC) and to approve the letter of nomination to the state advisory board; seconded by Jared. All voted in favor.

#17-LINCOLN COUNTY HUMAN SERVICES

Jared made a motion approve the hiring of a backup meals driver for Alamo; seconded by Kevin. All voted in favor.

#18-MOUNTAIN VIEW HOTEL

Richard Sidford addressed the Board and presented an article from 1914 LC Record. Louis Benezet presented a petition to the Board to save the MV. Louis and several others have been in the MV. They all think the building should be saved. Louis is willing to donate \$5,000 of his own money to the project. Heidi Swank, Executive Director of the Nevada Preservation Foundation, addressed the Board concerning saving the MV. The roof must be addressed, windows/doors boarded up, and a retaining wall needs to be installed. Heidi discussed various grants for the many projects required to save this building, including Joanna Favreaux, AB 229, and the Hart grant. We have about \$10,000 right now that can be used to fix the roof, board it up, and fix the retaining wall. Jim Wilkin's proposal is that he will provide the manpower/expertise but he needs City of Caliente's track hoe. Jared will work with Jim on this. There is a need to have the retaining wall engineered. Louis advised he and Jim went there last Thursday. Gabion baskets might be a good solution for keeping the hill back. Varlin commented there is a yard down south with about 200 5,000-pound blocks from where LVWD tunneled. It might be possible to use some of those to hold the bank. It's in the county's best interest to do what can be done then turn it back over to private hands. Louis volunteered to do work inside the building. Several people have volunteered to help as well to do what they can. Cory advised there are still some legal issues to be worked out. As far as personal belongings, they've been holding off somewhat. This will play a factor in the Treasurer's recommendations. Timelines for budgetary issues must be considered as well. No matter what we do, there will be a huge cost. Even tearing it down will cost a great deal. Another idea is that there could be a nonprofit that owns the building; we could still get grants and get around public body liabilities. The county would have to put covenants and protections on the building if it goes to a nonprofit. Moving it to a nonprofit would remove the liability from the county. Cory asked if the county could address the personal property and legal matters addressed before making any big decisions. Bevan suggested a lien. It would have to be advertised. Richard Sidford and his wife offered \$5,000 to match Louis' donation. Bevan asked if there is any mechanism in place to receive donations. Dylan responded that's where you'd almost be better off with a nonprofit. Heidi and her agency offered to write the emergency stabilization grant pro bono. Phyllis Robistow advised they took donations for the Thompson Opera House; she cautioned the Board not to tie the county up in this. The museum can accept donations. **Kevin made a motion to start the legal proceedings to have the material items in the building turned over to the county; seconded by Bevan. All voted in favor.** Dylan brought up the roof repairs. He has very serious concerns about letting people into work due to the workman's comp liabilities. Unless we have a contractor with their own worker's comp who can cover the volunteers at their own expense, Dylan doesn't feel comfortable letting others do the repairs. There is a hole in the roof and there are several shingles that need to be replaced. Louis was simply thinking about doing cleanup. Still, liability exists. Louis is an employee of the county.

#19-PACKERS' LAWSUIT

Kevin made a motion to approve the letter to the Secretary of Agriculture concerning the packers' lawsuit; seconded by Bevan. All voted in favor.

#20-MOU BETWEEN LC AIRPORT AUTHORITY AND FEDERAL AVIATION ADMINISTRATION

Kevin made a motion to approve the MOU between LC Airport Authority and the United States of America Department of Transportation Federal Aviation Administration; seconded by Bevan. All voted in favor.

#21-BUREAU OF LAND MANAGEMENT – LETTER OF SUPPORT FOR CAMERON BOYCE

Bevan made a motion to approve a letter of support for Cameron Boyce as the Field Manager for the Bureau of Land Management Caliente Field Office; seconded by Kevin. All voted in favor.

#22-COYOTE SPRINGS

Jared made a motion to approve the public comment letter to the State Water Engineer in regards to Coyote Springs and Kane Springs; seconded by Bevan. All voted in favor.

#23-LINCOLN COUNTY LAND ACT OF 2000

This item was tabled.

#24-LETTER OF SUPPORT FOR PRESIDENT TRUMP

The Board agreed they need to support President Trump's policies. Bevan is inclined to write a letter to the President thanking him for the actions that have had a positive benefit to LC. This item was tabled.

#25-VANGUARD PEST CONTROL

This item was tabled.

#26-WILDHORSE/BURRO ADVISORY BOARD RECOMMENDATIONS

This item was tabled.

#27-LINCOLN COUNTY TRAVEL POLICY

Treasurer Shawn Frehner addressed the travel policy and discussed the need for changes. Various issues have arisen that require language changes so the policy can be applied evenly. It was implied on the last policy that we were only paying county rates but that isn't what was in the policy. We have been paying county rates and GSA rates, in spite of the intent. The new changes include only paying at LC rates. We used to have a portion of the policy that made lodging a \$60 flat fee; you could get a higher rate if you turned in a receipt. The revised travel policy states there is no rate for the room; it's being reimbursed on the basis of the cost of the room. Whatever rate the Commissioners set will be the what is reimbursed for meals. The new policy includes more detail with regards to times when you can receive reimbursement. No meals can be charged on the county credit cards. In-county meal reimbursement is discouraged. There are certain instances wherein in-county meals can be reimbursed but the approval must be received before the expenditure. We do pay for in-county meals for law clerks; that won't change with the new policy. Kevin commented it isn't fair that any of the county employees pay for anything out of their own pockets if they're doing so on behalf of the county. If the Board wants higher rates, then they need to set them all at GSA rates; this would create consistency. The GSA rate is very complicated. Jared asked why we don't do a straight per diem. That's what the new policy is proposing. Jared suggested we just go by the GSA rates and state rate for miles. Shawn further suggested they set solid per diem rates. The beginning and ending day rates that you travel is half, regardless of when you leave. Varlin suggested the Board can set maximums; agendas and receipts can still be turned in but maximum caps on rooms/meals/mileage can be set. Bevan asked for an estimate in what was paid in mileage. Bevan prefers a straight per diem rate. No action was taken on this item as it will be on a future agenda.

#28-TRAVEL/PER DIEM RATES

This item was discussed under Item 27.

#29-QUARTERLY JAIL TOUR

This item was tabled.

#30-COMMISSIONER REPORTS

COMMISSIONER JARED BRACKENBURY attended the Strategic Rail Finance meeting. COMMISSIONER BEVAN LISTER reported there are a great many unknowns with what will happen as the sage grouse issue moves forward. Discussion with State Director Raby included that he feels like the impact will be minimal. The judge put a stay on the 2019 plan. They've reverted to the 2015 plan. A revision has been done but the judge has put a stay on implementation of the plan revision. Under the 2015 plan, stringent management protocols are triggered. Under the 2019 plan, those triggers are going to cause focused management. Population and habitat degradation triggers have been hit but nothing has affected us directly. The assurance from the BLM state director is that he will continue to follow the State of NV's plan to manage sage grouse and habitat. We got a signed copy of the MOU that makes us a cooperating agency for prescribed and targeted grazing. This will be geared towards fuels breaks and management. It isn't objective based grazing that running on five different pilot projects throughout the state. This is the beginning of putting together the programmatic EA. No new applications need to be filed. We have to do a couple of simple assessments. Bevan advised they need to get with Shane, Cameron, and Mindy. It's a patent, direct grant. We have to meet the RPP lease criteria for the grant.

#31-PUBLIC COMMENT

Varlin called for public comment. Cory Lytle advised they're still in back and forth meetings with regards to the 400 BLM conveyance. They're working through some legal issues. The sage grouse matters are topsy turvy and now there are issues being litigated. The Sage Brush Eco Council has had meetings around the state. Cory is watching this closely and they hope to be able to keep the group going.

#32-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 3:52 p.m.

Attest: _____ Approve: _____

DRAFT