



LINCOLN COUNTY BOARD OF COMMISSIONERS

November 18, 2019
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

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

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

The meeting was called to order at 9:38 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEITH PEARSON LISA LLOYD, Clerk
KEVIN PHILLIPS APRIL BRADSHAW, DDA
BEVAN LISTER
ABSENT: JARED BRACKENBURY
VARLIN HIGBEE

There is a quorum present and the agenda was posted on 11-13-19. The Invocation was offered by Bevan and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. Carol White noted the webcast isn't up as Jared is the only one that knows how to operate it. LCPD will be holding more public meetings to present the upcoming changes for the public now that the power in Pioche is being transferred. PPU's email account was hacked; everyone who receives their invoices via email didn't receive them this month. Carol has been assured there will be no disconnection fee for that failure. Carol referred to the new Pioche Town agenda; there are several items she feels are premature (Items 6, 7, 8, 9, 10, and 11) as we haven't any idea where the money for all of them will come from. Item 6 concerns the hiring of an office manager for the PPU office. Where will the funds come from for that? Item 7 concerns proposed bids to lease up to 300-acre feet of water. Carol protests this as the town board has absolutely no idea what the value of the water is. Item 8 concerns the PPU power fund once the power system is transferred to LCPD. That fund was just created and can be turned back. Item 9 concerns projects for PPU once the power has been successfully transferred. Carol has been advised that not only can they not cut the PPU staff but they believe they will have to hire additional employees. Where will the money come from? Carol doesn't believe some of these decisions should be made at this time as there isn't anything for them to do in the winter. These should wait until the spring when there is a more solid idea of what's going on. Item 10 concerns the water/sewer rate increase. Carol feels this item is also premature and questioned why the word "sewer" was included. Many of our residents aren't on the sewer; they have septic systems. Item 11 concerns rent/lease options of property behind the PPU shop. Carol further questioned where the money for this would come from as we've lost our major revenue source. On the pay period ending October 15, 2019, the total salaries for the PPU staff was \$6,920.85. This equates to approximately \$166,000 per year. This doesn't include benefits, which are approximately 45%. The PPU manager reported that, due to the increase in services, more staff is needed. Carol stated there has actually been a decrease in services across the board, including sewer, water, and power. PPU isn't servicing as many residents. Carol asked the Board to consider the fact that the sewer ponds need to be replaced soon. Will the county be seeking a revenue bond to finance it? We also have unspecified trouble with our water quality. The USDA has decided that we have to move the PPU offices to the town hall as they aren't ADA accessible. Where will the funds come for that? Carol is very concerned about whether or not the advisory board is to be elected or can be appointed. The current town board members were appointed by the Commission. In the instance that a lawsuit is brought forward, who gets sued? The appointed town board members or the Commissioners? State law says the Commissioners are responsible for the management of the utility. Carol thanked Bevan for providing an excellent tutorial on how to terminate an at-will employee. Carol believes this information will be needed in the future.

CONSENT AGENDA

#3 Approve/Deny amended minutes from November 4, 2019 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).

Bevan made a motion to approve the consent agenda with the exception of the minutes; seconded by Keith. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances and payroll (excluding benefits). Amy is working on solving the problems with the reports so they can include payroll. Not being able to include all reports together causes issues for both Amy and Shawn. Shawn suggested the reports be done via my excel. Amy believes this is possible once she could get the reports to balance correctly. General County has an estimated cash balance of \$1,510,605.09. Fund 23 has an estimated negative balance of \$667.32 and payroll is just over \$11,000. Over \$12,000 was receipted today into that fund. This issue will be addressed on the agenda and a fix will be identified. Fund 64 will have an estimated negative balance of \$7,106.54. They have outstanding billing of over \$147,000. Fund 113 was discussed; Kevin suggested a portion of the marijuana funds received from the state go into that fund to make it whole. **Bevan made a motion to approve the vouchers with the exception of the voucher for Mountain Merc; seconded by Keith. All voted in favor. Jared participated via phone for the approval of the Mountain Merc vouchers. Bevan made a motion to approve the Mountain Merc vouchers; seconded by Keith. Kevin abstained he is part owner of that firm. Motion carried (Bevan, Keith, and Jared voted in favor).**

#6-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd reported she has received the final data validation set before implementation of Benchmark, which will go live December 9th. Jurymark has been fast tracked and will go live the middle of December. Representatives of the Secretary of State's office will be here tomorrow afternoon. IT DIRECTOR Tracy Lee discussed the software conversions. Tracy has met with Shawn Frehner recently concerning the software. 3 years ago, ADS advised they were closing in 12/2019. Things aren't going as smoothly as we'd like. When ADS closed its doors, it caused Tracy to decide what should be done with regards to systems/software. The power 5 system was at its end of life; March of 2017, IBM stopped supporting this system. We have purchased support from a company out of Carson City to take care of any problems with the server. Shawn has indicated we're looking at 6-12 months before Devnet reaches the point we can stop relying on the AS400. Tracy commented this server should've been replaced 3 years ago and we're now hobbling along yet need it for another year. Tracy commented if anything happens to the system, it could take weeks/months to get it back up. There isn't a plan b. IBM no longer makes parts nor supports it. We shouldn't be using it. Tracy decided not to replace it as we're supposed to be eliminated our reliance on it. It is cost prohibitive to replace it at this time. Shawn has had two records requests and the Devnet system hasn't been up and running. Every time Shawn has had to provide information to the public, Devnet has missed the deadline. Shawn is unable to rely on Devnet as of now. Tracy will keep the AS400 running as long as possible. We have the most power issues in winter through spring; they cause a great many problems. Ronda asked what we have that could force Devnet to come up to snuff and meet deadlines. Shawn responded we have a contract, but there isn't a finished by date. Devnet purchased ADS but it is unknown if this will be a good or bad thing. Shawn commented she wished the Devnet product was completely finished before they went live. Bevan commented there is a committee that is supposed to overview and keep track of our technical challenges. Bevan hasn't been able to sort out who the committee is and whether or not they meet. Bevan feels it would be wise to have a group of people meet regularly to make the recommendations. Tracy responded the committee consists of appointments from the elected officers. Tracy has threatened over the years to have the committee come back. He will update the security policy and bring it back before the Board as some of the items are about to expire. Tracy will be changing passwords from 90 days to 60 days along with several other items. The policy has, in the past, required that all the departments provide a written policy manual to him before they go live. This has not been enforced due to the hurried/chaotic implementation of some of the software. Tracy has given the departments one year to get those policies to him. Tracy advised if PPU's email has been hacked they don't host through him. Tracy was unaware they'd been hacked. TREASURER Shawn Frehner presented the monthly report for October. Shawn advised, according to Devnet, they are live. Shawn is considering whether or not she will take herself off "live" until more of the issues are resolved. They can take a payment but are unable to distribute it via the Devnet system. They can't calculate special bills either. Devnet does a release twice per week. Shawn

is choosing to dual enter into two separate systems as it is a requirement right now since Devnet isn't working properly. When she went live with Caselle, she never once had to go back and do dual entry. She has no choice but to dual enter with Devnet. They've worked on this system for 2 years and Devnet is now pushing for them to be live as we're nearing the end of the two years. Shawn continues to push back and ask them to finish things properly. ASSESSOR Mark Holt reported they're working on finishing the Caliente assessment completed; they're also doing dual entry. MSHCP COORDINATOR Ronda Hornbeck advised there is an HCP meeting this coming Wednesday. The southwest gas project will affect the HCP.

#7-GRANTS

This item concerned the balance of the grants fund and a possible transfer. Denice Brown advised there is a problem with the grants fund in spite of the transfer that was done years ago. Denice continues to work on cleaning up as quickly as she can. Once we get it cleaned up, we'll still have to pay the bills then ask for reimbursement. The reimbursements take at least a month. A transfer of \$50,000 is closer to what is needed to carry the current items until they can be reimbursed. Amy asked the Board to decide if they're going to transfer and intend that it be repaid or are they simply doing the transfer. Will it be a temporary or permanent infusion? Bevan cited the funds that were put in there were supposed to aid the revolving type of accounts. The original \$100,000 transfer is still there but we have more grants running in the negative that aren't being reimbursed in a timely manner. There is the possibility we will be fully reimbursed. Do we need a permanent infusion? Amy commented she is leery of making the infusion temporary due to the unknown timelines for reimbursement. We are incredibly far behind in reimbursements. Shawn advised the Board if they're looking to get more grants, it will increase the issue. The grants have always been a balancing act; Shawn didn't feel an infusion was needed if we're continuing with the grants we've always had. If the Board is looking for new grants, an infusion will be needed. The grants will be caught up as best they can, but it seems like the reporting and reimbursement requirements have been changed across the board. For example, workforce will now have a four-week turnaround instead of two. The other thing to consider is, if the Board approves a \$50,000 infusion, where it will come from. Amy has to amend the resolution for the use of fund 97 that's being used for Area 51 expenses; we might be able to use \$50,000 from there. Amy wasn't sure how much is in that fund but suggested it might be a possibility. Fund 12 might also be a possibility. The Board agreed the grant funding process needs to be supplemented somehow. **Bevan made a motion to have the auditor prepare a resolution to transfer and augment \$50,000 from fund 12 to fund 23 (to be voted on at the next meeting); seconded by Keith. All voted in favor.**

#8-DISTRICT COURT SPECIALTY FUND

Originally, there was supposed to be a transfer of \$10,000 from general county into the district court specialty fund. It didn't make it into the budget. Amy doesn't feel \$10,000 is sufficient and stated a \$15,000 transfer would be more in line with the costs. Amy suggested the \$15,000 come from fund 12. Bevan asked what the marijuana money from the state goes. General fund. It has already been accounted for and obligated in general county as revenue. Bevan asked if it is possible to earmark these funds and put them into the drug court fund. This year's budget was balanced on those monies going into general county. Kevin suggested we take up this issue in the next budget year and flag a portion of those marijuana funds to go into the drug court fund. **Bevan made a motion to move \$15,000 from fund 12 to fund 113; seconded by Keith. All voted in favor.**

#9-HIGHWAY COMMISSION

This item was covered under separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#11-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#12-COUNTY ASSESSOR RESOLUTION

Bevan made a motion to approve the resolution requiring the County Assessor to prepare a list of all taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes; seconded by Keith. All voted in favor.

#13-INDEPENDENT AUDITOR

Bevan made a motion to appoint Daniel C. McArthur as the independent auditor for FY 2019-2020 as required by NRS 354.624; seconded by Keith. All voted in favor.

#14-LINCOLN COUNTY REGIONAL TRANSPORTATION

This was the time and place for first reading of an ordinance amending Title 2, Chapter 2 of the LC Code to conform the code with current Nevada Revised Statutes regarding the LC Regional Transportation Commission, its governance, duties, and responsibilities. Kevin read the ordinance title into the record. **Keith made a motion to propose the ordinance and set the public hearing for December 16, 2019 at 11:00 a.m.; seconded by Bevan. All voted in favor.**

#15-MOTOR VEHICLE FUEL TAX

This was the time and place set for the first reading of an ordinance that directs and sets forth the required methods of distributing an allotment of motor vehicle fuel tax funds from the regional streets and highway fund overseen by the Regional Transportation Commission. Kevin read the ordinance title into the record. **Bevan made a motion to propose the ordinance and set the public hearing for December 16, 2019 at 11:00 a.m.; seconded by Keith. All voted in favor.**

#16-TAX STRIKE

Bevan made a motion to approve the tax strike on parcel 002-122-02, assessed value 2,822, due to a house fire; seconded by Keith. All voted in favor.

#17-TAX DEED AUCTION

Treasurer Shawn Frehner presented this item, which was the beginning process to the tax deed auction that is tentatively set for April 2020. The list of properties this year is considerably smaller. **Keith made a motion to move forward with the tax auction; seconded by Bevan. All voted in favor.**

#18-MOUNTAIN VIEW HOTEL

Cory Lytle presented this item. This is for a grant up to \$5,000 with no match required. **Bevan made a motion to approve the letter of support for obtaining a grant to perform structural analysis on the Mountain View Hotel in conjunction with Nevada Preservation Foundation; seconded by Keith. All voted in favor.** The Board has agreed to process of notification and storage lien process. This allows for anyone who may have claim to the property to have the chance to come and pick it up. Cory recommended a solid, straight forward decision so they aren't dealing with many different people each week trying to claim things and asking for a tour. Cory advised the Board they need to decide on funds to address the building as there will be a great deal of indirect expenses, including employee time and advertising. Phases need to be identified as to what should be accomplished during what time period. Cory doesn't support going through several different grant phases. A goal needs to be identified for what will happen to the building during the next several years. We also have the Pioche Mill to consider. Bevan agreed and cited Pioche Town should hold these discussions and make some decisions. The first step is to see what the structural issues are; that's already in process. Kevin stated it seems logical to dispense with all the "stuff" in there but it can't be a marauding process. How do we do that? Bevan commented we treat it like a storage unit then set a date and auction the contents to a single buyer. This individual will have to take everything, good or bad. There are different rules if it's considered storage and there is a process that has to be followed in order to get to the actual auction. Based on all of these things, the Board will then consider whether or not this is even feasible. We've been given to understand the \$5,000 will cover the structural study. Holding the auction in the building and allowing the public in there is a liability issue. The building is not on the county insurance at this time. There is a possibility some of the items in the building are stolen. Cory and April will work on solving this issue. No action was taken on this item.

#20-QUICKSILVER

Bevan made a motion to approve the contract with Quicksilver contracting company in the amount of \$75,000 for the Simkins chaining maintenance project located in the Beaver Dam and Docs Pass area; seconded by Keith. Bevan asked if we are the actual awarding agency for the contract. No. We are the entity

that secures the grant. BLM puts this out to bid. NDOW solicits the bid documents on their end. The company is going to do the work and we'll get a bill that is paid via the grant. **All voted in favor.**

#21-LINCOLN COUNTY LAND ACT OF 2000

There was no resolution for approval. No action was taken.

#22-LETTER OF SUPPORT FOR PRESIDENT TRUMP

There was no letter for approval. No action was taken.

#23-VANGUARD CONTRACT

Cory advised this contract is in place until June 2020. There are questions as to treatment methods and what areas are being addressed. Connie Simkins commented Vanguard does a very good job. Connie attended the meeting with Jared and Mr. Ashworth (Tri-County Weed). Mr. Ashworth was going to provide pricing and ability information. In general, he charges \$200 per acre; there are 60 acres in the fairground deed but not all of it is being used. Connie presented a map of areas that are being sprayed. Room Tax and the Fair Advisory Committee are working to revise this. Right now, it costs \$200 per year to have the area sprayed by Vanguard. They're proposing to make changes. They intend to reduce some of the areas that are currently being sprayed while adding some new areas; this will result in a contract change. Cory cautioned the Board to make sure they scrutinize the details if they intend to look at other vendors. Vanguard does preemergent in February and March. In April there is a high school rodeo. In August is the County Fair. When the preemergent is put on then graded, it fails to work properly. These areas are being graded by the Road Department due to the damage individuals are causing by "doing donuts". Connie advised Vanguard does an excellent job at the airport but it also needs to be expanded so he can spray around the fuel tank. A meeting will be held with Vanguard reps to discuss this topic. No action was taken on this item.

#24-WILD HORSE/BURRO ADVISORY BOARD RECOMMENDATIONS

Kevin read the resolution into the record. **Bevan made a motion to approve the resolution in support of the Wild Horse and Burro Advisory Board recommendations pertaining to the increasing number of feral horses; seconded by Keith. All voted in favor.**

#25-LINCOLN COUNTY TRAVEL POLICY

This item was a continuation from next meeting. **Bevan made a motion to table this item to December 2; seconded by Keith. All voted in favor.**

#26-TRAVEL AND PER DIEM RATES

Bevan made a motion to table this item to December 2; seconded by Keith. All voted in favor.

#27-QUARTERLY JAIL TOUR

Keith and Kevin will make the tour and report at the next meeting.

#28-COMMISSIONER REPORTS

COMMISSIONER BEVAN LISTER advised he and Cory Lytle have been working on a committee with the NV Wildlife Commissioners with regards to the landowner tag program. They've almost worked through the list of challenges. Bevan has been very pleased with how the chairman has handled the committee and how issues have been brought forward for recommendation. They've gotten some good results. Bevan met with State BLM Director John Raby to discuss land disposal issues. COMMISSIONER KEITH PEARSON met with LC Habitat Conservation Plan group.

#29-PUBLIC COMMENT

Kevin called for public comment. None offered.

#30-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 12:21 p.m.

Attest: _____ Approve: _____

DRAFT