



## LINCOLN COUNTY BOARD OF COMMISSIONERS

January 6, 2020  
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 9:04 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS  
JARED BRACKENBURY  
VARLIN HIGBEE  
KEITH PEARSON  
BEVAN LISTER

LISA LLOYD, Clerk  
DYLAN FREHNER, District Attorney

There is a quorum present and the agenda was posted on 12-30-19. The Invocation was offered by Keith and Bevan led the Pledge of Allegiance.

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

Varlin called for public comment. Don Deever, Cooperative Extension, addressed the Board concerning the radon testing going on this month and February. LC is one of the top areas with homes that have unsafe levels of radon. 1 in every 3 homes in LC has radon. CE has the free testing kits. Radon is the leading cause of lung cancer for people that don't smoke; it kills about 21,000 people per year.

### **CONSENT AGENDA**

- #3 Approve/Deny amended minutes from the December 16 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).

**Jared made a motion to approve the consent agenda with typo corrections to the minutes; seconded by Keith. All voted in favor.**

### **#5-VOUCHERS**

Recorder/Auditor Amy Elmer presented the cash balances to the Board. Payroll balanced last Friday; she presented the spreadsheet to the Board. Amy also presented the check register. General County has an estimated balance of \$1,312,432.02. Grants has an estimated balance of \$869.79. Detention Center has an estimated negative balance of \$22,985.03. The December billing was \$157,570. Amy addressed Item 12, the left over per diem for Sparks Fire. Amy denied bills for Area 51 due to the fact she doesn't have signed contracts and they don't meet our policy. **Bevan made a motion to approve the vouchers with the exception of Mountain Merc vouchers; seconded by Kevin. All voted in favor. Bevan made a motion to approve the Mountain Merc vouchers; seconded by Jared. Kevin abstained as he is part owner of the firm. Motion carried. Bevan made a motion to pay the voucher for the State of Nevada Area 51 incident travel in the amount of \$386.09; seconded by Kevin. Jared was opposed as he prefers to change the policy first.**

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

CLERK Lisa Lloyd reported Automatic Voter Registration (AVR) with DMV went live last week. Things are going fairly smoothly. Jurymark went live last Friday; training and implementation will be completed this week. Benchmark is going as expected; cleanup will continue for a while as we run onto issues. We have a jury trial the last week of this month. RECORDER/AUDITOR Amy Elmer reported they're in the middle of quarterly reports and many other things. TREASURER Shawn Frehner presented the monthly report for December. Receipts for December totaled \$1,198,937.86. The third installment of taxes are due. EMERGENCY

MANAGEMENT COORDINATOR Eric Holt advised they've been working on the after-action report for the Area 51 incident with the state. Advanced EMT class starts this weekend. The next step for the Area 51 reimbursement process is that we submit our expenses as an actual request. It will then go to the Board of Examiners and on to the Interim Finance Committee. Eric will continue to work with Shawn to finalize the expenses. Eric has a LEPC meeting on 1-14-20. JUSTICE OF THE PEACE Mike Cowley presented the annual review. 128 criminal cases with 60 arrests were handled. 1,092 traffic citations were handled. Both the juvenile case load and civil case loads increased. MVJC remains very busy. They're preparing to hold jury trials for their domestic cases. Their juries can only be comprised of people who live within their township boundaries. There are already 5 in custody individuals stacked on the calendar this year. Mike indicated the SO's traffic citations are down but arrests are up; they're spread very thin and trying to do the best they can with what they've got. They're having to be reactive instead of proactive but they're doing a great job. Manpower/staffing results in reduced numbers. BUILDING/PLANNING DEPARTMENT COORDINATOR Cory Lytle advised they've received emails on the shared use path in Caliente. There is a problem involving a private property owner. There is a problem with whether or not they can place the path in the ROW. The email advised the project will be delayed a couple of years as that project is getting worked out. The projected costs are significant, so the match could be \$40,000-45,000. Cory hasn't been directly involved in this project but Denice will be. Jeff Fontaine is the direct contact for the project. The landfill acquisition and conveyance at WE has seen them holding several meetings. Cory proffered a quick update on where things stand to date. The Dingle Act and LCCRDA will be harmonized. We may get the 400 acres with a harmonized buffer. This partnership will help the county for decades into the future; we really need this acreage to be approved and move forward. Cory advised they're getting final approvals for an NDOW grant for the trap range in Pioche. The amount of the grant is about \$160,000; it'll provide water/power/and facilities. Cory received confirmation the small grant for NV Preservation for the Mt. View has been approved. We might issue an MOU allowing the granting agency to deal directly with Mel Green. GRANTS ADMINISTRATOR/COMMISSIONERS' ADMINISTRATIVE ASSISTANT Denice Brown advised there is a problem with the next Commission meeting; we will not have enough Commissioners for a quorum. Bevan gave a brief update on the Echo Dam repairs. There was some discussion about the agreements we may or may not have with regards to the use of county-owned land around the dam. There is SNPLMA training on 1-16-20 in Las Vegas; Denice and Jared will attend. There are two bills being questioned; one is the Alamo Airport lease to BLM (\$100 per year) and the other is for a bill for the Health Nurse for her sharps containers. We have an airport lease in Alamo, not RPP. The RPP is only yours as long as it is used for a specific purpose; once that purpose is no longer employed, the land reverts back. The Board agreed to paid the lease. It isn't feasible for our landfill to take the sharps due to the increased costs. Currently, the hospital sends their items to Las Vegas. There is a cost. The bill received is from Grover C. Dils Medical Center for the sharps. The bill includes attached backup. The bill is about \$80. Jared will reach out to the hospital to see if this cost is per year or if it is recurring. There is a water resource plan, SB150, that must be done and training will take place on 9-7-20. BLM has emailed Denice concerning upcoming events. DISTRICT ATTORNEY Dylan Frehner reminded the Board to fill out their annual reports. Dylan advised the courthouse was closed half a day on Christmas Eve.

#### **#7-HIGHWAY COMMISSION**

This item was covered under separate agenda.

#### **#8-FEDERAL LAND ACCESS PROGRAM GRANT**

Denice Brown presented this item. There is a great deal of money available through the Federal Land Access Program Grant (FLAP) but the match is fairly high. Varlin suggested it might be possible to apply for these grants then apply for a different grant to pay the required matches. We need to use the FLAP grants on things like Kane Springs road. We can also go up to \$.05 per gallon on diesel fuel. If we invoke this via ordinance, it could be placed in a fund to be used for FLAP and other road things. More and more traffic is using 318 and 93; this will result in higher incomes for fuel. The \$.05 per gallon will hit every one of the pumps in the county. Jared cited this increase will hurt ranchers as they're the ones with the highest usage. In parody, the diesel vehicles aren't paying anything in for fuel tax. Cory asked if there is any FLAP criteria that puts one project above another. It was unknown. Bevan would like to see a new road into Spring Valley that goes to the summit, along the south border of Parsnip, then into the state park. Another road to consider paving is Crestline to the landfill. The Board will continue to consider possible projects and a list will be created as things progress. No action was taken on this item.

### **#9-LINCOLN COUNTY FIRE DISTRICT**

This item was covered under separate agenda.

### **#10-LIQUOR BOARD**

This item was covered under separate agenda.

### **#11-BOARD OF HEALTH**

This item was covered under separate agenda.

### **#12-AREA 51 PAYMENT TO SPARKS FIRE**

This item concerns payment of the unpaid portion of travel to Sparks Fire for their response to the Area 51 event. Amy presented the voucher in question; she can't approve it as it doesn't follow county policy nor is there a signed contract. If Sparks abides by our policy, she will not have any issues with it. Eric put it on the agenda for approval; he explained the process for emergencies. This individual's responsibility was to manage logistics throughout the entire event. Eric asked the state for a logistics officer. The state reached out to agencies with people qualified in that field. The agencies then respond to the state and the request is filled. Eric has emails from Sparks Fire to DEM stating their cost arrangements. Eric also presented the original resource request, which contains a cost estimate. Eric advised we don't have a policy set up for emergency contracting. We do the same thing when contracting for fires; we have a set rate and then present our costs. If they give us a resource request, we go in good faith knowing we will get paid. Sparks Fire sent their man in good faith, believing they would get paid. Jared suggested we change our policy to fit this. We pay our contractors mileage; we pay whatever we are billed at if they have a contract. The distinction is, we have a contract. Amy commented we contracted with the state, who contracted with these different departments. We didn't contract directly with these departments. Eric cited the state's position is to fill the requests and they then present us with an estimated cost. The policy will fluctuate as there is no way to know how long incidents will last or what kind of things can crop up. Eric cited we don't have an actual contract, but the estimate includes the hourly rate. Sparks Fire sent Eric their travel sheet where they document how many miles were traveled based on odometer readings. Amy has a policy to uphold; Eric is trying to make sure we remain in good standing with our contractors. The Board needs to make the decision as to how these should be paid. Shawn suggested, once the policy is amended, the Board could pay these retroactively. There are no provisions included in current policy for emergency events. A provision to address emergency situations needs to be included in the policy. Shawn commented if we'd had a contract or agreement in place that contained the rates it would have solved this issue. Otherwise, the rates presented could be anything. Kevin cited language needs to be included for emergency situations that allow the county to go outside the bounds in emergency situations. **Bevan made a motion to approve the voucher for the unpaid portion of travel of Sparks Fire; seconded by Kevin. Jared was opposed. Motion carried.**

### **#13-LINCOLN COUNTY TRAVEL POLICY**

Both Items 13 and 20 were discussed under this item. Eric Holt addressed possible changes to the travel policy to include provisions for emergency contracting for local incidents. Bevan asked how Eric sees this working with the policy. Will it be an exemption, an extra section, or a separate policy? In order for Amy to go outside of the current policy, there must be provisions included that govern payment for these situations. Eric suggested we could pay the per diem rate with the agency we're contracting with in emergency situations. Eric will also ask them to be more specific and include their hourly rate and per diem rates. Or, we can say we will pay up to the state rate but not above that. Jared asked how we will handle people from out of state. Again, it could be capped at the Nevada state rate. Eric would include that in conversations with them in the request for help. These rates would not apply to county employees, only to outside personnel for emergencies. All agreed it would be cleaner to add the provisions to the travel policy. Bevan addressed Item 20 in tandem with this item. Without declaring an emergency, we might still have to bring in outside sources for various incidents. Bevan suggested 5.1 be added to the current policy that says exceptions may be made during emergency situations to be paid at no more than the current state rate for out of county agencies. Amy said exceptions have to be approved and she questioned who would approve going outside the policy for a specific contractor. The state also has a mileage rate. The county uses google maps, not odometer readings, and this has been an office protocol established by the former LC Auditor. 5.1 will also include language that allows for odometer readings.

We will accept costs and odometer logs. The Board discussed the currently proposed travel policy. Reimbursements and advancements are governed by the same policy. Meals will no longer be allowed in county credit cards. **Kevin made a motion to approve the travel policy as presented with the addition of 5.1 governing emergencies; seconded by Jared. Varlin was opposed. Motion carried.**

#### **#14-2020 AREA 51 SPECIAL EVENT**

Eric Holt cited there is a need to address our permitting process. Cory presented copies of the current county code with regards to special events. If the Board is going to allow another event this year, there are a good many things that need to be modified. Cory stated the fees need to be addressed as well. There is language about the promoters needing their own security if the event is over 500 people. Cory recommends the fees be updated per resolution. The number of special events is increasing and Cory receives calls frequently. Louise Buettner discussed vendor fees. Many of the vendors at the Area 51 event didn't have anything stating they'd paid the county fees. Louise suggested a county employee attend the events to make sure they have the correct stickers showing they paid their fees. Louise also suggested the fees be increased. Cory responded those things were taken care of by the promoters. Jared commented we never wanted the Area 51 event; if we start planning for it for this year it looks bad all the way around. Bevan agreed; he doesn't want to see it come back. However, the Board needs to address the special event process so all bases are covered and well managed. One of our only streams of revenue from large gatherings is sales tax; how do we know if the vendors are claiming or paying sales tax? We don't. When things are paid in cash it is impossible to track or quantify. Cory commented he'd like to see the revenues that actually come in to the vendors versus the costs the county has to front. Kevin commented the funds spent on the Area 51 event, that we will not see returned, would have been better spent on the new restrooms for the courthouse. Jared suggested the Board take action citing they will not support a 2020 event. **Jared made a motion to draft a resolution citing that the Commission does not support a 2020 Area 51 special event; seconded by Varlin. All voted in favor.**

#### **#15-NATIONAL RADON ACTION MONTH**

**Kevin made a motion to approve the proclamation declaring January 2020 as National Radon Action Month; seconded by Jared. All voted in favor.**

#### **#16-HAGGERTY CREEK WATER RIGHTS**

Varlin gave a brief overview of the problems in Haggerty. The intent is to ask the State Engineer to investigate the situation and resolve it. The letter won't be in favor of either side; it'll simply ask for resolution. Varlin will bring a letter for approval to the next meeting. No action was taken on this item.

#### **#17-SENIOR CENTER MAINTENANCE**

The Senior Centers belong to the county. The question is who is responsible for their operation, clean up, and maintenance of kitchen/serving areas. Also, who is responsible for the scheduling and permitted use of the areas. Irvin Wright stated it also includes who is responsible for the building maintenance and cleaning. The county takes care of the maintenance as best we can if it's something we can do in house. Then, Cory has to figure out who will pay for the repairs/upgrades. The facilities are aging and the problem is where we come up with funding to continue to maintain. There are several county buildings where the mechanism for funding repairs/maintenance comes into play. Where does the annual, day-to-day funding for upkeep come from? All of the facilities have this issue. Richard Simpson used to take care of the small day-to-day issues and Cory would wrangle funding. There are also a couple contractors who have fixed things and not charged the county. Cory cited we can't fix all of these issues right now nor can answers for every situation be identified right now. There are so many buildings that need to be addressed, including the library, Million Dollar Courthouse, senior centers, etc. How can we budget for all of these? Every financial decision made with regards to one facility takes away from something else. Right now, the property management fund is used for maintenance on some of the buildings. The library has its own revenue so they can absorb some expenses on their own. Cory tries to be the vehicle that facilitates repairs. We have to figure out how to help as best we can. LC Housing has a part-time maintenance man as well as a revenue stream to cover it. Irvin cited they aren't as concerned about the funding; the issue is who has control/jurisdiction over the building. Both LC Human Services and the Panaca senior board report to the Commission. Irvin cited LC Human Services has encroached upon their authority. They were recently locked out of their office. The Panaca senior board is not affiliated with the county; they're a separate entity entirely, Denise cited. This board is there it help bring in activities and keep things moving with

the seniors in their town. The building belongs to the county, who directed the Human Services Director to take charge of the building. Toni Acuff didn't give the directive to lock the office. Glenn Zelch advised they had a similar situation in Pioche with their board; several members died so the people who have meals at the center formed a new board. It is back up and operating. Toni is only responsible for Meals on Wheels and the food. The state inspects the kitchen, the county owns the building, and the Pioche senior board is the caretaker. There is no clear distinction as to who is responsible for what. There is money in their center but it gets sent back to Toni. Pioche has held some fund-raising events and they have a bank account. The funds are used to purchase various things at the center. Irvin stated they have a fair amount of funding in their account as well. Irvin stated the Panaca articles say they have control of the building; they manage it and report to the Commission. Irvin stated the funds are in a secure place. Varlin stated policy needs to be put in place governing the county buildings. Bevan cited the senior boards are just a group of volunteers with no oversight. If someone rents the buildings, the rent goes to the boards. The county owns those properties, what is the level of "say" the county has with regards to using the properties and the funds derived from them. Kevin feels the property management fund should be expanded and a funding source needs to be identified. These buildings need to be controlled by the county. The roll of the private boards needs to be clarified. The senior centers are county sponsored; it gives the seniors a place to go to socialize instead of being shut ins. The only building the county doesn't own is the Caliente senior center. Panaca and Pioche are registered with the state. The Caliente building was deeded to the Caliente senior board. There was some discussion about deeding the buildings to the various senior boards. If the county doesn't use those facilities, we haven't any ability to deliver food to the seniors. This whole situation is a mess. Dylan suggested it might be possible to transfer the responsibility for these centers over to the respective town boards. Irvin advised the Panaca Town Board is trying to help them get their parking lot paved via RTC funds. Cory asked that representatives from the various entities, including library, museum, and senior centers be present during budget hearings to make suggestions with regards to funding and needed solutions. Kevin asked what the pros/cons are if the Board makes each of the towns responsible for the management of the centers. This would create a level of ownership in the community for these buildings. Panaca would be the only town that could raise their tax rates. Alamo is already capped. This would be another financial responsibility for the towns, somewhat similar to an unfunded mandate, as they aren't able to generate more revenue. Perhaps, though, this would make them more vigilant in making certain people pay the rent when they use the buildings. Bevan commented there are at least 160 acres at Echo Dam that aren't part of the campgrounds; he asked why we don't sell it? We could sell that and put the revenues into the property management fund. If the land was RPP, the patent may be restricted. Cory suggested selling some of the Mill acres and putting the money back into the Mill proper. Bevan will work with Cory and Mark to identify the county facilities and who pays for them. No action was taken on this item.

#### **#18-CUTTING EDGE FORESTRY**

**Bevan made a motion to approve the contract with Cutting Edge Forestry in the amount of \$75,000 for the Staheli chaining maintenance project; seconded by Kevin. All voted in favor.**

#### **#19-ENERGY COMMUNITIES ALLIANCE CONFERENCE**

**Kevin made a motion to approve the attendance of Jared, Kevin, and Varlin at the January 29-31, 2020, ECA conference in Washington, DC (if they're paying for three; if only two are being paid for, Varlin and Jared will go); seconded by Keith. All voted in favor.**

#### **#20-LINCOLN COUNTY TRAVEL POLICY**

This item was discussed and action was taken under Item 13.

#### **#21-TRAVEL AND PER DIEM RATES**

The Board discussed travel and per diem rates. There was some discussion about eliminating per diem and causing people to turn in receipts for reimbursement. Taxis are not included in the current policy. Anything above and outside the policy will be governed by receipts. It isn't anyone's intention to make people pay for things out of their pockets. Rental cars, Ubers, and anything not addressed in the policy is covered by receipts. Amy cited these things as reasonable amounts. Per diem doesn't require submission of receipts. Bevan feels the Board should adopt the state rate for mileage. State mileage is 54.5 cents per mile. Jared suggested the Board simply adopt state rates across the board. The state goes by GSA rates. **Jared made a motion to**

**adopt \$13 for breakfast, \$14 for lunch, \$23 for dinner and \$.545 per mile for mileage; seconded by Bevan. All voted in favor.**

**#22-COMMISSIONER REPORTS**

COMMISSIONER KEITH PEARSON attended the Tri-County meeting on 12-19-19. COMMISSIONER JARED BRACKENBURY reviewed the email he received concerning ECA. NSSAB will have a meeting the first part of February. COMMISSIONER BEVAN LISTER went to Washington, DC, a couple of weeks ago. Bevan attended the NACO workshop on new legislation. Bevan met with the Panaca Volunteer Fire Department a few days ago; they discussed the idea of merging PFD with LC Fire District. Bevan will be gone January 14-22, 2020. COMMISSIONER VARLIN HIGBEE will attend the road maintenance meeting on Wednesday. 1-30-20 is the due date for the sage grouse re-set. The county needs to put a census committee together. The Board needs to write a letter of support for the expansion of the 4H programs; it'll be on the next agenda.

**#23-PUBLIC COMMENT**

Varlin called for public comment. None offered.

**#24-ADJOURN**

There being no further business for the Board to attend to, the meeting was adjourned at 2:13 p.m.

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

DRAFT