



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 16, 2021
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

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

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

The meeting was called to order at 9:02 a.m. Clerk Lisa Lloyd called the roll.

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

There is a quorum present and the agenda was posted on 8-10-21 to comply with the open meeting law. The invocation was given by Varlin and Jared led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Jared called for public comment. Irvin Wright addressed the Board concerning the Panaca Senior Center. There is no board and there is one person making unilateral decisions. Nobody is allowed in the Center after lunch now, which is absurd as it is supposed to be open to the community. The situation with this individual is at an intolerable state with the majority of the conflict surrounding lunch. Irv suggested lunch be discontinued as it would alleviate the problem. Seniors can then bring their own lunches. The only other option is to have someone in authority talk to the individual. Jared asked Irvin to stay for a bit so he could visit with him about this issue. Stephanie Allen discussed the flooding on her property on Pioche Street as well as the property behind her. She thanked Varlin for meeting with her. Varlin and Shane Cheeney came up with a question as to what the property line is for the parking lot. Stephanie asked if the County is in the process of surveying the parking lot. She doesn't want to infringe on it when she makes her repairs. Stephanie asked for assistance to fill sand bags to temporarily stop the flow of water onto her property. She also asked for the County's long-term plans for assisting with NDOT in regards to this problem. Varlin will meet with NDOT's liaison soon. The dirt under the asphalt, under the road, is washing away. There is no shoulder and this could become a true safety hazard. Billy Conn discussed his property on Burke Tunnel Road, which was used as a retention basin. He met about 7 years ago with the Board to let them know there was a good deal of damage. He will be on the September 7, 2021 agenda for resolution. Billy met with the Board several years ago, with his attorney, to discuss the extreme damage to his property. He'd worked with Varlin and looked at the property. Varlin met with Shane, who was going to gravel the road as the pitch needed to be corrected. He asked if Billy knew someone from whom he could get gravel. Nothing got done and the road needed about 8 inches of gravel to tilt it in. At that time, Billy built a berm. This last storm almost deposited 80% of the water on his property. Billy commented something must be done; everyone knows something must be done. Billy asked the Board to familiarize themselves with his problem by touring the property before the September meeting. Billy asked for help resolving the issue. It has taken 8 or nine years to get this far, yet nothing has been done. Billy reiterated his request for help to solve the problems being created by the runoff. Keith attended the LC Fair and Rodeo this last weekend; he thanked everyone involved for doing such a wonderful job. Keith has been in construction for over 50 years and he's hired a lot of people. Something he's learned is that it's impossible to keep things equitable all the time between employees. Keith thanked all the County employees for their hard work.

CONSENT AGENDA

- #3 Approve/Deny minutes of the August 2 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; seconded by Kevin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances. General County had an ending fund balance of \$1,283,295.66. This leaves \$553,760 to transfer to the Detention Center (this is from General County and there is another transfer from Fund 12 that will help meet the \$1 million plus deficit). Grants had an ending fund balance of \$488,683.68. This leaves \$382,807.01 for Dispatch. Detention Center had an ending fund balance of \$137,317.86. Amy advised there were issues with Caselle last week and an entire day was lost. There was some discussion about how the Board wants Amy to make the transfer for Dispatch as it was budgeted for \$400,000. **Bevan made a motion to approve the vouchers with the exception of Mountain Merc; seconded by Varlin. All voted in favor. Varlin made a motion to approve the Mountain Merc voucher; seconded by Keith. Kevin abstained as he is part owner of Mountain Merc. Motion carried.**

#6-PRIVATE ACTIVITY BOND CAP TRANSFER TO NV RURAL HOUSING AUTHORITY

Kevin made a motion to approve the request from NV Rural Housing Authority (NRHA) to transfer unused Private Activity Bond Cap to NRHA; seconded by Bevan. All voted in favor.

#7-HIGHWAY COMMISSION

This item was covered under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#9-OFFICER/DEPARTMENT HEAD REPORTS

Clerk Lisa Lloyd reported her office remains extremely busy but things are going well. Treasurer Shawn Frehner reported the first installment of taxes is due today. The GSA kickoff meeting is August 18 at 10 a.m. The representatives will be here in person. Assessor Mark Holt advised DMV is open full-time again. PPU Manager Nathan Adams advised the Pioche Town Board would like him to get on the next agenda to ask about turning the admin building down in the housing into PPU. Nathan looked at the storm water capital improvement plan, which is a \$5.5 million plan. Labor Day is coming but with no inmates to help clean up, it will be hard to have the town looking as pristine as it usually does. Craig Roisum reported we've received approval for the LEAP program so we can submit our application. Sheriff Kerry Lee has the credentials to login and Craig will work with him next week to go through the program. Craig met with Amy to pull the financial data. Once we're allowed access to the submission portal, our application will be turned in. Craig advised he has been hired as the Caliente City Clerk. Planning/Building Director Cory Lytle advised Melissa is working on cleaning up title work on some of the properties at the top of Pioche. They're working through some of the flooding issues. Cory suggested Pioche and the County might want to move forward to get one of the retention basins put in. A decision needs to be made and people need to be given direction to follow through. There are very concerned members of the public. Everyone is very frustrated with regards to the flooding. There are many people willing to do the work, but decisions must be made first. Greenfield will be here on September 13th to get the yards cleaned up and they're looking to purchase the tailing pond and clean it up. Cory is working on scheduling the courthouse painting. There are a lot of building inspections in the County. Cory advised Alien Research Center is advertising another alien festival in September. Nothing formal has been filed with the County. LC Workforce Supervisor Launa Chouquer addressed the Board concerning Workforce. Southern NV hasn't been certified as work ready communities but there is a boot camp coming up shortly to get that process started. There are three youth who've just started training. There are 7 youth working in businesses in the County. Launa expects the numbers for the adults in the program to increase shortly. Commissioners' Administrative Assistant/Grants Administrator Denice Brown advised both Jared and Varlin will be gone for the September 7th meeting. The annual NACO conference is coming up; registrations are due in the next couple of days. There is a national NACO WIR conference in conjunction with the rural caucus symposium in Salt Lake City in October. Denice is awaiting an email from BLM so she can close out the Caliente bike trail. Denice has been doing a great deal of cleanup with the grants the last few weeks. Senator Rosen contacted Denice concerning grants. Denice listened to an IRS webcast and most of the infrastructure items will be filtered through the state. Denice will be leaving this Friday and won't return until August 30th. District Attorney Dylan Frehner advised we have District Court this Wednesday. He will be out of the office this week taking one of his children to college. Dylan is

working to close up a couple of estates. Court continues to be very busy. Dylan presented an update from Eglet Adams.

#10-LC WORKFORCE CONNECTIONS

This item concerned the establishment of the LC's interaction with and supervision of LC Workforce Connections employees. DA Dylan Frehner advised the Workforce Supervisor is directly responsible to the Board. Varlin is the Commissioner over that person. All Workforce is going to be there for its funding. Annual reviews will be done and the Workforce Supervisor will be treated as other County supervisors. Dylan met with Grant Davis; these positions are open to be Union members. All of the employees are already on the clerical step and are being paid wages accordingly. If there are budget issues, these people can't bump someone else in another office. Each of these are listed separately and this is no different. The County is the supervisor of the Workforce program. Launa Chouquer is the Workforce Supervisor. No action was taken on this item.

#11-ADDING LC WORKFORCE CONNECTIONS EMPLOYEES TO TEAMSTERS LOCAL 14 CLERICAL AGREEMENT

Varlin made a motion to approve adding LC Workforce Connections Employees to the Teamsters Local 14 Clerical agreement; seconded by Keith. Kevin was opposed. Motion carried.

#12-AT-WILL EMPLOYEE EVALUATIONS

Jared advised he was supposed to work with Amy on this. The Board previously decided to use the POOL/PACT format. Jared suggested the Board schedule evaluations for the September 20th meeting. There are seven or eight employees that need to be evaluated. Jared will follow up with Denice to work out the scheduling. No action was taken on this item.

#13-SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT ROUND 19

This item concerned the projects for Southern NV Public Land Management Act (SNPLMA) nominations for Round 19. Denice advised we're in a holding pattern on the LC Fairgrounds due to increased costs and shortage of funding. We have to have our presentation ready by mid-September. We've applied for SARS funding on the Fairgrounds. If we don't get SARS and we can't meet the scope of work, we have to give back all of Round 17 funding. Then, we'd have to apply for the entire Fairgrounds project in Round 19. Jared asked if we can expand our submission to include more items. No. The other project for Round 19 consideration is an outdoor sports complex and community courtyard. If we get the SARS funding, we will not need Round 19 funding for the Fairgrounds. If you can't complete the entire scope of work, you have to give the funds back. Jared stated he would like to continue pushing the Fairgrounds forward. Jared agreed the Alamo Annex Courtyard and Sports Complex be put forward as well. There was a suggestion the Pioche pool be covered and made an indoor pool. Denice discussed the two Alamo projects, which are on County property. There will be maintenance issues in the future. Varlin stated a parks district or assessment of some kind needs to be created to cover the costs of the parks; Alamo Town is stuck with paying for it right now. Kevin agreed with Jared to put forward the three submitted proposals: Fairgrounds, Alamo sports complex, and Alamo Annex courtyard. **Kevin made a motion to nominate the LC Fairgrounds and the two Alamo projects; seconded by Varlin. All voted in favor.**

#14-TAX STRIKE

There was some discussion as to whether or not this could be approved due to wording. The amount being struck is for 750 assessed, but the agenda makes it look like it's the dollar value. The dollar amount is actually just over \$22.00. Dylan advised it was all right to take action. **Varlin made a motion to approve the tax strike of 750 assessed for John G. Barton, APN 013-180-13, due to the connex box being assessed twice; seconded by Keith. All voted in favor.**

#15-TAX STRIKE

Kevin made a motion to approve the tax strike of 495,341 assessed for Frias Girl Scouts, APN 011-200-51 as property is exempt; seconded by Keith. Varlin was opposed. Motion carried.

#16-COMMUNITY BLOCK DEVELOPMENT GRANT

This was the time and place set for public hearing to discuss potential applications for funding under the FY22 State Community Development Block Grant (CDBG) program. **Kevin made a motion to open the public hearing; seconded by Bevan. All voted in favor.** Denise reported the only thing she has to bring forward is the continuation of the curb/gutter down Airport Road, about \$752,000. There will be a third public hearing wherein the Board will make final decision on September 7th. Jared called for public comment. None offered. **Kevin made a motion to close the public hearing; seconded by Bevan. All voted in favor.** No action was taken on this item.

#17-INDIGENT DEFENSE PLAN

PD Franklin Katschke was present for this item, which concerned the indigent defense plan. Bevan cited there are spelling errors, other typos, and formatting issues. Franklin referred to Sections 4 and 7, how this Board would navigate the contracting procedure and payment of fees related to representation. Section 4 is the same with regards to how the Board contracts with the PD. A change to the number of contract attorneys for contract needs to be made. There was some discussion as to whether or not it would be beneficial to eliminate conflict counsel and go with two attorneys. We don't have more than one attorney in the County who is willing to provide service. It needs to state a minimum of one attorney, which would make it easy to hire a second if needed. Dylan referred to 4c, the department will maintain the list and decide who gets appointed. The Court appoints the PD, who then notifies the courts if there is a conflict. Now, the list of the attorneys will be held by the department, who will appoint the next person on the list. The way it's written now, sends it to conflict counsel first then to the Department of Indigent Defense Services (DIDS) for appointment. They're trying to take the courts out of the role of indigent defense. JP Mike Cowley said the current format provides we're meeting all the guidelines with the exception of the courts being involved. Mike is concerned DIDS will use attorneys that are a great distance away. This will cause us to pay exorbitant amounts for travel. The courts are very concerned with trying to save money in addition to providing representation. The County is only responsible for the average of 2018-2019 expenditures plus a 4.5% inflation cost. There will be additional expenditures, as covered in Section 7. Dylan commented a review of current contracts is needed. Private investigator fees should be coming out of the current contracts. The \$30,000 under 7D was discussed. Much of the costs for conflict are passed onto District Court. If the case moves past Justice Court, so do the bills. If not used, the \$30,000 will roll over into the next year. Marci felt like the control of the experts under C should be handled by DIDS, thereby removing the courts. Additional conflict counsel is decreased to \$20,000. Franklin will fix the formatting issues. Dylan discussed travel reimbursement. If we're charged actual costs for travel versus an hourly amount, it won't be an issue. If we have to pay travel hours, we will be paying more for travel time versus actual representation time. No action was taken on this item.

#18-INDIGENT DEFENSE BUDGET ACCOUNTS

This item correlates to Item 17 and concerns the actual accounts for indigent defense. Recorder/Auditor Amy Elmer asked how the Board wanted to set these up. Are they line items under another department or are they totally new departments? The Board can create a department for indigent defense or put it under another existing department like Commissioners. A department would have to be added that will include PD and indigent defense costs. Line items within the department can then be added. Amy asked from where they will pull the funding. The Board agreed it would come from the District Court budget. When invoices are submitted, the PD will have to clearly delineate which are to be paid from indigent defense. The preparation of the budget will have to be done by the PD; this needs to be added to the contract. This item was tabled to the next meeting.

#19-CONTRACT BETWEEN LC/COMMUNITY HEALTH SERVICES FOR PUBLIC HEALTH NURSE

This item was tabled.

#20-30 BY 30 INITIATIVE

This item is a continuation of previous discussions. This item was tabled to the September 20th meeting.

#21-30 BY 30 INITIATIVE

This item was tabled to the September 20th meeting.

#22-SILVER STATE TRAILBLAZERS MULEY RUN

Kevin made a motion to approve the Silver State Trailblazers Muley Run motorcycle race on September 11, 2021; seconded by Keith. All voted in favor.

#23-SOUTHERN NEVADA DESERT RACERS HAUNTED HARE SCRAMBLE

Keith made a motion to approve the Southern Nevada Desert Racers Haunted Hare Scramble motorcycle race on October 16, 2021; seconded by Kevin. All voted in favor.

#24-COMMISSIONER REPORTS

Commissioner Varlin Higbee discussed the Coyote Springs NEPA process with regards to the gravel pit. The NEPA portion of the Section 10 requires them to follow our master plan. Varlin discussed the County becoming a Constitutional County. As of right now, we live under the corporation of the United States. If we decide to sign a resolution, the Board needs to put a great deal of thought into it. Bevan cited we've all signed an oath to uphold the Constitution of the United States. Varlin believes it's going to fall back on the counties to take care of themselves; they need the ability and authority to protect the people they serve. Commissioner Bevan Lister met with Franklin Katschke and the Department of Indigent Defense. We've done a great job of providing indigent defense. Bevan discussed issues before the State Engineer right now; these things will be discussed at the LC Water District board meeting last week. Bevan met with Secretary Haaland of DOI last week. Bevan made an extensive plea with regards to the wildhorse/burro issue. Commissioner Jared Brackenbury reported the LC Fair went extremely well. Commissioner Keith Pearson commented on how nice the rodeo was. The HCP meeting was canceled and moved to next month.

#25-PUBLIC COMMENT

Jared called for public comment. Billy Conn discussed the LC Fair and working dog competition, which was excellent. Billy reiterated his request to the Board members to drive up Burke Tunnel Road to the repeaters so they can look at his property and all the work he's done. Working on his property has now turned the water into Pioche Town. His property was a retention basin for many years. There is more water now as a couple of mines have been covered up. Equipment was used to close these up and one of them was acting as a retention basin. The water is now being diverted into town instead of going into the mine shaft. Billy asked for empathy and understanding with regards to the berm and his property. Billy is going to build a 40x60 shed on that property. Billy commented he wants to be part of the solution, not defining who is to blame. Any solution derived by the Board with regards to the road should be done with the idea of directing the water towards one wash or basin. Whatever the County does or doesn't do will affect those downhill.

#26-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 1:14 p.m.

Attest: _____ Approve: _____