



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 15, 2024
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Varlin Higbee, Chair
Janine Woodworth
Mike Reese
Keith Pearson
Diane Path

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

The meeting was called to order at 9:00 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: JANINE WOODWORTH LISA LLOYD, Clerk
MIKE REESE DYLAN FREHNER, District Attorney
KEITH PEARSON
DIANE PATH
VARLIN HIGBEE (via web, but left the meeting at 11:30 a.m.)

There is a quorum present and the agenda was posted on 07-09-24 to comply with the open meeting law. The Invocation was given by Keith and Diane led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Mike called for public comment. DA Dylan Frehner advised there is a concern about Item 20, which is vague in its listing on the agenda but is only for a letter. If challenged, the letter would come back and the Board would have to address it again. Dylan left it to the discretion of the Board whether or not to take the item. Janine agreed to put it on the next agenda.

CONSENT AGENDA

- #3 Approve/Deny minutes of the June 17 and 20 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).

Janine made a motion to approve the consent agenda with the exception of the minutes (they were previously approved); seconded by Diane. Diane discussed the business licenses. One of the businesses on the list hasn't paid their landfill bill. There was some discussion about whether or not to approve it. **Janine amended the motion to include approval of Gunslingers' business license subject to payment of the landfill fees (license not approved until fees are paid); seconded by Janine. All voted in favor of the amendment. All voted in favor of the original motion.**

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the vouchers/cash balances/payroll. Amy advised NV minimum wage only applies to private sector, not public sector. All sub-entities of LC follow federal minimum wage (\$7.25). Amy advised there is a town board that isn't approving all of their bills. The Commissioners need to address this in future. This same board was very close to going over budget this last year. Mike attended all of the town board meetings this last month. There is a difference in how the town boards address their invoices. Mike asked all the town boards to contact Amy to learn procedures. Amy requested every bill be approved by each town board. That's half of their power, approving/denying bills. Amy said policies need to be put in place governing this; she will speak with Dylan. There are inconsistencies that need to be addressed and cleaned up. Janine advised she received information from town board members that they weren't aware they needed to approve their bills. Anna Williams advised that all purchases made by Pioche have been approved by the town board at meetings. Anna makes the Pioche Town Board aware of all purchases. Amy advised there are a couple of departments that she's worried about going over for last year. Amy responded there are inconsistencies between the ways the three town boards are operating. Anna will make sure that all the vouchers are approved by the town now. Amy spoke at Pioche Town Board last week; Anna indicated she was following prior policy that included a \$5,000 limit. Anna

responded she runs everything past the board, even things under \$5,000. She would never make a purchase that large without approval from the board. Amy advised the town board is aware of every single invoice submitted to the Recorder/Auditor's office but the inconsistencies between boards must be addressed. Dylan advised a policy must be established that all bills must be submitted for approval. Instead of having a financial report, they should approve the bills. A policy of that nature would address the issue. There should be action wherein the vouchers are approved. Dylan offered to draft this and put it on a future agenda. Inconsistencies open the county up to liabilities on all fronts. The raises for the supervisors are causing issues in Amy's office as well. There was quite a long list of supervisors that should have been given raises on July 1st. She received only a couple. Amy has called many of them only to be told their evaluations haven't been approved by the Board yet. This puts Amy's office in a difficult position. She now has a small list of individuals she has to pay and report retro on. General Fund had an ending fund balance of \$2,407,667.85. Federal In Lieu had an ending fund balance of \$1,241,472.02. Grants had an ending fund balance of \$1,569,566.81. Detention Center had a fund balance of \$45,855.79. Solid Waste had an ending fund balance of \$78,054.70. Insurance was paid this time, about \$334,000 (it has been split between all of the entities). **Janine made a motion to approve the vouchers with the exception of the Pearson Brothers Construction; seconded Keith. All voted in favor. Janine made a motion to approve Pearson Brothers Construction voucher; seconded by Diane. Keith abstained. Motion carried.**

#6-LINCOLN COUNTY CONSERVATION DISTRICT

Amber Pike proffered the quarterly report on LCCD activities. They've continued the prep work for the Pahrangat Valley Russian olive project. They have a technical assistance grant that has allowed Amber to work full-time. They've been working on getting Amber's training so she can assist other offices with technical assistance. They sponsored two youth with attendance at the youth rangeland management camp. LCCD completed a project with Pete Delmue for habitat rehab. They applied for funding to do more work as the project was so successful. Pete will now do a larger number of acres than the first project. No action was taken on this item as it was informational only.

#7-HIGHWAY COMMISSION

This item was covered under separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#9-LINCOLN COUNTY HEALTH BOARD

This item was covered under separate agenda.

#10-SHERIFF'S REPORT

Sheriff Derek Foremaster advised they billed \$39,766 last month. Jail staffing is down by one position from the existing budget. He would like to rehire this immediately. They spent 85 hours in overtime during June just to cover jail shifts; this doesn't cover US Marshal, it's just for the jail. Two more jail hires will be included on a future agenda. A new deputy started Academy today. The Spillman system is a major issue. Motorola purchased Spillman and we don't get good service. We pay \$50,000 per year for support. We now have to upgrade to report burglaries/homicides/any violent crimes. They require a certain module but it will cost more to integrate it with Spillman. We already have the software, but Spillman will charge \$20,000 and charge to come train. Derek would like to get rid of Spillman altogether and go with a different program. There is a 5-year lease option to purchase a different system, which will cost about \$86,000. Their maintenance fee is \$19,000 per year. The service fee to pay it of is \$67,000. Derek went to Eureka several months ago to see the system. There are many things that can be used with Spillman, but they all cost additional money for upgrades. They continue to work on getting other inmate contracts. Diane has been in talks with the state. Diane received a call from a tribal place; they have an inmate they'd like us to house. North Las Vegas seems promising. Derek advised the F150s plugs, coils, and catalytic converters are going out. It costs quite a bit to get them fixed and they have four that need repairs. They may have vehicles parked at the Detention Center but it's because they're inoperable. Repairs will be outsourced to Utah as there isn't a local mechanic who can fix them. They continue to work on the drug problem in the county. They do a lot of work and the individuals get released from jail extremely quickly. Derek suggested the Board members voice their opinion on this when in Carson. We pay a substantial amount of money for bail hearings to

make sure we get these inmates out quicker. Mike responded they will bring this up with NACO. This is a statewide problem. This item was informational only.

#11-SHERIFF'S OFFICE VEHICLE

This item concerned identifying a fund to cover the replacement of the Sheriff's Office vehicle that was totaled in a traffic accident. It was a new vehicle they owed money on. Recorder/Auditor Amy Elmer suggested the Board pay for it from General County then have the insurance check deposited back into General County. There isn't enough money in Fund 42 to purchase a vehicle outright. Some of the equipment was salvageable, but they'll have to replace some things and pay for labor to upfit. They'll be getting \$24,000 from insurance. Diane suggested they use this money to get the other vehicles up and running as opposed to purchasing a new one. Denise Brown advised there is \$5,000 in ARPA funds that can be used for repairs to vehicles. There may be funds left over after the plumbing issues are addressed. Sharron Faehling agrees everyone needs vehicles, but given the fact that other budgets are struggling, it's the overall bottom line of the budget in the county altogether. Her department in addition to others will be affected by whatever is spent out of General. Amy advised the Board budgeted for this vehicle last fiscal year, but the money wasn't spent. They could afford it last fiscal year so how can they not this year. Derek recognized that all other departments are feeling the impacts of the tight budget. Varlin addressed the countywide budget crunch. The money is there, and the amount coming back from insurance will help. Varlin feels it might be best to purchase a new vehicle, especially since they can strip the wrecked vehicle and reuse a goodly amount of the equipment. The funding is still in General County Miscellaneous. **Janine made a motion to approve the use of General County Miscellaneous to pay for the replacement of the Sheriff's Office vehicle (the insurance check will be put into General County Miscellaneous); seconded by Mike.** Amy advised there is enough money in Fund 42 to pay for upfitting. Diane asked if the other vehicles can be repaired first before purchasing a new vehicle. Derek advised they'll be fixed regardless. Janine expressed concern as it takes months to get a vehicle and get it unfitted. Derek agreed to respect and do whatever the Board asked of him with regards to the vehicles. Keith agreed with Diane; they should fix them first and see how they work before buying a new one. **Mike, Janine, and Varlin voted in favor. Diane and Keith were opposed. Motion carried 3-2.**

#12-PRIVATE ACTIVITY BOND CAP

Bill Brewer presented this item. **Keith made a motion to approve the resolution to transfer Lincoln County's unused 2024 private activity bond cap (PABC) in the amount of \$227,491.87 to Nevada Rural Housing Authority for use with its single-family homeownership programs; seconded by Janine. Varlin was a absent for the vote. Motion carried 4-0.**

#13-STATE COMMUNITY DEVELOPMENT BLOCK GRANT

This was the time and place set for public hearing to discuss possible applications for funding under the next fiscal year's (July 2025 to June 2026) State Community Development Block Grant (CDBG) program and to solicit citizen input on possible activities to be included in the application. Denise Brown presented this item. Mike opened the public hearing and called for public comment. None was offered. Mike closed the public hearing. No action was taken on this item.

#14-SIXCO

Derek Hembd advised today is the expiration date for the proposal for one of their first tenants. He will have an update at the next meeting with regards to the progress of the proposal. They've been working with district stakeholders in NV. NV Department of Ag has now joined their weekly calls. There is a great deal of activity around the executed MOU. They meet with the Danish again in two weeks. No action was taken on this item; it was informational only.

#15-LINCOLN COUNTY POWER DISTRICT REQUEST FOR LAND LEASE, APN 001-32-102

Dane Bradfield, General Manager of LC Power District, presented this item. LCPD is requesting a lease of approximately 15 acres of land located within parcel within APN 001-32-102. The area LCPD has interest in lies east of Hard Times Road, north of Pioche rodeo grounds and south of the Pioche conservation camp wastewater facility. The land would be used to construct and operate a solar generation facility. In addition to the 15 acres, LCPD is requesting a right-of-way of approximately 700 feet long by 50 feet wide to commodore an overhead 23KC power line between the proposed property and an existing power line serving Pioche conservation camp. A lease term of 30 years is requested with an option for renewal at the end of the terms with agreement from both

parties. LCPD is in the process of designing a 2 MW photovoltaic solar generation facility to aid in diversifying its power supply portfolio. From 1936 to 2005, LCPD received the entirety of its energy from hydropower supplied by Hoover Dam. Due to drought conditions and lower water levels in Lake Mead, hydropower generation has been reduced. Currently, LCPD receives approximately 65-70% of its energy needs from long-term federal hydropower contracts with Hoover Dam. The remaining energy required to meet the demand of our county is purchased through Arizona Electric Power Cooperatives or on the open energy markets. Energy market prices for power can be exponentially more expensive than what we typically pay and can fluctuate greatly due to weather, natural gas supply, and energy demand throughout the southwest region. The volatility and risk of energy markets are what LCPD desires to mitigate with the development of localized energy generation. Development of the property would include several phases. LCPD will have the property surveyed to establish property corners and boundaries. After surveying, the land will be cleared of vegetation and graded to minimize abrupt elevation variations. A security fence will be installed around the perimeter of the property consisting of a 6-foot chain link fabric with barbed wire along the top. Solar panels will be installed using a ground-mount pillar-style base oriented in north-south rows to accommodate single-axis tracking hardware that allow the panels to follow the sun throughout the day. Solar panel coverage will be approximately 11 acres of the property with the remaining area used to facilitate voltage transformers, protection and control devices, metering and communication equipment, and possibly future battery energy storage. To accommodate the construction of the facility, several land options are being considered. The property described has been identified as favorable for solar panel placement due to its terrain, limited vegetation, and proximity to existing LCPD distribution power lines. LCPD donates a great deal of man hours to the towns in addition to the street lights program. The land requested has been cleared through RPP. Wade Poulsen, LCWD General Manager, advised they have an application in to the south for new sewer ponds. It shouldn't have any interference in the LCPD project. This area is primed for sewer and solar. LCPD is willing to pay for the survey. Dylan advised they can do a local agreement or lease agreement at no cost as this is a local entity who provides services to the residents. **Diane made a motion to move forward with a 30-year lease agreement; seconded by Keith. Varlin was absent for this item. Motion carried 4-0.**

#16-PARKING SPACES AT LINCOLN COUNTY COURTHOUSE ON LABOR DAY FOR CAR SHOW

Diane made a motion to approve blocking off parking spaces at the LC Courthouse for the Labor Day car show on August 31, 2024; seconded by Janine. All voted in favor.

#17-ADVISORY QUESTION TO LEGALIZE BROTHELS

This item concerned a request from Russell Greer to place an advisory question on the November ballot as to whether or not Lincoln County should legalize brothels after 46 years since the 1978 vote to abolish brothels here. Russell Greer was present via telephone; he addressed the Board. Russell runs the organization call A Safer Nevada; the purpose of which is to expand brothel legalization. He has been working to try and bring legalized brothels in LC. Russell has had a lot of support. He filed a petition in March, but was unable to obtain enough signatures due to a myriad of personal tragedies. He wasn't able to get a measure on the ballot so he is asking the Board to place an advisory question on the November ballot. Posing the question to the populace would allow everyone to see where this issue stands in this county. Lyon County did a similar measure in 2010 and he doesn't see why LC wouldn't do something similar. DA Dylan Frehner advised statute allows the Board to ask an advisory question on pretty much any topic and it is non-binding. The advisory question really doesn't do anything beyond taking a poll of the community. Today is the deadline for the submission of the advisory question. Keith is opposed to this. Janine referred to the timing for getting this on the ballot and the extra expenses placed on county entities. Diane agreed. Mike has spoken to a good many people in the community; the majority have been opposed. Only a couple of people were in favor. Janine commented the morality of the issue belongs to the individual of running the business. It is too late to get this question on the ballot. Keith advised his survey was much like Mike's; people are against it. **Diane made a motion to deny placing an advisory question on the November ballot to have the voters vote on whether or not LC should re-legalize brothels in the county; seconded by Janine. Varlin was absent for this item. Motion carried 4-0.**

#18-TRANSFER OF MONEY FROM HOUSING AUTHORITY TO PIOCHE TOWN GENERAL FUND

DA Dylan Frehner advised this was approved by Pioche Town last week. He outlined the history of this funding. Diane asked if the money from the burned building shouldn't stay with the county. The funding is in the county's name and would have been paid via Fund 73. Nothing has come from the General Fund to support this. It all came from Fund 73. Pioche employees separate their time spent under Fund 73 as well. The property belonged to the

county until given to NV Rural Housing, expect for the administrative building. Pioche Town has paid their portion of the survey. Varlin joined via phone. Diane reiterated that the insurance money should come back to the county since LC owned it before the property was handed off. The county took ownership in 2021 then we transferred it to Pioche Town for management. All of this happened in 2021. Initially the Housing had its own resolution setting it up. Once the board went defunct, the Commissioners stepped in and dissolved the housing authority. Then we moved to transfer it to the state housing authority. Pioche Town should get something for this as they've done the work the last several years. Diane agreed with giving a portion to Pioche Town, but she disagreed with giving all of the insurance money away. Varlin advised Pioche Town was to get the revenues only to be used for maintenance and management. Whatever money was in there before the insurance money was deposited should go to Pioche Town. Varlin agreed that whatever the insurance money is, it should go to the county. Diane suggested the Board reach an agreement as to the amount that should go to Pioche but the remainder should go to the General Fund. All insurance premiums were paid out of Fund 73. Removing the insurance money will cause the fund to be a negative and there won't be anything to give to Pioche. The county paid nothing for the property; it is a county property but Pioche Town did all the work. Janine disagreed with taking the money from Pioche; all payments have been coming out of Fund 73. Recorder/Auditor Amy Elmer mentioned Pioche Town is currently rehabbing the administration building in preparation for their lease. Amy wasn't certain how much was even left to come out of that fund. Pioche is still using the Fund. Anna Williams advised there will be about \$220,000 left at the end of the year. A resolution was passed that moved Fund 73 from the county budget to the Pioche Town budget. Mike commented that when you give something away, you give it away. Anna advised they had the entire account budgeted to spend this year. All related expenses have been paid from Fund 73. Varlin agreed if Pioche wants to use it to fix up the Town Hall, they should. Mike stated Pioche should manage the funds and use it according to whatever they need it for. Diane suggested the funding be split between Pioche and the county after accounts payable. Janine reiterated that this was all dumped on Pioche Town; nobody else did the work. Mike stated Pioche will be putting the money back into the community anyway. **Janine made a motion to approve the resolution transferring all money from the Housing Authority Fund (Fund 73) to the Pioche Town General Fund (Fund 18) and closing out Fund 73; seconded by Keith.** Varlin agreed with giving the money to Pioche to invest in the town. **All voted in favor.**

#19-DESIGNATION OF EMPLOYEE POSITIONS AS NON-EXEMPT

Janine made a motion to approve the resolution to designate all employee positions in LC as presumably non-exempt and eligible for overtime per the Fair Labor Standards Act, except for county positions with a job description that has been approved by the Commissioners, specifies the position as "exempt" and meets the criteria for exemption established by the Department of Labor; seconded by Diane. Varlin was absent for this item. Motion carried 4-0.

#20-LETTER TO UNITED STATES DEPARTMENT OF ENERGY

This item was tabled.

#21-NEVADA SITE SPECIFIC ADVISORY BOARD LIAISON

Janine and Varlin currently serve on this board. **Janine made a motion to appoint Janine as the NV site specific advisory board (NSSAB) liaison; seconded by Keith. All voted in favor.**

#22-TRADE OF REAL PROPERTY BETWEEN LINCOLN COUNTY AND JEREMY BENEZET

Cory Lytle addressed the resolution to trade real property between LC and Jeremy Benezet for the purpose of establishing a flood control facility near Tank Road and Newark Street in Pioche. This item is in conjunction with the Pioche uptown flood control project. **Janine made a motion to approve the resolution; seconded by Keith. Varlin was absent for this item. Motion carried 4-0.**

#23-RESOLUTION ESTABLISHING WALK-IN HOURS FOR PLANNING/BUILDING

DA Dylan Frehner advised that it is not necessary for a resolution to mandate hours. This department can set the hours as there is nothing in statute requiring him to be open certain hours. Planning/Building will be open Wednesday/Thursday for walk-in appointments. Janine suggested they include a message that asks people to schedule appointments if their item will be lengthy. **Diane made a motion to table this item; seconded by Janine. Varlin was absent for this item. Motion carried 4-0.**

#24-ESCAPE SOLAR PROJECT/BULLOCH BROTHERS ENGINEERING

Janine made a motion to approve the modification to the contract with Bulloch Brothers Engineering for the Escape Solar Project in Toquop (modification includes name change); seconded by Diane. All voted in favor.

#25-NEVADA STATE RACING ASSOCIATION HEAD TO HEAD STAMPEDE

Keith made a motion to approve the Nevada State Racing Association Head to Head Stampede motorcycle race on July 26, 2024; seconded by Janine. All voted in favor.

#26-RATE INCREASE FOR PART-TIME CUSTODIAN

Cory Lytle presented this item. Janine made a motion to approve the rate increase for the part-time custodian from \$15 per hour to \$15.45 per hour, effective July 1; seconded by Diane. Varlin was absent for this item. Motion carried 4-0.

#27-SOLAR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

Cory advised we really haven't any comments at this time; this is something we need to watch. Janine made a motion to table this item; seconded by Keith. All voted in favor.

#28-QUARTERLY JAIL TOUR

Mike and Diane did the tour last meeting. There are still HVAC issues at the Detention Center. Diane advised the computer area needs to be cleaned and organized; anything not being used need to be removed/sold. No action was taken on this item.

#29-OFFICER/DEPARTMENT HEAD REPORTS

Clerk Lisa Lloyd reported on the mock election and how things are going with the new top-down system/equipment. Lisa will be traveling north to participate in training on the new system and to do a mock election. Lisa is working on the general election. She reported she has been unsuccessful in finding people to sit on the committee for the bond question. She will work with the DA's office to identify the arguments for/against and the fiscal impacts. Court remains extremely busy. Treasurer Shawn Frehner advised tax bills have been mailed out. Shawn advised when the tax rates were changed and/or eliminated, it resulted in massive problems in GSA. Shawn identified glaring errors when auditing, but those have been fixed and bills sent out. If she hadn't caught these errors, the cost to the county would have been over \$174,000. She will be meeting with Assemblyman Gurr concerning the Treasurer's technology fee bill. Commissioners' Administrative Assistant/Grants Administrative Denice Brown advised she is doing quarterly, monthly, fiscal year end reports. Denice will be working in the Clerk's Office on 7-24. Planning/Building Director Cory Lytle worked on the solar PEIS. 7-22 they have meetings on the courthouse restroom addition. They're working to get some of the flood work done uptown Pioche. He's spent a lot of time working on the property trade. Cory worked on the FLAP grant for the Crestline Road; it was estimated to be \$4.9 million. They'll apply to realign the Brown and Crestline roads. Cory will push forward in trying to adjust the Treasurer, Recorder/Auditor, and Clerk's office HVAC units as they're not working. Portable units have been provided to cool the offices. DA Dylan Frehner advised the safety committee has been established. The county needs a safety plan; this will be the first goal of the committee. Dylan is working not the diesel tax ordinance, policy for towns on bill approval, multiple job descriptions, county policies, transfer of Housing administrative building, revising the indigent plan. Dylan commented there have been major changes to the law in the last five years that mandate they have to see someone within 48 hours and then release them. In order to hold people in jail, they have to hold them to the standard of flight risk and danger to society. There are many people upset with Dylan over the individual who they'd worked for months to arrest; he was released within a very short amount of time. Assessor Cydney Dwire advised they're busy. Cydney has been working on personal property billing. DMV remains busy. They're going to reappraise Caliente.

#30-COMMISSIONER REPORTS

Commissioner Janine Woodworth attended the Pioche Town Board meeting last week. She met with individuals from Caliente concerning City issues and things they wanted answers about. Janine took calls concerning the NV Rural Housing credit transfer and the funding transfer. Janine has questions about our DMV status; she has sent several emails. It takes a lot of time for the Assessor's Office; she reached out to the other Assessor's Offices that have DMV. We get only \$2 per DMV transaction. Commissioner Diane Path and Mike attended the BLM meeting

to see what we want our public lands used for. Diane attended a zoom meeting with the Sheriff, Undersheriff, Director of NDOC, and Deputy Director of NDOC to discuss contract inmates. Diane spoke with the Director concerning one of the prisons that holds indigenous inmates. Diane spoke with Wade Poulsen concerning a water bill for a citizen. Wade will get back to Diane concerning adding information to the software so the bill is more transparent. Diane attended a zoom meeting with Amy Hyne-Sutherland; they're going to move forward with opioid needs and community needs assessments. Diane spent time with Taylor Price to give her information on the LC Health Officer position. The farmer's market coupons have been straightened out and they need to hand them out. Commissioner Keith Pearson attended the Panaca Town Board meeting. Commissioner Mike Reese met with BLM concerning the scoping and survey. Road Department attended this meeting as well. Mike provided comments on the survey. Mike met with the LC Community Coalition in addition to attending the Panaca Town Board. Every town board member signed every bill. Mike attended the Panaca Senior Center meeting. Panaca Senior Center is deeded as a senior center; in the event it no longer is a senior center, it reverts back to the Beacon Group. The land reverts to Beacon Group but the building was built by CDBG. There is some question as to what entity that is, the senior center. The building belongs to the county. Mike attended the Pioche Town and Alamo Town Board meetings. Mike advised we have a new NDOW biologist; he met with him in the administration building in Pioche. Mike attended the LCAT meeting.

#31-PUBLIC COMMENT

Mike called for public comment. None offered.

#32-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 2:16 p.m.

Attest: _____ Approve: _____