



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 2, 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
VARLIN HIGBEE DYLAN FREHNER, District Attorney
MIKE REESE
DIANE PATH
KEITH PEARSON

There is a quorum present and the agenda was posted on 11-21-24 to comply with the open meeting law. The Invocation was given by Keith and Varlin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. Commissioner Keith Pearson advised his company made an appeal to the Ethics Commission to see if they can do county work. Keith received an answer, which he shared with the Board. They've advised they can continue doing work as they did before as long as they're careful and follow protocols. They can't help plan or design. He will have to recuse himself when the Board votes on anything related thereto.

CONSENT AGENDA

- #3 Approve/Deny minutes of the November 18.
- #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; seconded by Mike. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances and AP. General Fund had an ending fund balance of \$3,627,404.33. Federal In Lieu had an ending fund balance of \$1,103,988.30. Grants had an ending fund balance of \$1,038,063.55. Detention Center had a fund balance of \$37,545.64. Amy will have to transfer money in prior to the 5th as this fund will not make it through the next pay period. Solid Waste had an ending fund balance of \$110,672.42. Amy doesn't believe this fund will make it to the end of the year either. Everything they're earning is being offset by payroll/AP. Amy cut a special check for uniform allowance for an employee at the Sheriff's office. There are concerns about the Road Department as well. The only reason it's been as solid as it has is because Shane watches their budget closely. They get funds every so many months, but there is no way to know what it'll be since it's based on fuel sales throughout the state. Diane advised she doesn't want favors given away by any department. Everyone needs to charge for anything they do. If another fund is flush, they need to be certain to pay for things. Diane doesn't want Shane to get caught in a situation wherein he feels like he has to do something if he doesn't want to, based on owing someone something. **Mike made a motion to approve the vouchers; seconded by Diane. All voted in favor.**

#6-HIGHWAY COMMISSION

This item was covered under separate agenda.

#7-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#8-LINCOLN COUNTY HAZARD MITIGATION PLAN

This plan is for both County and City of Caliente. Eric will present this to the City on Thursday. It identifies the local hazards and challenges we have here. It gives us mitigation suggestions and opens the possibility to obtain grants. This update was paid for via a grant. The County/City shared the cost for the consultant used to write the grant application. The grant paid the contractor to do the rewrite. Dylan suggested POOL/PACT may support funding future updates. **Mike made a motion to approve the resolution adopting the updated Lincoln County Hazard Mitigation Plan with the correction of the Disaster Mitigation Act year to 2000; seconded by Janine. All voted in favor.**

#9-LINCOLN COUNTY SOUTHEASTERN HABITAT CONSERVATION DISTRICT

This item was covered under separate agenda.

#10-PUBLIC HEARING ON ORDINANCE REGARDING DIESEL FUEL TAX

This item was a continuance from the last meeting (an ordinance amending Chapter 3-2 of the LC Code to impose a five cent (\$.05) per gallon tax on diesel fuel sold within Lincoln County). **Diane made a motion to reopen the public hearing; seconded by Keith. All voted in favor.** Varlin called for public comment. Dylan discussed the language that needed to be added pursuant to statute. Dylan added several new sections to encompass the requirements, 3-2-9 through 3-2-14. Date of imposition was modified. We already have a contract with the Department of Taxation regarding the vehicle fuel tax. Dylan doesn't believe we'll have to amend the contract with the state, but he hasn't spoken to them formally. **Diane made a motion to close the hearing; seconded by Janine. All voted in favor.**

#11-ORDINANCE REGARDING DIESEL FUEL TAX

Diane made a motion to approve the ordinance amending Chapter 3-2 of the LC Code to impose a five (\$.05) cent per gallon tax on diesel fuel sold within LC, defining what diesel fuel is subject to taxation (correcting the numbering in Exhibit A); seconded by Mike. Janine asked if any of the Board members have received any calls about this. No. Varlin hopes the funding from this that goes into RTC will be used for our road infrastructure. Varlin would like to see it used to help the Road Department purchase equipment. It is currently limited by statute to the purchase of material only. **All voted in favor.**

#12-TAX AUCTION

Treasurer Shawn Frehner presented this item. Shawn presented the attachments outlining the properties on the list. They're having difficulty getting a title company to do the title searches. Shawn has reached out to about 5 title companies and been turned down. There is one she has gotten a maybe from. Auction doesn't require a title search, but all vesting owners have to be notified. We would have to do that ourselves but it opens us up for problems since we're not trained to do that. If she can't get the title searches and letters out in time, she won't be able to do the auction in April. The auction date is dependent on getting those out. Shawn has been contacted about doing an online auction. She's always done live auctions as they're beneficial to our local residents. Shawn has found that the locals aren't the ones buying the properties, though. It gets purchased by someone from without the area then resold for higher profit. Shawn is considering doing the online auction. It doesn't cost the county anything, but will cost the buyer 10%. The other reason Shawn has done live auctions is to cause people to come here so they're very aware of where the property is that they've purchased. **Janine made a motion to approve the order directing the County Treasurer to sell property held in trust (auction is tentatively set for April 2025); seconded by Diane. All voted in favor.**

#13-COMMISSIONER'S IPAD

This item was tabled.

#14-SHERIFF'S REPORT

Sheriff Derek Foremaster presented the monthly calls list for October. Death investigations are up; that tends to happen in the winter months. No action was taken on this item.

#15-AUTHORIZATION FOR SHERIFF TO FILL CURRENT POSITIONS THAT BECOME VACANT

This item will allow the SO to hire any time a position becomes vacant without having to bring it before the Board. We currently have a hiring freeze on. **Mike made a motion to authorize the Sheriff's office to fill current positions that become vacant within the budget to maintain minimum staffing levels without prior Commissioner approval; seconded by Janine.** Recorder/Auditor Amy Elmer asked the Board if they will be allowing all departments to hire now if it's an existing position. There is a hiring freeze across the county. Mike said this is about public safety; they need to replace people as they leave. This will be specific to the SO only. Amy advised the Board is negating the hiring freeze. If there is a freeze in place, the Board sticks to their decision. There are multiple things to consider, turnover being one. If there are multiple turnovers, the Board should probably find out why. If an appointed supervisor is experiencing this, the Board should know what is causing the turnover. Amy cautioned the Board about picking and choosing who is allowed to hire existing positions. We are more than halfway through our transfers into Fund 64, yet we are not even halfway through the year. Janine suggested they wait for the Sheriff's report in order to address this item. Amy isn't trying to attack the Sheriff, he's elected and reports to his "bosses" every day. There is another department who will have to come before the Board to replace a full-time employee who is leaving. If it's good for the SO to be allowed to hire without permission, then it should be applicable to all departments. Diane suggested the Board address the issue at the next meeting. Dylan said this item is worthless, the discussion is worthless; the Board sets our budget and we can hire as needed (elected officials). It isn't the same for appointed departments. Once a budget is set for an elected official, it is the elected official's responsibility to stay within their budget. **Keith was opposed. Motion carried.**

#16-DESK FOR COMMISSIONERS' ADMINISTRATIVE ASSISTANT

Mike made a motion to approve the purchase of a stand-up desk for the Commissioners' Administrative Assistant, not to exceed \$1,000 to be taken from Covid funds (023-101); seconded by Keith. All voted in favor.

#17-SIXCO

Derek Hembd, via telephone, reported proffered updates on activity in progress. They've started the weekly calls with BLM. They've a number of items they're working through. They continue to hold discussions with potential tenants. They attended, with a number of the Governor's directors and county representatives, a meeting to be introduced to the Southwest Sustainability Engine. They have a startup grant going out. Sixco will have that submitted shortly. Tomorrow they have a meeting to take the next steps with NV Division of Forestry. This will be another stakeholder to be added to their collaborative efforts. They continue to hold discussions about infrastructure. No action was taken on this item.

#18-AGREEMENT WITH CARLOS GUERRERO (ALAMO FLOORING)

This was two contracts for a total of \$30,000. The senior center needs to come up with more funding before they can do the carpet. The windows are in the contract, though. The work is done. **Mike made a motion to approve the contractor's agreement with Carols Guerrero, DBA Alamo Flooring, to replace windows in the Alamo Senior Center; seconded by Keith. All voted in favor.**

#19-USCD ORDER: BAKER RANCHES V HAALAND; THE PUBLIC LANDS RULE

This item was a continuation from the last meeting. Varlin has worked on drafting the letter but finds himself very frustrated as there are multiple edicts being handed down from the federal government. Varlin feels the letter should come from Wade Poulsen, LC Water District. No action was taken on this item; it was tabled to the next meeting.

#20-FEASIBILITY ANALYSIS FOR DEEDING ALLEYWAY TO GEM THEATER/FRIENDS OF GEM THEATER

This item concerned a request from Commissioner Janine Woodworth to direct County staff to conduct a feasibility analysis for deeding the alley next to the Gem Theater to Friends of Gem Theater for economic development. This item was tabled.

#21-LINCOLN COUNTY WRITTEN WORKPLACE AND SAFETY PLAN/POLICY

This item concerned the adoption of the LC written workplace and safety plan and policy. The plan and policy were provided to the county by POOL/PACT and were reviewed and revised by county departments/employees setting forth workplace safety standards and requirements. DA Dylan Frehner outlined the safety committee and

their work on this. This will be a living document, amended as changes are required. Dylan will start organizing trainings in conjunction with POOL/PACT. They'll also be doing inspections of the various county buildings and departments. POOL/PACT will also do assessments. The goal is to avoid OSHA issues in the future. This is the first step in moving the safety standards forward. We will have fire extinguisher training for all employees. Many of the trainings will be provided online. **Mike made a motion to accept the resolution adopting the workplace and safety plan/policy; seconded by Janine. All voted in favor.**

#22-POLICY FOR DISPOSAL OF COUNTY PROPERTY

This item was tabled.

#23-QUARTERLY JAIL TOUR

Janine and Diane took the quarterly jail tour after the last Commission meeting. Last fire inspection was 9-22-24. The industrial fridge isn't work. They're putting the finishing touches on the plumbing drains. They've had some mice. The IT room needs to be cleaned up and organized. No action was taken on this item.

#24-OFFICER/DEPARTMENT HEAD REPORTS

Clerk Lisa Lloyd reported she will be attending the annual elections conference next week. Commissioners' Administrative Assistant/Grants Administrator Denice Brown received an email from Michele Bybe of SNPLMA; they need the county to appoint someone to the PTNA (parks, trails, and natural areas) group but they don't want any elected officials. Denice and Keith will take part in the SNPLMA meeting this Wednesday regarding their operations. There is a USDA compliance audit on 12-12. Denice will be gone on 12-5 and 12-19. Assessor Cydney Dwire has a meeting with GSA tomorrow to finish and get the rolls closed. They will then print assessment notices, which should be out this week. Planning/Building Director Cory Lytle reported they're working on fix ups at the Thompson Opera House. They'll be replacing the deck there as well. Someone stole some of the lumber that was there. Cory met with the Solid Waste crew concerning the transfer to the Western Elite Landfill. Routes are going to be shifted a bit, and personnel will be potentially moved to four ten-hour days. Cory is going to try and take a trip down there. Cory hasn't heard anything from Western Elite; the permit application is sitting on NDEP's desk. Cory meets with NDEP concerning the local sites and burn permits. There are some grants available for solid waste that Cory will be looking into. Cory will be looking into getting a grant for the redesign. Cory wants to tackle the master plan again. District Attorney Dylan Frehner reported Wayne is still working on Vertical Bridge to reach an agreement.

#25-COMMISSIONER REPORTS

Commissioner Keith Pearson attended a Habitat Conservation meeting. Commissioner Mike Reese attended the Alamo Town Board meeting in addition to both NACO meetings, public lands and general conference. The next NACO conference will be in Las Vegas. There were only three applications for NACO public lands director. SLUPAC doesn't have a director. Mike spoke to NV Dunes and Trails a couple of weeks ago; their main concern is about stopping/controlling renewable energy. Mike reminded them the voters passed the question about renewable energy by 2030. Mike attended the LC Coalition meeting; he had the attendees fill out the behavioral needs survey put on by the state. LC has a Boys and Girls Club; there are 122 people registered. They're trying to move to Alamo as well. Boys and Girls Club gives out an \$11,000 scholarship. Mike met with Senior Nutrition; the assistant has resigned. The HSUS is presenting a petition to NDOW to outlaw coyote calling contests. This is the sixth time in eight years it's been heard. We are a trophy hunting county but we haven't had representation at the NDOW meetings in three years. Mike will be looking for people to attend the state meetings when reappointments come up. There are seven counties in the state that don't allow people to pick up shed antlers during certain periods of the year. "If you don't have a seat at the table, you're an item on the menu". Mike is fearful about the regulations NDOW will put on us. He wants to see 10% of regulations cut in the state and he has a couple of recommendations. There are some regulations that hurt us because our county is so small. Our deer population in NV is at an all-time low. We have less than 60,000. NDOW doesn't want to address predation. They're not trying to outlaw coyotes, they're trying to outlaw hunting them with your friends. NDOW should get involved in things that make a difference. Mike wants to see if there are things that would benefit our county that the Governor would be willing to look at to make our county friendlier. Tonight is the tree lighting in both Pioche and Panaca. One person is applying to the wildlife board here that has given commitment to travel. Commissioner Diane Path met with the Gem Theater friends. The sewer line issue has to be taken care of first before anything else can be done. Diane continues to work on E911. Diane corresponded with Dylan regarding the USPS lease

in Panaca; she will leave this up to Keith to take care of since this is his jurisdiction. Diane met with White Pine County concerning Commissioners attending a meeting in January. Diane spent time getting information for the ECA symposium in March. Diane did the two NACO surveys. Commissioner Janine Woodworth attended the Pioche Chamber of Commerce meeting. She continues to work with Jennifer at NACO on increasing the DMV fees we receive. Janine also met with the friends of the Gem in addition to county employees. Diane and Janine did the quarterly jail tour. Janine is still working on emails with one of the Nye County commissioners concerning the MOA for EMS. Mike suggested Janine reach out to Ron Boscovich. Commissioner Varlin Higbee has been appointed to the Wild Horse and Burro commission. He has a meeting in January. Varlin has been asked to serve on the Department of Agriculture board again; they'll meet on 12-6. Amy Hinde Sutherland's job is going to be made permanent; each county will pay a bit more in dues.

#26-PUBLIC COMMENT

Varlin called for public comment. Cory Lytle will meet at the Conservation District for the local working group tomorrow. He asked for flood plain projects. DA Dylan Frehner advised Pioche Town hasn't purchased any bit of Lime Hill.

#27-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 12:55 p.m.

Attest: _____ Approve: _____