

1 The Honorable Board of Lander County Commissioners met in
2 special session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on April 7, 2016, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **SEAN BAKKER, COMMISSIONER**
9 **ART CLARK III, COMMISSIONER**
10 **DOUG MILLS, COMMISSIONER**
11 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
12 **SADIE SULLIVAN, COUNTY CLERK**
13 **THEODORE HERRERA, DISTRICT ATTORNEY**
14

15 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**
16

17 (Let the record reflect the presence of a quorum of four
18 commissioners. Let the record reflect the presence of Austin
19 via teleconference.)
20

21 CHAIRMAN BAKKER: I would like to call this meeting to
22 order, Lander County Commissioners' meeting, Town Board of
23 Battle Mountain, and Austin Board of Highway Commissioners,
24 April 7th, 2016.

25 Patsy will you lead us in the pledge.

26 COMMISSIONER WAITS: Thank you. Please join me.
27

28 (Pledge of Allegiance)
29

30 CHAIRMAN BAKKER: Thank you.

31 Can I have a -- there's no moment of silence on here.

32 Okay.
33
34

35 AGENDA NOTICE 36

37 CHAIRMAN BAKKER: Discussion for possible action regarding
38 approval of agenda notice.

39 COMMISSIONER WAITS: I would like to amend the agenda
40 notice so that it does reflect that we have Austin via our

1 teleconference or --

2 CHAIRMAN BAKKER: Okay.

3 COMMISSIONER WAITS: -- telephone. And then I make a
4 motion that we approve the amended agenda.

5 COMMISSIONER MILLS: Second.

6 CHAIRMAN BAKKER: Patsy made the motion. Doug seconded it.
7 Any public comment?

8 (No comment.)

9 CHAIRMAN BAKKER: All those in favor?

10 COMMISSIONER MILLS: Aye.

11 CHAIRMAN BAKKER: Aye.

12 COMMISSIONER WAITS: Aye.

13 COMMISSIONER CLARK: Aye.

14
15
16 **PUBLIC COMMENT**

17
18 CHAIRMAN BAKKER: Public comment for non-agendized items
19 only.

20 Persons are invited to submit comments in writing and/or
21 attend and make comments on any agenda item at the board
22 meeting. All public comment may be limited to three minutes per
23 person at the discretion of the board. Reasonable restrictions
24 may be placed on public comment based upon time, place, and
25 manner, but public comment based upon viewpoint may not be
26 restricted.

27 Any public comment?

28 KEITH WESTENGARD: Commissioner Bakker.

29 CHAIRMAN BAKKER: Yep.

30 KEITH WESTENGARD: Real quick, I just wanted to let the
31 commission know that I've received an e-mail from -- the other
32 day -- from Commissioner Clark. Clifford -- and I -- forgive
33 me -- but it's Cichowlaz. Is that how it's pronounced?

34 COMMISSIONER CLARK: What?

35 KEITH WESTENGARD: The commissioner from --

36 COMMISSIONER CLARK: Oh, Min- -- Mineral County.

37 KEITH WESTENGARD: -- Mineral County that passed away. He
38 passed away March 18th. So just like to make everybody aware of
39 that.

40 COMMISSIONER WAITS: Thank you.

1 CHAIRMAN BAKKER: Okay. Thanks, Keith.
2 Any other public comment?
3 (No comment.)
4
5

6 **PUBLIC HEARING**
7

8 1) **Discussion and possible action regarding the Request for**
9 **Proposals (RFP) for Mountain View Golf Course clubhouse,**
10 **restaurant, and pro shop, and all other matters properly**
11 **related thereto.**
12

13 CHAIRMAN BAKKER: Okay. Public hearing. Discussion and
14 possible -- Number 1, discussion and possible action regarding
15 the request for proposals, RFP, for Mountain View Golf Course
16 clubhouse, restaurant, and pro shop, and all other matters
17 properly related thereto.

18 KEITH WESTENGARD: You should all have a copy of an RFP
19 that was put together over the last couple of weeks for your
20 review. And once it's approved, we do have a -- a scheduled
21 walk April 21st, a mandatory scheduled walk April 21st.

22 If you have any questions on that -- everybody did get a
23 copy of it.

24 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
25 And I do not have a copy in the packet.

26 COMMISSIONER CLARK: Ted, did you review this?

27 DISTRICT ATTORNEY HERRERA: I reviewed -- yes, I reviewed
28 it.

29 COMMISSIONER CLARK: Okay.

30 COMMISSIONER WAITS: So do we need a request for proposal
31 number on here?

32 KEITH WESTENGARD: One -- once it's finalized with any
33 changes, we'll get the number.

34 I just didn't want to get a number and then have to make a
35 bunch of changes or additions or subtractions.

36 CHAIRMAN BAKKER: Austin doesn't have one.

37 KEITH WESTENGARD: Probably faxed it.

38 CHAIRMAN BAKKER: Did you?

39 KEITH WESTENGARD: Let me find out. I thought we faxed one
40 down.

1 Be right back.

2 COMMISSIONER WAITS: So do we need to have any dates on the
3 actual request for proposal when it goes out? Like --

4 COMMISSIONER BAKKER: Yeah, and I think the reason why
5 they're blank is because Keith will fill them in after we
6 approve it and it's amended. Because it's based on being posted
7 for two weeks and everything like that.

8 COMMISSIONER WAITS: But I meant, like, the time frame.
9 Like is it for a year? Two years?

10 CHAIRMAN BAKKER: Oh, well, that's what we need to come up
11 with, whatever you guys want to do.

12 I was thinking until the end of year though.

13 COMMISSIONER WAITS: On the other hand, if you're going
14 into something, it's kind of nice to know maybe it would be a
15 little bit more long term. I --

16 CHAIRMAN BAKKER: Two.

17 COMMISSIONER WAITS: I --

18 CHAIRMAN BAKKER: Two years.

19 COMMISSIONER WAITS: -- I have no objection to the two
20 because we have a 30-day termination right -- at -- at any time
21 if something doesn't work out. But at least they have an idea
22 --

23 DISTRICT ATTORNEY HERRERA: Yeah.

24 COMMISSIONER WAITS: -- instead of just a few months.

25 CHAIRMAN BAKKER: Right.

26 COMMISSIONER WAITS: I'm good with that. I mean, we could
27 be giving up other positions and other opportunities to do that
28 so...

29 DISTRICT ATTORNEY HERRERA: With -- with -- with the
30 understanding that the first year's going to different than
31 second one.

32 COMMISSIONER WAITS: Yes.

33 DISTRICT ATTORNEY HERRERA: Because of the partial year.

34 COMMISSIONER WAITS: Well, the time frame, yes.

35 DISTRICT ATTORNEY HERRERA: Yeah.

36 CHAIRMAN BAKKER: Yeah.

37 We need to direct Keith to put that -- or amend that.

38 KEITH WESTENGARD: Do you have my copy? Do you have my
39 copy?

40 Thanks.

1 DISTRICT ATTORNEY HERRERA: It's just --
2 COMMISSIONER WAITS: I just have a quick question in case I
3 might have missed it and going over it quickly. Are they giving
4 us an accounting on a monthly basis? or 60 days? or --
5 KEITH WESTENGARD: It's done monthly and then turned in to
6 the treasurer as well. Thanks.
7 COMMISSIONER WAITS: And with that --
8 DISTRICT ATTORNEY HERRERA: Put it in the terms on a weekly
9 basis.
10 KEITH WESTENGARD: Was it good we changed that to weekly?
11 CHAIRMAN BAKKER: Yeah. It's weekly.
12 KEITH WESTENGARD: All right. On my -- weekly.
13 COMMISSIONER WAITS: Weekly?
14 KEITH WESTENGARD: Yes.
15 COMMISSIONER WAITS: Thank you.
16 KEITH WESTENGARD: To the treasurer.
17 COMMISSIONER WAITS: I -- I take it it's always that --
18 that area that we have covered to make sure they're not an
19 employee and -- and so we can't give them direct hours and
20 things like that.
21 So for legal opinion then, with the way that it's worded
22 seven days a week, dusk till dawn, that's not directing them? You
23 don't think we're still okay with the rest of the --
24 DISTRICT ATTORNEY HERRERA: We --
25 COMMISSIONER WAITS: -- way we've written it?
26 DISTRICT ATTORNEY HERRERA: We're okay directing them to
27 have the -- have the county-owned golf course open from dusk
28 till dawn.
29 When they open up their business is up to them.
30 COMMISSIONER WAITS: Okay.
31 DISTRICT ATTORNEY HERRERA: As long as the pro shop and the
32 golf course is open from dusk to dawn. But their business, they
33 can keep it --
34 COMMISSIONER WAITS: Open at noon --
35 DISTRICT ATTORNEY HERRERA: Yeah.
36 COMMISSIONER WAITS: -- if they please. Okay.
37 COMMISSIONER MILLS: I have a question on -- under scope of
38 service, Number 3.
39 Full-time manager shall be responsible for the maintenance of
40 the driving range. Is that to include mowing in that --

1 DISTRICT ATTORNEY HERRERA: No.
2 COMMISSIONER MILLS: -- maintenance?
3 COMMISSIONER WAITS: No.
4 DISTRICT ATTORNEY HERRERA: They have to take -- matter of
5 fact, if you continue on, --
6 COMMISSIONER MILLS: It talks about --
7 DISTRICT ATTORNEY HERRERA: -- Commissioner, --
8 COMMISSIONER MILLS: -- clean- -- it talks about cleaning
9 up.
10 DISTRICT ATTORNEY HERRERA: It -- it -- it's --
11 COMMISSIONER MILLS: So --
12 DISTRICT ATTORNEY HERRERA: -- to remove the balls -- the
13 balls so that the county can mow the lawn.
14 COMMISSIONER MILLS: Okay. Because if it talks in here --
15 couple times -- about responsible for maintaining the putting
16 green, I jus twant to be sure that doesn't include mowing.
17 DISTRICT ATTORNEY HERRERA: No.
18 COMMISSIONER MILLS: Okay.
19 COMMISSIONER MILLS: (Indiscernible.)
20 CHAIRMAN BAKKER: There was a typo.
21 COMMISSIONER WAITS: So if the manager decides to keep this
22 open longer than our -- the county has the golf course, he can
23 continue -- or she can continue to run the business all year
24 long if they choose to. Right?
25 DISTRICT ATTORNEY HERRERA: That -- that's the whole idea
26 behind it. So they can make a money-making business.
27 COMMISSIONER WAITS: Okay.
28 DISTRICT ATTORNEY HERRERA: So they're not just in --
29 collecting our fees and then later come back and say, I'm an
30 employee of the county.
31 COMMISSIONER WAITS: Well, that's why I asked about the
32 rest.
33 DISTRICT ATTORNEY HERRERA: Right.
34 COMMISSIONER WAITS: I want to be sure on the employee --
35 DISTRICT ATTORNEY HERRERA: Right.
36 COMMISSIONER WAITS: -- status. Yes. Thank you.
37 COMMISSIONER MILLS: Okay. Also on scope of services,
38 Number 9 and 10. Nine says that the full-time manager shall
39 bear all expense for the operation of the clubhouse facility and
40 services.

1 But in 10, it says the county's going to pay the utilities.
2 DISTRICT ATTORNEY HERRERA: Right.
3 COMMISSIONER MILLS: So the -- the leasee's not going to
4 pay the utilities on the building?
5 DISTRICT ATTORNEY HERRERA: We have three buildings out
6 there, Commissioner, two of them that -- that the manager does
7 not manage.
8 COMMISSIONER MILLS: Right.
9 DISTRICT ATTORNEY HERRERA: And --
10 COMMISSIONER MILLS: It's -- it's all on the same --
11 DISTRICT ATTORNEY HERRERA: It's --
12 COMMISSIONER MILLS: -- meter?
13 DISTRICT ATTORNEY HERRERA: -- all on the same meter.
14 COMMISSIONER MILLS: Okay.
15 DISTRICT ATTORNEY HERRERA: So -- so the -- in the
16 development of this, it was thought that it would be far easier
17 for the county to maintain that -- that part of it itself and
18 make it up in -- in the -- the actual monthly --
19 CHAIRMAN BAKKER: The rental fees.
20 DISTRICT ATTORNEY HERRERA: -- fees, rental fees.
21 COMMISSIONER MILLS: Okay.
22 DISTRICT ATTORNEY HERRERA: The lease fees.
23 COMMISSIONER CLARK: Do we have any figures on what we
24 think it would cost?
25 DISTRICT ATTORNEY HERRERA: I -- I believe there has been
26 some figures, but that's --
27 CHAIRMAN BAKKER: The utilities, Art?
28 DISTRICT ATTORNEY HERRERA: But I don't know them.
29 CHAIRMAN BAKKER: Is that what you're asking? How much the
30 utilities are going to be?
31 For the clubhouse, it's roughly 8-, \$900 a month.
32 COMMISSIONER CLARK: Wow.
33 CHAIRMAN BAKKER: If you want to divide it up evenly.
34 Right now -- because it's \$2400 a month divided by three.
35 So --
36 COMMISSIONER CLARK: Wow.
37 CHAIRMAN BAKKER: Now one of those buildings are -- is the
38 cart barn. And they're plugged in to electricity too, so...
39 COMMISSIONER MILLS: Okay. I don't have any more
40 questions.

1 CHAIRMAN BAKKER: Patsy?

2 COMMISSIONER WAITS: I'm set. Thank you.

3 CHAIRMAN BAKKER: There's some things we need to figure
4 out.

5 What's the length of the term of the lease? Patsy was
6 thinking two years. What are you thinking? It's got a 30-day
7 clause in it.

8 COMMISSIONER MILLS: Are we going to go out next year and
9 try to get the whole golf course leased out, not just the
10 clubhouse?

11 CHAIRMAN BAKKER: That would be the idea, but any
12 suggestions?

13 DISTRICT ATTORNEY HERRERA: Commissioner, I -- I don't have
14 any suggestions because I -- that's not my area. But I can
15 point out legally that if you do a two-year or three-year
16 contract now, you can still go out for the rest of it and --
17 and -- and put the two together at any time you want.

18 I mean, it's just a matter of writing up legal papers. That
19 is my area.

20 COMMISSIONER CLARK: We could also address that in
21 negotiations; right?

22 DISTRICT ATTORNEY HERRERA: Yes.

23 So -- so if you want to make somebody -- you want
24 participants to say, Yeah, I'd like to try to make this a
25 business. And -- and as Commissioner Waits points out that
26 offering a two-year rather than an eight-month or a six-month
27 is -- is -- is going to catch more fish, if you will.

28 CHAIRMAN BAKKER: Right. So term's a two-year contract?
29 Are you in agreeance?

30 COMMISSIONER WAITS: I'm fine with that.

31 CHAIRMAN BAKKER: Doug? Art?

32 COMMISSIONER MILLS: That's fine.

33 COMMISSIONER CLARK: Sounds good.

34 CHAIRMAN BAKKER: And then the other thing is a lease
35 amount. Rental amount.

36 Should there be a minimum or should we just put it out and
37 see what we get back?

38 DISTRICT ATTORNEY HERRERA: Legally, you should have a
39 minimum and -- and then -- if people want to -- when they put in
40 their bids, they're going to put in their bids. But you need to

1 establish a minimum dollar amount.
2 COMMISSIONER MILLS: How -- how big is that building again?
3 It's like --
4 KEITH WESTENGARD: Twenty --
5 JEANNE FALZONE: 2100 square feet.
6 KEITH WESTENGARD: -- one hundred.
7 COMMISSIONER MILLS: 2100 square feet? And the -- we
8 determine the going rate's about 75 cents a square foot?
9 KEITH WESTENGARD: Yeah. Based on the appraisals that we
10 got on our previous buildings from a commercial appraiser, he
11 put a fair market value at about 75 cents a square foot for
12 those buildings that we had appraised, the courthouse and old
13 admin building and so forth.
14 DISTRICT ATTORNEY HERRERA: I would suggest, legally, that
15 the minimum at least cover the electric bills.
16 COMMISSIONER CLARK: Yeah.
17 COMMISSIONER MILLS: Right.
18 CHAIRMAN BAKKER: That's what I was thinking, --
19 COMMISSIONER MILLS: So --
20 CHAIRMAN BAKKER: -- 800.
21 COMMISSIONER MILLS: -- 800 to a thousand a month?
22 CHAIRMAN BAKKER: Uh-huh.
23 COMMISSIONER MILLS: Something like that? Somewhere --
24 CHAIRMAN BAKKER: Yep.
25 COMMISSIONER MILLS: -- in that range? Because it includes
26 the stuff outside too and includes the -- the driving range and
27 the --
28 DISTRICT ATTORNEY HERRERA: Yes.
29 COMMISSIONER MILLS: -- putting --
30 CHAIRMAN BAKKER: And all the --
31 COMMISSIONER MILLS: -- green --
32 CHAIRMAN BAKKER: -- equipment.
33 COMMISSIONER MILLS: -- that would be used.
34 CHAIRMAN BAKKER: Yeah. What's your thoughts, Patsy?
35 COMMISSIONER WAITS: What -- what kind of initial costs
36 would they have coming in? Are they buying some of the golf
37 carts or something? Or any of the equipment inside that -- that
38 we don't own that they'd have to buy and --
39 KEITH WESTENGARD: One of the terms is that they would have
40 six golf carts that they would -- would have available to rent

1 out. Other than that, it's up to whoever would get the --
2 DISTRICT ATTORNEY HERRERA: Well, and balls.
3 COMMISSIONER MILLS: And -- and --
4 KEITH WESTENGARD: And balls. You're right. Balls.
5 CHAIRMAN BAKKER: Balls for the driving range?
6 KEITH WESTENGARD: For the driving range.
7 COMMISSIONER MILLS: I think it said something about
8 putters and some --
9 DISTRICT ATTORNEY HERRERA: Yeah, and --
10 COMMISSIONER MILLS: -- rental clubs.
11 DISTRICT ATTORNEY HERRERA: But -- but since it's a lease,
12 it's my understanding, Commissioner Waits, that -- that
13 everything is going to be provided by the county conveyed in the
14 restaurant and clubhouse.
15 Like the stove, the --
16 KEITH WESTENGARD: The tables, chairs.
17 DISTRICT ATTORNEY HERRERA: Refrigeration, table and
18 chairs.
19 COMMISSIONER WAITS: So it wouldn't be a huge cost for them
20 coming in to --
21 DISTRICT ATTORNEY HERRERA: No, it would be --
22 COMMISSIONER WAITS: -- purchase all the --
23 DISTRICT ATTORNEY HERRERA: -- it would be almost no --
24 COMMISSIONER WAITS: Okay.
25 DISTRICT ATTORNEY HERRERA: -- except -- except to --
26 COMMISSIONER MILLS: Yeah.
27 DISTRICT ATTORNEY HERRERA: -- stock the alcohol, if
28 they're selling alcohol.
29 CHAIRMAN BAKKER: Or food.
30 DISTRICT ATTORNEY HERRERA: And so --
31 CHAIRMAN BAKKER: Usually the vendors supply the soda
32 machines. Golf carts can be leased. Plus they make the money
33 back on the golf carts. So...
34 COMMISSIONER WAITS: Okay. I was looking to kind of get
35 an idea -- idea with somebody coming in. So we have never
36 leased this out before.
37 DISTRICT ATTORNEY HERRERA: Never.
38 COMMISSIONER WAITS: I guess my concern is I -- I want
39 somebody in there that -- that truly is going to be able to make
40 it and do well.

1 And -- I -- I'd like to keep it as easy as we can since it's
2 not going to be costing us the money that it has previously.
3 So I'd like to keep it as low as we can going in.
4 CHAIRMAN BAKKER: So what's your number?
5 COMMISSIONER WAITS: However you feel.
6 CHAIRMAN BAKKER: So what's your number?
7 COMMISSIONER WAITS: I haven't thought of one yet. What's
8 your number? You were -- you were the 800.
9 CHAIRMAN BAKKER: My number is whatever you guys decide.
10 COMMISSIONER MILLS: So I'm thinking 800 to \$1,000 a month
11 range. That's a reasonable rent for that much.
12 CHAIRMAN BAKKER: Well, and they'll put in their bids.
13 COMMISSIONER MILLS: Yeah.
14 CHAIRMAN BAKKER: And wherever they come in, they come in.
15 COMMISSIONER WAITS: Yeah, but we're looking for a minimum
16 bid.
17 DISTRICT ATTORNEY HERRERA: Yes.
18 COMMISSIONER MILLS: A minimum, yeah.
19 COMMISSIONER WAITS: And then it will go and be looked at
20 accordingly with the qualifications and what they're paying per
21 month. So, I mean, we'll hopefully get some that we get a
22 chance to look at. But I'd like to go a little bit lower for a
23 minimum and let them do their work and see what they can do --
24 CHAIRMAN BAKKER: Yeah, --
25 COMMISSIONER WAITS: -- to --
26 CHAIRMAN BAKKER: -- because they'll --
27 COMMISSIONER WAITS: -- put it together.
28 CHAIRMAN BAKKER: -- come in higher.
29 Six?
30 COMMISSIONER WAITS: Six?
31 COMMISSIONER MILLS: Six?
32 KEITH WESTENGARD: Okay.
33 COMMISSIONER MILLS: All right.
34 KEITH WESTENGARD: Whatever you'd like.
35 COMMISSIONER BAKKER: State your name.
36 CHARLIE VAUGHN: Charlie Vaughn.
37 I'm not sure this is the proper time to ask questions or
38 not.
39 DISTRICT ATTORNEY HERRERA: You need to open it up for the
40 -- Mr. Ch- --

1 CHAIRMAN BAKKER: Public comment. Oh, --
2 DISTRICT ATTORNEY HERRERA: Yes.
3 CHAIRMAN BAKKER: -- yeah. When -- when we get to public
4 comment here in a minute.
5 CHARLIE VAUGHN: Okay.
6 CHAIRMAN BAKKER: Sorry.
7 CHARLIE VAUGHN: Will that be before or after the
8 decision's made?
9 COMMISSIONER WAITS: Before.
10 CHAIRMAN BAKKER: Before.
11 COMMISSIONER WAITS: Before -- before the vote.
12 COMMISSIONER MILLS: It'll be before the vote.
13 (Applause from the audience.)
14 CHAIRMAN BAKKER: So are --
15 COMMISSIONER MILLS: Any other --
16 CHAIRMAN BAKKER: -- is there any other questions on the
17 RFP besides what we've already discussed?
18 COMMISSIONER MILLS: No, looks -- looks good.
19 CHAIRMAN BAKKER: Patsy?
20 COMMISSIONER WAITS: I'm okay.
21 CHAIRMAN BAKKER: Art?
22 COMMISSIONER CLARK: Sounds good.
23 CHAIRMAN BAKKER: Okay. I need to -- I need a motion to
24 approve the RFP with the amendments.
25 COMMISSIONER MILLS: I'll make a motion to approve the RFP
26 with the stated amendment.
27 CHAIRMAN BAKKER: I have a motion.
28 COMMISSIONER WAITS: I'll second the motion.
29 CHAIRMAN BAKKER: Doug made the motion. Patsy seconded it.
30 Any public comment?
31 CHARLIE VAUGHN: Thank you.
32 CHAIRMAN BAKKER: State your name, please.
33 CHARLIE VAUGHN: Charlie Vaughn from Austin.
34 Just listening to the discussion -- I wasn't here on the
35 first part of it, but it talked about the current power bill
36 running about 800 a month. Did I understand that correct?
37 If you're going to be leasing it out, I'm assuming there's
38 going to be an increase of use. That would be the -- obviously
39 the goal. So we -- could we not expect the power bill to be
40 higher? And so it would seem that you'd want to raise your

1 minimum up at least to cover the cost to the county.
2 CHAIRMAN BAKKER: That is the cost when it's --
3 CHARLIE VAUGHN: Yes.
4 CHAIRMAN BAKKER: -- being used.
5 CHARLIE VAUGHN: Okay.
6 CHAIRMAN BAKKER: The 800 is the cost when it's being used.
7 CHARLIE VAUGHN: Okay.
8 COMMISSIONER WAITS: But we were looking at 600?
9 CHAIRMAN BAKKER: Yeah.
10 COMMISSIONER WAITS: But --
11 CHAIRMAN BAKKER: And all we're doing is setting a minimum.
12 And then -- then they'll come in with their bids, which should
13 be higher if they want -- really want the building.
14 CHARLIE VAUGHN: Okay. Thank you.
15 CHAIRMAN BAKKER: Thank you.
16 Any other public comment?
17 JUDIE ALLEN: Judie Allen.
18 Just kind of listening to a little discussion behind me.
19 And I agree. I think that if you have a minimum or you have a
20 set power bill rate -- you're estimating 800 -- I don't believe
21 you really should set the minimum below that, because you want
22 to cover at least your costs.
23 And whether or not they -- they do come in higher, that's a
24 bonus.
25 But if they did come in at a lower rate, then the county's
26 still at a loss there. You know, we're still absorbing some of
27 their costs.
28 Plus, if you're going to maintain the utilities throughout
29 the winter, you know, you're covering that also.
30 So as -- as an opinion from the public, I think that it
31 should be at least the -- the electricity costs for a minimum.
32 CHAIRMAN BAKKER: Thank you, Judie.
33 JUDIE ALLEN: Thank you.
34 CHAIRMAN BAKKER: Any other public comment?
35 COMMISSIONER WAITS: Just to comment on Judie's because I
36 certainly a- -- appreciate your concerns because I know you're
37 speaking for a lot of -- a lot of people that are here. And I
38 guess my background is at least we don't have to pay somebody to
39 take this over, and I'm so happy about that.
40 I just really am looking for people to be encouraged about

1 it, say, I can do this. I can make it a go. And it's a win/win
2 for everybody.

3 So even -- even if we had to cover a little bit, it
4 wouldn't be as certainly as much as it has been in the past.
5 And -- and it would give us a good start. And I guess that's
6 where I'm coming from on it.

7 CHAIRMAN BAKKER: Saving about eight grand.

8 KEITH WESTENGARD: So just to be clear before you vote, a
9 two-year lease --

10 CHAIRMAN BAKKER: Thirty-day clause.

11 KEITH WESTENGARD: -- and a \$600 min- -- with a clause as
12 we've done in the past, and then a \$600 minimum. Okay.

13 CHAIRMAN BAKKER: Any other public --

14 COMMISSIONER MILLS: There --

15 CHAIRMAN BAKKER: -- comment?

16 COMMISSIONER MILLS: There's got be more public comment
17 because this has been a hot topic in town.

18 CHAIRMAN BAKKER: I guess not.

19 COMMISSIONER MILLS: Nothing?

20 All right.

21 CHAIRMAN BAKKER: All those in favor?

22 COMMISSIONER MILLS: Aye.

23 CHAIRMAN BAKKER: Aye.

24 COMMISSIONER WAITS: Aye.

25 COMMISSIONER CLARK: Aye. Aye.

26
27 **2) Discussion for possible action to modify and/or renew a lease**
28 **of the civic center between Lander County and Lander County**
29 **Convention and Tourism by joint resolution and/or develop a**
30 **transition plan for Lander County to take over the operations**
31 **of the civic center, and all other matters properly related**
32 **thereto.**
33

34 CHAIRMAN BAKKER: Okay. Moving on.

35 Number 2, discussion for possible action to modify or renew a
36 lease of the civic center between Lander County and Lander County
37 Convention and Tourism by joint resolution or develop a
38 transition -- transition plan for Lander County to take over the
39 operation of the civic center, and all other matters properly
40 related thereto.

1 RICHARD RIPLEY: Richard Ripley, chairman of Lander County
2 Convention and Tourism.

3 PAULA TOMERA: Paula Tomera, executive director of Lander
4 County Convention and Tourism.

5 CHAIRMAN BAKKER: Good morning.

6 PAULA TOMERA: Good morning.

7 RICHARD RIPLEY: Good morning. It's good to finally be
8 here.

9 DEBRA AMENS: And just for the record, Debra Amens, in case
10 there's any comment.

11 COMMISSIONER WAITS: Counselor, you may certainly pull up a
12 chair --

13 DISTRICT ATTORNEY HERRERA: Yeah.

14 COMMISSIONER WAITS: -- alongside so...

15 DISTRICT ATTORNEY HERRERA: Here. One of these over here.

16 COMMISSIONER WAITS: Thank you.

17 DEBRA AMENS: Sitting at the table.

18 RICHARD RIPLEY: So real quick, I think the best place to
19 start is the agreement that is in place in theory right now was
20 from 2011. It expired in 2014. And now we're a month done.

21 So I don't know what changes you guys want to make to that.
22 That one seems fine to us. Put it on a five-year and we'll go
23 away.

24 COMMISSIONER WAITS: On a personal basis, I'm -- I'm fine
25 with it.

26 I'm -- I'm sorry we messed up the time frames too so it
27 wasn't done more timely.

28 I think it's brought a lot of, certainly, concern and --
29 and undue hardship and a lot of -- a lot of ways it perhaps
30 should not have. But I'm in favor of it. And I don't recommend
31 any changes.

32 COMMISSIONER MILLS: Well, you and I have talked about
33 this, Rich, some time ago.

34 RICHARD RIPLEY: Right.

35 COMMISSIONER MILLS: And -- and most of my feelings on it
36 haven't changed a whole lot.

37 I don't mind you guys keeping the civic center with some
38 changes made to it. I think you guys could take more
39 responsibility in some of the utilities and some of the other
40 things pertaining to the building.

1 RICHARD RIPLEY: Which is odd coming from you, because when
2 we were having that talk, you thought our money should be spent
3 elsewhere.

4 COMMISSIONER MILLS: Right.

5 RICHARD RIPLEY: So --

6 COMMISSIONER MILLS: And that's -- and I still think that.
7 I think --

8 RICHARD RIPLEY: Okay.

9 COMMISSIONER MILLS: I think --

10 RICHARD RIPLEY: Just checking.

11 COMMISSIONER MILLS: -- and this goes back to, again, to
12 our conversation that the --

13 RICHARD RIPLEY: Right.

14 COMMISSIONER MILLS: -- the focus of Convention and Tourism
15 in my mind should be putting ely.

16 COMMISSIONER MILLS: And the civic center's not doing that.

17 RICHARD RIPLEY: Well, the promotion of the civic center,
18 the events we hold, we feel does do that.

19 COMMISSIONER MILLS: Okay.

20 RICHARD RIPLEY: That's --

21 COMMISSIONER MILLS: And --

22 RICHARD RIPLEY: -- that's why --

23 COMMISSIONER MILLS: -- I think --

24 RICHARD RIPLEY: That was how it originally started. That
25 was the whole mission. We -- way before me, we built the
26 building, turned it over.

27 When we got on the board, it was just a building that sits
28 there empty half the time. So our thought was, we -- we need to
29 use that building to promote tourism and heads in beds. So that's
30 why we came to the past commission and wanted to facilitate it.
31 And we feel that it's worked.

32 So --

33 COMMISSIONER MILLS: Well, --

34 RICHARD RIPLEY: -- I --

35 COMMISSIONER MILLS: -- when I --

36 RICHARD RIPLEY: don't know.

37 COMMISSIONER MILLS: -- when I came and talked to you, I
38 asked you what -- what percentage of your activities are coming
39 back to you in revenue? And you said, maybe 5 percent.

40 RICHARD RIPLEY: Of the -- the people that use the civic

1 center?
2 COMMISSIONER MILLS: No, of your activities in general.
3 RICHARD RIPLEY: Right. But we only hold two.
4 COMMISSIONER MILLS: Right.
5 RICHARD RIPLEY: Yeah.
6 COMMISSIONER MILLS: Well, part of your activities are
7 running the civic center.
8 RICHARD RIPLEY: Correct. And we feel --
9 COMMISSIONER MILLS: But --
10 RICHARD RIPLEY: -- that's a service to you guys. I mean,
11 you're --
12 COMMISSIONER MILLS: Right.
13 RICHARD RIPLEY: -- that's a huge expense to us that we
14 probably shouldn't have. So we're providing a service to the
15 commission or the people of Lander County.
16 COMMISSIONER MILLS: Right.
17 RICHARD RIPLEY: Because it doesn't --
18 COMMISSIONER MILLS: I understand --
19 RICHARD RIPLEY: -- cost you.
20 COMMISSIONER MILLS: -- that.
21 RICHARD RIPLEY: Yeah, so --
22 COMMISSIONER MILLS: But that's where my focus is more on
23 that you guys should be more focused on the heads-in-beds
24 concept in -- in -- in promoting the town that --
25 RICHARD RIPLEY: And --
26 COMMISSIONER MILLS: -- way.
27 RICHARD RIPLEY: -- absolutely.
28 COMMISSIONER MILLS: And getting people --
29 RICHARD RIPLEY: And if --
30 COMMISSIONER MILLS: -- to come here.
31 RICHARD RIPLEY: And if -- and if that's what you guys
32 decide, --
33 COMMISSIONER MILLS: Now --
34 RICHARD RIPLEY: -- that's why we just needed to have this
35 meeting is --
36 COMMISSIONER MILLS: Right.
37 RICHARD RIPLEY: -- so everybody can decide for us --
38 COMMISSIONER MILLS: Right.
39 RICHARD RIPLEY: -- where they want us to be. And if
40 that's what you guys decide, we're fine with that. You can have

1 all the --
2 COMMISSIONER MILLS: Well, --
3 RICHARD RIPLEY: -- expenses.
4 COMMISSIONER MILLS: -- no. Let me finish --
5 RICHARD RIPLEY: Okay. There's more.
6 COMMISSIONER MILLS: -- before you jump in there.
7 In our -- in our conversation that we had, you said that you
8 could do both.
9 RICHARD RIPLEY: Uh-huh.
10 COMMISSIONER MILLS: Because, in my view, the civic
11 center's in your way from doing what Convention and Tourism
12 should be doing. It's like a roadblock to you really doing
13 Convention and Tourism -- the tourism stuff.
14 RICHARD RIPLEY: I'm sorry (indiscernible).
15 COMMISSIONER MILLS: Okay. But you told me that you could
16 do both.
17 RICHARD RIPLEY: Uh-huh.
18 COMMISSIONER MILLS: You could run the civic center and
19 help promote the community through the golf course, the ball
20 fields, the racetrack --
21 RICHARD RIPLEY: Absolutely.
22 COMMISSIONER MILLS: -- the livestock events and all --
23 RICHARD RIPLEY: Done it --
24 COMMISSIONER MILLS: -- those kinds of things.
25 RICHARD RIPLEY: -- for 15 --
26 COMMISSIONER MILLS: You said you could --
27 RICHARD RIPLEY: -- years.
28 COMMISSIONER MILLS: -- do both.
29 RICHARD RIPLEY: Yeah.
30 COMMISSIONER MILLS: And as -- as it stands now, you're --
31 you're not really doing a lot of that other stuff. Most of your
32 focus is on the civic center.
33 RICHARD RIPLEY: Yeah, I would disagree.
34 COMMISSIONER MILLS: Okay.
35 RICHARD RIPLEY: So that's your opinion, my opinion --
36 COMMISSIONER MILLS: Well, that was our --
37 RICHARD RIPLEY: Yeah. No.
38 COMMISSIONER MILLS: That was our conver- -- that's what we
39 talked about in our conversation. And that's --
40 RICHARD RIPLEY: Yeah. I -- I fully believe we can do

1 both.
2 COMMISSIONER MILLS: Okay.
3 RICHARD RIPLEY: I fully -- we've been doing this since
4 2001?
5 PAULA TOMERA: One.
6 COMMISSIONER MILLS: And (indiscernible) think it's 2001
7 when you started.
8 But I'd -- I'd like to see more of the -- more of the tourism
9 efforts in the community than the focus on the civic center.
10 But you've said you could do both. And I'd -- I'd really
11 like to see you do both. And --
12 RICHARD RIPLEY: Yeah, me too.
13 COMMISSIONER MILLS: I'm -- I'm not -- I'm not seeing where
14 the both is really happening.
15 RICHARD RIPLEY: Oh. All right. Well, no, that's cool.
16 COMMISSIONER MILLS: And that's -- I'd like to see more
17 emphasis on -- and I -- I talked to you about that.
18 RICHARD RIPLEY: Yeah.
19 COMMISSIONER MILLS: And you --
20 RICHARD RIPLEY: Absolutely.
21 COMMISSIONER MILLS: -- you should --
22 RICHARD RIPLEY: Absolutely.
23 COMMISSIONER MILLS: -- help between -- between these
24 organizations and get them working together and making --
25 RICHARD RIPLEY: Absolutely.
26 COMMISSIONER MILLS: -- some things happen. Make -- make
27 the events that do happen in this town better. Because
28 honestly, a lot of the events this town does, they're good, but
29 they're not really as good as they could be.
30 RICHARD RIPLEY: You're going to have some hostile people,
31 you tell them their events are no good, man.
32 COMMISSIONER MILLS: I didn't say they're no good.
33 RICHARD RIPLEY: Okay, I just --
34 COMMISSIONER MILLS: I said they're good, but they could be
35 better. And I think you guys are where you could really make a
36 lot of events that happen in this community better.
37 And that's where your foc- -- I think that's where your focus
38 should be, --
39 RICHARD RIPLEY: Well, --
40 COMMISSIONER MILLS: -- is really --

1 RICHARD RIPLEY: -- that's right.
2 COMMISSIONER MILLS: -- improving a lot of the events that
3 happen in this community.
4 Because you guys, you've demonstrated that through the
5 chukar feed, where you -- you created that, you developed it,
6 and you've made into a successful event. And you need to share
7 that expertise with a lot of the other people in the community.
8 And I've -- I've been talking with people. I've talked
9 with Jay Fischer at the -- with the golf club. They don't
10 advertise anywhere for any of their events. They don't know how
11 to advertise for their events.
12 And he said he would certainly welcome any help that could be
13 provided to them to help them advertise for their tournaments and
14 events that they do.
15 RICHARD RIPLEY: Right.
16 COMMISSIONER MILLS: Um.
17 PAULA TOMERA: But they've never asked.
18 RICHARD RIPLEY: Yeah, I was going to say, I think we've
19 agreed to do that.
20 COMMISSIONER MILLS: And that's where I'm thinking. Why --
21 why are they having to wait to ask?
22 PAULA TOMERA: Because we don't know who needs the help
23 until they come and ask me.
24 COMMISSIONER MILLS: And that's -- that's because your
25 focus is on the civic center and not in the community.
26 UNIDENTIFIED PARTICIPANT: No.
27 COMMISSIONER MILLS: That's the way I'm seeing it.
28 RICHARD RIPLEY: Right. No. And that's -- that's --
29 COMMISSIONER MILLS: Okay.
30 RICHARD RIPLEY: -- fair. Everybody's entitled.
31 COMMISSIONER MILLS: So that's where I'm thinking that your
32 -- your focus needs to be more on things in the community.
33 Because you certainly should -- I mean, you've got the
34 expertise. You've got the know-how. You've got the knowledge.
35 You've also got the finances. You've got all that tax revenue
36 that you're making to help fund and the advertising --
37 RICHARD RIPLEY: That's what we're there --
38 COMMISSIONER MILLS: -- and helping --
39 RICHARD RIPLEY: -- for. Absolutely.
40 COMMISSIONER MILLS: And I think a lot of the help you can

1 provide isn't by giving them money. It's by helping them.
2 You can -- you can provide the money through -- through
3 advertising, whatever kind of things you could help them with.
4 RICHARD RIPLEY: Right.
5 COMMISSIONER MILLS: But instead of -- instead of just
6 writing them a check, you need to be there helping them. And
7 that -- I don't think you need -- you don't need to run the
8 event. You don't need to --
9 RICHARD RIPLEY: Oh, right.
10 COMMISSIONER MILLS: -- do any of that kind of stuff.
11 That's not your place. But you certainly sh- -- can provide
12 them a lot of help in -- in knowing what to do and how to do it
13 and --
14 RICHARD RIPLEY: Well, --
15 COMMISSIONER MILLS: -- sharing that --
16 RICHARD RIPLEY: -- I think --
17 COMMISSIONER MILLS: -- expertise.
18 RICHARD RIPLEY: -- we do that now. I mean, I guess I'm
19 confused on -- other than, you're right. We don't seek out the
20 groups and say, Come see us. We want to help you. But
21 everybody that comes in front of us, they get our full attention
22 of, Here's the radio people to contact. You know, we do all
23 that for them. You know, we -- we'll even sign the -- or get
24 the contract. I mean, we do all that now. But you're right.
25 We don't seek out the people to go help.
26 COMMISSIONER MILLS: Right.
27 RICHARD RIPLEY: I'll give you that.
28 COMMISSIONER MILLS: And then there's -- there's another
29 aspect of it in -- that I -- in -- you know, this is -- just in
30 my mind, what I think --
31 RICHARD RIPLEY: That's fine.
32 COMMISSIONER MILLS: -- could be happening. And we talked
33 about this is -- is you could -- you could be the facilitator
34 between the golf course and the hotels and -- and working out
35 ways for, you know, if somebody's staying the night, why not do
36 something to get them to stay a little longer? Go do a round of
37 golf.
38 RICHARD RIPLEY: Right.
39 COMMISSIONER MILLS: Or go to the museum. Or go do some
40 other things that are here in town for them to do. Or go to the

1 restaurants. All those -- all those kinds of things.

2 And you should be the facilitator between those things.
3 And I'm not seeing where any of that kind of thing is happening
4 in the town either.

5 RICHARD RIPLEY: No. I will say we have not done that.

6 COMMISSIONER MILLS: Okay. So -- and like I said, you guys
7 are doing two events. You're doing the chukar feed, which I
8 think is highly successful. And you need to be commended on the
9 work you've done on that because it's great. You've -- you've
10 created that and made it into a great thing. And the other
11 one's the bicycle race. And that one, I mean, it's people come
12 to town. But I don't know exactly what you guys do for that
13 one. As --

14 RICHARD RIPLEY: The whole show. I mean.

15 COMMISSIONER MILLS: So...

16 RICHARD RIPLEY: Yeah, I guess we can -- we can do that at
17 a different meeting, I mean.

18 COMMISSIONER MILLS: Right. So...

19 Like I said, I'm -- I'd be happy and willing to let you
20 continue being the civic center with maybe a few adjustments or
21 changes to some of that.

22 But I -- I -- I think it just needs to be -- there needs to
23 be more interaction with Convention and Tourism and the things
24 that are happening in the community. And I don't -- I don't
25 know if I'm alone in thinking that. Maybe I'm -- maybe I'm
26 out --

27 RICHARD RIPLEY: We'll --

28 COMMISSIONER MILLS: -- in left field.

29 RICHARD RIPLEY: -- see. We'll see.

30 COMMISSIONER MILLS: Maybe. But I think you guys could be
31 so instrumental in -- in helping a lot of things that happen in
32 this community.

33 And his- -- historically, I really haven't seen much of that
34 happen.

35 I know you guys give grants --

36 RICHARD RIPLEY: Right.

37 COMMISSIONER MILLS: -- and -- and provide help that way.

38 RICHARD RIPLEY: Yeah.

39 COMMISSIONER MILLS: But I think it needs to be --

40 RICHARD RIPLEY: Yeah, we provide --

1 COMMISSIONER MILLS: I think it needs to be --
2 RICHARD RIPLEY: -- more than --
3 COMMISSIONER MILLS: -- beyond --
4 RICHARD RIPLEY: -- money --
5 COMMISSIONER MILLS: -- that.
6 RICHARD RIPLEY: -- to anybody who asks. But, yes, we have
7 not went out and found the people. I'll give you that, a
8 hundred percent.
9 COMMISSIONER MILLS: Okay.
10 RICHARD RIPLEY: A hundred percent.
11 But I will say that with going forward, yeah, to look at the
12 rev- -- because the civic center will never be profitable by
13 itself. The rents that the civic center brings in will never be
14 profitable.
15 So as far as us facilitating, again, we cannot take on any
16 more expenses because it costs a ton now.
17 So I guess moving forward if that's the decision the
18 board's heading, just keep that in mind.
19 COMMISSIONER CLARK: Rich, --
20 RICHARD RIPLEY: Yes.
21 COMMISSIONER CLARK: -- you remember sitting down with me
22 over a year ago?
23 RICHARD RIPLEY: Uh-huh.
24 COMMISSIONER CLARK: And we had consensus. Right? And
25 then everything blew up for some reason two weeks later.
26 RICHARD RIPLEY: But we know why --
27 COMMISSIONER CLARK: And that --
28 RICHARD RIPLEY: -- it blew up. But we're not going to
29 state it in the meeting.
30 COMMISSIONER CLARK: Well, I don't know why it blew up,
31 because we had consensus. And now it's evolved from consensus
32 to you hiring an attorney. I think that -- that the issue for
33 me now is control.
34 We had consensus. The consensus broke down. You have an
35 agreement. The agreement breaks down. If we don't have control
36 over the situation, we have no control over consensus or
37 agreement.
38 So I just wanted to remind you that we sat down. We got
39 things --
40 RICHARD RIPLEY: Maybe I --

1 COMMISSIONER CLARK: -- straightened --
2 RICHARD RIPLEY: -- don't --
3 COMMISSIONER CLARK: -- out.
4 RICHARD RIPLEY: -- remember.
5 COMMISSIONER CLARK: You don't remember?
6 RICHARD RIPLEY: I said, maybe I don't. Because I guess
7 I'm trying to figure out the --
8 COMMISSIONER CLARK: We --
9 RICHARD RIPLEY: -- control --
10 COMMISSIONER CLARK: -- sat --
11 RICHARD RIPLEY: -- issue.
12 COMMISSIONER CLARK: -- down with Hy Forgeron.
13 RICHARD RIPLEY: Right.
14 COMMISSIONER CLARK: And we had consensus.
15 Because when this thing blew up, I was totally surprised.
16 Because we had an agreement --
17 DISTRICT ATTORNEY HERRERA: Commissioner, we -- we can't
18 stray too far afield here.
19 COMMISSIONER CLARK: We can't?
20 DISTRICT ATTORNEY HERRERA: We can't. We can't stray too
21 far afield from what the issue is today.
22 COMMISSIONER CLARK: Okay. Well, that's what I have to
23 say.
24 DISTRICT ATTORNEY HERRERA: No, I'm -- no, and I -- and I'm
25 not challenging what you're saying.
26 RICHARD RIPLEY: I guess, back to -- and I'll stop
27 immediately too.
28 That meeting, from what I remember, was all about the
29 problem we had with an employee over another employee and a
30 catering through the chukar event, whether it was the Owl Club
31 or not. I don't remember the civic center even being a part of
32 that other than the employee working at the civic center.
33 COMMISSIONER CLARK: And --
34 RICHARD RIPLEY: So...
35 COMMISSIONER CLARK: -- we -- we had a direction as far as
36 I remember. And we were headed in a direction. And then the
37 next thing, it didn't work out.
38 RICHARD RIPLEY: Right.
39 COMMISSIONER CLARK: And you hired an attorney so...
40 RICHARD RIPLEY: Right.

1 CHAIRMAN BAKKER: Um.
2 COMMISSIONER CLARK: Those were my --
3 RICHARD RIPLEY: Let me -- let me address the attorney
4 thing. Okay.
5 COMMISSIONER BAKKER: Uh.
6 RICHARD RIPLEY: Only because --
7 CHAIRMAN BAKKER: Rich.
8 RICHARD RIPLEY: -- I've been on --
9 CHAIRMAN BAKKER: Rich.
10 RICHARD RIPLEY: -- the board --
11 CHAIRMAN BAKKER: Rich.
12 RICHARD RIPLEY: -- eight, --
13 CHAIRMAN BAKKER: Rich. Rich.
14 RICHARD RIPLEY: All right.
15 CHAIRMAN BAKKER: Stop. Sorry.
16 RICHARD RIPLEY: All right.
17 CHAIRMAN BAKKER: Let's get back to --
18 RICHARD RIPLEY: Yeah, let's get back --
19 CHAIRMAN BAKKER: -- leasing the --
20 RICHARD RIPLEY: -- to the --
21 CHAIRMAN BAKKER: -- civic center.
22 RICHARD RIPLEY: Yeah, so --
23 CHAIRMAN BAKKER: I let you guys --
24 COMMISSIONER MILLS: Got a little --
25 CHAIRMAN BAKKER: -- stray --
26 COMMISSIONER MILLS: (Indiscernible.)
27 CHAIRMAN BAKKER: -- a little far and talk about. Huh?
28 COMMISSIONER MILLS: I don't know what that was all about.
29 CHAIRMAN BAKKER: Yeah. So with the lease and you guys are
30 asking for a five-year lease.
31 RICHARD RIPLEY: Only because we invest a lot of money in
32 the building. So to do a one-year lease or a month-to-month it
33 is, we don't want to invest in the building. When I say "invest
34 in the building," I'm talking sound system, dishes, steam
35 tables, you know, whatever we do to put in there so that our
36 clients or customers have the best they can have.
37 But if we're not going to have it long term, there's no use
38 investing in the building and no use of us facilitating it. And
39 you guys can do with it as you wish.
40 So that -- that's the theory of the five-year. Yes. We'd

1 like it long term so we can keep putting money back in the
2 building.

3 COMMISSIONER WAITS: Just for the record on this, I -- I
4 want everybody to know that the board of the Convention and
5 Tourism is also made up of some of our representatives from the
6 southern end of the county.

7 And -- and Austin and Kingston and that area certainly
8 has -- has also gleaned a lot of benefits and grants and the
9 expertise. And I understand what Doug is saying. You folks
10 really are the experts and you have all the expertise. So he
11 wants you to be able to share a little bit more than what you
12 have been. But I know whenever we have asked, and -- and the
13 civic center has been an excellent add on this part of the
14 county. But we don't have any such thing down there. So we
15 look for other things that help us, such as the advertising and
16 such.

17 And you have always come through and -- and helped us and
18 included that on all of it. So I -- I want -- want you to know
19 that that also takes part of the whole county since it is the
20 whole area that's involved. And we appreciate that.

21 And I know -- even when we did some extra remodeling and
22 such. And I know -- what was it? -- over \$300,000, you stepped
23 in and -- and redid all of that for us and such.

24 So it definitely is a joint effort. And I want it to be a
25 win/win for everybody. And I -- and I'm favor of the five-year.
26 I can certainly understand that.

27 As far as the amending -- I don't know, Doug, exactly what
28 you had in mind to amend it, but if they know that we want them
29 to do a little bit more, I'm sure they will. And that's what
30 the meeting is all about. But I don't know what particulars you
31 were thinking of changing on wording or anything.

32 RICHARD RIPLEY: Right.

33 COMMISSIONER WAITS: That's all.

34 COMMISSIONER MILLS: Well, that's where -- I mean, we're
35 changing the way we do the golf course because it's -- it's
36 county property and we're leasing it some -- we're leasing it to
37 somebody to use it. And the county should get something from
38 our property.

39 COMMISSIONER WAITS: But -- but don't --

40 COMMISSIONER MILLS: So I -- I like to s- -- we're doing

1 that with the golf course. We're changing that around with --
2 some with the airport. We're changing some of the way that
3 that's working so that it's a little bit more favorable --
4 COMMISSIONER WAITS: I --
5 COMMISSIONER MILLS: -- as --
6 COMMISSIONER WAITS: -- understand --
7 COMMISSIONER MILLS: -- as the terms.
8 COMMISSIONER WAITS: -- that. But these folks have been in
9 the --
10 COMMISSIONER MILLS: So --
11 COMMISSIONER WAITS: -- beginning with their funds paying
12 for --
13 COMMISSIONER MILLS: Right.
14 COMMISSIONER WAITS: -- a lot of this.
15 COMMISSIONER MILLS: I understand.
16 COMMISSIONER WAITS: And that's little bit --
17 COMMISSIONER MILLS: I --
18 COMMISSIONER WAITS: -- different.
19 COMMISSIONER MILLS: -- understand that.
20 COMMISSIONER WAITS: Okay.
21 COMMISSIONER MILLS: But I'm -- and we certainly, you know,
22 it's our building. We'll certainly maintain the big stuff. And
23 I -- I know you guys do a lot of maintenance --
24 RICHARD RIPLEY: Uh-huh.
25 COMMISSIONER MILLS: -- on the smaller things.
26 RICHARD RIPLEY: Yeah. We take care of all the minor
27 maintenance.
28 COMMISSIONER MILLS: Right. And we're already doing that.
29 And that's -- that's one of the things we're looking for with --
30 especially with, like, the golf course building where there's
31 a -- a little bit sharing of the -- we've got -- we've got minor
32 maintenance and then the big maintenance.
33 We're doing the same thing with the -- we've been doing the
34 same thing with EMS, with our ambulances, where we're
35 covering -- we're trying to get the hospital to cover some of
36 the minor maintenance. And we're doing the big stuff.
37 So I'm trying to get a -- a similarity between other things
38 here. And -- and one of those things is kind of -- some of the
39 utility costs and -- and --
40 COMMISSIONER WAITS: But see, I don't think it's --

1 COMMISSIONER MILLS: -- cut some of those --
2 COMMISSIONER WAITS: I don't think --
3 COMMISSIONER MILLS: -- costs.
4 COMMISSIONER WAITS: -- you're comparing apples to apples.
5 And I think that's why --
6 COMMISSIONER MILLS: You're --
7 COMMISSIONER WAITS: This is --
8 COMMISSIONER MILLS: That's true.
9 COMMISSIONER WAITS: -- entirely different and --
10 COMMISSIONER MILLS: Yeah.
11 COMMISSIONER WAITS: -- and so --
12 COMMISSIONER MILLS: It's not -- it's not all apples to
13 apples. But I'm -- I'm trying to balance it somewhat.
14 Because you can't -- you can't compare straight across. I
15 know that.
16 COMMISSIONER WAITS: No. Not -- not --
17 COMMISSIONER MILLS: So...
18 COMMISSIONER WAITS: -- this one. I think this is a --
19 this is a different type of -- of animal here.
20 CHAIRMAN BAKKER: So with that, what stipulations would you
21 like to see?
22 COMMISSIONER MILLS: I'd like to see some -- some sharing
23 of the utilities. And one of the other ones is -- and I don't
24 know if we can dictate this one or not -- I do -- I would like
25 to see where, at the civic center, when somebody rents the
26 facility that we -- there's a little more effort put in to
27 making sure that the facility's set up for those people when
28 they come in and then the takedown and cleanup is done by the
29 Convention --
30 RICHARD RIPLEY: No, --
31 COMMISSIONER MILLS: -- and Tourism.
32 RICHARD RIPLEY: -- I -- you're way off base there. That
33 --
34 COMMISSIONER MILLS: Because --
35 RICHARD RIPLEY: -- we do so much work to get the facility
36 ready. I mean, so that's --
37 COMMISSIONER MILLS: Right.
38 RICHARD RIPLEY: -- that's totally --
39 COMMISSIONER MILLS: Well --
40 RICHARD RIPLEY: -- unbiased.

1 COMMISSIONER MILLS: -- I've heard from several people that
2 when they -- when they come in to use the civic center, they're
3 having to set up for themselves and take down for themselves --
4 RICHARD RIPLEY: That's all --
5 COMMISSIONER MILLS: -- and do all those --
6 RICHARD RIPLEY: -- in the --
7 COMMISSIONER MILLS: -- kind of things.
8 RICHARD RIPLEY: -- pricing standpoint.
9 COMMISSIONER MILLS: So.
10 RICHARD RIPLEY: I've had numerous calls from mines --
11 Newmont, Barrick, all them -- that if things change the way
12 we're running it, and I'm not saying us, but the way we set up
13 for them, whatever, they'll quit coming. I mean, they -- we set
14 up and take care of our clients as good as anybody, we've been
15 told --
16 COMMISSIONER MILLS: Okay.
17 RICHARD RIPLEY: -- on our end.
18 COMMISSIONER MILLS: Because I've been -- I've been hearing
19 some things that are -- that -- where that's not necessarily the
20 case.
21 RICHARD RIPLEY: Yeah. Back to, I guess, --
22 COMMISSIONER MILLS: So --
23 RICHARD RIPLEY: -- that's --
24 COMMISSIONER MILLS: -- again, I --
25 RICHARD RIPLEY: -- why we're --
26 COMMISSIONER MILLS: -- don't know if that's --
27 RICHARD RIPLEY: -- in this boat.
28 COMMISSIONER MILLS: -- necessarily --
29 RICHARD RIPLEY: And --
30 COMMISSIONER MILLS: I don't --
31 RICHARD RIPLEY: -- you're right. That's why we're in this
32 boat --
33 COMMISSIONER MILLS: I don't want --
34 RICHARD RIPLEY: -- because --
35 COMMISSIONER MILLS: -- to --
36 RICHARD RIPLEY: -- they come --
37 COMMISSIONER MILLS: -- put something --
38 RICHARD RIPLEY: -- to you guys instead of us and we don't
39 know there's a problem.
40 COMMISSIONER MILLS: Okay.

1 RICHARD RIPLEY: Because, yeah, we're getting -- since this
2 started happening, I've had plenty of phone calls saying, what's
3 going on? You know. We're not coming if things change.

4 I don't mean personnel change, but if the service changes.
5 I'm not saying you guys couldn't provide the same service. But
6 if it changes, they'll quit coming.

7 CHAIRMAN BAKKER: Well, Rich, we're also in this boat
8 because people have come to us and said they're done going to
9 the civic center --

10 RICHARD RIPLEY: Right.

11 CHAIRMAN BAKKER: -- because of service.

12 RICHARD RIPLEY: Right. Absolutely.

13 CHAIRMAN BAKKER: And there's --

14 RICHARD RIPLEY: Absolutely.

15 CHAIRMAN BAKKER: -- nothing we --

16 RICHARD RIPLEY: And I --

17 CHAIRMAN BAKKER: -- can do --

18 RICHARD RIPLEY: -- totally --

19 CHAIRMAN BAKKER: -- about it.

20 RICHARD RIPLEY: -- get that.

21 CHAIRMAN BAKKER: And that's why we're sitting here today
22 with a roomful of people on both sides.

23 RICHARD RIPLEY: I -- and I totally get that. And that's
24 why thank God we're talking because let's make a decision. And
25 I promise you it's okay if we don't facilitate it. We want to.
26 But we're not going to sit here and beg you for it.

27 I mean, if you guys want to run it and can do a better job,
28 absolutely, --

29 COMMISSIONER CLARK: Rich, --

30 RICHARD RIPLEY: -- take it.

31 COMMISSIONER CLARK: -- we had discussion going. That's
32 the vehicle we had initially and it went away because you
33 changed your mind in the consensus.

34 RICHARD RIPLEY: No, not at all. I have a discussion with
35 one person and then another person, but no -- I get different
36 answers from everybody.

37 COMMISSIONER CLARK: Well, I read some e-mails. I read a
38 letter. And things changed dramatically from the consensus that
39 we had. We went from a consensus with discussion and
40 communication to now you hiring an attorney and coming in front

1 of us. I think that's a complete and total breakdown.
2 CHAIRMAN BAKKER: Arthur. Art.
3 RICHARD RIPLEY: I was going to say.
4 CHAIRMAN BAKKER: Art.
5 DISTRICT ATTORNEY HERRERA: We -- we have to -- there --
6 for the record, they are absolutely entitled to hire their
7 attorney.
8 COMMISSIONER CLARK: I understand that.
9 DISTRICT ATTORNEY HERRERA: So --
10 CHAIRMAN BAKKER: Okay. You guys are getting way off base.
11 DISTRICT ATTORNEY HERRERA: I understand. I'm not saying
12 that you don't understand that.
13 We can't discuss that is what I'm saying.
14 CHAIRMAN BAKKER: My only thing, I would say I'd like to
15 see more events.
16 RICHARD RIPLEY: More events at the civic center?
17 CHAIRMAN BAKKER: Yeah. Or that you guys put on from the
18 two to maybe four a year.
19 RICHARD RIPLEY: Which is, I think, irrelevant to, I guess,
20 this situation.
21 I mean, you're not saying, Okay, you put on four, you can
22 have the civic center. I mean, that does- -- that doesn't make
23 sense. We can put on as many events as you want but that doesn't
24 have anything to do with us --
25 CHAIRMAN BAKKER: The stipulation of the contract, no. I'm
26 just -- we're --
27 RICHARD RIPLEY: Okay.
28 CHAIRMAN BAKKER: -- sitting here talking.
29 RICHARD RIPLEY: Right. Okay.
30 CHAIRMAN BAKKER: I let everyone --
31 RICHARD RIPLEY: I'm just --
32 CHAIRMAN BAKKER: -- else get a little off --
33 RICHARD RIPLEY: I'll just --
34 CHAIRMAN BAKKER: -- base. We can -- I can say my --
35 RICHARD RIPLEY: No, that's fine. That's fine.
36 CHAIRMAN BAKKER: -- opinion too.
37 RICHARD RIPLEY: I'm just thinking it's -- it's all right.
38 CHAIRMAN BAKKER: So you can take it as it is.
39 RICHARD RIPLEY: Yes. No, that's -- that's fine.
40 CHAIRMAN BAKKER: Are you in favor of a five-year contract?

1 COMMISSIONER MILLS: Um.
2 COMMISSIONER WAITS: I'll make a motion that we approve --
3 CHAIRMAN BAKKER: Hold -- hold on. But you can make your
4 motion, but I'd like to get their --
5 COMMISSIONER MILLS: Um.
6 CHAIRMAN BAKKER: -- consensus first.
7 But you're entitled, Patsy, to make your motion.
8 RICHARD RIPLEY: And honest --
9 COMMISSIONER MILLS: It's just --
10 RICHARD RIPLEY: -- to (indiscernible), honest -- gal,
11 lady, gentlemen, it's fine. If you guys don't want us to
12 facilitate, it's fine. It's a -- it's -- it's no problem. Make
13 it your decision. That's all I'm saying. Whatever you want --
14 COMMISSIONER MILLS: Right.
15 RICHARD RIPLEY: -- to do. We will happily continue what
16 we're doing, try to do what Doug says, get more involved with
17 people. We'll have to go figure out how to go find the people
18 that need help if they don't want to come to us.
19 But as far as -- yeah, we don't want -- I want -- I want it
20 to be your --
21 COMMISSIONER MILLS: So are --
22 RICHARD RIPLEY: -- guys' decisions.
23 COMMISSIONER MILLS: If you -- if you don't have the civic
24 center, what kind of stuff are you guys going to be doing?
25 RICHARD RIPLEY: Secret.
26 COMMISSIONER MILLS: That's what I figured.
27 RICHARD RIPLEY: You're going to have to come to our
28 meeting to find out. Yeah, we've got plenty of big plans.
29 Absolutely. But this isn't the time to discuss them.
30 COMMISSIONER MILLS: So -- so it is secret.
31 RICHARD RIPLEY: No, that was a joke. I'm sorry. Strip
32 that from the record. It's not a secret. It'll be in a public
33 meeting.
34 COMMISSIONER MILLS: Oh.
35 COMMISSIONER WAITS: I'll go ahead and make the motion that
36 we approve --
37 COMMISSIONER MILLS: I'd like to --
38 COMMISSIONER WAITS: -- the joint --
39 COMMISSIONER MILLS: -- do five years.
40 COMMISSIONER WAITS: -- resolution with the five-year --

1 CHAIRMAN BAKKER: Five years?
2 COMMISSIONER WAITS: -- contract.
3 CHAIRMAN BAKKER: Thirty-day clause?
4 COMMISSIONER MILLS: Yeah. It's the same as the rest of
5 our contracts.
6 DISTRICT ATTORNEY HERRERA: You can't make a motion to
7 approve the joint resolution that doesn't exist.
8 COMMISSIONER MILLS: Right.
9 DISTRICT ATTORNEY HERRERA: Commissioner, --
10 COMMISSIONER MILLS: We can make --
11 DISTRICT ATTORNEY HERRERA: -- you --
12 COMMISSIONER MILLS: -- a motion --
13 DISTRICT ATTORNEY HERRERA: -- you can --
14 COMMISSIONER MILLS: -- to --
15 COMMISSIONER WAITS: The previous --
16 DISTRICT ATTORNEY HERRERA: This is about a lease.
17 COMMISSIONER WAITS: The previous?
18 DISTRICT ATTORNEY HERRERA: This is a lease. No, that --
19 that -- it's -- has expired four years ago. We have -- the
20 issue before us is a lease, whether you want to give --
21 COMMISSIONER WAITS: Okay.
22 DISTRICT ATTORNEY HERRERA: -- them a lease to facilitate
23 --
24 COMMISSIONER WAITS: The new lease with the five years?
25 DISTRICT ATTORNEY HERRERA: Any terms you wish to add. But
26 you can't approve a joint resolution that doesn't exist.
27 COMMISSIONER WAITS: Well, that's interesting. That's what
28 you have on our agenda.
29 DISTRICT ATTORNEY HERRERA: No, I don't. It says by joint
30 resolution.
31 COMMISSIONER WAITS: No, it says recommended action.
32 That's okay.
33 DISTRICT ATTORNEY HERRERA: No. No.
34 COMMISSIONER WAITS: I withdraw the motion.
35 DISTRICT ATTORNEY HERRERA: It says, --
36 COMMISSIONER WAITS: I'll make a motion.
37 DISTRICT ATTORNEY HERRERA: -- by joint resolution. The
38 exact words of it. By.
39 I didn't write that. You can talk to your people.
40 The agenda speaks for itself, Commissioner.

1 COMMISSIONER WAITS: I'll make a motion we approve the --
2 the lease of the civic center to the Lander County Convention
3 and Tourism and -- with a five-year contract.

4 CHAIRMAN BAKKER: Is there a 30-day clause in there, Ted?

5 DISTRICT ATTORNEY HERRERA: Pardon me?

6 CHAIRMAN BAKKER: Is there a 30-day clause in there?

7 DISTRICT ATTORNEY HERRERA: There -- there's not. But --
8 but you've -- you've all -- you've made a policy decision a year
9 ago that all contracts need to have a 30-day clause.

10 DEBRA AMENS: There is a 30-day --

11 CHAIRMAN BAKKER: Okay.

12 DEBRA AMENS: -- con- -- there is a 30-day clause.

13 CHAIRMAN BAKKER: Everyone gets one.

14 RICHARD RIPLEY: In the old one.

15 DISTRICT ATTORNEY HERRERA: There -- there's no existing
16 contract or lease --

17 DEBRA AMENS: Right.

18 DISTRICT ATTORNEY HERRERA: -- so there's no -- any terms.

19 DEBRA AMENS: Right. We're hold over --

20 DISTRICT ATTORNEY HERRERA: You're creating terms.

21 DEBRA AMENS: -- currently. We're a holdover tenant
22 currently.

23 CHAIRMAN BAKKER: Okay.

24 DEBRA AMENS: With the original agreement.

25 CHAIRMAN BAKKER: Patsy made a motion.

26 COMMISSIONER MILLS: So I have a question. Should the --
27 should the motion be to go into negotiations for a contract or
28 to approve a lease?

29 DISTRICT ATTORNEY HERRERA: Well, hers --

30 COMMISSIONER MILLS: I'm -- I'm --

31 COMMISSIONER WAITS: Well, --

32 COMMISSIONER MILLS: -- not sure how it's --

33 DISTRICT ATTORNEY HERRERA: Hers was to approve a lease.

34 COMMISSIONER WAITS: Yeah.

35 COMMISSIONER MILLS: Is that -- is that the correct way to
36 do that?

37 DISTRICT ATTORNEY HERRERA: You -- this is -- this whole
38 issue's about a lease. You can do it any way --

39 CHAIRMAN BAKKER: It's just --

40 DISTRICT ATTORNEY HERRERA: -- you want.

1 CHAIRMAN BAKKER: -- a lease between Convention and Tourism
2 and Lander County.
3 COMMISSIONER MILLS: Okay.
4 DISTRICT ATTORNEY HERRERA: So.
5 COMMISSIONER MILLS: All right. I'll sec- -- I'll second
6 that motion then.
7 CHAIRMAN BAKKER: Patsy made the motion. Doug seconded it.
8 Any public comment?
9 JODY MOORE: Yes.
10 CHAIRMAN BAKKER: Come forward and state your name.
11 RICHARD RIPLEY: Shall we move?
12 FRANK WHITMAN: (Indiscernible.)
13 CHAIRMAN BAKKER: Hold on, Frank.
14 Hey, Jody, can Frank go first?
15 JODY MOORE: Sure.
16 COMMISSIONER CLARK: Ted?
17 CHAIRMAN BAKKER: Sorry.
18 Frank, --
19 COMMISSIONER CLARK: We don't have --
20 CHAIRMAN BAKKER: -- go ahead.
21 COMMISSIONER CLARK: -- a document.
22 CHAIRMAN BAKKER: Jody, you come up here though.
23 DISTRICT ATTORNEY HERRERA: There's no document. That's
24 for (indiscernible).
25 FRANK WHITMAN: For the record, Frank Whitman in Austin.
26 DISTRICT ATTORNEY HERRERA: There's no lease. We don't --
27 (indiscernible).
28 FRANK WHITMAN: I want to say thanks for what the
29 Convention and Tourism has done with the convention center.
30 When they do an event, it's been pretty good, especially the
31 chukar feed. It's an -- it's an amazing venue for promoting
32 Battle Mountain.
33 But I do think that Doug made a very valid point that the
34 Convention and Tourism needs to look at the entire county and --
35 and really look to outreach how they can help other events.
36 I -- I can tell you that Austin is still stunned with the
37 lack of support two years ago when we had the World Championship
38 Land Sailing out here. We had 18 different countries for a --
39 an international event.
40 The venue would be -- it was -- was outstanding to promote

1 the entire county. And we basically had no support from
2 Convention and Tourism other than some grants that -- for
3 publicity, et cetera. That was it.

4 And I think Doug Mills is right on that the Convention and
5 Tourism needs to look at more outreach, be more proactive about
6 how to promote the community, not just with the convention
7 center but all other activities.

8 Thank you.

9 CHAIRMAN BAKKER: Thank you, Frank.

10 COMMISSIONER CLARK: Thanks, Frank.

11 JODY MOORE: My name is Jody Moore.

12 Strange as this may sound, I agree with Doug. It is apples
13 to apples, Patsy. It's a county building where people are
14 making money off of it. So how can you come in and say that
15 someone that's going to run the golf course needs to pay us
16 money, but then say someone's who's running the civic center
17 doesn't have to?

18 COMMISSIONER CLARK: There's a --

19 COMMISSIONER WAITS: Because the civic center was the one,
20 actually, that was started by the Convention and Tourism.

21 JODY MOORE: Then they shouldn't have turned it over to the
22 county.

23 COMMISSIONER WAITS: They did.

24 JODY MOORE: It's a county --

25 COMMISSIONER WAITS: But on the other hand, --

26 JODY MOORE: -- building.

27 COMMISSIONER WAITS: -- they stepped in and, like I said,
28 spent over \$300,000 just retrofitting the new kitchen and
29 everything. So I'm saying you can't compare somebody that's
30 putting hundreds of thousands of dollars back into the building
31 and taking care of it of somebody who is renting it and taking
32 the funds and going.

33 Their funds is a nonprofit and their funds --

34 JODY MOORE: Their 1.5 --

35 COMMISSIONER WAITS: -- basically --

36 JODY MOORE: -- million --

37 COMMISSIONER WAITS: -- go back out.

38 JODY MOORE: -- is sitting in their account. So what is
39 the last thing they put into the civic center? Can you tell me?
40 because the granite countertops (indiscernible) put in there

1 last year was part of the county's --
2 COMMISSIONER WAITS: Yes, we did. Yes.
3 DISTRICT ATTORNEY HERRERA: Yes.
4 JODY MOORE: Okay.
5 COMMISSIONER WAITS: We did the last --
6 JODY MOORE: So --
7 COMMISSIONER WAITS: -- one.
8 JODY MOORE: -- what's the last thing they put in there?
9 RICHARD RIPLEY: Sound system.
10 COMMISSIONER WAITS: Rich, do you remember?
11 RICHARD RIPLEY: Sound system, I think, about 80,000.
12 JODY MOORE: And when was that?
13 UNIDENTIFIED PARTICIPANT: And new appliances.
14 RICHARD RIPLEY: And some new appliances. I can't
15 recollect the exact time.
16 JODY MOORE: So why don't you start charging them? And
17 then the har- -- if they have to pay for rent, --
18 COMMISSIONER WAITS: Okay.
19 JODY MOORE: -- then the harder they're going to work to
20 bring events in to --
21 COMMISSIONER WAITS: But --
22 JODY MOORE: -- make money.
23 COMMISSIONER WAITS: -- they're not a money-making
24 organization. They actually take the money and give it out in
25 grants throughout the whole county.
26 So we all benefit from the room and board taxes that are
27 being collected.
28 JODY MOORE: 1.5 million in an account is not a
29 money-making thing?
30 COMMISSIONER MILLS: Actually, --
31 COMMISSIONER CLARK: It's not --
32 COMMISSIONER WAITS: Personal.
33 COMMISSIONER CLARK: -- for profit.
34 COMMISSIONER WAITS: It's not a profit.
35 JODY MOORE: Then why aren't they putting the money back
36 into the county?
37 COMMISSIONER CLARK: Well, they --
38 COMMISSIONER WAITS: Because it's set up with room and
39 board taxes under --
40 DISTRICT ATTORNEY HERRERA: Commissioner, --

1 COMMISSIONER WAITS: -- the statute.
2 DISTRICT ATTORNEY HERRERA: -- we can't answer the
3 question.
4 COMMISSIONER WAITS: That's true. That's true.
5 DISTRICT ATTORNEY HERRERA: Please.
6 COMMISSIONER CLARK: You have to go to Fair and Rec.
7 JODY MOORE: So my -- my -- my bottom line is just I feel
8 if you're going to run it like a clubhouse, you, as a board,
9 need to be consistent. If someone's going to come in and rub
10 your -- run your clubhouse and pay, then the same thing should
11 be with the civic center.
12 COMMISSIONER CLARK: They're two different situations. You
13 have one person that's making for profit in their pocket. You
14 have another county agency that's using the county building, and
15 they're not sticking it in their pocket. There's a distinct
16 difference.
17 JODY MOORE: But they're not county agency.
18 DISTRICT ATTORNEY HERRERA: No, they're not.
19 CHAIRMAN BAKKER: They're not. They're a --
20 JODY MOORE: Yeah.
21 CHAIRMAN BAKKER: -- district.
22 COMMISSIONER CLARK: They're a district.
23 JODY MOORE: They're governed different.
24 DISTRICT ATTORNEY HERRERA: They're their own --
25 CHAIRMAN BAKKER: They're not sticking the money in their
26 pocket.
27 DISTRICT ATTORNEY HERRERA: They are their own legal --
28 JODY MOORE: Yes.
29 DISTRICT ATTORNEY HERRERA: -- entity. They have
30 nothing --
31 COMMISSIONER CLARK: Right.
32 DISTRICT ATTORNEY HERRERA: -- to do with the --
33 COMMISSIONER WAITS: Uh-huh.
34 DISTRICT ATTORNEY HERRERA: -- county.
35 COMMISSIONER CLARK: But they're not for --
36 DISTRICT ATTORNEY HERRERA: This is about --
37 COMMISSIONER CLARK: -- profit.
38 DISTRICT ATTORNEY HERRERA: -- a lease.
39 CHAIRMAN BAKKER: Just a lease.
40 JODY MOORE: So I just feel consistency is an important

1 thing, especially --
2 CHAIRMAN BAKKER: So you think we --
3 JODY MOORE: -- for the board.
4 CHAIRMAN BAKKER: -- need to make a rental lease?
5 JODY MOORE: Yes. Yes. If you're doing it for the
6 clubhouse, this is the same thing.
7 Bottom line, it's a county building. Someone is making
8 money off of it.
9 That's just my opinion.
10 CHAIRMAN BAKKER: Thank you, Jody.
11 COMMISSIONER WAITS: Thank you.
12 CHAIRMAN BAKKER: Any other public comment?
13 CLARA HAMILTON: I'm Clara Hamilton.
14 And I have a couple of questions of -- do you have signed
15 affidavits on these complaints? And are these people that are
16 complaining, are they the ones who get it for free?
17 CHAIRMAN BAKKER: No, but I could have signed affidavits if
18 that'd make you feel better.
19 CLARA HAMILTON: Well, I'm just -- I'm really curious
20 because I know there's a couple of people who complained. And
21 it was just an aggravation thing. Like for -- the churches that
22 do the Thanksgiving, we don't expect things to be set up because
23 we're not being charged.
24 Do you see where I'm coming from there?
25 CHAIRMAN BAKKER: Yeah.
26 CLARA HAMILTON: So I'm wondering if that is some of the
27 complaints.
28 Because some of the other things, like the mines, they pay
29 for catering. They're paying for that. Anybody who wants it
30 set up could pay for more if they want to.
31 You know.
32 I mean, you can only expect so much. Is kind of how I see
33 it.
34 And I mean, and I work closely with the churches with this.
35 And we don't have any issues at all.
36 CHAIRMAN BAKKER: I didn't get a complaint from a church,
37 Sarah.
38 CLARA HAMILTON: Pardon me?
39 CHAIRMAN BAKKER: I didn't get any complaints from a
40 church.

1 CLARA HAMILTON: Oh, I didn't think you did.
2 CHAIRMAN BAKKER: Okay.
3 CLARA HAMILTON: But I do know there's a couple that it's
4 just because -- no names or nothing, but they like to make
5 trouble.
6 And that has -- should be considered when these things are
7 being discussed, you know, and thrown out there that there's
8 always nuisance complaints in any business, anything like that.
9 So I just would like those to be put into the equation.
10 And -- I don't know -- I see a lot of activity over there
11 myself, working in -- in the other end of the building. So I
12 think it keeps fairly busy for the size of our community.
13 You know, I mean, we aren't a large community here. So...
14 And I wouldn't mind seeing a little more. There's -- I
15 think more music events or something like that.
16 COMMISSIONER WAITS: Thank you.
17 CLARA HAMILTON: You know, but anyway, I just wanted to ask
18 those questions.
19 CHAIRMAN BAKKER: Thank you, Sarah.
20 COMMISSIONER MILLS: Thank you.
21 CHAIRMAN BAKKER: Any other public comment?
22 Huh?
23 COUNTY CLERK SULLIVAN: Clara.
24 CHAIRMAN BAKKER: Clara. Sorry. Sorry, Clara.
25 JENNIFER O'KANE: Jennifer O'Kane.
26 CHAIRMAN BAKKER: You have to come up here, Jennifer, --
27 JENNIFER O'KANE: Oh.
28 CHAIRMAN BAKKER: -- so the microphone picks you up.
29 JENNIFER O'KANE: Jennifer O'Kane.
30 I just want to say that I -- I do and have gone to the
31 civic center. They have helped. And I get what you're saying.
32 Yeah, there's a lot. But there's only so many people there.
33 And I've been in this town. And I've seen a lot of hens, a
34 lot of gossip, a lot of games with that office. And they are
35 working their butt off for us. And they're great people.
36 And if these people have problems, they should go in front
37 of their board and address it.
38 I just want to make that comment.
39 COMMISSIONER WAITS: Thank you.
40 CHAIRMAN BAKKER: Any other public comment?

1 COMMISSIONER MILLS: All right. Once again, this is --
2 this is another one of the hot topics in town. And that's all
3 the comments we're getting?

4 This is -- I mean instead of talking and, you know, spread
5 rumors outside of here, this is the place to talk about it.

6 Okay.

7 CHAIRMAN BAKKER: All in favor?

8 COMMISSIONER MILLS: Aye.

9 CHAIRMAN BAKKER AND COMMISSIONER WAITS: Aye.

10 COMMISSIONER WAITS: Aye.

11 COMMISSIONER CLARK: Well, I'll vote aye if I see a
12 document.

13 DISTRICT ATTORNEY HERRERA: There is no --

14 COMMISSIONER CLARK: We -- we don't have a document that
15 we're approving and we're saying we're going to lease something.

16 DISTRICT ATTORNEY HERRERA: That's why current -- I've --
17 I've mentioned that.

18 COMMISSIONER MILLS: And that's why I was asking that
19 question.

20 DISTRICT ATTORNEY HERRERA: You guys are approving
21 something that doesn't exist.

22 COMMISSIONER CLARK: Right.

23 DISTRICT ATTORNEY HERRERA: You haven't set any terms.

24 CHAIRMAN BAKKER: Then we need to write one up and put it
25 back before us.

26 COMMISSIONER CLARK: We -- we can --

27 RICHARD RIPLEY: So the one that's --

28 DISTRICT ATTORNEY HERRERA: The decision here today is
29 whether or not you are going to cont- -- give the lease to them.

30 Just like other contracts, you then usually have the DA, me,
31 bring up some terms and then I bring it in front of you and you
32 decide whether or not you like those terms, if you want to modify
33 it.

34 I really don't know what you're approving today.

35 COMMISSIONER MILLS: So that's --

36 CHAIRMAN BAKKER: Well, and what --

37 COMMISSIONER MILLS: -- that's --

38 CHAIRMAN BAKKER: -- was the motion --

39 COMMISSIONER MILLS: -- why I --

40 CHAIRMAN BAKKER: -- made?

1 COMMISSIONER MILLS: -- asked if we were -- if that was the
2 appropriate way to make the motion.
3 DISTRICT ATTORNEY HERRERA: But in that, I've tried to
4 respond, Commissioner.
5 COMMISSIONER WAITS: Okay.
6 CHAIRMAN BAKKER: So we need a new motion.
7 COMMISSIONER WAITS: So --
8 COMMISSIONER CLARK: Modify the --
9 COMMISSIONER WAITS: -- we've --
10 COMMISSIONER CLARK: -- mo- -- right.
11 COMMISSIONER WAITS: -- we've -- we've -- we've approved --
12 we've approved the motion of a lease for five years with the
13 civic center. Okay.
14 COMMISSIONER MILLS: We need --
15 COMMISSIONER WAITS: So I make --
16 COMMISSIONER MILLS: -- we need to make --
17 COMMISSIONER WAITS: -- a motion --
18 CHAIRMAN BAKKER: Now we need --
19 COMMISSIONER MILLS: -- a motion --
20 CHAIRMAN BAKKER: -- to direct --
21 COMMISSIONER MILLS: We need a motion --
22 CHAIRMAN BAKKER: -- the DA and the executive --
23 COMMISSIONER WAITS: Yeah.
24 CHAIRMAN BAKKER: -- director --
25 COMMISSIONER WAITS: Yes.
26 CHAIRMAN BAKKER: -- to come --
27 COUNTY CLERK SULLIVAN: One at the time, --
28 CHAIRMAN BAKKER: -- up with the lease.
29 COUNTY CLERK SULLIVAN: -- please, for the recording.
30 Thank you.
31 COMMISSIONER WAITS: So I make a motion that we have the DA
32 put together the lease that will come back before us.
33 COMMISSIONER MILLS: Second that.
34 CHAIRMAN BAKKER: Patsy made the motion. Doug seconded it.
35 Any public comment?
36 (No comment.)
37 CHAIRMAN BAKKER: All in favor?
38 COMMISSIONER MILLS: Aye.
39 COMMISSIONER WAITS: Aye.
40 CHAIRMAN BAKKER: Aye.

1 COMMISSIONER CLARK: So let me get this right. We're
2 voting on giving Fair and Rec a five-year lease that will be
3 written by Mr. Herrera?
4 COMMISSIONER WAITS: And come back --
5 CHAIRMAN BAKKER: Yes.
6 COMMISSIONER WAITS: -- before us.
7 CHAIRMAN BAKKER: And then we will --
8 COMMISSIONER MILLS: (Indiscernible.)
9 CHAIRMAN BAKKER: -- go through the terms --
10 COMMISSIONER MILLS: Come back.
11 CHAIRMAN BAKKER: -- and conditions.
12 COMMISSIONER WAITS: Uh-huh.
13 COMMISSIONER CLARK: Aye.
14 It's been a --
15 RICHARD RIPLEY: We didn't answer anything today.
16 CHAIRMAN BAKKER: That you're getting a lease.
17 COMMISSIONER MILLS: We did. We're --
18 RICHARD RIPLEY: And now it's got to be written by
19 Mr. Herrera, brought back to our board for approval; right?
20 COMMISSIONER MILLS: Right.
21 COMMISSIONER CLARK: And you're going to negotiate it.
22 COMMISSIONER MILLS: To -- to -- basically negotiate a
23 lease.
24 COMMISSIONER CLARK: This is what you got right now is --
25 is right here.
26 RICHARD RIPLEY: No, this is -- this is what I thought we
27 were -- which is expired. I totally --
28 DISTRICT ATTORNEY HERRERA: It's --
29 RICHARD RIPLEY: -- understand that.
30 DISTRICT ATTORNEY HERRERA: -- expired --
31 COMMISSIONER CLARK: That's --
32 DISTRICT ATTORNEY HERRERA: -- doesn't exist.
33 COMMISSIONER CLARK: -- expired.
34 RICHARD RIPLEY: Doesn't exist. But if it was to be
35 magically back up here with new dates on it, this is what we
36 would like.
37 DISTRICT ATTORNEY HERRERA: That's what -- that's not what
38 was voted on.
39 Only five-year lease given to you.
40 I didn't make the motion.

1 COMMISSIONER WAITS: Well, I made --
2 RICHARD RIPLEY: But you kind of --
3 COMMISSIONER WAITS: -- the motion but --
4 RICHARD RIPLEY: -- steered them in the right direction, --
5 DISTRICT ATTORNEY HERRERA: No, I didn't.
6 RICHARD RIPLEY: -- which is fine. That's your job. That
7 -- that's fine.
8 DISTRICT ATTORNEY HERRERA: The question was: Do they want
9 a lease or not? They want to give a lease to you -- your --
10 RICHARD RIPLEY: So --
11 DISTRICT ATTORNEY HERRERA: -- agency.
12 RICHARD RIPLEY: -- so it's already been voted on and
13 handled. But I guess I'm -- from our board side, if the agree-
14 -- if the lease agreement changes from this, we are not in this..
15 This is the original one. This is the one we've been living
16 by for 15 years.
17 CHAIRMAN BAKKER: Well, Rich, you heard some of the
18 stipulations. So if you can't -- if you're not okay --
19 RICHARD RIPLEY: That's what I'm saying. So we don't have
20 to go through all of this if things are going to change. That's
21 what I'm getting at.
22 CHAIRMAN BAKKER: It's probably going to change --
23 RICHARD RIPLEY: Okay. Then let's --
24 CHAIRMAN BAKKER: -- because you heard the stipulations.
25 RICHARD RIPLEY: -- let's take that back, start over.
26 Let's not do a lease with the Lander County Convention and
27 Tourism.
28 CHAIRMAN BAKKER: Okay. Can -- will you retract your
29 motion?
30 Doug? Patsy?
31 COMMISSIONER WAITS: No, it's --
32 COMMISSIONER MILLS: So you're just -- you just don't want
33 a lease at all if it's not --
34 RICHARD RIPLEY: No, I don't want to --
35 COMMISSIONER WAITS: We can --
36 (Simultaneous indiscernible conversations.)
37 RICHARD RIPLEY: We can't -- we can't incur any more
38 expense. So I guess if the changes are going to be --
39 COMMISSIONER WAITS: Okay.
40 RICHARD RIPLEY: -- money back to you guys for the

1 facility, then, no, we don't -- we don't want to do it. As our
2 board's agreed on that -- that financially, we're taking on as
3 much as we can take on.

4 COMMISSIONER CLARK: We don't know. We don't know what
5 terms you'll reach.

6 CHAIRMAN BAKKER: Yeah, because the contract still needs to
7 be negotiated.

8 COMMISSIONER CLARK: But you agreed that some things need
9 to change. Doug addressed those. So we're just going to put it
10 in writing so that everybody understands the agreement. That's
11 all.

12 DISTRICT ATTORNEY HERRERA: Well --

13 COMMISSIONER CLARK: You can accept it or reject it.

14 DISTRICT ATTORNEY HERRERA: Yes. There's two sides to
15 every lease. If you -- when you decide -- if and when you
16 decide on certain terms in the document, then their board has to
17 decide whether or not they accept.

18 That's -- that's what a joint resolution is.

19 One person -- one board decides. You can do a lease by
20 lease or by joint resolution. And the lease is in the joint
21 resolution. And that's what we've done in the past.

22 The last document was not a joint resolution. It was a
23 three-year lease.

24 RICHARD RIPLEY: Right. It just says agreement. But
25 whatever we call it -- legally, I don't have a clue what they --
26 the difference between lea- -- lease, joint resolution
27 agreement. I don't know what that means.

28 DISTRICT ATTORNEY HERRERA: The -- the --

29 RICHARD RIPLEY: So I don't -- I don't want to speak out of
30 turn on what -- what I have in front of me.

31 COMMISSIONER CLARK: Your --

32 DISTRICT ATTORNEY HERRERA: The --

33 COMMISSIONER CLARK: -- attorney --

34 DISTRICT ATTORNEY HERRERA: -- original --

35 COMMISSIONER CLARK: -- has a copy of this.

36 DISTRICT ATTORNEY HERRERA: Yes. You should know. Because
37 your attorney was given --

38 RICHARD RIPLEY: No. No. I'm fine with either -- any way
39 you guys want to go. Call it --

40 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

1 RICHARD RIPLEY: -- an agreement. Call it a lease. Call
2 it a joint resolution.
3 DISTRICT ATTORNEY HERRERA: Rich, you -- you said you
4 didn't know, but we provided your attorney with a copy of the
5 definition so you should know.
6 RICHARD RIPLEY: Okay. Perfect. I'll -- I'll get that
7 handled. No problem.
8 CHAIRMAN BAKKER: So, Rich, is this --
9 RICHARD RIPLEY: Just wanted to get this put to bed so we
10 can all get back to business. You guys can do what you do. We
11 can do what we do. But this has been going on for -- since
12 before August. That's all.
13 That's all I wanted this --
14 CHAIRMAN BAKKER: The --
15 RICHARD RIPLEY: -- meeting --
16 CHAIRMAN BAKKER: -- stipulation --
17 RICHARD RIPLEY: -- to be about.
18 CHAIRMAN BAKKER: There are probably going to be some
19 stipulations in there like was discussed today. So it is
20 probably going to change. So what is your feelings?
21 RICHARD RIPLEY: My feeling is there's no need to change
22 anything.
23 CHAIRMAN BAKKER: So if it -- so if Ted writes up something
24 with some stipulations in it, you --
25 RICHARD RIPLEY: That'll be your guys' way of telling us
26 that you don't want us to run the civic center.
27 CHAIRMAN BAKKER: That's not what I'm --
28 RICHARD RIPLEY: That's --
29 CHAIRMAN BAKKER: -- asking you.
30 RICHARD RIPLEY: -- totally fine.
31 CHAIRMAN BAKKER: So --
32 RICHARD RIPLEY: Well, that's what I'm telling --
33 CHAIRMAN BAKKER: We know that's going to happen. We know
34 that the new resolution or lease is going to have some
35 stipulations that was discussed today. So then what is your --
36 RICHARD RIPLEY: Stipulations of what? Financial
37 differences or --
38 CHAIRMAN BAKKER: That would have to be negotiated.
39 COMMISSIONER MILLS: That's -- we're just saying we want to
40 go -- we're -- we're willing to go into negotiations on a new

1 lease is what we're saying.
2 If you just -- if you won't negotiate anything, then I guess
3 there's nothing --
4 RICHARD RIPLEY: Well, --
5 COMMISSIONER MILLS: -- to negotiate.
6 RICHARD RIPLEY: -- we'll negotiate any terms other than
7 probably financial burden on us. So yes, we will negotiate
8 terms.
9 COMMISSIONER MILLS: Then that's what we just voted on.
10 RICHARD RIPLEY: Okay. Perfect then. Here we go again.
11 That's fine.
12 CHAIRMAN BAKKER: We can retract it and call it a day.
13 RICHARD RIPLEY: No. I mean, that's -- I don't want to be
14 the stick-in-the-mud here. Let's keep it going.
15 CHAIRMAN BAKKER: Judie.
16 JUDIE ALLEN: Yeah.
17 Judie Allen.
18 Okay. I've got a question here.
19 You made a motion to renew the lease for the civic center
20 with the Convention and Tourism. Seconded. It was voted on by
21 three members of the commission.
22 Doug, Sean, and Patsy voted. Art comes in with, Well, I'll
23 vote yes if this.
24 Except for we've already voted, turned around made a new
25 motion, changed the wording on it. And then we've got --
26 CHAIRMAN BAKKER: The motion was to approve a five-year
27 lease.
28 JUDIE ALLEN: The motion was to approve a five-year lease,
29 but --
30 COMMISSIONER WAITS: The -- the second one --
31 JUDIE ALLEN: -- you -- right.
32 CHAIRMAN BAKKER: Not this joint resolution.
33 JUDIE ALLEN: Right.
34 COMMISSIONER WAITS: Right.
35 JUDIE ALLEN: But I'm just saying that you changed your
36 vote again on that. You changed the motion that you voted on a
37 five-year --
38 COMMISSIONER WAITS: Okay.
39 JUDIE ALLEN: -- lease.
40 COMMISSIONER WAITS: Judie, we didn't change the motion.

1 DISTRICT ATTORNEY HERRERA: No.
2 COMMISSIONER WAITS: We made a -- we made a new motion --
3 DISTRICT ATTORNEY HERRERA: A new motion.
4 CHAIRMAN BAKKER: To direct them to --
5 COMMISSIONER WAITS: To --
6 CHAIRMAN BAKKER: -- type up the lease.
7 COMMISSIONER WAITS: To --
8 JUDIE ALLEN: Exactly.
9 COMMISSIONER WAITS: -- do the lease.
10 JUDIE ALLEN: Except for the fact is, is you had already
11 voted on it.
12 COMMISSIONER WAITS: Right.
13 JUDIE ALLEN: There was three of you that voted on it.
14 COMMISSIONER WAITS: Right.
15 JUDIE ALLEN: Which --
16 CHAIRMAN BAKKER: On a five-year lease.
17 COMMISSIONER WAITS: On a five-year --
18 JUDIE ALLEN: Correct.
19 COMMISSIONER WAITS: -- lease. And then we made a motion
20 direct to Ted to do the lease.
21 DISTRICT ATTORNEY HERRERA: To do the --
22 JUDIE ALLEN: Okay.
23 DISTRICT ATTORNEY HERRERA: -- terms.
24 COMMISSIONER WAITS: Because there's no lease.
25 CHAIRMAN BAKKER: With stipulations --
26 DISTRICT ATTORNEY HERRERA: With -- they're --
27 COMMISSIONER WAITS: No.
28 CHAIRMAN BAKKER: -- that was --
29 COMMISSIONER WAITS: No.
30 DISTRICT ATTORNEY HERRERA: -- different motions.
31 CHAIRMAN BAKKER: -- talked about today.
32 COMMISSIONER WAITS: No, it didn't say that. It didn't say
33 stipulations. It didn't say modify.
34 JUDIE ALLEN: It says per --
35 CHAIRMAN BAKKER: Well, you want to retract your second,
36 Doug, and we'll fix that?
37 COMMISSIONER WAITS: Right? The second --
38 COMMISSIONER MILLS: On the first --
39 COMMISSIONER WAITS: -- one just --
40 COMMISSIONER MILLS: -- motion?

1 COMMISSIONER WAITS: -- directed Ted --
2 CHAIRMAN BAKKER: Uh-huh, the --
3 COMMISSIONER WAITS: -- to do the --
4 CHAIRMAN BAKKER: -- second --
5 COMMISSIONER WAITS: -- lease --
6 CHAIRMAN BAKKER: -- motion.
7 COMMISSIONER WAITS: -- because he said we don't have a
8 lease. So we have to have the lease.
9 But the motions weren't to modify and -- and put it in any
10 stipulations. We didn't do that.
11 JUDIE ALLEN: You didn't carry --
12 COMMISSIONER MILLS: It was modified --
13 JUDIE ALLEN: -- the first --
14 COMMISSIONER MILLS: -- from a three-year lease to a
15 five-year lease.
16 JUDIE ALLEN: Yeah, but you didn't carr- --
17 COMMISSIONER WAITS: Right.
18 JUDIE ALLEN: -- you didn't carry the first motion.
19 COMMISSIONER WAITS: Yes, we did.
20 COMMISSIONER CLARK: Yes, --
21 CHAIRMAN BAKKER: Yes, --
22 COMMISSIONER CLARK: -- we --
23 CHAIRMAN BAKKER: -- it's --
24 COMMISSIONER CLARK: -- did.
25 CHAIRMAN BAKKER: -- it's --
26 COMMISSIONER WAITS: Yes, --
27 CHAIRMAN BAKKER: -- done.
28 COMMISSIONER WAITS: -- we did.
29 COMMISSIONER CLARK: All four of us voted for it.
30 I voted for it after there was a clarification. I have a
31 right for a clarification.
32 JUDIE ALLEN: But that's what I'm saying, Ted, is you
33 voted --
34 COMMISSIONER CLARK: I'm --
35 JUDIE ALLEN: -- for --
36 COMMISSIONER CLARK: -- Art.
37 JUDIE ALLEN: -- it after the --
38 COMMISSIONER CLARK: I'm Art.
39 JUDIE ALLEN: -- clarification. Or Art. I'm sorry.
40 Sorry. After the clarification, Art.

1 COMMISSIONER CLARK: I voted for it. The motion was over.
2 And then we had a second motion on the lease.
3 JUDIE ALLEN: I just wanted to make sure that it's --
4 COMMISSIONER CLARK: Okay.
5 JUDIE ALLEN: -- clear that the ori- -- that the first
6 motion that Patsy made for the five-year lease that three of you
7 voted and you --
8 CHAIRMAN BAKKER: He --
9 JUDIE ALLEN: -- you had --
10 COMMISSIONER CLARK: Clarified.
11 CHAIRMAN BAKKER: -- voted yea to.
12 JUDIE ALLEN: -- a clarification. And then you came up
13 with another motion.
14 DISTRICT ATTORNEY HERRERA: This is -- this is getting
15 beyond public comment.
16 JUDIE ALLEN: Okay.
17 COMMISSIONER CLARK: Yeah.
18 CHAIRMAN BAKKER: Yeah.
19 JUDIE ALLEN: I'm just --
20 JENNIFER O'KANE: No, it's not.
21 DISTRICT ATTORNEY HERRERA: I understand what you're
22 saying, Judie. But my understanding, there's been two motions
23 carried --
24 COMMISSIONER CLARK: Two motions carried.
25 COMMISSIONER WAITS: They did.
26 COMMISSIONER CLARK: It's over.
27 BERTHA DOROTHY: And so can I ask a question?
28 COMMISSIONER CLARK: Let's take a break.
29 BERTHA DOROTHY: Just real quick.
30 CHAIRMAN BAKKER: Yeah, come on up here and state your
31 name, please.
32 BERTHA DOROTHY: My name is Bertha Dorothy. I'm the GM at
33 the Super 8 in Battle Mountain.
34 My question is: What the heck just happened? Did they get
35 the lease? Did they not get the lease?
36 DISTRICT ATTORNEY HERRERA: They got a five-year lea- --
37 lease pursuant --
38 BERTHA DOROTHY: Is --
39 DISTRICT ATTORNEY HERRERA: -- to the first motion. The
40 second motion was me to draw up the actual lease itself with the

1 terms in it.
2 BERTHA DOROTHY: Okay. So you still have negotiations to
3 do. So it's truly not final; correct?
4 CHAIRMAN BAKKER: Correct.
5 They've been approved for a five-year lease. The --
6 BERTHA DOROTHY: With sti-
7 DISTRICT ATTORNEY HERRERA: -- the terms have not been --
8 BERTHA DOROTHY: Okay.
9 DISTRICT ATTORNEY HERRERA: -- approved yet.
10 COMMISSIONER CLARK: And the original lease was written in
11 -- '98?
12 BERTHA DOROTHY: I understand that.
13 DISTRICT ATTORNEY HERRERA: 2001.
14 COMMISSIONER CLARK: 2001.
15 BERTHA DOROTHY: Okay. Next question is when would you
16 vote on that again?
17 CHAIRMAN BAKKER: Soon as they draw --
18 COMMISSIONER CLARK: When --
19 CHAIRMAN BAKKER: -- it up.
20 COMMISSIONER CLARK: -- it comes in front of --
21 COMMISSIONER MILLS: When --
22 COMMISSIONER CLARK: -- us.
23 COMMISSIONER MILLS: -- the negotiations are complete and
24 the lease -- the completed lease is back before us.
25 BERTHA DOROTHY: Okay.
26 DISTRICT ATTORNEY HERRERA: There hasn't been a valid lease
27 for four years.
28 BERTHA DOROTHY: I understand that.
29 DISTRICT ATTORNEY HERRERA: Okay. So it -- it's not like
30 we have to do it in the next seven days --
31 BERTHA DOROTHY: Right.
32 DISTRICT ATTORNEY HERRERA: -- or ten days.
33 BERTHA DOROTHY: But it kind of leaves everybody kind of
34 hanging.
35 DISTRICT ATTORNEY HERRERA: Why? It -- there hasn't been a
36 valid lease for four --
37 CHAIRMAN BAKKER: And --
38 DISTRICT ATTORNEY HERRERA: -- years.
39 CHAIRMAN BAKKER: -- nothing's changed in the last four
40 years and they've been running it --

1 DISTRICT ATTORNEY HERRERA: Four years.
2 CHAIRMAN BAKKER: -- just the same.
3 BERTHA DOROTHY: So there's no intent to change it, --
4 COMMISSIONER WAITS: It's still month- --
5 BERTHA DOROTHY: -- it --
6 COMMISSIONER WAITS: -- -to-month.
7 BERTHA DOROTHY: -- you know, as it stands other than the
8 stipulations?
9 DISTRICT ATTORNEY HERRERA: Right now, --
10 CHAIRMAN BAKKER: Right.
11 DISTRICT ATTORNEY HERRERA: -- it -- it exists just like it
12 exists. It's a month-to-month --
13 CHAIRMAN BAKKER: Honestly, we wouldn't be here today if
14 Convention and Tourism didn't put it on their agenda and want to
15 discuss it. They brought it up.
16 BERTHA DOROTHY: Well, see, I don't know --
17 CHAIRMAN BAKKER: We would still be operating the same way
18 we've been doing it the last four years, honestly. And no one
19 would be none the wiser or any different.
20 But they wanted to bring it up.
21 BERTHA DOROTHY: My concern --
22 CHAIRMAN BAKKER: They brought it up. And now it's back
23 before us.
24 BERTHA DOROTHY: Well, my concern is simply the business
25 end of it. What happens at the civic center does affect my
26 business. And I like to keep people employed.
27 So -- any break in --
28 COMMISSIONER CLARK: We have --
29 BERTHA DOROTHY: -- that could cause problems in my
30 business. So that's --
31 COMMISSIONER CLARK: Well, we have --
32 BERTHA DOROTHY: -- my --
33 COMMISSIONER CLARK: -- a --
34 BERTHA DOROTHY: -- concern.
35 COMMISSIONER CLARK: -- we have a safety net in the budget.
36 We budgeted money for a person to be hired to run the civic
37 center if the Fair and Rec board chooses not to participate.
38 And we've funded, I believe, a hundred thousand dollars to
39 get things going.
40 So there -- there may be a short pause. But there won't be a

1 break.
2 BERTHA DOROTHY: Okay. So the -- the events that are
3 there --
4 COMMISSIONER CLARK: Yeah.
5 BERTHA DOROTHY: -- will stay in place?
6 COMMISSIONER CLARK: Oh, yeah.
7 BERTHA DOROTHY: Okay.
8 Thanks.
9 CHAIRMAN BAKKER: Thank you.
10 COMMISSIONER WAITS: Thank you, Bertha.
11 CHAIRMAN BAKKER: Clarification, Sadie. Did we pass that
12 last one?
13 COMMISSIONER WAITS: Want a break?
14 COUNTY CLERK SULLIVAN: About --
15 COMMISSIONER CLARK: Yeah, let's take a break.
16 COUNTY CLERK SULLIVAN: We have to go on a break.
17 And Sadie Sullivan, --
18 CHAIRMAN BAKKER: Okay, let's --
19 COUNTY CLERK SULLIVAN: -- for the --
20 CHAIRMAN BAKKER: -- take --
21 COUNTY CLERK SULLIVAN: -- record.
22 CHAIRMAN BAKKER: -- a five-minute break, everyone.
23 Austin?
24 COUNTY CLERK SULLIVAN: We have to download it. And we'll
25 --
26 MITESHELL LANHAM: Yeah, we hear you.
27 COUNTY CLERK SULLIVAN: Okay. And then we're going to have
28 to sit here and listen to all that while we're breaking. So the
29 break's going to be more than five minutes. You know what I
30 mean?
31 COMMISSIONER MILLS: Right.
32 COUNTY CLERK SULLIVAN: Because we're going to have to
33 break, listen to the whole entire thing.
34 CHAIRMAN BAKKER: Um. Let's take a break because Art went
35 to the bathroom. We'll do a five-minute break and we'll return
36 back to this.
37
38 (Break taken between 10:10 a.m. and 10:24 a.m.)
39
40 CHAIRMAN BAKKER: Austin's back on line.

1 I call this meeting back to order.
2 We are moving on to Agenda Item Number 3.
3 We did approve both motions. And we will see the outcome
4 and go from there.
5

6 **3) Discussion for possible action to approve one of four options**
7 **as an agreement between Lander County and Lander County**
8 **Hospital District for the operation of the EMS program, and**
9 **all other matters properly related thereto.**
10

11 CHAIRMAN BAKKER: Agenda Item Number 3. Discussion for
12 possible action to approve one of four options as an agreement
13 between Lander County and Lander County Hospital District for
14 the options of the EMS program, and all other matters properly
15 related thereto.

16 PEGGY LINDSEY: This is Peggy Lindsey.

17 CHAIRMAN BAKKER: Good morning.

18 COMMISSIONER MILLS: Good morning.

19 PEGGY LINDSEY: Good morning.

20 STEVE TOWNE: My name's Steve Towne.

21 PEGGY LINDSEY: And we're here to ask for consideration on
22 options that were presented to the commission in reference to
23 continuing to assist and help Lander County Hospital District.

24 CHAIRMAN BAKKER: Peggy, hold on. Jennifer, you guys, show
25 them some respect. Everyone stop talking or take it outside.

26 DEE HELMING: Could you speak up a little? If I can't hear
27 back here, they can't hear her in Austin.

28 CHAIRMAN BAKKER: Okay.

29 PEGGY LINDSEY: Okay.

30 CHAIRMAN BAKKER: Peggy?

31 PEGGY LINDSEY: Okay. Peggy Lindsey.

32 We're here to discuss the four options.

33 CHAIRMAN BAKKER: State your last name, sir.

34 STEVE TOWNE: Towne, T-O-W-N-E.

35 COUNTY CLERK SULLIVAN: Thank you.

36 CHAIRMAN BAKKER: Okay.

37 Sorry, --

38 PEGGY LINDSEY: Yes.

39 CHAIRMAN BAKKER: -- Peggy.

40 PEGGY LINDSEY: No, that's --

1 CHAIRMAN BAKKER: Go ahead.
2 PEGGY LINDSEY: -- okay.
3 CHAIRMAN BAKKER: I just --
4 PEGGY LINDSEY: We're asking --
5 CHAIRMAN BAKKER: -- the room needs to be quiet.
6 PEGGY LINDSEY: -- for consideration for continuing support
7 to EMS with the Lander County Hospital District.
8 CHAIRMAN BAKKER: And you submitted -- there's four
9 proposals in our --
10 PEGGY LINDSEY: Yes.
11 CHAIRMAN BAKKER: -- packet.
12 COMMISSIONER MILLS: I'd like to -- to take a minute on
13 this one, since I'm on the hospital board, and give a little bit
14 of history with what's going on with this one.
15 We've -- we've had an agreement with the hospital for the
16 past several years. And we've been paying the hospital \$25,000 a
17 month to help them facilitate EMS. When they -- when they took
18 that over -- has it been four years ago? Or something like that.
19 Some time ago.
20 And that agreement actually ended last year. And Keith
21 came to one of the hospital board meetings and presented that to
22 the hospital board that that agreement was ending. And the
23 hospital board seemed to be unaware of the end of that contract
24 approaching.
25 So we extended that contract an additional year. And on, I
26 believe, at the end of July that extra year runs out.
27 And we'll know --
28 KEITH WESTENGARD: June 30th.
29 COMMISSIONER MILLS: Is it June 30th?
30 Okay. So in June 30th, the end of the -- the extension for
31 one year is going to end. And that \$25,000 a month for the
32 hospital is going to end for the EMS.
33 From the hospital's point of view, I believe, the EMS is
34 rather expensive. And they're -- the services they're
35 providing -- even though they're a -- it -- it is one part of
36 the hospital that's able to make money because they can bill for
37 their services, the -- the charges that they're billing are not
38 covering the costs for EMS. So they're asking the county to
39 reconsider some continued payments to the hospital to help
40 assist with EMS.

1 And there's some negotiations about equipment and maintenance
2 and the -- and a monthly stipend to -- to continue that.

3 So that's what we're here to discuss.

4 And there's several options that have been presented, some
5 decreasing terms and some other things that -- that are
6 presented.

7 And the hospital has -- financially, in the -- in the past
8 couple years has not done real well. I believe last year we had a
9 shortfall on our operating income of about \$7 million.

10 PEGGY LINDSEY: Correct.

11 COMMISSIONER MILLS: And we're working on improving those
12 things. Things are getting better. It's going to take time.

13 This -- we just went through last night, at our hospital
14 board meeting, we went through our budget again. And we are
15 expecting -- expecting again a shortfall in operating expenses
16 about 4 million.

17 PEGGY LINDSEY: Uh-huh.

18 COMMISSIONER MILLS: But most of that or all of that should
19 be covered by our *ad valorem* --

20 PEGGY LINDSEY: *Ad valorem*.

21 COMMISSIONER MILLS: -- taxes.

22 PEGGY LINDSEY: Yes.

23 COMMISSIONER MILLS: So it's pretty close. It's -- it's
24 closer to a breakeven with our taxes this year than what we
25 experienced last year.

26 So there's improvement being made. And I think the idea is
27 that the hospital still feels that there's some need for some
28 assistance with EMS.

29 PEGGY LINDSEY: Correct.

30 COMMISSIONER MILLS: And from -- from the county.

31 So we're here to discuss whether or not to continue helping
32 the hospital with EMS and how we will provide that assistance.

33 Which brings up one question on the way we word -- the
34 wording is on the agenda. I was hoping -- because the hospital's
35 made some offers.

36 PEGGY LINDSEY: Right.

37 COMMISSIONER MILLS: And I was hoping that the county would
38 be able to make a counteroffer. But I'm not sure we're going to
39 be able to do that because of the way of the wording in the
40 agenda item being that we would have to approve one of the four

1 options.

2 So my question would be: Can -- based on the way the
3 agenda item's written -- written, can we do a counteroffer?

4 CHAIRMAN BAKKER: You can choose one of the options and
5 stipulations.

6 DISTRICT ATTORNEY HERRERA: Well, if the counteroffer is a
7 mixture of one of the four -- four offers, you could.

8 COMMISSIONER WAITS: But we couldn't do an option 5.

9 DISTRICT ATTORNEY HERRERA: You -- if the terms of the
10 option 5 are not expressly part of the terms in Number 4, you're
11 kind of -- you're kind of getting in the gray area there.

12 COMMISSIONER MILLS: Okay.

13 DISTRICT ATTORNEY HERRERA: So --

14 COMMISSIONER MILLS: So for -- for part of this, and --
15 there -- there's quite a few issues betw- -- pertaining to EMS.
16 There's -- you know, there's the revenue side. Because --
17 that's one of the things the hospital's been working on is, is
18 on the revenue side, is improving the billing process. Because
19 the billing historically has not been as good as it might could
20 be. And we're improving that.

21 PEGGY LINDSEY: Correct.

22 COMMISSIONER MILLS: So the revenue side is getting better.

23 There's still the expense side. It's -- it's still pretty
24 expensive. And I don't know that we've addressed that a whole lot
25 yet. We've -- we've made some changes. But that's one of the
26 things I was hoping we could make some negotiations on. But as we
27 go through this, where to go next on that one.

28 PEGGY LINDSEY: I -- I know.

29 COMMISSIONER MILLS: There's lot to it. There's a lot.
30 There's lots of ins and outs. There's a lot of different
31 things. But -- and I -- I hope you've all read the four
32 different terms.

33 But I -- in talking with Keith the other day -- and Keith has
34 some good expertise, having worked with fire crews that do 24-hour
35 shifts. And I think he's got expertise that we could lean on a
36 little bit.

37 He had a couple of good ideas for some ways that could
38 maybe address this and help out.

39 So maybe you could share those with us, Keith.

40 KEITH WESTENGARD: One -- one of the things that -- that I

1 was thinking about -- and this is going to relate back to the
2 original contract.

3 In the original contract, no upgrades were supposed to be
4 provided without approval from both boards: the hospital district
5 and the commissioners. And that was never done.

6 When service was turned over to the hospital district, it was
7 a basic volunteer service. At times the -- the people that ran it
8 weren't even basics. They were just first responders. They were
9 strictly volunteer.

10 So it was upgraded from that basic service up to a full-blown
11 paramedic service with -- nine? -- nine or twelve. I'm not sure.
12 What is the staffing now? I'm not sure. How many --

13 PEGGY LINDSEY: How many paramedics do we have, Tom --
14 Steve?

15 STEVE TOWNE: We have four full-time paramedics right now.

16 KEITH WESTENGARD: Okay. So the rest is made up with --

17 STEVE TOWNE: We have --

18 KEITH WESTENGARD: -- volunteers?

19 STEVE TOWNE: No. We have -- we just went through some
20 staffing changes. We had one -- one paramedic take a position
21 elsewhere. Another one retired. So we're -- we're in between.

22 We have two full-time EMTs and the rest are per diem that
23 we use to backfill.

24 KEITH WESTENGARD: Okay. So one of the things I was
25 thinking about was -- was more or less a -- a shift type of
26 schedule similar to a Kelly schedule and to actually try to come
27 into a little more -- come to a little closer what the original
28 contract was with EMT drivers and paramedic riders. So you
29 have -- which could be run with six people total: three EMTs
30 and three paramedics.

31 COMMISSIONER WAITS: Excuse me. Is that for the north?

32 KEITH WESTENGARD: Right now I'm in the south. We'll --
33 we'll get to the north in a second. Or I'm sorry. Right now
34 we're in the north. We'll get to the south.

35 COMMISSIONER WAITS: So is that for the north?

36 KEITH WESTENGARD: Yeah.

37 COMMISSIONER WAITS: Thank you.

38 KEITH WESTENGARD: So with that being said, you have a -- a
39 platoon type of a shift where you have an EMT and a -- a
40 paramedic on 24 hours a day. And they can work a 48/96. They

1 can work some variation of a Kelly shift. And then you might
2 have one supervisor that oversees the whole program.

3 You only have one crew. Currently they have a first-out crew
4 and a second-out crew.

5 Generally, when they have a transfer or when they have a
6 second call is when they need the second-out crew.

7 The transfers take sometimes hours to put together. That
8 would be an opportunity to call in a second-out crew and pay
9 them the overtime.

10 The transfers make money. I mean, there's no -- no question
11 about it. When they do a transfer, it's a moneymaker.

12 So that's how they pay their overtime. It cuts down on the
13 costs. It gets closer to the original contract as agreed upon.

14 And in the south -- any questions on the north?

15 Okay.

16 COMMISSIONER WAITS: I -- I assume we're dealing with the
17 financial end of it and how the hospital is going to run this
18 with less money so the county doesn't have to pay all that
19 they're requesting. Is that --

20 KEITH WESTENGARD: These are suggestions. I -- I would
21 like to see the -- the county have a bigger role within EMS.
22 And this relates to the south because it's an all-volunteer
23 service right now.

24 And at one point, the hospital did hire a part-time
25 coordinator. With that part-time coordinator, the service -- the
26 volunteer service seemed to pick up pretty well in the south.
27 Some issues resulted in the part-time coordinator moving on.

28 So I think that if we did a part-time coordinator again,
29 with -- in conjunction with the hospital, maybe that position
30 could be jointly supervised between the county and the hospital
31 and it remain a volunteer service in the south.

32 COMMISSIONER CLARK: Who would oversee from the county end?

33 KEITH WESTENGARD: It could be either overseen by the
34 executive director position or through the -- I don't know if
35 the sheriff's department would want to get involved in the EMS
36 end of it.

37 SHERIFF RON UNGER: No, thank you.

38 PEGGY LINDSEY: No?

39 KEITH WESTENGARD: Thanks, Ron.

40 PEGGY LINDSEY: He says no.

1 KEITH WESTENGARD: I know; I heard him.
2 COMMISSIONER MILLS: He said it very loud.
3 DISTRICT ATTORNEY HERRERA: We all heard it.
4 KEITH WESTENGARD: Yeah. That would be a suggestion that
5 it would be part of the -- the director position, executive
6 director position --
7 COMMISSIONER CLARK: So --
8 KEITH WESTENGARD: -- to supervise.
9 COMMISSIONER CLARK: So let me get this right. Somehow it
10 shifted from EMS to paramedic without authorization from either
11 board?
12 KEITH WESTENGARD: Correct.
13 COMMISSIONER CLARK: How do we --
14 KEITH WESTENGARD: It went --
15 COMMISSIONER CLARK: -- cor- --
16 KEITH WESTENGARD: It went --
17 COMMISSIONER CLARK: -- how do we correct that?
18 KEITH WESTENGARD: Well, that part of it -- this partly --
19 partially corrects it.
20 The other option is that we hold to the contract and we go
21 back to all EMT basic and we start the process over again to
22 upgrade from the county and the hospital board side of it.
23 But there is a contract issue here. And -- and we'll --
24 everybody's pretty well aware of that contract issue, that it was
25 upgraded without authority.
26 COMMISSIONER CLARK: Does hospital understand that?
27 PEGGY LINDSEY: Well, it -- we're learning this -- I should
28 say, I'm learning --
29 COMMISSIONER CLARK: Right.
30 PEGGY LINDSEY: -- this over --
31 COMMISSIONER CLARK: Right --
32 PEGGY LINDSEY: -- the --
33 COMMISSIONER CLARK: We un- -- you know.
34 PEGGY LINDSEY: -- five or six --
35 COMMISSIONER MILLS: Right.
36 PEGGY LINDSEY: -- weeks.
37 COMMISSIONER MILLS: And just to --
38 COMMISSIONER CLARK: Right.
39 COMMISSIONER MILLS: -- be clear, Peggy's only been the CEO
40 for about --

1 COMMISSIONER CLARK: Right.
2 COMMISSIONER MILLS: -- five weeks?
3 PEGGY LINDSEY: Yeah. Six.
4 COMMISSIONER MILLS: So she's stepping into this without
5 prior knowledge of the last five years of stuff that's been
6 going on. So --
7 COMMISSIONER CLARK: Well, she was on the board too, Doug.
8 CHAIRMAN BAKKER: So it's not --
9 COMMISSIONER CLARK: It's not --
10 CHAIRMAN BAKKER: -- Peggy's fault.
11 COMMISSIONER MILLS: For a short time.
12 PEGGY LINDSEY: Yeah, for a few months.
13 COMMISSIONER CLARK: Yeah.
14 COMMISSIONER MILLS: She was for a couple of months.
15 STEVE TOWNE: And I cannot speak to the contractual issue,
16 but from day one, from -- from July 1st of 2012, it was a
17 paramedic service. It was upgraded sometime after we -- we
18 initiated this as an ALS, all-paramedic level --
19 KEITH WESTENGARD: And that --
20 STEVE TOWNE: -- service.
21 KEITH WESTENGARD: And that's correct, but --
22 CHAIRMAN BAKKER: Then they --
23 KEITH WESTENGARD: -- the bottom line is --
24 CHAIRMAN BAKKER: So they started the contract illegally?
25 Bottom line.
26 KEITH WESTENGARD: I'm going to refer to the DA for that.
27 DISTRICT ATTORNEY HERRERA: The -- what's the question?
28 CHAIRMAN BAKKER: Well, if they started out with the
29 paramedic service right off the bat when the contract said it
30 needed to start out at EMS then they started out the contract
31 illegally.
32 DISTRICT ATTORNEY HERRERA: Well, I wouldn't say --
33 COMMISSIONER WAITS: It's a breach of --
34 DISTRICT ATTORNEY HERRERA: -- illegally.
35 COMMISSIONER WAITS: -- contract.
36 DISTRICT ATTORNEY HERRERA: They breached the contract by
37 not fulfilling the terms.
38 CHAIRMAN BAKKER: That's just lawyer lingo but --
39 DISTRICT ATTORNEY HERRERA: I'm sorry. But that's what I
40 am.

1 CHAIRMAN BAKKER: Same difference.
2 PEGGY LINDSEY: Okay.
3 CHAIRMAN BAKKER: Okay.
4 Doug, I'm looking to you because you're our representative on
5 the hospital board.
6 COMMISSIONER MILLS: All right.
7 So what I -- what I'd like to see is that we -- we need to --
8 to help EMS continue, we -- I think we need to give them a monthly
9 stipend. And I think if we did it at a decreasing rate every
10 year. Because I think eventually the hospital should be able to
11 take it over and have it be a -- actually a profit center at the
12 hospital.
13 PEGGY LINDSEY: Yes, I would hope --
14 COMMISSIONER MILLS: That's --
15 PEGGY LINDSEY: -- I would hope for that.
16 COMMISSIONER MILLS: I think that would --
17 PEGGY LINDSEY: I --
18 COMMISSIONER MILLS: -- certainly --
19 PEGGY LINDSEY: -- think it --
20 COMMISSIONER MILLS: -- be a goal.
21 PEGGY LINDSEY: A -- a few board members, I'm not sure if
22 they think that this is ever something that we're going to able
23 to maintain without ever having support. But I do believe in
24 the future, we should be able to maintain it.
25 CHAIRMAN BAKKER: The whole thing?
26 PEGGY LINDSEY: At least a breakeven. Yes.
27 COMMISSIONER MILLS: Right.
28 PEGGY LINDSEY: But again, it would be at their discretion.
29 But yes.
30 CHAIRMAN BAKKER: Right. Because I would s- -- I would
31 support that.
32 But with the conclusion, we have a timeline where at the end,
33 everything goes to the hospital. And it would be written in the
34 contract: equipment, everything.
35 COMMISSIONER MILLS: Right. And I think that's a good --
36 CHAIRMAN BAKKER: But I --
37 COMMISSIONER MILLS: -- thing to --
38 CHAIRMAN BAKKER: -- mean, in --
39 COMMISSIONER MILLS: -- work towards.
40 CHAIRMAN BAKKER: -- steps. Not --

1 COMMISSIONER MILLS: In steps.
2 CHAIRMAN BAKKER: -- just all at --
3 COMMISSIONER MILLS: Right.
4 CHAIRMAN BAKKER: -- once, but in steps. And you wanted to
5 say something.
6 KEITH WESTENGARD: I just had one thing I wanted to bring
7 up. And Peggy, you know, you -- like everybody says, you're
8 new.
9 So this is -- this is clear back to December of 2014. And
10 it was in meeting minutes where the previous CEO gave an update.
11 At that time, he was asked by the former board about taking over
12 the service completely.
13 And he made it very clear that he personally wanted to do
14 that. He had every intent of doing that, but it was a hospital
15 board decision.
16 At that time, I was given direction to have neg- --
17 discussions with the previous CEO, which I did. And we talked
18 about taking over the entire service or giving the entire
19 service to the hospital district, which resulted in the meeting
20 last year of the contract being terminated. It was never passed
21 on to the board. But it was discussed with the previous CEO
22 in -- in detail at length about taking it over.
23 He never brought it to his board.
24 Hence the meeting we had last year when the board was
25 flattened that I -- I brought that to them that we were going to
26 cancel the contract or terminate the contract last year.
27 So it -- it has been discussed. And I -- I don't have
28 control over that it never made it to the board, but it was very
29 clearly discussed in a commission meeting.
30 DISTRICT ATTORNEY HERRERA: Commissioner, I pointed out to
31 your executive director and I'll now point it out to you that
32 when you decide -- if you decide to take one of these four
33 options or -- or to reject all four options, which you can do,
34 and then -- and then in other matters properly related to,
35 discuss among yourselves what kind of option you want it -- you
36 want to submit to them, the -- the last contract -- or the
37 current contract, I guess, te- -- what we have is a situation
38 where it's a violation of -- of county policy in that
39 county-owned ambulances are being driven by non-county
40 employees.

1 That's a liability issue and if anything happens, the county
2 is going to get sued.

3 So it's -- it's my -- my duty and my function to point these
4 things out. We have to take that into consideration. Because,
5 again, we have county-owned hospitals [verbatim] being driven by
6 hospital employees.

7 KEITH WESTENGARD: County-owned equipment.

8 DISTRICT ATTORNEY HERRERA: And county-owned equipment
9 driven by hospital employees so...

10 COMMISSIONER WAITS: And our insurance company said what?

11 DISTRICT ATTORNEY HERRERA: The insurance company doesn't
12 -- they're buffaloed over this. They don't know what to do.
13 They want to look at the terms of the contract to see if there's
14 any provisions in the contract that would -- would -- would
15 transfer liability, which there is not. So that's -- hence I'm
16 pointing this out. We have to take that in consideration. We
17 have to do something about it.

18 KEITH WESTENGARD: I recei- -- I did receive a phone call
19 from our insurance carrier yesterday late in the afternoon.
20 They -- the underwriters are reviewing the contract. Their
21 initial thoughts are that due to the fact that we are -- we are
22 all part of POOL -- POOL/PACT, that they're covered.

23 But that is not -- that's their initial take as of
24 yesterday at about 4:30. But it's not out -- it's not an
25 official --

26 COMMISSIONER WAITS: But they want us to clarify it? And
27 --

28 KEITH WESTENGARD: No, they're --

29 COMMISSIONER WAITS: -- and --

30 KEITH WESTENGARD: -- they're still --

31 COMMISSIONER WAITS: -- make it right.

32 KEITH WESTENGARD: They're still working on it.

33 COMMISSIONER WAITS: Okay.

34 KEITH WESTENGARD: But we should look at making some
35 clarification to it. Yes.

36 DISTRICT ATTORNEY HERRERA: It may be covered. The
37 injuries may be covered. But it -- but the county would be
38 liable for hospital employees' actions.

39 That's what I'm interested in.

40 KEITH WESTENGARD: That's part of the more oversight by the

1 county, if that's the direction you choose to go.

2 COMMISSIONER CLARK: So if there were an event, the county
3 would be sued, not the --

4 DISTRICT ATTORNEY HERRERA: Absolutely.

5 COMMISSIONER CLARK: -- hospital.

6 DISTRICT ATTORNEY HERRERA: Both of them would be sued.

7 COMMISSIONER WAITS: Uh-huh.

8 PEGGY LINDSEY: Uh-huh.

9 COMMISSIONER CLARK: Okay.

10 COMMISSIONER WAITS: Uh-huh.

11 DISTRICT ATTORNEY HERRERA: But if -- we have a policy that
12 only county employees can drive county equipment.

13 And then -- that's one issue. The other issue is of
14 liability. Who gets sued? Well, both. Both get sued.

15 COMMISSIONER WAITS: Well, we could anyway. But we need to
16 clarify the fact that perhaps --

17 DISTRICT ATTORNEY HERRERA: Well, if --

18 COMMISSIONER WAITS: -- if they're leasing the vehicles --

19 DISTRICT ATTORNEY HERRERA: We could have a --

20 COMMISSIONER WAITS: -- if we can --

21 DISTRICT ATTORNEY HERRERA: -- negligent --

22 COMMISSIONER WAITS: Yeah.

23 DISTRICT ATTORNEY HERRERA: -- entrustment --

24 COMMISSIONER WAITS: Yeah.

25 DISTRICT ATTORNEY HERRERA: -- issue.

26 COMMISSIONER WAITS: We can do a -- a lease or something
27 that they can get their own insurance.

28 DISTRICT ATTORNEY HERRERA: Yes.

29 COMMISSIONER WAITS: Yeah.

30 Well, I'm -- I'm still having a problem with the -- besides
31 the breach of contract -- the amount of money. I know we were
32 paying 300,000 a year. And they're still looking at collecting,
33 even if we do the monthly stipend at 12,000, we're -- we're
34 looking at -- you know, \$144,000.

35 And -- and we were ready to give them time. But now
36 circumstances have changed.

37 So the point is: What do we do?

38 We have to look at some kind of a stipend.

39 I'm not in favor of any of this. I think they need some
40 time to revise what they're doing.

1 And three of the offers said that we really don't want the
2 south at all, thank you. But we want them to stand alone.

3 And I'm -- I'm okay with that if -- it says the county
4 would be paying for that portion and -- and handling it.

5 But I don't think I'm in favor of being separate but still
6 under the hospital.

7 I -- I'd rather have us, if we're going to be separate in
8 Austin, I'd rather have us directly with the county. So if we
9 hire a coordinator, it would be a county -- our -- our county
10 employee, who could drive the ambulance. But I really don't --
11 don't care to go there.

12 KEITH WESTENGARD: I just want to point out that along with
13 that -- and we've spoken about this, Commissioner Waits --
14 there's -- there will be costs to the county related to that.

15 COMMISSIONER WAITS: Absolutely.

16 KEITH WESTENGARD: Licensing. And I'm not talking about
17 licensing and insuring the vehicles. But we have to be licensed
18 through the state -- state EMS. We also have to look at the
19 regular inspections of the -- of the vehicles, the ambulances.

20 You brought that information --

21 COMMISSIONER WAITS: But that's part of what a coordinator
22 would do. I mean, I understand there's more to it. We have to
23 have a medical director. We have to --

24 KEITH WESTENGARD: Right.

25 COMMISSIONER WAITS: -- put our own service.

26 But I think when we look back at the cost reports of what
27 we did as a volunteer service, even Battle Mountain and Austin,
28 and we ran two separate services basically. It was not the
29 county that way.

30 KEITH WESTENGARD: Right.

31 COMMISSIONER WAITS: I -- I like the idea of the county
32 being involved and still leaving it with the hospital and
33 working out some details.

34 But I think if we go separate with Austin, I don't think I
35 want to be involved with the hospital. I'd like to see that
36 just directly with the county.

37 That would be something I think would work a little bit
38 better for us.

39 KEITH WESTENGARD: I just want the commission to be aware
40 that there will be additional costs that we'll have to discuss

1 in a future meeting.

2 Just want you to be aware of that.

3 COMMISSIONER MILLS: Right. And personally, my preference
4 would be to have the hospital just continue to cover the whole
5 county. And have it that -- that stuff's already in place and
6 just continue.

7 COMMISSIONER WAITS: Okay. But it isn't working, is the
8 whole position. It hasn't been working well. It still isn't
9 working well. The people in charge have made it very clear they
10 do not like volunteers. And they don't like the ages of the
11 people that are volunteering. They don't like southern Lander
12 County. I mean, it just hasn't been a real good situation. And
13 I can't see getting more volunteers and being a viable service
14 and still be part of the hospital.

15 KEITH WESTENGARD: I -- I just -- I want to make a point.
16 And I -- I'm not cast- -- throwing stones here. But you say the
17 people in charge. It's not -- it's not the hospital CEO.
18 It's -- it's a reference to the EMS commander. It's not the
19 hospital CEO where the rubs come in. So I wanted to make sure
20 that that wasn't thrown at the CEO or anybody else.

21 CHAIRMAN BAKKER: And Peggy, you're over the EMS commander.

22 PEGGY LINDSEY: I am now.

23 CHAIRMAN BAKKER: Yeah.

24 PEGGY LINDSEY: Yes. For the last six weeks.

25 CHAIRMAN BAKKER: And I know you weren't there --

26 PEGGY LINDSEY: Yes.

27 CHAIRMAN BAKKER: -- from all this hate and discontent that
28 was built up from the previous person. So, I mean, that may
29 change or can change.

30 PEGGY LINDSEY: Uh-huh.

31 CHAIRMAN BAKKER: Correct?

32 PEGGY LINDSEY: Correct. I mean, we have a lot to discuss.
33 We do.

34 COMMISSIONER CLARK: If we're g- -- if we're going to
35 continue to give county money, I want county input. Because --
36 and I'm going to complain.

37 Because I've seen the same thing.

38 You have the equipment sitting down at the Colt for hours
39 at a time. And it was my understanding that when it went from
40 EMS to paramedic that the paramedics were supposed to be helping

1 out in the emergency room.

2 PEGGY LINDSEY: Well, there's certain things that they can
3 do. But then once they cross that threshold, then they're --
4 they're specialty. They're not licensed as an RN or an MD.

5 COMMISSIONER CLARK: I'm -- I'm just --

6 PEGGY LINDSEY: But they can do certain things. I mean, we
7 -- we --

8 COMMISSIONER CLARK: They can take blood pressure.

9 PEGGY LINDSEY: They can --

10 COMMISSIONER CLARK: Temperature.

11 PEGGY LINDSEY: -- sit with a mental health patient because
12 we -- there's no beds to transfer.

13 COMMISSIONER CLARK: That's what I was --

14 PEGGY LINDSEY: Yes.

15 COMMISSIONER CLARK: -- told.

16 PEGGY LINDSEY: Yes.

17 COMMISSIONER CLARK: And I'm relaying to you what I've
18 observed.

19 PEGGY LINDSEY: Okay.

20 COMMISSIONER CLARK: So I want some county input into the
21 design and control of the situation.

22 Because we're going to -- I mean, just the maintenance alone,
23 we don't know. What -- what's the top figure for maintenance?
24 I know 700,000 one time, we were talking.

25 KEITH WESTENGARD: Well, we budget -- budget for
26 maintenance about \$30,000 a year.

27 But last year -- I believe it was last year and then the two
28 years before that, we had an engine blow in each of the ambulances
29 at 15- or \$16,000 each. That's not budgeted for.

30 And those are big expenses.

31 We had tow bills. We -- we tanked our budget that year.

32 COMMISSIONER CLARK: Yeah, we had one --

33 KEITH WESTENGARD: Those two --

34 COMMISSIONER CLARK: -- that --

35 KEITH WESTENGARD: -- years.

36 COMMISSIONER CLARK: -- continually broke down.

37 KEITH WESTENGARD: Yeah. And then -- then there was repair
38 issues that came up with it so...

39 COMMISSIONER CLARK: Uh-huh. And we bought equipment too.

40 KEITH WESTENGARD: Yes, we did. We bought -- or we

1 budgeted for a new ambulance, \$150,000. And then with the
2 equipment that was put into it, it was another \$30,000 or so.

3 And the safety committee has supported the AED program
4 equipment that they've needed, the Lucas machines, which are the
5 battery-operated CPR machines and so forth.

6 So it's not just what you see in a maintenance budget of
7 \$30,000 and a stipend of --

8 COMMISSIONER CLARK: Yeah.

9 KEITH WESTENGARD: -- at currently \$25,000 a month.

10 There's -- there's other things that Lander County -- many
11 other things that Lander County has put in to this program.

12 COMMISSIONER CLARK: Well, it's obvious that we need this
13 service.

14 I find great value in the service. My wife wouldn't be here
15 with us today if it wasn't for this service two years ago. So we
16 need to work something out.

17 COMMISSIONER WAITS: And it isn't a matter of having the
18 service. I mean, by our -- by our -- our own responsibilities,
19 I mean, we are responsible for providing this type of service.
20 So it isn't a matter of doing away with the service. It's a
21 matter of which way is going to be better. That's all.

22 COMMISSIONER CLARK: Ted?

23 DISTRICT ATTORNEY HERRERA: Yes.

24 COMMISSIONER CLARK: There's a comment in here that this
25 was a verbal agreement between the county, Keith Westengard and
26 Phil Hanna. Does that have any bearing?

27 DISTRICT ATTORNEY HERRERA: That has no bearing on
28 anything.

29 COMMISSIONER CLARK: That's what I thought. Okay.

30 DISTRICT ATTORNEY HERRERA: We're here today is -- is --

31 COMMISSIONER CLARK: Right.

32 DISTRICT ATTORNEY HERRERA: -- the hospital district has
33 submitted four proposals to the county commission.

34 If you don't want to take any of these proposals at face
35 value, you reject them.

36 If you want to take one, you take one out of there.

37 If -- if you want to submit your own proposal, you discuss
38 that, you reject these proposals, discuss your own, and then
39 vote on whether you want to submit it to their board.

40 COMMISSIONER WAITS: So we could actually take an option

1 and -- and change --

2 DISTRICT ATTORNEY HERRERA: Yes.

3 COMMISSIONER WAITS: -- some of the things?

4 DISTRICT ATTORNEY HERRERA: Because by you -- by you voting
5 to approve the other option that you're going mold, doesn't mean
6 that it's in existence because it has to go in front of their
7 board.

8 COMMISSIONER WAITS: Okay.

9 So let me ask a question to the fellow commissioners, then.
10 When you look at a time frame, how long are you looking for the
11 hospital to -- to work to get this together?

12 I'm looking at everything from two-year contracts to
13 four-year contracts in here. And I'm going, I'm kind of in favor
14 of a year to see if they can get it together and if we take an
15 option. So what's your thought on that?

16 COMMISSIONER MILLS: Well, like I said, the -- the
17 hospital's still trying to dig out of their financial
18 difficulties. And I think it would take more than a year for
19 that to really happen and the hospital to really get on their
20 feet --

21 COMMISSIONER WAITS: But we're not --

22 COMMISSIONER MILLS: -- solid enough.

23 COMMISSIONER WAITS: -- responsible for their --

24 COMMISSIONER MILLS: That's true.

25 COMMISSIONER WAITS: -- their difficulties. It's an EMS
26 program.

27 COMMISSIONER MILLS: But the EMS -- the EMS is part of that
28 difficulty.

29 And I think if -- if -- we -- we need to give them at least
30 a couple of years on this to get firmly planted on their feet.
31 They're going to -- it's going to take more than a year to dig
32 out of the hole they're in.

33 UNIDENTIFIED PARTICIPANT: That's not an issue.

34 COMMISSIONER MILLS: And this -- this would help them
35 accomplish that. So I -- I think if we did a -- I'm afraid to
36 throw numbers out right now. But if -- if we gave a number for
37 the first year and then a reduced number the second year, I
38 think we'd be okay.

39 COMMISSIONER CLARK: That's option --

40 COMMISSIONER WAITS: Okay. Option --

1 COMMISSIONER CLARK: -- 1.
2 COMMISSIONER MILLS: (Indiscernible) -- Pe- --
3 UNIDENTIFIED PARTICIPANT: I agree.
4 COMMISSIONER MILLS: Just -- Peggy, how long do you think
5 --
6 PEGGY LINDSEY: I think --
7 COMMISSIONER MILLS: -- we could --
8 PEGGY LINDSEY: -- a couple --
9 COMMISSIONER MILLS: -- could --
10 PEGGY LINDSEY: -- of years would -- would at least open
11 the door to letting us to recover from two years of losing 13 --
12 COMMISSIONER MILLS: Right.
13 PEGGY LINDSEY: -- million.
14 COMMISSIONER MILLS: Okay.
15 PEGGY LINDSEY: Yeah.
16 CHAIRMAN BAKKER: I would -- I would say it needs to be
17 longer than a year. But in the agreement, at the end, there's
18 no coming back. There's no saying, well, you guys, we'll just
19 give it back to you. The hospital would -- there would have to
20 be some legality in there where they take it. There's no --
21 nothing saying, Nope. Nope. It goes back to you guys and it's
22 volunteer service or whatever.
23 At the end of the contract or end of whatever, the
24 agreement would have to say, it's yours.
25 PEGGY LINDSEY: We would present that to our governing
26 board and see what they would agree on. Yes.
27 CHAIRMAN BAKKER: Right.
28 PEGGY LINDSEY: We could do that.
29 COMMISSIONER MILLS: So --
30 CHAIRMAN BAKKER: But I mean, it does need to be longer
31 than a year.
32 COMMISSIONER WAITS: I'm more favorable for the option 3
33 than any of them. But I still don't like the amounts. And it's
34 a -- a three-year term. And I don't like the three-year term.
35 I just can't imagine if they really took ahold of it and
36 somebody really knew what was going and was trying to oversee this
37 that they should be able to handle it in a couple of years.
38 But with that, if we did option 3, it is a stand-alone. And
39 the standalone would be with the county. So yes, we have an
40 expense with the county too.

1 And I don't know offhand what some of the costs were involved
2 in that because they were paying for the -- the ambulance county
3 building anyway. And we do have our own equipment. So we would
4 have a four-wheel drive. We have the -- the two-wheel drive, the
5 four by four and the Tufport, which is still the equipment for the
6 south.

7 And I know that's changed back and forth a lot of times, but
8 that would remain ours. The rest would remain ours, which we're
9 doing anyway. We have to work out the liability issue with the
10 equipment that's -- that Battle Mountain would have. But it
11 wouldn't be a problem in the south because they'd all be county
12 people on stipends, except for the coordinator who would be an
13 employee. So you've got that handled.

14 And any new ambulance drivers could very well be county
15 employees to start with, anyway. That's usually what happens.

16 KEITH WESTENGARD: And just for clarification, when you say
17 a county employee, you're talking about for the drivers,
18 volunteer ambulance personnel but a stipend.

19 COMMISSIONER WAITS: Right.

20 KEITH WESTENGARD: So they're not truly like a
21 salary-benefited type employee or hourly-benefited employee.

22 COMMISSIONER WAITS: No. No. And the coordinator's
23 part-time, so there's no benefits. But that would be a county
24 employee.

25 KEITH WESTENGARD: Okay.

26 COMMISSIONER MILLS: So actually on this, because I think
27 so far we're okay on a monthly stipend. I think we're all kind
28 of agreeing on that for a couple of years.

29 I'm still unclear about separating the south out and -- and
30 making that work and not have --

31 COMMISSIONER WAITS: We're such an entirely different area,
32 I guess. It's like -- I mean, we -- we've run volunteer for so
33 long. And I do believe it can be put back together again. If
34 you've got a coordinator handling the training and recruiting
35 and supplies and -- and licensing and all that with our
36 executive director, that's what it was done before.

37 But what happened is they slipped up in the executive
38 directors and stopped licensing our vehicles. And we ran into
39 some problems during that.

40 We have -- we have to do more recruiting. There's no

1 question about it.

2 But we still transfer a lot. And we would still transfer
3 using Battle Mountain and using Churchill or -- if it happens on
4 50, it goes this way. If it happens on 305, it goes this way.
5 And you transfer.

6 And if you need a -- if those basics down there, EMTs, need
7 paramedics, we immediately call for it. It's either a care
8 flight of some type or we're rendezvousing with another district
9 that has paramedics. I mean, that's -- we're so far from
10 everybody. You folks are right here. I mean, you've got a
11 hospital here. If you have accidents on 80, you've got
12 hospitals both ways. I mean, it's all a done deal. It's
13 completely different down there.

14 Volunteers don't have to respond in ten minutes. That isn't
15 what happens. And it never has been. And I'd love to have
16 paramedics. It would be fabulous. But we can't justify full-time
17 personnel. We just can't. We can't cover it. We don't have that
18 kind of -- of access and medical responses. It's not needed. And
19 -- and it would cost as much to do that in Austin as it would here
20 in Battle Mountain.

21 PEGGY LINDSEY: May I ask a question, Patsy?

22 COMMISSIONER WAITS: Absolutely.

23 PEGGY LINDSEY: Is it something that you would prefer -- I
24 mean, if we were not coming before the commission for monies to
25 help to support, if -- if that was not on the table, would this
26 still be something that you prefer to be separate from BMGH's
27 EMS? I mean, because north, south. I'm just asking because I
28 -- there must --

29 COMMISSIONER WAITS: I truly thought it would work using
30 Battle Mountain Hospital, you know, with the Lander County
31 grouping together. But I don't think it has, personally.

32 PEGGY LINDSEY: Okay.

33 COMMISSIONER WAITS: Um.

34 PEGGY LINDSEY: Okay.

35 COMMISSIONER WAITS: And I looked to see what else --

36 PEGGY LINDSEY: (Indiscernible.)

37 COMMISSIONER WAITS: -- could we do on it. And -- and I'm
38 afraid if -- if we go that route that we're going to lose --
39 we've got new EMTs that -- that could join our service. And it
40 hasn't been possible.

1 And -- and I'm thinking, if we don't do something timewise,
2 we may lose opportunities that we have right now.

3 So I don't know whether it's something I'd always
4 considered. But at the point with you're saying, we can't
5 afford to do this, I think I would say, if we're going to do it,
6 let's do it now.

7 PEGGY LINDSEY: I see.

8 COMMISSIONER MILLS: So does -- does --

9 CHAIRMAN BAKKER: Hold on, Doug. Sorry.

10 DISTRICT ATTORNEY HERRERA: Thank you, Commissioner.

11 Commissioner Waits was talking about option 3. And I'll
12 need to point out something. In reading option 3, it states
13 this was a verbal agreement between the county, Keith
14 Westengard, and Phil Hanna. You need to understand there's no
15 legal -- even though verbal agreements can be legal contracts
16 and are binding, from my research on this, number one, it's not
17 a legal contract; number two, those weren't the terms of the
18 oral agreement.

19 So -- so for -- for our sakes and appearances, this is a --
20 this is a valid option that the hospital board presented to you,
21 but you should just strike from your mind and probably from the
22 document that there was a verbal agreement between the county and
23 Phil Hanna because it didn't -- it wasn't true.

24 CHAIRMAN BAKKER: Okay.

25 KEITH WESTENGARD: And I'd like to address that if I may.

26 CHAIRMAN BAKKER: Yep.

27 KEITH WESTENGARD: Okay.

28 This was a discussion that Phil Hanna -- or that I had with
29 the current commander of the -- of EMS when we started doing -- or
30 when we started to take over the psychiatric transfers or give it
31 to the hospital.

32 So I had the conversation with the current commander.
33 Current commander had the discussion with Phil Hanna.

34 I never had the discussion with Mr. Hanna over this. We
35 disc- -- over the \$650. We discussed the transfers. We
36 discussed EMS doing it. But it was never dis- -- there was
37 never money discussed between Phil Hanna and I.

38 So I want to make that very clear on the record.

39 CHAIRMAN BAKKER: So the 650 stipend per Reno mental health
40 transfer after invoice issued to the county -- are -- when they

1 do those runs, aren't they getting paid by --
2 PEGGY LINDSEY: Hospital.
3 CHAIRMAN BAKKER: The hospital's paying the EMS to do those
4 runs?
5 PEGGY LINDSEY: To do those runs.
6 KEITH WESTENGARD: And we have never been -- been even
7 billed for one. So where the -- where --
8 COMMISSIONER MILLS: There's no --
9 KEITH WESTENGARD: -- the 650 --
10 COMMISSIONER MILLS: -- insurance --
11 KEITH WESTENGARD: -- came out, --
12 COMMISSIONER MILLS: -- involved in --
13 KEITH WESTENGARD: -- I don't know.
14 PEGGY LINDSEY: There's no --
15 DISTRICT ATTORNEY HERRERA: It doesn't --
16 COMMISSIONER MILLS: Insurance pays --
17 DISTRICT ATTORNEY HERRERA: -- matter because that's their
18 proposal.
19 CHAIRMAN BAKKER: Right. No, I -- I totally --
20 DISTRICT ATTORNEY HERRERA: Yeah.
21 CHAIRMAN BAKKER: -- get that.
22
23 (Simultaneous indiscernible conversations.)
24
25 CHAIRMAN BAKKER: But --
26 PEGGY LINDSEY: Is it possible --
27 CHAIRMAN BAKKER: Shouldn't you flip that coin, since it's
28 our equipment doing the run? That we should get some of the
29 money instead of us paying to do the run?
30 KEITH WESTENGARD: I'm sorry. Pardon me?
31 PEGGY LINDSEY: Oh. Yes, there is. There's no -- they're
32 not transported in ambulance --
33 KEITH WESTENGARD: Right.
34 PEGGY LINDSEY: -- so there's no medical billing for that.
35 COMMISSIONER MILLS: Oh. Okay.
36 PEGGY LINDSEY: I'm sorry.
37 KEITH WESTENGARD: And we've provided a vehicle. The
38 county provides a vehicle with a cage in it. The vehicle engine
39 blew. We've ordered a new engine. Road and Bridge is going to
40 put the new engine in and the vehicle will get ready to go

1 shortly.

2 CHAIRMAN BAKKER: I think some of these drivers need to
3 take some classes if we keep blowing motors.

4 UNIDENTIFIED PARTICIPANT: Yeah.

5 UNIDENTIFIED PARTICIPANT: Yeah.

6 STEVE TOWNE: It's -- it's older equipment, sir.

7 KEITH WESTENGARD: And it --

8 CHAIRMAN BAKKER: It's not that old.

9 KEITH WESTENGARD: This vehicle -- this --

10 CHAIRMAN BAKKER: I mean, the ambulances weren't that old.

11 KEITH WESTENGARD: Right. I --

12 STEVE TOWNE: They're eight years old.

13 CHAIRMAN BAKKER: Not when the motors blew.

14 STEVE TOWNE: Six years old?

15 KEITH WESTENGARD: They were six. But they were a hun- --
16 a hundred or 110,000. I don't think they had a lot of miles.

17 COMMISSIONER CLARK: A hundred and ten thousand miles on a
18 diesel motor is nothing.

19 CHAIRMAN BAKKER: Nothing.

20 COMMISSIONER CLARK: That's broke in.

21 STEVE TOWNE: For emergency vehicles, yes they are. The
22 wear and tear on emergency vehicles are a lot more than they are
23 on a personal vehicle.

24 COMMISSIONER WAITS: We do have an obligation as a county
25 to transport these people; right? This is our obligation?

26 CHAIRMAN BAKKER: No.

27 KEITH WESTENGARD: Initially, it was within the county.
28 And we -- we -- back -- years back. Past years it's been
29 within the county.

30 There was a training program put in place for drivers and
31 people that did the transfers.

32 Well, it got to a point where some of the -- where somebody
33 did a transfer and they didn't have the training.

34 So that's what sparked the conversation with -- with
35 Mr. Hanna and I to let's put this over under EMS. I'll provide a
36 vehicle. You provide the employees and the mileage. And we'll --
37 the county would also provide the maintenance on the vehicle.
38 That's why we're replacing it.

39 So in the past, it was under the county. I believe it was
40 under the sheriff's department, Ron, if I'm correct? Or --

1 COMMISSIONER WAITS: The mental health transfers?

2 KEITH WESTENGARD: The psychiatric.

3 SHERIFF RON UNGER: No. Ron Unger, for the record.

4 Originally -- and we can go back a lot of years -- the
5 volunteer ambulance service here in Battle Mountain used to take
6 the transports --

7 KEITH WESTENGARD: Oh.

8 SHERIFF RON UNGER: -- from here to Reno.

9 Then later on, it came down to where the -- it -- we -- the
10 Lander County Sheriff's Department, they would make them to help
11 them out.

12 Now if the -- if the mental person is under arrest, okay,
13 then it's our responsibility to transport down to Reno or
14 wherever they go.

15 But if they're not under arrest, then the Nevada State
16 Revised Statute says the sheriff may, if need be. But there's
17 different options they could go with which is public
18 transportation, a relative, a friend could transport these.

19 So what we did back years ago is -- and I believe Peggy may
20 have been involved with this -- is -- and there was a lot of
21 discussion in this, we decided because of the sheriff's office
22 having do the callout, blah, blah, blah, we wound up giving a --
23 an -- one of the patrol vehicles. We took the markings off of
24 it so it doesn't say sheriff. And I have to have a -- an
25 officer do this. We left the cage in it and radio. And we set
26 that aside to do the mental transportations with it.

27 The hospital agreed to get, like Keith was saying, trained
28 personnel to take the transports.

29 So the sheriff's office never ever did do it on a daily
30 basis or that. We did it, number one, to help out, which we've
31 done in the past since this vehicle has been broke down.

32 But we have done it, but we didn't want to make it to where
33 every time you get somebody that's got a Legal 2000 on them the
34 sheriff's office gets called. And you call people out to make
35 the transport. So that's not the way it works.

36 COMMISSIONER CLARK: So we have a specific vehicle for
37 transport?

38 SHERIFF RON UNGER: Yes, sir. And I think originally we
39 may have gone through two different vehicles. I think right now
40 you have a Ford Explorer?

1 KEITH WESTENGARD: Yes.
2 SHERIFF RON UNGER: If I'm not mistaken. And it may have
3 been a county vehicle. But we took one of the cages and
4 installed in it out of another Ford Explorer and a radio.
5 COMMISSIONER CLARK: You have that vehicle, Peggy?
6 SHERIFF RON UNGER: Yes. That vehicle --
7 PEGGY LINDSEY: Yes.
8 SHERIFF RON UNGER: -- it used to stay at the -- originally
9 the hospital took it. And this is after Peggy was gone. But
10 they had it stationed at the hospital. But there wasn't a lot
11 of mental transports. So it wound up having flat tires, out of
12 gas, batteries dead. So the sheriff's office took it. We
13 brought it to the sheriff's office. We made sure that the
14 batteries were up, it was full of gas, the tires were up when it
15 was needed. We left the keys in the dispatch so that when her
16 folks, the trained people needed it, they would come check out
17 the keys, jump in the car and go.
18 After the John Peters Building was built, the ambulance
19 service, I believe, or -- they came and retrieved that from us
20 and that's where it's at this point or has been.
21 COMMISSIONER CLARK: Okay, is that --
22 CHAIRMAN BAKKER: Ron, on --
23 COMMISSIONER CLARK: Is that right? Is that right?
24 PEGGY LINDSEY: Correct.
25 COMMISSIONER CLARK: Okay.
26 CHAIRMAN BAKKER: -- average when we had volunteers, how
27 many motors did you go through on a single ambulance?
28 SHERIFF RON UNGER: Back when it was a volunteer unit?
29 CHAIRMAN BAKKER: Yeah.
30 SHERIFF RON UNGER: Well, we had -- we had some issues. We
31 didn't -- we budgeted every year for an -- an engine and
32 transmission.
33 CHAIRMAN BAKKER: Okay.
34 SHERIFF RON UNGER: We weren't -- at that point in time, we
35 were using the Cadillacs, the Oldsmobile-style vehicles. When
36 we went to the diesel engines, the first one we bought was a
37 Ford with a 7.3 -- maybe it was a 6.9 and -- and a couple of us
38 put a turbo on it. We made it a 7.3. We -- we may have gone
39 through one.
40 And I don't recall us having to change the engine. It was

1 just a matter of repairing it.
2 But in their defense, I think one of the engines that went
3 down was the newer one. And it went down, I believe, during a
4 warranty period. There was something that was happening there.
5 And I'm not positive on that, but I don't think it was
6 neglect on the driver at that point.
7 CHAIRMAN BAKKER: Okay.
8 SHERIFF RON UNGER: Now we went through transmissions. Did
9 that help?
10 KEITH WESTENGARD: Yes. Thank you.
11 COMMISSIONER CLARK: Yes.
12 KEITH WESTENGARD: And --
13 CHAIRMAN BAKKER: Thank you, Ron.
14 KEITH WESTENGARD: -- the current vehicle is the one that's
15 getting a new motor in it, --
16 COMMISSIONER WAITS: Okay.
17 KEITH WESTENGARD: -- the psychiatric transport vehicle.
18 CHAIRMAN BAKKER: So does Austin have all the equipment
19 they need?
20 KEITH WESTENGARD: I believe they do. Yes.
21 CHAIRMAN BAKKER: And Battle Mountain?
22 PEGGY LINDSEY: To the best of our knowledge. Yes.
23 KEITH WESTENGARD: They should have everything they need
24 too, as far as county-supplied equipment.
25 The -- the service within the county has the equipment they
26 need.
27 There's always the future vehicle replacements, but --
28 CHAIRMAN BAKKER: Right.
29 KEITH WESTENGARD: -- currently they have everything.
30 Every- -- both -- both sides have what they need.
31 PEGGY LINDSEY: Correct. (Indiscernible) discussion.
32 CHAIRMAN BAKKER: Okay.
33 COMMISSIONER MILLS: How do we resolve the insurance issue?
34 KEITH WESTENGARD: Just waiting to hear back from the
35 insurance company on what the underwriters say. And then we'll
36 probably have to --
37 CHAIRMAN BAKKER: Change language in the contract for
38 liability.
39 KEITH WESTENGARD: And I would refer that to Ted.
40 DISTRICT ATTORNEY HERRERA: If there -- if you guys decide

1 that there is a contract. The contract ends. You've already --
2 you've already decided to give EMS back. You need -- that's
3 where your starting point is today. You've already made a
4 decision to give it back.

5 They have come up with four proposals to you. If you want
6 to reject all four proposals, you may. If you want to accept
7 one, you may. If you modify any of them, it's a
8 counterproposal.

9 And you may. You may modify. You may construct your own.
10 But you need to know it's nothing but a counterproposal.

11 If that helps.

12 CHAIRMAN BAKKER: It does.

13 So would you guys like to modify one or stand where we're at?
14 is the question.

15 DISTRICT ATTORNEY HERRERA: Or accept them.

16 CHAIRMAN BAKKER: Or accept --

17 COMMISSIONER MILLS: Or accept them.

18 CHAIRMAN BAKKER: -- one of the four.

19 COMMISSIONER MILLS: So how does Austin feel about having
20 their own ambulance service and not having the hospital
21 involved? I know Patsy's all in favor of that. How -- how
22 about the rest of --

23 COMMISSIONER WAITS: We have --

24 COMMISSIONER MILLS: -- you guys --

25 COMMISSIONER WAITS: -- some --

26 COMMISSIONER MILLS: -- in --

27 COMMISSIONER WAITS: -- Austin --

28 COMMISSIONER MILLS: -- Austin?

29 COMMISSIONER WAITS: -- people here too.

30 CHAIRMAN BAKKER: There's Austin people here.

31 UNIDENTIFIED PARTICIPANT: I don't really --

32 CHAIRMAN BAKKER: Okay.

33 UNIDENTIFIED PARTICIPANT: -- want to talk --

34 CHAIRMAN BAKKER: Hold on. I'm sorry.

35 Let --

36 Robin?

37 DEE HELMING: Robin's bouncing off the walls.

38 CHAIRMAN BAKKER: Well, and we're not in public comment
39 yet, but --

40 ROBIN YORK: But, you know, --

1 COMMISSIONER MILLS: But I'm asking a question.
2 ROBIN YORK: Okay.
3 COMMISSIONER MILLS: I don't know if that counts.
4 CHAIRMAN BAKKER: Yep.
5 ROBIN YORK: For an example, down in Austin, I feel that
6 Austin needs their own facility, volunteer, whatever.
7 There's been times when I've been down there and needed an
8 ambulance, takes two hours to get to me.
9 Uh-uh.
10 These folks need it. And I will fight tooth and nail for
11 Austin.
12 And the other thing on these budgets, on these ambulances,
13 why isn't it not budgeted for these engines blown and all that?
14 That needs be in the budget.
15 DISTRICT ATTORNEY HERRERA: It is.
16 ROBIN YORK: He just said it's not budgeted.
17 KEITH WESTENGARD: It -- it's -- it's within a maintenance
18 budget. But when we have a large expenditure like that that
19 takes up half of your budget, we -- we have an emergency budget
20 for it, but we don't budget for it every year.
21 ROBIN YORK: Well, --
22 KEITH WESTENGARD: We're prepared in the event --
23 ROBIN YORK: -- maybe you should give trainings on driving
24 the ambulance.
25 DISTRICT ATTORNEY HERRERA: They're not --
26 ROBIN YORK: But I am for Austin to go on --
27 DISTRICT ATTORNEY HERRERA: They're not --
28 ROBIN YORK: -- volunteer because you're going --
29 DISTRICT ATTORNEY HERRERA: -- county employees.
30 ROBIN YORK: -- to get help faster with a volunteer than
31 you are getting it coming up the way from Battle Mountain.
32 CHAIRMAN BAKKER: Thanks, Robin.
33 COMMISSIONER WAITS: Thank you.
34 CHAIRMAN BAKKER: The folks from Austin.
35 CHARLIE VAUGHN: Charlie Vaughn.
36 I guess my recommendation would be is that you not
37 accept any -- any one of those four. There's been nothing
38 presented to us on any of those four proposals. We don't know
39 what you're looking at or what the -- the elements are of each
40 one. So for us to really comment, I think is kind of unfair

1 to -- to be able to do that.

2 So one of the things I would suggest to you that -- if I am
3 correct, were not these four proposals developed by people from
4 here?

5 DISTRICT ATTORNEY HERRERA: No.

6 CHARLIE VAUGHN: And was there any -- was there any input
7 or requests for input for people from Austin or Kingston? So my
8 recommendation is maybe you form some sort of a group to come
9 together with representation from Austin and Kingston to
10 formulate a plan, formulate maybe some budget issues and -- and
11 work to some resolution that way. But right now we kind of feel
12 like we're left out.

13 ROBIN YORK: As always.

14 CHARLIE VAUGHN: And --

15 COMMISSIONER MILLS: That's why we're asking the question.
16 Do you -- would you like your own ambulance serv- -- volunteer
17 ambulance service in Austin? or would you like it be -- to be
18 under the direction of the Battle Mountain Hospital? How --

19 CHARLIE VAUGHN: I think --

20 COMMISSIONER MILLS: -- would you like it to be done?

21 CHARLIE VAUGHN: I think right now, we -- we want the
22 service obviously.

23 What is going to be the best way to provide that? And I
24 don't know that anybody's in a position to address that -- which
25 is going to be best way. It's going to depend on revenues for the
26 county.

27 I was in Idaho as an EMT for 13 years. We ended up doing a
28 hospital district for one part of the county because of the very
29 issues we're talking about. And once it was in place, it worked
30 well. But that may not be the issue here. But I think it's worth
31 bringing people together from all parts of the county to discuss
32 that and involve the EMTs from -- from Austin and Kingston because
33 they're going to have -- they're going to have insight that maybe
34 people up here aren't thinking of. Because as -- as Patsy said,
35 it's a different -- it's a whole different animal down there.

36 So I recommend that you not accept any of these. Form a
37 new group that would include people from the south and come up
38 with some solutions. And then come back to the -- to the
39 commission with something that the public can see and read and
40 understand. So that would be my recommendation to you.

1 And I thank you for having a public hearing on it.
2 CHAIRMAN BAKKER: Thanks, Charlie.
3 I'm going to make one comment. You've only been there five
4 months. And you're picking up after Phil.
5 So we're moving forward and you're doing a better job.
6 And I think we maybe should give you the opportunity and the
7 chance to improve the services in Austin.
8 It's just food for thought. But throwing it out there.
9 COMMISSIONER CLARK: I agree.
10 CHAIRMAN BAKKER: And it all depends on what Austin -- I
11 mean, we need some input from Austin. But I think Peggy is
12 doing a whole lot better. And we sh- -- ought to give her the
13 opportunity to improve Austin.
14 PEGGY LINDSEY: Because ultimately we do want to serve the
15 entire county.
16 CHAIRMAN BAKKER: And do you think you can improve the
17 services in Austin?
18 PEGGY LINDSEY: I can if I know the problems.
19 COMMISSIONER WAITS: But the problems is the distance. And
20 so I don't --
21 PEGGY LINDSEY: I see.
22 COMMISSIONER WAITS: -- I don't see where we can. I mean,
23 you can't station anybody down there and pay per diem or
24 full-time. We don't justify that.
25 And the -- the rest is the length of time it gets -- it takes
26 --
27 CHAIRMAN BAKKER: I don't understand --
28 COMMISSIONER WAITS: -- to get there.
29 CHAIRMAN BAKKER: -- why we can't station people down
30 there.
31 COMMISSIONER WAITS: Because of the cost.
32 COMMISSIONER MILLS: It's too expensive.
33 COMMISSIONER WAITS: We -- we don't have that many calls to
34 justify somebody full-time all the time.
35 That's why volunteers work.
36 PEGGY LINDSEY: Okay. And currently, speaking with Steve,
37 we -- we have people down there, volunteer, already staffed,
38 scheduled.
39 STEVE TOWNE: When they're -- when they're available, you
40 know. They're volunteers.

1 ROBIN YORK: Only if they're available.
2 STEVE TOWNE: Right. And -- and that is -- that is the
3 hazards. Yes, ma'am.
4 ROBIN YORK: What do you do?
5 STEVE TOWNE: That's the hazards with any volunteer
6 service. They're not guaranteed to be there.
7 COMMISSIONER WAITS: That's why we want --
8 STEVE TOWNE: So we --
9 ROBIN YORK: Our own people.
10 STEVE TOWNE: We -- we staffed. We have two down there
11 that are from the Austin/Kingston area that -- that we started
12 with them.
13 We started with previous EMT classes that didn't work out for
14 what- -- for whatever reasons that I was not involved with.
15 But we have two down there that are the Battle Mountain
16 General Hospital volunteers that are staffing and do respond
17 when available.
18 They're very competent. They're great -- they're great
19 folks. So that's a start.
20 CHAIRMAN BAKKER: So right now when they're not there, they
21 wait for a call from Battle Mountain. Can there be a joint
22 volunteer --
23 COMMISSIONER WAITS: That -- that's been the problem. The
24 volunteer full-time has been a difficult situation.
25 CHAIRMAN BAKKER: I mean joint --
26 COMMISSIONER WAITS: And --
27 CHAIRMAN BAKKER: -- between --
28 COMMISSIONER WAITS: -- when --
29 CHAIRMAN BAKKER: -- volunteer and services from Battle
30 Mountain Hospital?
31 COMMISSIONER MILLS: Does the hospital not like volunteers?
32 STEVE TOWNE: I grew up as a volunteer.
33 COMMISSIONER MILLS: What -- because it sounds like the --
34 it sounds like people have tried to volunteer and they're being
35 turned away. Is that --
36 STEVE TOWNE: I can't speak to that because I'm not
37 involved in the recruitment or the education process over the
38 last four years.
39 COMMISSIONER MILLS: Okay.
40 STEVE TOWNE: Um.

1 CHAIRMAN BAKKER: Go ahead, Jan.

2 JAN MORRISON: Jan Morrison. I'm a resident of both Battle
3 Mountain and Austin. And I've been involved in Austin since
4 mid-90s with ambulance service for the (indiscernible) we have
5 there.

6 I have to say that Austin is very unique. There are
7 incredible volunteers down there. There's some more volunteers
8 that will come back or be more active by themselves.

9 Just logistically, it's almost impossible to ask for the
10 emergency services to be handled out of Battle Mountain. It's
11 just not practical.

12 And I think we all have to realize that.

13 There's a good core of volunteers. It was working
14 beautifully when the volunteers were more active. And quite
15 frankly, if you have an accident on 50, the more appropriate
16 response may be from Washoe or it may be from Banner.

17 Now I'm not in EMS. I'm not anybody technical. I'm
18 talking about it from a consumer point of view.

19 So you have choices. And it worked out really well that
20 way.

21 I have to say that -- and I won't get into it. I've had a
22 couple of personal friends. One's been a very long, agonizing
23 death waiting for an ambulance from Battle Mountain.

24 It's not appropriate. Should never happen. The people who
25 should make the decisions are the ones on the scene of the
26 emergency whether or not they call Battle Mountain or they go
27 with -- with Churchill or Washoe. I think it belongs in the hands
28 of the volunteers. It worked very well. There are incredibly
29 dedicated people in Austin who are capable of taking care of it.

30 And the rest can speak here. But I've heard a lot of
31 chatter. And they want the volunteer ambulance service back in
32 Austin.

33 We don't need full-time professionals. We need some
34 coordinator. We need that connection.

35 But we need it to go back in the hands of the volunteers
36 who know the area the best and work well. And we -- the
37 sheriff's department is always there. I mean, it's -- you
38 should see how it works. It works beautifully. It needs to be
39 back in the hands of -- of the volunteers down there.

40 And I just -- anybody wants to talk to me, I'll tell you

1 how it is to have somebody you know die an agonizing death.
2 Because whatever the excuse is, the bottom line is still it
3 doesn't have to happen. We need to have our -- our volunteers
4 down there being able to handle it.

5 Thanks.

6 CHAIRMAN BAKKER: Thanks, Jan.

7 DEE HELMING: Dee Helming, Austin Chamber, Austin citizen.
8 We do want our volunteer ambulance service back.

9 My husband was an EMT for 20 years. And a lot of our
10 citizens were volunteers. And we had one of the best ambulances
11 in the state. We won awards. We did all kinds of stuff. It
12 was amazing what we could do by working with the sheriff's
13 office. Two of our deputies at one time, maybe they still are,
14 are EMTs also, you know.

15 And there's been a lot of miscommunication between the
16 Battle Mountain Hospital and Rick Bell and the -- the current
17 EMTs and the things that we have going on.

18 And I believe that by going back to volunteer, we have two
19 different people that are actually interested in stepping up to be
20 the part-time coordinators. One of them would move back. And the
21 other one is currently an EMT there. And I talked to her the
22 other night.

23 And the EMTs there are also for it. They'd like to go back
24 to it. And we would like to go back to having Fallon as our
25 sponsor. Because most of us always want to go to Fallon because
26 they are already a trauma center.

27 And when you're scraping people off of the highway and you
28 lose that golden hour because you're waiting two hours for a
29 service to show up to pick you up, it's like Jan said, we've
30 lost patients because that golden hour is gone.

31 DISTRICT ATTORNEY HERRERA: I don't believe Fallon is a
32 trauma center.

33 DEE HELMING: Well, then they -- they're a lot more
34 equipped than they are here.

35 DISTRICT ATTORNEY HERRERA: No, I'm -- I'm --

36 DEE HELMING: Yeah. Okay.

37 DISTRICT ATTORNEY HERRERA: -- I'm not arguing --

38 DEE HELMING: Allow me --

39 DISTRICT ATTORNEY HERRERA: -- your point --

40 DEE HELMING: -- to clarify.

1 DISTRICT ATTORNEY HERRERA: -- at all. I'm just saying I
2 don't believe --

3 DEE HELMING: Yeah. But because of Sand Mountain and
4 everything that happens there, they're a lot more equipped for
5 these type of accidents and stuff that we have out there on
6 Highway 50. And I know you have them here on the interstate
7 too. But again, you're within 20 miles of a hospital anywhere
8 you go.

9 So -- and, you know, we've always -- my nephew was hit --
10 come down off a hill and hit a pickup on a bicycle, hit a
11 fifth-wheel camper. If we would have had to wait the two hours
12 for an EMT to show up or an ambulance service to show up, he would
13 have been dead.

14 Within two -- what? -- a half an hour, we had already met
15 Care Flight. And he was in Reno before the ambulance from
16 Battle Mountain would have ever even showed up.

17 And, I mean, you guys are doing a great job. Don't get me
18 wrong. But we're just not suited to try to mesh the two of them
19 together because of the difference of the areas and the
20 distances.

21 CHAIRMAN BAKKER: Thank you, Dee.

22 COMMISSIONER WAITS: Bert.

23 CHAIRMAN BAKKER: Bert.

24 BERT RAMOS: Bert Ramos, for the record.

25 And this is no offense to Peggy or anybody at the hospital.
26 I know there's a lot of changes going on there.

27 But since the day this started -- was it four or five years
28 ago when they came in and made the contract? There was a bunch
29 of false promises to Austin that have never been followed
30 through. I think the whole community's lost faith in it.

31 The volunteers were supposed -- the -- there was a number
32 of volunteers that went forward to go get their EMT or
33 paramedic, whatever it may be. I'm not professional with all
34 that stuff.

35 But by being micromanaged by Battle Mountain, 90 percent of
36 them got ran off. And the only community that hurt was Austin.

37 So, with all due respect, like I say, down here in Battle
38 Mountain, you guys have an outstanding service. But you have
39 people on full-time as well.

40 When -- when the agreement was made, they were going to

1 make a full-time service in Austin within six months.

2 ROBIN YORK: Yep.

3 BERT RAMOS: That was five years ago.

4 We -- we have two volunteers there currently that live on
5 ranches that are a ways out from town. And for them to come in
6 is -- is hard on them. All the other people that were willing to
7 volunteer got run off by the micromanaging.

8 So in my personal opinion, the community of Austin is far,
9 far ahead by being their own service.

10 And -- and I don't mean that in any disrespect to you guys
11 down here.

12 PEGGY LINDSEY: No, I understand.

13 BERT RAMOS: You do an outstanding job down here. But it's
14 a different -- different world.

15 CHAIRMAN BAKKER: Thank you, Bert.

16 Austin?

17 COMMISSIONER CLARK: Any more?

18 CHAIRMAN BAKKER: Miteshell? Frank?

19 FRANK WHITMAN: Frank Whitman, for the -- I'm sorry; are we
20 on there?

21 CHAIRMAN BAKKER: Yep.

22 FRANK WHITMAN: Sorry. Frank Whitman, for the record.

23 Yeah. You know, what's worked for the last few years just
24 has not worked -- it may have worked for Battle Mountain, but it
25 hasn't worked for Austin. And I think Austin's -- just as we
26 would not try to figure out what would work best for Battle
27 Mountain, I think that Austin has the ability to figure out what
28 would work best for Austin.

29 The distances here are just -- it's really hard to
30 comprehend, in an emergency, just, the time/distance issues that
31 we have.

32 We had a volunteer service. Somehow that failed. And --
33 and I don't want to point fingers. I know we have a new manager
34 at our hospital. I think it was a -- a middle management
35 situation that -- that just didn't -- did not work with -- with
36 the realities of rural ambulance service.

37 But going ahead, you know, just to try to over -- reoverlay
38 the Austin problem back onto Battle Mountain, I think is a
39 recipe for disaster. It -- it didn't work before. And I just
40 don't have the confidence that it will work again.

1 There are people down here who are interested in
2 volunteering. I do think it's something that the community here
3 locally can -- can really, you know, rally behind and support each
4 other and make work once again.

5 I -- I also fear that, you know, if we -- if we went with the
6 Battle Mountain plan of a four-year, five-year phase-in that could
7 be another four or five years of failure again for Austin. We
8 need to try something different.

9 And I think that this is the time and the junction to do
10 that.

11 Thank you.

12 CHAIRMAN BAKKER: Thanks, Frank.

13 FRANK WHITMAN: I have -- I wanted to also say, several of
14 our members had to leave and go to work. But they -- their
15 sentiments are similar to what I've spoken for. And Mary Noyes,
16 in particular, just said, we need that ambulance bad. And thank
17 you.

18 CHAIRMAN BAKKER: Thanks, Frank.

19 FRANK WHITMAN: Yeah.

20 CHAIRMAN BAKKER: So I think there's enough input that
21 Austin should become their own.

22 And -- and nothing against new management or what's going on
23 now, I think -- and it'll also give the Battle Mountain Hospital
24 here the opportunity to get back on its feet --

25 COMMISSIONER MILLS: Uh-huh.

26 CHAIRMAN BAKKER: And maybe one day come up with an
27 effective plan to execute in Austin, if it would work.

28 PEGGY LINDSEY: Sure.

29 CHAIRMAN BAKKER: But as far as for now, I think they
30 probably should be volunteer. It's obviously a better fit.

31 PEGGY LINDSEY: Yes.

32 COMMISSIONER WAITS: Uh-huh.

33 CHAIRMAN BAKKER: And then one day, may- -- who knows? We
34 can revisit it.

35 COMMISSIONER WAITS: With that, then, since I think we've
36 kind of agreement on --

37 FRANK WHITMAN: Interrupt them.

38 COMMISSIONER WAITS: -- supporting the hospital, do we want
39 to look at option 3 again?

40 CHAIRMAN BAKKER: There's some terms and stuff we still

1 need to --
2 COMMISSIONER WAITS: Yes, but I'm saying are we ready to --
3 GAIL UTTER: (Indiscernible.)
4 COMMISSIONER WAITS: -- look at that?
5 GAIL UTTER: (Indiscernible) -- tonight. Kind of butt in
6 for a minute?
7 CHAIRMAN BAKKER: Yes, state your name, please.
8 GAIL UTTER: This is Gail Utter in Austin.
9 CHAIRMAN BAKKER: Okay. Hi, Gail.
10 GAIL UTTER: The ambulance service consists of more than
11 just volunteers. They can't do it without the county's help.
12 So I don't want you pass that up.
13 CHAIRMAN BAKKER: No, no, no. I'm saying the county -- it
14 would be the county taking it back.
15 GAIL UTTER: Okay.
16 CHAIRMAN BAKKER: Is what I mean by volunteer service.
17 GAIL UTTER: They would still need your help with the
18 building. They would still need financial support, et cetera.
19 CHAIRMAN BAKKER: And -- and that's very understand, Gail.
20 I mean, we understand that very well.
21 GAIL UTTER: Right. Thanks.
22 CHAIRMAN BAKKER: You're --
23 DEE HELMING: I just have a quick question. How many
24 mental patients do we actually transport a year anyway?
25 CHAIRMAN BAKKER: I was wondering that too.
26 PEGGY LINDSEY: I -- off the cuff, I -- I can't say.
27 Within the last two months, there's been four.
28 DEE HELMING: How many for the year? You have no
29 (indiscernible)?
30 PEGGY LINDSEY: I -- I don't. I personally didn't run a
31 report to find out. But I -- I do know that there were -- there
32 were four in the last couple of months.
33 DEE HELMING: If there's that many unstable people, we
34 should worry.
35 COMMISSIONER CLARK: Probably take the whole roomful.
36 CHAIRMAN BAKKER: Okay. Guys. All right.
37 So let's get back to our contract.
38 I think -- and -- and granted we're going to piecemeal a
39 proposal back so you can take back and just --
40 COMMISSIONER MILLS: I guess --

1 CHAIRMAN BAKKER: -- going to come back --
2 COMMISSIONER MILLS: -- probably what we'll end up doing.
3 CHAIRMAN BAKKER: -- and work this out.
4 But --
5 PEGGY LINDSEY: Okay.
6 CHAIRMAN BAKKER: -- obviously Austin becoming their own,
7 Keith, you're going to have to coordinate that.
8 KEITH WESTENGARD: And I did -- I did want to say, in the
9 past, there was a coordinator down there. My understanding is
10 it was going well with the coordinator in Austin.
11 Is that -- is that true?
12 With the coord- -- with Binere [phonetic] there, it was -- it
13 was a good fit?
14 COMMISSIONER WAITS: Are we talking about in the last
15 couple of years?
16 KEITH WESTENGARD: Yes.
17 COMMISSIONER WAITS: He was only there a year -- a year --
18 a month.
19 And -- and all they had him do was clean the barn. They
20 wouldn't give him any authorization to --
21 KEITH WESTENGARD: But -- but --
22 COMMISSIONER WAITS: -- do --
23 KEITH WESTENGARD: But it was --
24 COMMISSIONER WAITS: -- to do anything.
25 KEITH WESTENGARD: But it was going down a good path.
26 COMMISSIONER WAITS: Well, the people responded. Yes. We
27 were starting our EMT classes.
28 KEITH WESTENGARD: Okay.
29 COMMISSIONER WAITS: They loved him. He was a full
30 paramedic, used to be a flight nurse, the whole thing. I mean,
31 he had it all. And he bought a home ready to come. And Battle
32 Mountain wouldn't work with him. And we lost him. And there's
33 an opportunity of perhaps getting him back again if we make some
34 decisions quickly.
35 So it --
36 KEITH WESTENGARD: And that --
37 COMMISSIONER WAITS: -- would be --
38 KEITH WESTENGARD: I just wanted --
39 COMMISSIONER WAITS: -- wonderful.
40 KEITH WESTENGARD: -- to --

1 COMMISSIONER WAITS: But there's --
2 KEITH WESTENGARD: -- understand.
3 COMMISSIONER WAITS: -- other people too, --
4 DEE HELMING: Yeah.
5 COMMISSIONER WAITS: -- like Dee said, that we -- we have
6 to look.
7 But we do need a part-time coordinator -- absolutely --
8 to -- to do what I mentioned before, the supplies and the
9 training and recruiting and licensing and all that, to handle
10 it.
11 And so, yes, it would be a county expense, has to come back
12 at the budget. But we know that. That's -- that's part of our
13 ordinances is to supply that. But it's very minimal compared to
14 what --
15 PEGGY LINDSEY: And I can't speak to the Battle Mountain
16 not --
17 COMMISSIONER WAITS: Right.
18 PEGGY LINDSEY: -- working.
19 COMMISSIONER WAITS: Of course not.
20 PEGGY LINDSEY: But -- but --
21 COMMISSIONER WAITS: Of course not.
22 PEGGY LINDSEY: Okay.
23 COMMISSIONER WAITS: And we understand that.
24 But what I'm saying is giving you the opportunity to make
25 it better is -- isn't because of the past. It's because of the
26 distance.
27 PEGGY LINDSEY: Understood.
28 COMMISSIONER WAITS: So we just don't think --
29 PEGGY LINDSEY: Okay.
30 COMMISSIONER WAITS: -- that doing your best will do it for
31 us.
32 PEGGY LINDSEY: That's fine.
33 COMMISSIONER MILLS: So I -- I think because --
34 CHAIRMAN BAKKER: I think the Austin issue's covered.
35 COMMISSIONER WAITS: Yep.
36 PEGGY LINDSEY: Okay.
37 CHAIRMAN BAKKER: Honestly.
38 COMMISSIONER WAITS: I think so.
39 COMMISSIONER MILLS: So I think there's a couple of things
40 I'd like to --

1 CHAIRMAN BAKKER: So let's --
2 COMMISSIONER MILLS: Because --
3 CHAIRMAN BAKKER: -- move on.
4 COMMISSIONER MILLS: Right.
5 CHAIRMAN BAKKER: Yeah.
6 COMMISSIONER MILLS: I'd like to see us go to 10,000 a
7 month for the first year and then cut that down to -- I'm --
8 CHAIRMAN BAKKER: Six?
9 COMMISSIONER MILLS: -- thinking about we have 5- or 6- the
10 second year. Have ambulance service go back to Austin in the
11 south down there and have them go back to volunteer.
12 And we'll let the county continue with the maintenance on the
13 vehicles for the two years because we're -- we're budgeting
14 30,000.
15 We're going to have to -- we're going to have to come to some
16 conclusion on the insurance thing and having -- we have to figure
17 out something about --
18 COMMISSIONER WAITS: They may have --
19 COMMISSIONER MILLS: -- non-county employees driving county
20 vehicles.
21 PEGGY LINDSEY: And -- and I did want to make --
22 COMMISSIONER MILLS: We'll have to resolve that.
23 PEGGY LINDSEY: -- a statement that we are with PACT
24 portion. POOL, we have our own liability through Lycon.
25 DISTRICT ATTORNEY HERRERA: Right.
26 PEGGY LINDSEY: Okay.
27 COMMISSIONER MILLS: So -- and then -- and then as a final
28 provision that at the end of the two years all the equipment and
29 everything would be taken over by the hospital.
30 CHAIRMAN BAKKER: Yeah, the whole service -- there's no --
31 however legal has to write it up, but it's yours.
32 CHARLIE VAUGHN: I just had a --
33 CHAIRMAN BAKKER: Hold --
34 CHARLIE VAUGHN: -- question. I haven't heard anybody from
35 --
36 CHAIRMAN BAKKER: Go ahead. Go --
37 CHARLIE VAUGHN: -- Kingston --
38 CHAIRMAN BAKKER: -- ahead real quick.
39 CHARLIE VAUGHN: -- today. And I just wondered where they
40 fit in to this mix with Austin.

1 COMMISSIONER WAITS: Kingston actually has first responders
2 and their fire department. And they have always responded,
3 like, to vehicle accidents. Any time that they're paged extra,
4 they have always been there.
5 We have several EMTs that are there already that we're
6 hoping will come with the service.
7 When we say Austin -- because it's -- it's the ambulances are
8 based in Austin. But it's all covered on that -- that whole
9 bottom area, everything for the south and north.
10 DEE HELMING: And Kingston supports this going forward --
11 COMMISSIONER WAITS: Yeah.
12 DEE HELMING: -- also.
13 COMMISSIONER WAITS: They -- they've --
14 CHAIRMAN BAKKER: Okay.
15 COMMISSIONER WAITS: -- been wonderful support --
16 COMMISSIONER MILLS: Right.
17 COMMISSIONER WAITS: -- for us and -- and -- us -- they --
18 COMMISSIONER MILLS: Then -- then part of this too is
19 we're -- we are going to have to address our budget and -- and
20 -- and do some things, --
21 COMMISSIONER WAITS: Absol- --
22 COMMISSIONER MILLS: -- some budgeting --
23 COMMISSIONER WAITS: Absolutely.
24 COMMISSIONER MILLS: -- for the south there.
25 COMMISSIONER WAITS: We would have that coming up. But I
26 missed what you said about -- what did you do? You wanted --
27 for Austin, you wanted Battle Mountain to train Austin, did you
28 say?
29 COMMISSIONER MILLS: No. For -- for Austin to --
30 CHAIRMAN BAKKER: They're their own.
31 COMMISSIONER WAITS: Okay.
32 COMMISSIONER MILLS: -- do their own.
33 COMMISSIONER WAITS: Stand alone?
34 COMMISSIONER MILLS: Do some --
35 COMMISSIONER WAITS: Okay.
36 COMMISSIONER MILLS: -- separation from the Battle Mountain
37 on the ambulance service.
38 COMMISSIONER WAITS: Okay. But I thought you said
39 something else that I missed. Okay.
40 CHAIRMAN BAKKER: No. That's all he said.

1 COMMISSIONER WAITS: All right. So you're looking at
2 10,000 a month for two years -- go -- dropping down to 5- or 6-
3 for that second year.

4 COMMISSIONER MILLS: Ten thousand a month the first year,
5 dropping it down to 5- or 6- the --

6 COMMISSIONER WAITS: Okay.

7 COMMISSIONER MILLS: -- second year.

8 COMMISSIONER WAITS: And addressing the emergency medical
9 services transporting the psychiatric.

10 COMMISSIONER MILLS: I didn't say anything about that one.

11 COMMISSIONER WAITS: Can we cut that down a little bit?
12 I mean, I'm okay -- what does it take to transport? Two? Do
13 you have to have two people?

14 SHERIFF RON UNGER: When I -- if I was to transport, I need
15 a driver, which is one of my sworn deputies. And then
16 whatever -- I think Steve and I -- him and I was going to do it
17 because he was the paramedic. I would have been the driver. So
18 a minimum of two.

19 COMMISSIONER WAITS: Okay. So if you --

20 SHERIFF RON UNGER: It also depends on the patient.

21 COMMISSIONER WAITS: Well, --

22 SHERIFF RON UNGER: You could get someone that's real nice
23 and quiet and doesn't say a word. And then you may get another
24 one that's wants to knock holes in the roof.

25 COMMISSIONER WAITS: What I'm saying is we're okay with
26 two. And if you pay 20 bucks an hour for two people, that's \$40
27 and it takes you ten hours, that's still only 400. It's not
28 650.

29 COMMISSIONER CLARK: It's not \$20 --

30 SHERIFF RON UNGER: That's --

31 COMMISSIONER CLARK: -- an --

32 SHERIFF RON UNGER: -- what we've --

33 COMMISSIONER CLARK: -- hour.

34 SHERIFF RON UNGER: -- (indiscernible).

35 COMMISSIONER WAITS: Well, depends who you're doing. But
36 I'm saying I'm being generous. The paramedics get 25.
37 I mean, come on. You know. It's -- it's up there. If you
38 can get people to transport for less, it's wonderful. But I'm
39 saying, I don't think it's 650. We need to cut that. That was my
40 point.

1 COMMISSIONER MILLS: Right.
2 COMMISSIONER WAITS: You need to cut it to what you like,
3 but --
4 PEGGY LINDSEY: And I don't think it was ever billed, ever.
5 We've never received compensation.
6 COMMISSIONER WAITS: No. That's all right. It's just --
7 PEGGY LINDSEY: Okay.
8 COMMISSIONER WAITS: -- your offer. And we're saying --
9 PEGGY LINDSEY: Okay.
10 COMMISSIONER WAITS: -- I -- I don't like --
11 PEGGY LINDSEY: Okay.
12 COMMISSIONER WAITS: -- your offer.
13 PEGGY LINDSEY: Okay.
14 COMMISSIONER WAITS: So I'm -- I'm negotiating.
15 PEGGY LINDSEY: Tell me how you feel, Patsy.
16 COMMISSIONER WAITS: Okay, so --
17 COMMISSIONER MILLS: So --
18 COMMISSIONER WAITS: What do you want to cut it to?
19 COMMISSIONER MILLS: I think your \$400 number is --
20 COMMISSIONER WAITS: Okay.
21 COMMISSIONER MILLS: -- reasonable.
22 KEITH WESTENGARD: I think it needs to be made clear that
23 that would be per transfer, not per occup- -- or per driver
24 occupant.
25 COMMISSIONER MILLS: Okay.
26 KEITH WESTENGARD: It's per --
27 COMMISSIONER MILLS: Per --
28 KEITH WESTENGARD: -- transfer.
29 COMMISSIONER MILLS: -- transfer.
30 CHAIRMAN BAKKER: You got notes --
31 COMMISSIONER WAITS: The --
32 CHAIRMAN BAKKER: -- on these, Keith?
33 KEITH WESTENGARD: I'm taking them.
34 COMMISSIONER WAITS: I'm --
35 CHAIRMAN BAKKER: Because you're going to have to put
36 together a proposal.
37 COMMISSIONER WAITS: Um.
38 CHAIRMAN BAKKER: Or a --
39 COMMISSIONER MILLS: A counterproposal.
40 COMMISSIONER WAITS: I'm thinking what we could do --

1 CHAIRMAN BAKKER: You've got to put --
2 COMMISSIONER WAITS: -- is --
3 CHAIRMAN BAKKER: -- something together then send it back
4 to their board.
5 DISTRICT ATTORNEY HERRERA: Right.
6 CHAIRMAN BAKKER: Yeah. Sorry, Patsy.
7 COMMISSIONER WAITS: Excuse me. That was me -- I'm -- I
8 apologize.
9 I'm -- I think what -- the way we should read it is not to
10 exceed \$400 a transfer. And we'll pay what you're -- you're
11 paying their drivers.
12 COMMISSIONER MILLS: Okay.
13 DEE HELMING: Along with or -- not to be.
14 CHAIRMAN BAKKER: Dee, you've got to state your name.
15 DEE HELMING: Oh, sorry. Dee Helming. You're going to pay
16 the drivers on top of that transfer fee?
17 COMMISSIONER WAITS: No, no.
18 DEE HELMING: Oh.
19 COMMISSIONER WAITS: No.
20 DEE HELMING: Okay.
21 COMMISSIONER WAITS: It's a maximum --
22 COMMISSIONER MILLS: As --
23 COMMISSIONER WAITS: -- 400 --
24 COMMISSIONER MILLS: -- as the (indiscernible) --
25 COMMISSIONER WAITS: -- depending on what --
26 DEE HELMING: Okay.
27 COMMISSIONER WAITS: -- they pay the -- if they pay their
28 drivers \$10 an hour and it takes them eight hours, no. We don't
29 want to pay the 400. That -- that --
30 DEE HELMING: Yeah. Okay.
31 COMMISSIONER WAITS: -- was my point.
32 CHAIRMAN BAKKER: Judie.
33 JUDIE ALLEN: Judie Allen.
34 I just have a question regarding the ambula- -- the
35 helicopter. Just to make sure things are clear that if Austin
36 is a stand-alone that the helicopter service we have now is
37 still affiliated with Austin.
38 COMMISSIONER WAITS: Absolutely. All -- all air ambulances
39 still respond.
40 JUDIE ALLEN: Okay.

1 COMMISSIONER WAITS: It's the sheriff's department that
2 actually calls them out.
3 JUDIE ALLEN: Because I don't want --
4 COMMISSIONER WAITS: When we say we need an ambulance,
5 they're the ones that --
6 JUDIE ALLEN: Right.
7 COMMISSIONER WAITS: -- see and -- and sometimes --
8 CHAIRMAN BAKKER: And every citizen in Lander County's
9 covered.
10 Okay. So those are -- any others? Amendments? Changes?
11 Tweaks?
12 COMMISSIONER MILLS: Were there any other provisions that
13 the hospital was asking?
14 PEGGY LINDSEY: No.
15 COMMISSIONER MILLS: I don't remember any others.
16 PEGGY LINDSEY: No. No others.
17 COMMISSIONER MILLS: So I would make a motion that we -- we
18 would counteroffer to the hospital --
19 COMMISSIONER WAITS: Of option 3?
20 COMMISSIONER MILLS: -- of making the opt- -- our own
21 option of 10,000 a month for the first year, 6,000 a month for
22 the second year, separating Austin out to provide their own
23 volunteer ambulance service. That we'll continue providing the
24 maintenance on the vehicles for the two years. And we will pay
25 \$400 a -- up to \$400 --
26 COMMISSIONER WAITS: Maximum.
27 COMMISSIONER MILLS: -- for mental patient transfers. And
28 at the end of the two years the hospital will take over the
29 ambulance --
30 CHAIRMAN BAKKER: Service in Battle Mountain.
31 COMMISSIONER MILLS: -- services and equipment in Battle
32 Mountain.
33 DISTRICT ATTORNEY HERRERA: How -- how about the last two
34 provisions about --
35 COMMISSIONER WAITS: You know, we need to clarify. If
36 you're using option 3, option 3 has in here, any quarter Lander
37 County breaks even, --
38 DISTRICT ATTORNEY HERRERA: Yes.
39 COMMISSIONER WAITS: -- Lander County --
40 DISTRICT ATTORNEY HERRERA: You need to discuss --

1 COMMISSIONER WAITS: -- will forfeit. And any profit will
2 be divided. That's all part of option 3. So that's why I said
3 --

4 COMMISSIONER MILLS: Okay.

5 COMMISSIONER WAITS: -- if you're working from option 3,
6 that's what I was trying to clarify.

7 CHAIRMAN BAKKER: Well, he said he wanted to make his own
8 option.

9 COMMISSIONER MILLS AND DISTRICT ATTORNEY HERRERA: Right.

10 DISTRICT ATTORNEY HERRERA: You want to modify --

11 COMMISSIONER MILLS: We can -- we can --

12 DISTRICT ATTORNEY HERRERA: You can modify --

13 COMMISSIONER MILLS: -- include --

14 DISTRICT ATTORNEY HERRERA: -- option 3.

15 COMMISSIONER MILLS: Yeah.

16 CHAIRMAN BAKKER: That's not what he said, though.

17 COMMISSIONER WAITS: Well, his --

18 COMMISSIONER MILLS: I was --

19 COMMISSIONER WAITS: -- own option --

20 COMMISSIONER MILLS: -- I said I was kind of making my own.

21 CHAIRMAN BAKKER: I know. I know what you're saying, --

22 COMMISSIONER WAITS: But it really wasn't --

23 CHAIRMAN BAKKER: -- and I know what Patsy's saying.

24 COMMISSIONER WAITS: Yeah. But it really wasn't on the
25 agenda. So that's why I'm trying to use --

26 COMMISSIONER MILLS: You want to get it as close to the --

27 COMMISSIONER WAITS: -- option --

28 COMMISSIONER MILLS: -- agenda as possible.

29 COMMISSIONER WAITS: -- 3 and your --

30 COMMISSIONER MILLS: With changes --

31 COMMISSIONER WAITS: -- changes.

32 COMMISSIONER MILLS: Okay.

33 CHAIRMAN BAKKER: To work those numbers into option 3. And
34 then any quarter -- how -- how would you want to revise --

35 COMMISSIONER MILLS: Okay.

36 CHAIRMAN BAKKER: -- that bottom paragraph?

37 COMMISSIONER WAITS: You don't have to revise it. Just
38 leave it.

39 CHAIRMAN BAKKER: Okay.

40 COMMISSIONER MILLS: Yeah. We'll just leave that.

1 CHAIRMAN BAKKER: So everything's --
2 COMMISSIONER MILLS: So --
3 CHAIRMAN BAKKER: -- good.
4 COMMISSIONER MILLS: -- yeah. Option 3 -- option 3 with
5 those changes.
6 DISTRICT ATTORNEY HERRERA: With certain modifications --
7 COMMISSIONER MILLS: Right.
8 DISTRICT ATTORNEY HERRERA: -- as a counterproposal.
9 COMMISSIONER MILLS: As a counterproposal --
10 CHAIRMAN BAKKER: Lander County.
11 COMMISSIONER MILLS: -- back to the hospital.
12 DISTRICT ATTORNEY HERRERA: So --
13 CHAIRMAN BAKKER: Now, --
14 DISTRICT ATTORNEY HERRERA: -- it would be cleaner if you,
15 in your motion, you rejected all four proposals and decide to
16 offer a counterproposal based on option 3 with certain
17 modifications.
18 COMMISSIONER MILLS: Okay. So I'll start over.
19 CHAIRMAN BAKKER: Rewind.
20 COMMISSIONER MILLS: Keith?
21 KEITH WESTENGARD: At the end of the two years, are we
22 going to look at selling the equipment to the hospital at a fair
23 market value rate? What are we going to do?
24 CHAIRMAN BAKKER: Turn it over to them.
25 For a dollar amount -- but --
26 DISTRICT ATTORNEY HERRERA: You can't discuss that right
27 now.
28 COMMISSIONER CLARK: Yeah.
29 CHAIRMAN BAKKER: Okay, but --
30 UNIDENTIFIED PARTICIPANT: It's not agendized.
31 CHAIRMAN BAKKER: I --
32 KEITH WESTENGARD: It's going to be part of the county
33 proposal; isn't it?
34 CHAIRMAN BAKKER: Yeah.
35 DISTRICT ATTORNEY HERRERA: Only if they make it part of
36 it.
37 KEITH WESTENGARD: Well, that's what I'm asking.
38 DISTRICT ATTORNEY HERRERA: Well, they hadn't.
39 KEITH WESTENGARD: Okay. They should.
40 COMMISSIONER WAITS: We -- we don't have a --

1 COMMISSIONER MILLS: Right.
2 COMMISSIONER WAITS: -- second yet so we're okay.
3 So in that, then, do you want your -- your portion cleared
4 where they will --
5 CHAIRMAN BAKKER: Yeah, he said that --
6 COMMISSIONER WAITS: They can't --
7 CHAIRMAN BAKKER: -- in there.
8 COMMISSIONER WAITS: No, you. You had the -- the idea that
9 it would not come back to us and it could not be given back to
10 us at that point.
11 DISTRICT ATTORNEY HERRERA: It's --
12 COMMISSIONER WAITS: They have bought the service.
13 CHAIRMAN BAKKER: Yeah. And Doug made that clear, though.
14 Yeah.
15 COMMISSIONER WAITS: Okay.
16 CHAIRMAN BAKKER: I made that clear.
17 COMMISSIONER WAITS: Okay.
18 COMMISSIONER MILLS: I think I made --
19 CHAIRMAN BAKKER: And all we're doing is giving direction
20 here and then --
21 COMMISSIONER WAITS: Okay.
22 CHAIRMAN BAKKER: -- direction goes back to that board and
23 --
24 COMMISSIONER WAITS: Okay.
25 CHAIRMAN BAKKER: -- it's not --
26 PEGGY LINDSEY: Yes. Yes.
27 CHAIRMAN BAKKER: Pretty much just direction until we can
28 nail down a final contract.
29 And Doug made that clear, though.
30 COMMISSIONER MILLS: Okay.
31 CHAIRMAN BAKKER: And I think everyone --
32 COMMISSIONER MILLS: So let me --
33 CHAIRMAN BAKKER: -- has a clear understanding on what's
34 being said here.
35 COMMISSIONER MILLS: Let me -- let me start over.
36 CHAIRMAN BAKKER: Sorry, Doug.
37 COMMISSIONER MILLS: So I'll make a motion that we re- --
38 reject all four options, but we make a counterproposal based on
39 option 3, offering a \$10,000 a month stipend for the first year;
40 \$6,000 a month for the second year; we'll pay -- mental

1 transfers up to a maximum of \$400 per transfer; that Austin will
2 go back to volunteer service; and that at the end of these two
3 years that the ambulance service will be completely taken over
4 by the hospital; and the equipment -- at that time, we'll
5 discuss a -- an amount for the hospital to purchase the
6 equipment.

7 COMMISSIONER WAITS: I'll second that motion.

8 COMMISSIONER MILLS: Oh.

9 COMMISSIONER WAITS: Oh.

10 COMMISSIONER MILLS: And that during these two years,
11 the -- the county will provide the maintenance for the vehicles.

12 DISTRICT ATTORNEY HERRERA: And the quarter, if they break
13 even.

14 PEGGY LINDSEY: Uh-huh.

15 COMMISSIONER MILLS: Well, that's still part of -- well,
16 yeah, it's part of option 3 also that --

17 DISTRICT ATTORNEY HERRERA: But you're modifying it so you
18 have to say.

19 COMMISSIONER MILLS: Right. That any -- that any quarter
20 Lander County Hospital District breaks even, Lander County
21 Hospital District will forfeit the county's monthly stipend.
22 And any profit will be divided between both parties for said
23 quarter. Okay.

24 CHAIRMAN BAKKER: Doug made a motion. Patsy...

25 COMMISSIONER WAITS: I -- I started to second it, but I
26 wanted to clarify one other thing and that's the part that the
27 county will play. Because the county still wants to play a part
28 with Battle Mountain Hospital; do we not?

29 So how do we say that?

30 That we will have -- our executive director will -- will
31 meet with.

32 KEITH WESTENGARD: Work in conjunction with the CEO on
33 Battle Mountain --

34 CHAIRMAN BAKKER: Executive director --

35 KEITH WESTENGARD: -- and (indiscernible) issues.

36 CHAIRMAN BAKKER: -- and CEO.

37 COMMISSIONER MILLS: But with no real -- it just -- it's
38 just a general working together situation.

39 CHAIRMAN BAKKER: I hope they do that already.

40 PEGGY LINDSEY: Yes, we do.

1 COMMISSIONER MILLS: Yeah. Okay.

2 KEITH WESTENGARD: We've started to become --

3 COMMISSIONER MILLS: Right.

4 And that -- that -- that Lander County and Battle Mountain
5 General Hospital will continue to work with each other in
6 coordinating the EMS.

7 KEITH WESTENGARD: Perfect. Thank you.

8 COMMISSIONER WAITS: I will second that.

9 We really want it to work, really. So --

10 CHAIRMAN BAKKER: Doug made --

11 COMMISSIONER WAITS: -- we're giving you our assistance
12 too.

13 CHAIRMAN BAKKER: Sorry, Patsy.

14 Doug made the motion. Patsy seconded it. Any public
15 comment?

16 (No comment.)

17 CHAIRMAN BAKKER: All in favor?

18 COMMISSIONER MILLS: Aye.

19 CHAIRMAN BAKKER: Aye.

20 COMMISSIONER WAITS: Aye.

21 COMMISSIONER CLARK: Aye.

22 CHAIRMAN BAKKER: Motion carries. Okay.

23 We have --

24 PEGGY LINDSEY: Thank you.

25 CHAIRMAN BAKKER: Thank you.

26 COMMISSIONER WAITS: Thank you.

27 CHAIRMAN BAKKER: Thank you, guys.

28

29 4) Discussion and possible action to adjourn the Lander County
30 Commissioners' meeting at 50 State Route 305, Battle
31 Mountain, Nevada, and to reconvene the meeting at 11:45 a.m.
32 at the Lander County Recreation Center, located at 560
33 Altenburg Avenue, Battle Mountain, Nevada, for the
34 groundbreaking ceremonies, and all other matters properly
35 related thereto.

36

37 CHAIRMAN BAKKER: Four, discussion for possible action to
38 adjourn --

39 (Simultaneous indiscernible conversations throughout the
40 room.)

1 CHAIRMAN BAKKER: Okay, Number 4, d- -- discussion and
2 possible action to adjourn the Lander County Commissioners'
3 meeting at 50 State Route 305, Battle Mountain, Nevada, and to
4 reconvene the meeting at 11:45 a.m. at the Lander County
5 Recreation Center, located at 560 Altenburg Avenue, Battle
6 Mountain, Nevada, for groundbreaking ceremonies, and all other
7 matters properly related thereto.

8 Just had to read that in; right?

9 DISTRICT ATTORNEY HERRERA: To make a motion.

10 KEITH WESTENGARD: Yeah.

11 COMMISSIONER WAITS: Make a --

12 CHAIRMAN BAKKER: Motion.

13 COMMISSIONER WAITS: -- motion.

14 UNIDENTIFIED PARTICIPANT: Make a motion that we adjourn.

15 DEE HELMING: Hold on, you have --

16 JENNIFER O'KANE: Are you going to do non-agendized items?

17 COMMISSIONER WAITS: Uh-huh.

18 JENNIFER O'KANE: Okay. Just checking.

19 COMMISSIONER MILLS: Are we going to reconvene back here?

20 CHAIRMAN BAKKER: Yeah. Art. Hey. What are you doing?

21 COMMISSIONER CLARK: I thought you were over.

22 CHAIRMAN BAKKER: No.

23 UNIDENTIFIED PARTICIPANT: Sean.

24 CHAIRMAN BAKKER: I need a motion to reconvene.

25 UNIDENTIFIED PARTICIPANT: Did you talk to (indiscernible)?

26 COMMISSIONER MILLS: Make a motion to reconvene at the --

27 CHAIRMAN BAKKER: Rec center site.

28 COMMISSIONER MILLS: -- rec center site.

29 COMMISSIONER WAITS: Second.

30 CHAIRMAN BAKKER: Okay. Doug made a motion. Patsy
31 seconded. Any public comment?

32 (No comment.)

33 CHAIRMAN BAKKER: All in favor?

34 COMMISSIONER MILLS: Aye.

35 COMMISSIONER WAITS: Aye.

36 CHAIRMAN BAKKER: Aye.

37 COMMISSIONER CLARK: Aye.

38 COMMISSIONER WAITS: No, I was just waiting for your public
39 comment.
40

1 PUBLIC COMMENT

2
3 CHAIRMAN BAKKER: Oh, public comment for non-agendized
4 items only.

5 Persons are invited to submit comments in writing and/or
6 attend and make comments on any agenda item at the board
7 meeting.

8 DISTRICT ATTORNEY HERRERA: Non-agenda.

9 CHAIRMAN BAKKER: All public comment may be limited to
10 three minutes per person, at the discretion of the board.
11 Reasonable restrictions may be placed on public comment based
12 upon time, place, and manner. But public comment based upon
13 viewpoint may not be restricted.

14 JENNIFER O'KANE: Hi. My name is Jennifer O'Kane.

15 And I'm coming in front of the board -- I went in front of
16 the hospital board last night. And I just want to get this out
17 in the open.

18 If I'm bothering you, would you like me to put this on the
19 agenda, sir?

20 COMMISSIONER CLARK: You need to talk louder.

21 JENNIFER O'KANE: I'm talking about as loud as I can. And I
22 was just wondering if you were going to --

23 COMMISSIONER CLARK: No, I was just standing up. I --

24 JENNIFER O'KANE: Okay. So back when we -- my husband came
25 in here when you guys were first appointed, the new people, and
26 said, you know, you probably shouldn't trust anybody, but look
27 into your information yourself.

28 And I'm coming to you guys -- there are people in our
29 community -- and I talked to the DA and I've talked to Todd
30 Plimpton -- that are elected officials and trustees in our
31 community that are related. That live together, that are
32 husband and wife.

33 And I have the ethics here, right here. And it very, very
34 clears that NRS states that a wife and a husband, first cousins
35 cannot live together or reside together or work together in the
36 same facilities.

37 I understand you guys went through your attorneys. But I
38 got this because I'm running for a position in this community.
39 And it says very clearly in our ethics that we have, that we've
40 been given, NRS codes 281 -- A as in apple -- point 100, also

1 510, plus 500. These clearly state that we cannot be on these
2 boards and represent Lander County if we have a conflict of
3 interest.

4 I've gone to the proper people, I thought. And I've been
5 told; I've been shut down. So I finally went to the State of
6 Nevada ethics board. And these things have to be followed or I
7 and many other people will come in front of these boards and make
8 it clear that hospital board seat members, commissioner members,
9 don't have a right to break these laws.

10 They're there. And if we have to take our personal time to
11 go up against our commissioners that sometimes feel that they're
12 above the law, they're not.

13 And I'm speaking for a lot of people in our community that
14 have heard a whole bunch of things. And I don't like gossip so
15 I'm coming in front of you. I went in front of the hospital board
16 meeting last night. I did talk to Todd Plimpton prior to the
17 meeting, and he has a copy of this.

18 So when it came out last night in the screaming match, no,
19 this was already put forth in front of the attorneys.

20 I've gone and asked the attorneys directly. And you guys
21 are following the advice of your attorneys. And it is your
22 sworn oath to follow these laws.

23 And that is what I have to say. And I appreciate your time.
24 And I can't wait to see the ground opening.

25 Thank you.

26 COMMISSIONER WAITS: Thank you.

27 COMMISSIONER CLARK: Thank you.

28 CHAIRMAN BAKKER: All right. I need a motion to adjourn,
29 please.

30 COMMISSIONER CLARK: I make a motion to adjourn.

31 FRANK WHITMAN: One more thing --

32 CHAIRMAN BAKKER: Oh.

33 FRANK WHITMAN: -- for public comment from --

34 CHAIRMAN BAKKER: Frank.

35 FRANK WHITMAN: -- Austin, please.

36 CHAIRMAN BAKKER: Go ahead.

37 FRANK WHITMAN: I -- yeah, just a heads-up for the
38 commissioners. You may be aware that the Pershing County land
39 bill is getting -- is being drafted and soon will be working its
40 way through our Congress.

1 And in that, part of the Augusta Mountains that are in the
2 -- Lander County could well become from a wilderness study area
3 to a wilderness area, period.

4 And I wanted to give the commissioners a heads-up that that's
5 on the -- it's just out there on deck. And it's a ways from
6 happening, but it -- it could well happen. That would impact our
7 county. So thank you very much.

8 CHAIRMAN BAKKER: Awesome. Thanks, Frank.

9 COMMISSIONER CLARK: Thanks, Frank.

10 CHAIRMAN BAKKER: Any other public comment?

11 (No comment.)
12
13

14 **ADJOURNMENT**

15
16 CHAIRMAN BAKKER: Okay. I need a motion.

17 COMMISSIONER MILLS: Motion to adjourn.

18 CHAIRMAN BAKKER: I need a second.

19 COMMISSIONER CLARK: Second.

20 CHAIRMAN BAKKER: Okay. Doug made the motion. Art
21 seconded.

22 All in favor?

23 COMMISSIONER CLARK: Aye.

24 CHAIRMAN BAKKER: Aye.

25 COMMISSIONER MILLS: Aye.

26 COMMISSIONER WAITS: Aye.

27 CHAIRMAN BAKKER: Aye.

28 Motion -- adjourned.
29
30



31 **CHAIRMAN OR VICE CHAIRMAN OF THE**
32 **BOARD OF LANDER COUNTY**
33 **COMMISSIONERS AND THE LANDER**
34 **COUNTY LIQUOR BOARD**

35
36 **ATTEST:**

37 
38 **LANDER COUNTY CLERK**

39 *Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of*
40 *Battle Mountain and Austin, Nevada.*

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STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
THE 7TH DAY OF APRIL 2016, AND SAID RECORDING AND INFORMATION
PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
THE AUDIO/VIDEO RECORDING ALLOWED.

DATED AT _____
THIS _____ DAY OF _____

TIFFANY ELKINGTON, CCR #930

	76/3 76/4 80/30 80/32 100/29 104/13 104/22 104/24
BERT RAMOS: [3] 87/23 88/2 88/12	\$
BERTHA DOROTHY: [25] 50/26 50/28 50/31 50/37 51/1 51/5	\$1,000 [1] 11/10
51/7 51/11 51/14 51/24 51/27 51/30 51/32 52/2 52/4 52/6	\$10 [1] 97/28
52/15 52/20 52/23 52/28 52/31 52/33 53/1 53/4 53/6	\$10,000 [1] 101/39
CHAIRMAN BAKKER AND COMMISSIONER WAITS: [1]	\$144,000 [1] 65/34
41/8	\$150,000 [1] 69/1
CHAIRMAN BAKKER: [416]	\$16,000 [1] 68/29
CHARLIE VAUGHN: [18] 11/35 12/4 12/6 12/30 12/32 13/2	\$20 [1] 95/29
13/4 13/6 13/13 81/34 82/5 82/13 82/18 82/20 93/31 93/33	\$2400 [1] 7/34
93/36 93/38	\$25,000 [3] 55/16 55/31 69/9
CLARA HAMILTON: [7] 39/12 39/18 39/25 39/37 39/40 40/2	\$30,000 [3] 68/26 69/2 69/7
40/16	\$300,000 [2] 26/22 36/28
COMMISSIONER BAKKER: [3] 4/3 11/34 25/4	\$40 [1] 95/26
COMMISSIONER CLARK: [156]	\$400 [5] 96/19 97/10 98/25 98/25 102/1
COMMISSIONER MILLS AND DISTRICT ATTORNEY	\$6,000 [1] 101/40
HERERRA: [1] 99/8	\$600 [2] 14/11 14/12
COMMISSIONER MILLS: [369]	\$650 [1] 74/35
COMMISSIONER WAITS: [334]	\$7 [1] 56/9
COUNTY CLERK SULLIVAN: [12] 3/23 40/22 42/26 42/28	\$7 million [1] 56/9
53/13 53/15 53/18 53/20 53/23 53/26 53/31 54/34	\$900 [1] 7/31
DEBRA AMENS: [8] 15/8 15/16 34/9 34/11 34/16 34/18	
34/20 34/23	
DEE HELMING: [21] 54/25 80/36 86/6 86/32 86/35 86/37	
86/39 87/2 90/22 90/27 90/32 92/3 94/9 94/11 97/12 97/14	'98 [1] 51/11
97/17 97/19 97/25 97/29 104/14	-
DISTRICT ATTORNEY HERRERA: [199]	-to-month [1] 52/6
FRANK WHITMAN: [12] 35/11 35/24 35/27 88/18 88/21	1
89/12 89/18 89/36 106/30 106/32 106/34 106/36	1.5 [1] 36/34
GAIL UTTER: [7] 90/2 90/4 90/7 90/9 90/14 90/16 90/20	1.5 million [1] 37/28
JAN MORRISON: [1] 85/1	10 [2] 6/38 7/1
JEANNE FALZONE: [1] 9/4	10,000 [3] 93/6 95/2 98/21
JENNIFER O'KANE: [9] 40/24 40/26 40/28 50/19 104/15	100 [1] 105/40
104/17 105/13 105/20 105/23	10:10 [1] 53/38
JODY MOORE: [26] 35/8 35/14 36/10 36/20 36/23 36/25	10:24 [1] 53/38
36/33 36/35 36/37 37/3 37/5 37/7 37/11 37/15 37/18 37/21	110,000 [1] 76/16
37/27 37/34 38/6 38/16 38/19 38/22 38/27 38/39 39/2 39/4	11:45 [2] 103/31 104/4
JUDIE ALLEN: [33] 13/16 13/32 47/15 47/27 47/30 47/32	12,000 [1] 65/33
47/34 47/38 48/7 48/9 48/12 48/14 48/17 48/21 48/33 49/10	13 [2] 71/11 82/27
49/12 49/15 49/17 49/31 49/34 49/36 49/38 50/2 50/4 50/8	15 [3] 18/25 44/16 68/29
50/11 50/15 50/18 97/32 97/39 98/2 98/5	18 [1] 35/38
KEITH WESTENGARD: [121]	18th [1] 2/38
MITESHELL LANHAM: [1] 53/25	1st [1] 61/16
PAULA TOMERA: [5] 15/2 15/5 19/4 20/16 20/21	2
PEGGY LINDSEY: [107] 54/15 54/18 54/20 54/28 54/30	20 [3] 86/9 87/7 95/26
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