

1           The Honorable Board of Lander County Commissioners met in  
2 regular session in the Commission Chambers of the Lander County  
3 Courthouse in Battle Mountain, Nevada, on August 13, 2015, at  
4 9:00 a.m. Transcript produced by Tiffany Elkington, NV-C.C.R.,  
5 #930.

6  
7           **PRESENT:   STEVEN STIENMETZ, COMMISSIONER**  
8                   **PATSY WAITS, COMMISSIONER**  
9                   **SEAN BAKKER, COMMISSIONER**  
10                  **ART CLARK III, COMMISSIONER**  
11                  **DOUG MILLS, COMMISSIONER**  
12                  **SADIE SULLIVAN, COUNTY CLERK**  
13                  **THEODORE HERRERA, DISTRICT ATTORNEY**  
14                  **NAN ANCHO, FINANCE DIRECTOR**  
15                  **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**  
16

17           Let the record reflect the presence of a quorum of five  
18 commissioners.

19  
20           Let the record reflect the presence of Austin via telephone  
21 conference.

22  
23           [Meeting commenced on August 13, 2015, at 9:00 a.m.]  
24

25           CHAIRMAN STIENMETZ: I'd like to call to order the Lander  
26 County commissioner, Town Board of Battle Mountain, and Austin  
27 Board of County Highway Commissioners to order.

28           And it's August 13<sup>th</sup>, 2013 -- '15.

29           Please join me in the pledge, please.

30  
31           (Pledge of Allegiance)  
32

33           CHAIRMAN STIENMETZ: And could we have a moment of silence,  
34 please.

35  
36           (Moment of silence)  
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1     **COMMISSIONER REPORTS**

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3           CHAIRMAN STIENMETZ:  Let's go to commissioners' reports on  
4 meetings, conferences, and seminars attended.

5           Doug, do you have anything?

6           COMMISSIONER MILLS:  Yeah, I've got a few things.  There's  
7 a Humboldt River Basin Water Authority meeting on the 21<sup>st</sup> that  
8 I'll be attending.

9           LEDA had a meeting.  I didn't make it to the meeting, but I  
10 did get some updates of some things going on there.  There's a  
11 company called L & H Industrial that'll be coming to town as a  
12 new business and supporting some of the mining interests in  
13 town.  I don't know exactly what they do.  And it's not going to  
14 be a big business, about five or six employees that'll be here  
15 in Lander County.  So that's kind of a neat thing.

16          Jon Sherve is the chair of the LEDA board.  And he  
17 apparently got a promotion at BLM.  And he may not be able to be  
18 the chair.  I think he'll still be able to serve on the board,  
19 but I think they're looking to make a change there for the --  
20 the chairperson for that board.

21          I had a meeting yesterday with the hospital -- a hospital  
22 board meeting.  There's some changes going on there.  There was  
23 a vote yesterday to not renew the contract with the CEO.  And so  
24 there's going to be some changes coming for the hospital coming  
25 up.  Some of that's going to be kind of expensive as we go  
26 through the process of searching for a new CEO.

27          We do have -- we -- the hospital did hire a lawyer.  They  
28 hired Todd Plimpton to be a lawyer to help us out and sit in on  
29 those board meetings and help us with some things.  And things are  
30 changing a lot already.

31          One of the biggest things is that they're -- they're  
32 getting more in compliance with open meeting law, which is  
33 wonderful.  So things are changing pretty drastically.

34          One of the things that we're looking to in the future is  
35 reviewing all of the contracts that the hospital has and much  
36 the way the county's been reviewing all of the contracts that  
37 the county has, the hospital's going to be doing the same thing.  
38 So there's lot of work to do over there.  A lot of things are  
39 going on and happening.

40          Also yesterday, there was a -- an approval made for a --

1 the second phase of the construction project for the hospital,  
2 which includes a new clinic, a kitchen area, and a  
3 shipping/receiving area in the back of the hospital.

4 There was some changes made to the current plans. And that's  
5 kind of a reduction in size. So instead of having 18 exam rooms  
6 that we're -- it's going to be reduced to 12 exam rooms, little  
7 bit smaller scale. The feeling is it's still going to be very  
8 sufficient for the needs of the county with our current and future  
9 patient levels. It should -- it should be very sufficient and  
10 plenty large enough for the needs of the hospital for the time  
11 being.

12 Also, on the hospital board, Seat B of the hospital board,  
13 which is the seat held by -- I can't remember who it is. Down in  
14 Austin.

15 COMMISSIONER WAITS: Karlene Andreola?

16 COMMISSIONER BAKKER: Yes. It looks like that's -- there's  
17 going to be a vacancy in that seat because of some personal  
18 issues there. And so the commission will be needing to replace  
19 that position sometime not too far in the future. Just for a  
20 heads up there.

21 Oh. The hospital also approved the EMS contract, the one  
22 that we approved at the last meeting. So the hospital approved  
23 that contract. And that will be in place. We should -- you  
24 should get the original back on that pretty soon, Keith.

25 And I think that's it.

26 CHAIRMAN STIENMETZ: Thank you.

27 COMMISSIONER BAKKER: Sounds good.

28 I had a rec center meeting yesterday evening with, well,  
29 Ted, max and Judy were there. We are refining the design a  
30 little bit.

31 Kind of got all the fancy stuff that your architect would  
32 throw in there. We kind of got to thin that down, which they  
33 should've done from the beginning. They didn't listen very well.

34 So I'm hoping -- so we're going to table that for this  
35 meeting, but our next meeting I'm hoping they'll have a update  
36 with the right design like they were supposed to. And then  
37 we'll go from there. So...

38 COMMISSIONER CLARK: There wasn't a quorum for the public  
39 lands meeting this month. I got held up in town pretty late.  
40 And I couldn't get down to Austin in time. I came to the

1 courthouse to call in. I couldn't get into the courthouse. So  
2 we'll catch you up next month when we -- when we have a meeting.

3 I went to the Frontier Coalition meeting. They're working on  
4 a number of -- of different things.

5 I went to the building commission last night. And they  
6 okayed two permits.

7 I guess one of the more interesting things that I did since  
8 the last meeting is I got in touch with Kerry Lee, the sheriff  
9 in Lincoln County. In discussion with Sheriff Ron Unger, I  
10 found out that in Lincoln County, you can drive ATVs and OHVs on  
11 the street. So later in the meeting, I want to discuss that and  
12 give executive director some direction on that.

13 That's all I have.

14 COMMISSIONER WAITS: Thank you. I wasn't able to attend  
15 the Austin Airport board meeting because of our agenda setting.  
16 But they were continuing with the fly in, which was scheduled  
17 for August 22<sup>nd</sup>. We asked, without a lot of advertisement,  
18 why they would still consider doing that. However, it's the  
19 Lions that really put it on. And he said -- Ray Williams said  
20 it would have to come before the Lions to make the decision of  
21 whether they're going to continue or not.

22 They were real excited about doing it a couple months ago.  
23 And then with all the information that's come through on the fuel  
24 and everything, they -- they were kind of anxious to highlight  
25 that. And since we didn't get everything done, we wondered  
26 whether they were going to continue.

27 So at this point we still don't have a no. So it's  
28 tentative for August 22<sup>nd</sup>. Since we don't have a meeting  
29 before then, I wanted to at least let you -- let you know it's  
30 still on. And if they continue to do it, it would be the Lions  
31 that sponsor it. So we weren't sure about that.

32 On August 10<sup>th</sup>, I did have a Nevada Commission on Aging  
33 meeting. And it was a long one in Reno. And we went over a lot  
34 of different things.

35 We have some brand new folks that are new to the  
36 commission. So we -- we highlighted the responsibilities and  
37 the NRS that covers that and what they're supposed to be doing  
38 with that.

39 There's a few things I wanted to share with you. And one is  
40 that what came out of the legislature. I won't go into all of

1 them because there were nine bills that -- that affected the  
2 seniors in some way or another.

3 But there is an initiative to restart the tax rebate for  
4 seniors. And they will be able to apply in January. And it  
5 should be up and running by June 2016. And the maximum that an  
6 individual senior can get is up to \$500 rebate. It will not be  
7 handled by the county or the assessor's office at all. So it  
8 won't be affecting us in that. It's just a wonderful thing to  
9 look forward to for the senior population.

10 There's been quite a wait list for seniors on several  
11 different programs through the Division on Aging. And the  
12 legislature funded enough so it's really cut down. There still  
13 is a wait list. And they're hoping to contain that somewhere  
14 around the 90 days because many of them have been longer than  
15 that.

16 There is a real push for what they call the person-centered  
17 care or patient-centered -- actually that will be affecting not  
18 just patients but almost everybody in anything from skilled  
19 nursing, assisted living, long-term care. It gives them a lot  
20 more flexibility and creativity to do things like to have meals  
21 on their own time frame instead of "Get served from 12:00 to  
22 12:30. You better be here," such as we do with the senior  
23 center and such. So all these homes that they're residing in  
24 will give them more flexibility in a lot of different areas. So  
25 you'll hear a lot more about that, person-centered care.

26 It's interesting, one of our day care reports that we're  
27 talking about, in 2008, we had 51 licensed facilities in Nevada.  
28 And now, in 2015, we have 18 left.

29 COMMISSIONER MILLS: Wow.

30 COMMISSIONER WAITS: So we're still looking to supplement a  
31 lot of those areas of what the seniors are getting. In order to  
32 do that, the division is doing their 2015 focus group tour.  
33 They will be having 14 different sites in northern and rural  
34 focus groups in the north and then seven in the south. That  
35 includes everything from -- they consider Tonopah south -- so  
36 everything from Tonopah, Beatty, Laughlin, Las Vegas, Clark  
37 County, all those areas. Ours is scheduled for August 25<sup>th</sup> at  
38 the Battle Mountain Senior Center. And they will be here to do  
39 their focus group tour.

40 In most of the cases, they have done surveys that take a

1 couple of weeks. They send them out. People fill them out.  
2 But with the focus group tour, they're going to do one on one,  
3 talking with the folks. And this provides actually for -- for  
4 the priorities of where our senior implementation needs to go  
5 with the new programs. What is their priorities?

6 I did do some special ones on one of the committees I sat  
7 on last year, and we did personal tours. But that was for the  
8 tobacco funds money to set, again, priorities that goes in to  
9 the governor. So that's a good thing. I'm looking forward to  
10 the focus group without saving.

11 And like I said, they'll -- they'll be gathering all the  
12 information, which is actually to design the priority of our  
13 funding of where the division is going.

14 After they do that, then there will be a public hearing on  
15 that. And that will be in 2016 by the time they put all their  
16 information together.

17 On a couple of the regulations, one is -- with -- under the  
18 new legislature. It provides for regulation of persons engaged in  
19 business as private, professional guardians. And if you're not  
20 familiar with the senior population and what happens in those  
21 areas, I didn't even realize there were private guardians that  
22 were (indiscernible) to do that. I always thought of family. But  
23 not everyone has family. So they've got some regulations on that  
24 now if that is their business, so to speak. And that was a good  
25 thing.

26 And I think that's all I have for right now. You will be  
27 hearing a lot more. They're doing what they call an open door  
28 policy. When people come in for assistance or call on the phone,  
29 one call, one visit. They're going to try to take care of it,  
30 everything at that point. So it's a nice focus. And we're  
31 looking forward to helping the seniors with that.

32 Thank you.

33 CHAIRMAN STIENMETZ: All right. I spent -- I -- on --  
34 excuse me -- on August 7<sup>th</sup>, I attended a SLUPAC meeting in State  
35 Line, Nevada. It's on the south end of Lake Tahoe.

36 And the biggest thing that we talked about was all the  
37 counties are putting together water plans. And it's supposed to  
38 be part of the state water plan. And part of what SLUPAC will do  
39 is aid the counties in putting their water plans together and get  
40 it up front to the governor so that it gets included in the state

1 plan.

2 And then, we also -- looking at land use differences, we went  
3 to the Heavenly Ski Resort. We went up on top and looked at it.  
4 And what they're doing so that they can use their ski lift and  
5 their facility year round. They're putting in a lot of stuff up  
6 above for summer use. They have -- what do you call them? -- the  
7 lines, zip lines. They have several of those. They're putting up  
8 obstacle-type courses for people to learn to climb w- -- on, go  
9 around. And they have several different things that they're  
10 adding. They're just starting on it.

11 And the company who owns Heavenly also owns a lot of other  
12 in there. We tried the other ones and Heavenly was about the  
13 third one. But they're trying to do that so they get better use  
14 of land because it is state land that they're using.

15 And then on Tuesday of this week, the 11<sup>th</sup>, we had a LEPC  
16 meeting. But because of the power outage, it got canceled.

17 And that's all I have.

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20 **STAFF REPORTS**

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22 CHAIRMAN STIENMETZ: And now we'll go to staff reports on  
23 meetings, conferences, and seminars attended.

24 KEITH WESTENGARD: Good morning, Commissioners.

25 Couple of things. First, Commissioner Mills, the L & H  
26 company he referred to, --

27 COMMISSIONER MILLS: Oh.

28 KEITH WESTENGARD: -- I have some information on it. They  
29 have -- you said five to six positions. They plan on building a  
30 facility sometime in the next year. They service heavy  
31 machinery. Their clients include all of Lander County mines,  
32 Round Mountain gold, and Humboldt mines as well. So I do have a  
33 little pamphlet here about -- about them, if you're interested  
34 in looking at it later.

35 As far as our airport update goes, the Austin Airport  
36 expansion has been completed. It was -- the final inspection was  
37 conducted on July 29<sup>th</sup>.

38 Our fueling system in Austin, we have received only one bid  
39 for it. It was a hundred thousand dollars over our maximum  
40 funding available so we put that off.

1           Probably we'll go out to bid again first of the year, January  
2 or February and try to get in on that.

3           We continue to work on the Austin Airport GPS approach. We  
4 have some issues that need to be ironed out with the military.  
5 That is a fly zone for the military. So we continue to work on  
6 that with J-U-B.

7           The airport -- the Battle Mountain pavement rehab project,  
8 we're working on. But it's been pushed into the 2016 budget. But  
9 we're going to start working on some things here probably within  
10 the next few months to make that -- to start that project.

11           Speaking of the water plans, we did get a water mini master  
12 plan for the Battle Mountain Airport. I have a copy of it. So  
13 it's ready to go. We should get the final report on the Battle  
14 Mountain Airport master plan in September for -- for you to look  
15 at. Let's see. That's good on the airport.

16           Working with Rex and Joe Lindsey on our -- our grants.  
17 Currently, we had to redo our hazard mitigation plan. We had to  
18 make some adjustments to it. Rex has made those adjustments.  
19 We'll bring it to you for approval. Then we can submit that to  
20 the state. We'll go through the state process. It'll go into the  
21 federal, FEMA. Once it's approved, we're going to be eligible for  
22 some of the grants we discussed in our budget workshop, which is  
23 the lift stations. That was one of our primary objectives. So  
24 we'll have that to you probably within the next month, one of the  
25 next two meetings.

26           I did want to remind everybody that we do have a special  
27 meeting on August 17<sup>th</sup> regarding the buildings that we're going to  
28 be vacating. It's at 6:00 p.m. at the civic center, August 17<sup>th</sup>  
29 at 6:00 p.m. at the civic center.

30           Commissioner Stienmetz, you did bring up LEPC. And we did  
31 have to cancel it the other night due to the power outage. So...

32           That's all I have on the update.

33           I just do have one request for Commissioner Stienmetz to --  
34 I request that we can move Item 15 to Item 1 and discuss that  
35 first, if that's acceptable.

36           CHAIRMAN STIENMETZ: Item -- which one?

37           KEITH WESTENGARD: Fifteen.

38           CHAIRMAN STIENMETZ: Item 15. All right.

39           KEITH WESTENGARD: One, five, one.  
40

1 **PUBLIC COMMENT**

2  
3 CHAIRMAN STIENMETZ: All right. Now we go to public  
4 comment for non-agendized items.

5 Persons are limited to submitting comments in writing and/or  
6 attending and making comments on any non-agendized item at the  
7 board meeting. If any and -- discussions of these comments are  
8 discretions of the board.

9 All public comments may be limited to three minutes per  
10 person, again, at the discretion of the board. Responsible  
11 restrictions may be placed on public comments based upon time,  
12 place, and manner of public comments based upon viewpoints may  
13 not be restricted.

14 Do we have any public comments at this time?

15 (No comment.)

16 CHAIRMAN STIENMETZ: Seeing none, we'll go to consent  
17 agenda.

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20 **CONSENT AGENDA**

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22 CHAIRMAN STIENMETZ: All matters listed under the consent  
23 agenda are considered routine and may be acted upon by the board  
24 of county commissioners with one action, without extensive  
25 discussion.

26 Any member of the board or any citizen may request that an  
27 item be taken from the consent agenda, discussed, and acted upon  
28 separately during the meeting.

29 Consent agenda material are available at the Lander County  
30 clerk's office for viewing. And copies are available for a  
31 nominal charge.

32 On our consent items, we have agenda notice for August 13<sup>th</sup>,  
33 2015; July 21<sup>st</sup>, 2015, special meeting minutes; July 23<sup>rd</sup>, 2015,  
34 regular meeting minutes; payment of the bills; payroll requests --  
35 or payroll change requests -- excuse me.

36 Do we have any items people want to pull out, talk about  
37 separately?

38 COMMISSIONER WAITS: Yes, I would like to pull out the  
39 July 21<sup>st</sup> special meeting minutes.

40 COMMISSIONER BAKKER: Is that it?

1 CHAIRMAN STIENMETZ: And if there is no others, I'll make a  
2 motion we approve the consent agenda minus the July 21<sup>st</sup>, 2015,  
3 meeting minutes.

4 COMMISSIONER BAKKER: Second.

5 CHAIRMAN STIENMETZ: Any public comment?

6 (No comment.)

7 CHAIRMAN STIENMETZ: All in favor?

8 COMMISSIONER MILLS: Aye.

9 COMMISSIONER CLARK: Aye.

10 COMMISSIONER BAKKER: Aye.

11 COMMISSIONER WAITS: Aye.

12 CHAIRMAN STIENMETZ: Aye.

13 All right. Let's discuss item 2, July 21<sup>st</sup> special.

14 COMMISSIONER WAITS: Yes, in -- in reading the minutes, I  
15 thought it was a little bit confusing. It doesn't really follow  
16 the way it was put on the agenda.

17 It is a special meeting, but it was for a subcommittee.  
18 And in reading the minutes, it -- it appears that it's a  
19 commissioners' meeting. And it was not.

20 So when I'm reading the front part, it said the Honorable  
21 County Commissioners combined with the members. And that's not  
22 really true. They also have who was present and who was absent.

23 And if it's not a regular commission meeting, we don't have  
24 to be at subcommittee meetings so I didn't think that should be  
25 part of it. And then as you look at it, you're saying, wait a  
26 minute. Do we need to approve anything at all? It's a  
27 subcommittee meeting. And we don't approve any other  
28 subcommittee meeting minutes. So I don't know why we'd even  
29 have to approve them.

30 DISTRICT ATTORNEY HERRERA: Commissioner Waits, in my  
31 opinion, this could go either way. It doesn't -- it was  
32 agendized. The county clerk was there. And she took -- she  
33 took the minutes on this, and she just put it in there. This is  
34 no big thing.

35 If you would like the minutes to be stricken, that's fine.  
36 If they stay, that's fine. This -- this is one of those  
37 things -- you're right. It certainly wasn't a county  
38 commissioner meeting. It was a subcommittee meeting impaneled  
39 and run by county commissioners.

40 It was agendized under the Nevada open meeting laws. And

1 they chose -- the commission chose to agendize it. And if it's  
2 agendized, the meeting -- the minutes should be.  
3 But it really doesn't matter.  
4 COMMISSIONER WAITS: I guess the point on it, is it really  
5 wasn't run by -- by the commissioners. And had it been a  
6 commission meeting, I would have been there. I have never  
7 missed one.  
8 DISTRICT ATTORNEY HERRERA: It was a subcommittee --  
9 COMMISSIONER WAITS: And because it was a subcommittee that  
10 will report to us and we will make the decision, --  
11 DISTRICT ATTORNEY HERRERA: Right.  
12 COMMISSIONER WAITS: -- I'd -- and I don't mind you taking  
13 the minutes. I don't mind the clerk there because it was a high  
14 interest, high profile public meeting.  
15 DISTRICT ATTORNEY HERRERA: Right.  
16 COMMISSIONER WAITS: And -- and with our next one,  
17 hopefully we'll have more yet. It's -- it's that important.  
18 I just --  
19 DISTRICT ATTORNEY HERRERA: I'm searching for guidance.  
20 What would you like the clerk to do? Since -- since she's  
21 there, she asked me if she should put the minutes. And I said,  
22 you should.  
23 But if you would prefer it -- and I'll ask again -- if you  
24 don't want them in there, just tell us right now and we --  
25 COMMISSIONER WAITS: I just don't feel we have to approve  
26 them. But I -- I don't know how the rest of the commissioners  
27 feel.  
28 COUNTY CLERK SULLIVAN: Can I make a comment?  
29 Sadie Sullivan, Lander County clerk. As you all well know, I  
30 am okay if the board's okay with us doing the minutes, recording.  
31 As research, like we have been doing a lot of, if I don't  
32 have minutes, we can't go back and reflect what happened.  
33 So I do feel, as the county -- five years, ten years down the  
34 road -- I do feel there is an importance for that meeting. So if  
35 you are okay with it, I would be more than happy because that  
36 saves us time, the clerk, the DAs, Keith's -- Nan -- I mean, we go  
37 back and we try to do research and it's hard to find.  
38 So, I mean, if we can -- if you guys approve to do the  
39 meeting minutes, we can do whatever corrections. But I do feel  
40 that when new board members come on and we don't have that there

1 and you hear talk in this -- you know, prior commission will say,  
2 well, it was talked of, but we can't find it. So I mean, I do  
3 feel there's an importance, but that's just my opinion.  
4 Thank you.  
5 COMMISSIONER BAKKER: I don't think the question was  
6 whether or not we do the minutes, it's whether or not we have to  
7 approve them in our commission meeting.  
8 COUNTY CLERK SULLIVAN: Right, but I just --  
9 COMMISSIONER MILLS: So...  
10 COUNTY CLERK SULLIVAN: -- want direction for myself and my  
11 staff --  
12 COMMISSIONER MILLS: Right.  
13 COUNTY CLERK SULLIVAN: -- as to whether or not to go ahead  
14 and -- and do the minutes. Because like Ted and I both  
15 discussed, you know, is it to cover us? I mean, it's safer to  
16 do --  
17 COMMISSIONER MILLS: Right.  
18 COUNTY CLERK SULLIVAN: -- the minutes to cover you guys  
19 and --  
20 COMMISSIONER MILLS: Right.  
21 COUNTY CLERK SULLIVAN: -- myself --  
22 COMMISSIONER MILLS: Well, that's --  
23 COUNTY CLERK SULLIVAN: -- and legal.  
24 COMMISSIONER MILLS: -- the other thing. I think we should  
25 do the minutes.  
26 COUNTY CLERK SULLIVAN: Yeah.  
27 COMMISSIONER BAKKER: I just don't know if it's really  
28 necessarily to -- like Patsy says, I don't know that it's  
29 necessary to approve --  
30 COUNTY CLERK SULLIVAN: And --  
31 COMMISSIONER MILLS: -- the minutes in this meeting.  
32 COUNTY CLERK SULLIVAN: -- if you don't approve them, then  
33 I don't have a meeting to go back to --  
34 CHAIRMAN STIENMETZ: Right.  
35 COUNTY CLERK SULLIVAN: -- reference them for the research.  
36 CHAIRMAN STIENMETZ: They need to be.  
37 COMMISSIONER WAITS: Because they're only --  
38 COMMISSIONER MILLS: (Indiscernible.)  
39 COMMISSIONER BAKKER: Can we just stricken the absent line?  
40 COUNTY CLERK SULLIVAN: Pardon?

1 COMMISSIONER BAKKER: Just take out the absent line.  
2 DISTRICT ATTORNEY HERRERA: Yeah.  
3 COMMISSIONER WAITS: And the first one. The Honorable  
4 Board of Lander County --  
5 COMMISSIONER BAKKER: Okay, --  
6 COMMISSIONER WAITS: -- Commissioners.  
7 COMMISSIONER BAKKER: -- and that's fine too.  
8 COMMISSIONER WAITS: And then the one that says, let the  
9 record reflect a quorum.  
10 COMMISSIONER BAKKER: And just put subcommittee...  
11 COUNTY CLERK SULLIVAN: Here's one, if you'd like to look  
12 at it.  
13 DISTRICT ATTORNEY HERRERA: And that's the direction we're  
14 looking for. We think it's necessary to do it for historical  
15 perspective.  
16 But just give us some direction on -- on what you want  
17 deleted off that. And we'll be happy to accommodate.  
18 COMMISSIONER CLARK: We need to have records.  
19 COMMISSIONER BAKKER: Hey, that's perfect right there.  
20 COUNTY CLERK SULLIVAN: Well, it just has to be read into  
21 the record.  
22 CHAIRMAN STIENMETZ: Yeah.  
23 COMMISSIONER CLARK: Does that suit your fancy?  
24 CHAIRMAN STIENMETZ: Yeah, I would just -- like that and  
25 read it into the record, --  
26 COMMISSIONER BAKKER: Okay.  
27 CHAIRMAN STIENMETZ: -- if you would, please.  
28 COMMISSIONER BAKKER: I'm going to need -- well, you just  
29 stricken the first line?  
30 COUNTY CLERK SULLIVAN: First line, the absent. And then  
31 let record reflect the quorum of three.  
32 COMMISSIONER BAKKER: Okay. I'll make a motion that we  
33 accept the minutes from the Lander County subcommittee for  
34 surplus buildings, met in special session at the Battle Mountain  
35 civic center, located at 625 Broad Street in Battle Mountain,  
36 Nevada, on July 1<sup>st</sup>, 2015, at 6:00 p.m.  
37 Stricting the absent line so no commissioners are seen not  
38 being there when they don't need to be there anyway.  
39 COMMISSIONER WAITS: In the top line.  
40 CHAIRMAN STIENMETZ: And changing the --

1 COMMISSIONER BAKKER: And stricting the Honorable Board of  
2 Lander County Commissioners combined.

3 COMMISSIONER WAITS: And the quorum.

4 COMMISSIONER BAKKER: You want the quorum in there.

5 COMMISSIONER WAITS: No.

6 COMMISSIONER BAKKER: Oh, strict the "Let the record  
7 reflect the quorum of three commissioners." Does that work for  
8 you, Sadie?

9 COUNTY CLERK SULLIVAN: Great.

10 COMMISSIONER WAITS: I'll second that motion.

11 CHAIRMAN STIENMETZ: Any public comment?

12 (No comment.)

13 CHAIRMAN STIENMETZ: All in favor?

14 COMMISSIONER MILLS: Aye.

15 COMMISSIONER BAKKER: Aye.

16 COMMISSIONER CLARK: Aye.

17 COMMISSIONER WAITS: Aye.

18 CHAIRMAN STIENMETZ: Aye.

19  
20  
21 **COMMISSIONERS**

22  
23 15) **Discussion for possible action to discuss a contract with**  
24 **Lobbyist Jeff Eisenberg regarding the Lander County Levee**  
25 **Project, and other matters properly related thereto.**  
26

27 CHAIRMAN STIENMETZ: All right. Let's go to Item Number  
28 15. Discussion for possible action to discuss the contract with  
29 Lobbyist Jeff Eisenberg regarding the Lander County levee  
30 project, and other matters related thereto.

31 My first comment on this is I think "lobbyist" should be  
32 changed to "consultant." Because that is more what he is doing  
33 for us. He's a consultant, not a lobbyist.

34 DISTRICT ATTORNEY HERRERA: Commissioner Stienmetz, I  
35 would -- I would agree with you, but when I did that  
36 particular -- wrote that particular agenda item, he was a  
37 lobbyist. And we did not have an agreement with him yet --

38 CHAIRMAN STIENMETZ: Oh.

39 DISTRICT ATTORNEY HERRERA: -- as a consultant.

40 CHAIRMAN STIENMETZ: Oh.

1 DISTRICT ATTORNEY HERRERA: And so I didn't feel it was  
2 appropriate to put consultant in there at that point.  
3 CHAIRMAN STIENMETZ: Right. Once we approve this, then he  
4 becomes a --  
5 DISTRICT ATTORNEY HERRERA: Yes.  
6 CHAIRMAN STIENMETZ: -- consultant. All right.  
7 DISTRICT ATTORNEY HERRERA: Yes, sir.  
8 COMMISSIONER BAKKER: Okay.  
9 JEFF EISENBERG: Take a big step up.  
10 COMMISSIONER BAKKER: Yeah.  
11 COMMISSIONER CLARK: Good morning.  
12 CHAIRMAN STIENMETZ: Good morning.  
13 JEFF EISENBERG: Good morning, Commissioners.  
14 I want to --  
15 COMMISSIONER BAKKER: Hey, Jeff, you've got to say your  
16 name.  
17 JEFF EISENBERG: I'm Jeff Eisenberg with Rock Spring  
18 Resource Solutions and here to talk about working with the  
19 county on Reese River flood protection issues.  
20 I want to thank the commissioners for inviting me to be  
21 here and talk about this important project.  
22 Would you just like to ask me questions of -- would you like  
23 to just ask me questions about --  
24 COMMISSIONER CLARK: Martin should come up too. Right?  
25 JEFF EISENBERG: Oh, Martin, why don't you come on up?  
26 Would you like to just ask me -- how would you like to proceed?  
27 Would you like to just ask me about the written proposal I have?  
28 Would you like me to make just a small presentation? Any --  
29 anything that would suit you would suit me fine.  
30 DISTRICT ATTORNEY HERRERA: I think -- Jeff, I think if you  
31 give them a small presentation --  
32 CHAIRMAN STIENMETZ: Yeah.  
33 DISTRICT ATTORNEY HERRERA: -- so that they can have the  
34 forum to then ask questions that would be --  
35 JEFF EISENBERG: Okay. That would work out just fine.  
36 So -- we -- I had met with the commissioners maybe a month  
37 or two ago, maybe two months ago, and -- or not with the  
38 commissioners, but we met with just one or two members. And --  
39 and this question came up about, you know, the length of time  
40 it's taken to work on the project, and, oh, you know, what --

1 what can be done here to get this thing moving. And, you know,  
2 I suggested that there's things that could be done.

3 And as a result of that conversation, I put together a  
4 proposal that -- that I -- according to my understanding of the  
5 commission's interest, was responsive to the direction they wanted  
6 to go in at this time.

7 And in short, what I would say is to do kind of a thorough --  
8 or a thorough investigation of the rationale followed by the  
9 Corps, by FEMA, in terms of the direction they want to be taking  
10 this project, why certain things have to be this way, and try to  
11 determine what alternatives exist to discussions that have  
12 currently taken place.

13 And then as a deliverable, under the contract, would be to  
14 deliver a report that would set forth both the factual  
15 underpinnings underlying various courses of action and, you  
16 know, and then based on those underpinnings, you know, a  
17 recommendation for, you know, for the commission to consider.  
18 And so that's -- that's what I understand the scope of work  
19 to -- to be.

20 And basically to support -- to support the commission of  
21 Lander County in moving forward decisively and as quickly as  
22 possible in, you know, getting this -- getting this flood project  
23 done.

24 COMMISSIONER WAITS: Mr. Eisenberg, I -- I appreciate you  
25 being here. And I did read through the scope of work and such.

26 But I will have to say one of the first concerns I have is we  
27 just now started to get ahold of the levee information and where  
28 we are.

29 And since we have our Summit Engineering, which has -- has  
30 been our engineer on this for some time, I would like to see  
31 what the input might be. Not that we might not lead to -- to  
32 actually work with you in the future, and that might be needed,  
33 but it's so new, I just feel like we're kind of jumping the gun  
34 to start out without knowing exactly where we are first and how  
35 far we can go without obtaining your services at that expense.

36 So I would like to hear from our engineer on this to see  
37 whether he feels we can -- can actually afford the time for  
38 another six months, eight months, year to try and handle it or  
39 whether it's pertinent to do right now and get a consultant on it  
40 to assist us.

1 TOM GALLAGHER: Are you talking about me?

2 COMMISSIONER WAITS: Yes. Tom, this is directed to you.

3 TOM GALLAGHER: Okay. Tom Gallagher with Summit  
4 Engineering Corporation.

5 I spent quite a bit of time last night and this morning,  
6 both, with Jeff. And our understanding, I think, between us is  
7 that he's going to take a look at the process as it's happened  
8 and the process going forward to attempt to expedite that  
9 process, which I have no problem with. If anybody can expedite  
10 this process -- I don't see how anybody could slow it down, I  
11 can tell you that. But if anybody can serve a purpose in  
12 expediting that process, I have absolutely no problem with it.

13 I -- I think we are making headway right now. We have gotten  
14 the Corps to back off several items. My people met with Corps in  
15 Sacramento yesterday. Rather lengthy meeting and some things did  
16 come up.

17 First of all, I think they authorized \$400,000, excluding  
18 staff time, which I don't know exactly what their plan is on  
19 doing \$480,000 to do a geotechnical study of the -- of the  
20 levee, the little middle piece.

21 And I'm not sure what they're planning on doing because I  
22 haven't seen my people since that meeting. But I, quite frankly,  
23 think we could take a track hoe out there and dig a 12-foot deep  
24 ditch the full length of that and they could look at it all they  
25 want for way less than that. But I know that that's not an option  
26 for the Corps. We have to -- we have to follow their regulations.  
27 There's no question about that.

28 And the other thing that was, in my mind, a little bit unique  
29 that came up at the meeting is that they're going from Interstate  
30 80 to the railroad tracks. That's their portion that they said  
31 they have interest in.

32 And they're considering 305 and the railroad as utilities.  
33 And that means the -- the county is going to be responsible for  
34 repairing whatever needs to be repaired on the railroad and the  
35 highway and any other utilities that might be out there. So  
36 those are two new things that came up yesterday.

37 They are saying that they are proceeding with beginning to  
38 start to commence to do their portion of the work on the levee.

39 I think the time frames I gave you the last time we talked  
40 are probably pretty accurate still. I think within two years or

1 two-and-a-half years, we may actually have a levee.

2 They're -- they're quite relieved that we are willing to take  
3 the extension, the south extension, and build that without Corps  
4 participation. Because they're not going to do it anyway.

5 And I think they're happy to think that we would build the  
6 north extension with a 408 permit and put the levee at -- at the  
7 elevation that they desire.

8 Right now FEMA and the Corps are working together trying to  
9 resolve about a five-foot difference in the flood elevation that  
10 they've gotten by having two different methods of evaluating the  
11 thing. Hopefully that will happen.

12 FEMA has Interstate 80 inundated. The Corps says that we've  
13 got two and a half to three feet of free board on Interstate 80,  
14 which is a big issue. Raising Interstate 80 two or three feet is  
15 not going to be something that's going to be in the budget, I  
16 don't think.

17 But I -- hopefully, they'll get that resolved very rapidly  
18 and we'll be able to go ahead with the 408 permit. That's  
19 another thing they met on yesterday. And I have to get the  
20 specifics of what they said about that. And go ahead design,  
21 build the southern extension, submit the 408 permit. So that  
22 could be built either late next year or early the following  
23 year. And by then, the Corps may be done designing the middle  
24 piece. And they can build that.

25 They have told us that there is a \$10 million cap on their  
26 participation on the center piece of the levee. And they think  
27 that they can wiggle in under that 10 million, the center piece,  
28 which I would tend to agree with that. They could come in way  
29 south of 10 million on the center piece.

30 COMMISSIONER MILLS: So --

31 TOM GALLAGHER: That's where we are.

32 COMMISSIONER MILLS: I have a question. You said that --  
33 about raising Interstate 80. If we had to raise Interstate 80  
34 three feet, --

35 DISTRICT ATTORNEY HERRERA: Excuse me, commissioners, --

36 COMMISSIONER MILLS: Oh.

37 DISTRICT ATTORNEY HERRERA: -- we're way off the agenda.

38 CHAIRMAN STIENMETZ: Yeah.

39 COMMISSIONER MILLS: All right. I guess we can't talk  
40 about --

1 DISTRICT ATTORNEY HERRERA: We're way off the agenda item.  
2 COMMISSIONER MILLS: Okay. Never mind.  
3 DISTRICT ATTORNEY HERRERA: Thank you.  
4 COMMISSIONER WAITS: So Mr. Eisenberg, tell me on -- on  
5 your experience of -- of this and looking over the situation,  
6 have you tackled levee projects with the Corps of Engineer prior  
7 to this? So what kind of experience do you have in that?  
8 JEFF EISENBERG: So I've worked on -- I've worked on Corps  
9 projects in West Virginia. And I've done a lot of kind of flood  
10 control issues with the National Resource Conservation Service.  
11 And I have extensive experience, you know, under the Clean  
12 Water Act, I -- both as a lawyer and as a lobbyist, and, you know,  
13 just kind of as a consultant.  
14 I've done all kinds of legislation. And, you know, so I'm  
15 comfortable with -- with my experience that, you know, to be able  
16 to do you guys well.  
17 COMMISSIONER WAITS: And how long have you been in business  
18 under the Rocks Springs Resource Solutions?  
19 JEFF EISENBERG: Five years. And I have a variety of  
20 clients representing conservation, mainly agriculture. My main  
21 ties are to -- to the ranching community in the west.  
22 COMMISSIONER WAITS: Thank you.  
23 COMMISSIONER CLARK: I was part of the conversation when  
24 Mr. Eisenberth [verbatim] called in.  
25 And I listened to everything. And in some of the background  
26 that I -- I was doing with somebody that knows insurance, my big  
27 question was: Okay, so we get this done, how do we convince the  
28 banks that it's not a flood zone anymore?  
29 And that question was answered articulately. So I -- I -- I  
30 don't have any reservations about this.  
31 COMMISSIONER BAKKER: Okay. Well, with that, I'll make a  
32 motion to approve the contract with consultant Jeff Eisenberg  
33 and the Lander County levee project.  
34 KEITH WESTENGARD: And authorize.  
35 COMMISSIONER BAKKER: And authorize the chair to sign.  
36 COMMISSIONER CLARK: I'll second that.  
37 COMMISSIONER BAKKER: Okay.  
38 CHAIRMAN STIENMETZ: Any public comment?  
39 (No comment.)  
40 CHAIRMAN STIENMETZ: All in favor?

1 COMMISSIONER BAKKER: Aye.  
2 COMMISSIONER MILLS: Aye.  
3 COMMISSIONER CLARK: Aye.  
4 CHAIRMAN STIENMETZ: Aye. All opposed?  
5 COMMISSIONER WAITS: Aye.  
6 Not that I don't appreciate what you're doing, but I just  
7 think we're doing it a little bit too soon.  
8 Thank you.  
9 COMMISSIONER BAKKER: Thanks, Jeff. Thanks, Martin.  
10 COMMISSIONER CLARK: Thank you.  
11 JEFF EISENBERG: Thank you.  
12 COMMISSIONER BAKKER: That cleared the room.  
13 COMMISSIONER CLARK: What?  
14 COMMISSIONER BAKKER: I said, that cleared the room.  
15 COMMISSIONER CLARK: Now, when are they going to --  
16 COMMISSIONER BAKKER: They're going to do that next  
17 meeting.  
18 COMMISSIONER CLARK: Okay. Okay.  
19 COMMISSIONER BAKKER: Yeah.

20  
21  
22 **FINANCE**

23  
24 1) **Update on budget review, contracts, financial update, and**  
25 **other matters properly related thereto.**  
26

27 CHAIRMAN STIENMETZ: Let's go to Item Number 1. Update of  
28 budget review, contract, financial update, and other matters  
29 properly related thereto.  
30 Oh.  
31 COMMISSIONER WAITS: Good morning, --  
32 NAN ANCHO: Good morning.  
33 COMMISSIONER WAITS: -- Nan.  
34 NAN ANCHO: Nan Ancho.  
35 COMMISSIONER CLARK: How are you doing, Nan?  
36 NAN ANCHO: I'm doing good. How about you?  
37 COMMISSIONER BAKKER: How are we doing?  
38 NAN ANCHO: I don't have any particular information for  
39 this item this morning, other than just an update that we plan  
40 to close out the year. So tomorrow will be the last day that

1 we'll be accepting invoices for the prior year.

2 The end of the month, we'll stop accepting revenues so we can  
3 start closing out fiscal year '14/'15.

4 Auditors will be here starting the week of  
5 September 14<sup>th</sup>. They'll be here the week of the 14<sup>th</sup>, the  
6 21<sup>st</sup>, and the 28<sup>th</sup> to start pounding it out.

7 So then that's all I have for that topic.

8 COMMISSIONER BAKKER: Thanks, Nan.

9 CHAIRMAN STIENMETZ: Thank you.

10 COMMISSIONER CLARK: Thanks, Nan.

11  
12 2) Discussion for possible action to approve Resolution No.  
13 2015-15, a resolution directing apportionment of net proceeds  
14 received in the month of July 2015, and other matters  
15 properly related thereto.  
16

17 CHAIRMAN STIENMETZ: We'll go to Item Number 2. Discussion  
18 for possible action to approve Resolution Number 2015-15, a  
19 resolution directing appointment of the net proceeds received in  
20 the month of July 2015, and other matters properly related  
21 thereto.

22 NAN ANCHO: We received a distribution of \$2,367,219.63 in  
23 net proceeds on July 7<sup>th</sup>, 2015. And the amounts that were  
24 contributed to the mandated funds are the Commissions Fees,  
25 \$71,016.59; Assessor Tech Fees, \$47,344.39; China Springs,  
26 \$2,080.94; State Medical Indigent, \$48,679.17; State Indigent  
27 NACO, \$11,147.90; Capital Acquisition, \$22,295.80; Landfill,  
28 \$37,159.67; the Hospital, \$360,712.63; the School District  
29 \$529,525.30; for a total of mandated of \$1,129,962.39.

30 The remaining went to Discretionary, the CCP Fund,  
31 \$1,237,257.23.

32 And that was a quarterly distribution of '14 -- calendar  
33 year '14/'15 and '15/'16.

34 COMMISSIONER BAKKER: Good deal.

35 NAN ANCHO: Okay.

36 COMMISSIONER BAKKER: You need a motion on that?

37 Is it just approve it or do we need to read that whole thing  
38 in?

39 COMMISSIONER CLARK: Yeah, just like last time.

40 NAN ANCHO: You just -- you just have to approve the

1 distribution, I think, that was read.

2 COMMISSIONER BAKKER: Okay. That's --

3 NAN ANCHO: Is that correct?

4 DISTRICT ATTORNEY HERRERA: Yes.

5 COMMISSIONER BAKKER: That's a whole lot better.

6 DISTRICT ATTORNEY HERRERA: Whatever you say.

7 NAN ANCHO: Okay.

8 COMMISSIONER BAKKER: I'll make a motion to approve and  
9 adopt Resolution Number 2015-15, a resolution directing  
10 apportionment of net proceeds of mineral tax received on July  
11 7<sup>th</sup> in the amount of \$2,367,219.63, as read in by Nan Ancho.

12 COMMISSIONER MILLS: Good. I'll second.

13 CHAIRMAN STIENMETZ: Any public comment?

14 (No comment.)

15 CHAIRMAN STIENMETZ: All in favor?

16 COMMISSIONER BAKKER: Aye.

17 COMMISSIONER MILLS: Aye.

18 COMMISSIONER CLARK: Aye.

19 CHAIRMAN STIENMETZ: Aye.

20 COMMISSIONER WAITS: Aye.

21 CHAIRMAN STIENMETZ: Thanks, Nan.

22  
23  
24 **PUBLIC WORKS**

25  
26 3) **Discussion for possible action in reference to the grounds**  
27 **maintenance agreement between T & M Lawn Care and Lander**  
28 **County to include renewal, terms, and length; and other**  
29 **matters properly related thereto.**  
30

31 CHAIRMAN STIENMETZ: Item 3, discussion for possible action  
32 in reference to the ground maintenance agreement between T & M  
33 Lawn Care and Lander County to include renewal, terms, and  
34 length, and other matters properly related thereto.

35 COMMISSIONER CLARK: Good morning, Bert.

36 CHAIRMAN STIENMETZ: Good morning, Bert.

37 BERT RAMOS: Good morning.

38 COMMISSIONER WAITS: Good morning.

39 BERT RAMOS: And this is just another contract for renewal.  
40 I think that it's probably our best to option to renew it. She

1 does an excellent job for us. There's some questions on the  
2 purchasing. Is that open for discussion?

3 KEITH WESTENGARD: What we'd like do is get your approval  
4 to do some renegotiating as far as purchasing goes, the county's  
5 responsible for.

6 So we had some -- some things come up where we need to have a  
7 county employee purchase parts for the contractor or the  
8 contractor purchase the parts and charge the county for them, the  
9 reimbursement process.

10 So we want to include just some little -- little  
11 adjustments to this contract, financial-wise, funding-wise.  
12 Purchasing. That's what I'm looking for.

13 COMMISSIONER WAITS: So you're going to make some changes  
14 to the contract and bring the contract before us again?

15 KEITH WESTENGARD: Yes.

16 COMMISSIONER WAITS: Is that right?

17 KEITH WESTENGARD: I just want direction to do that.

18 COMMISSIONER WAITS: Okay. Because it does have an  
19 automatic renewal in here again. So...

20 KEITH WESTENGARD: And we want to get rid of that.

21 DISTRICT ATTORNEY HERRERA: Commissioner Waits, you're  
22 right. That's the -- the biggest reason we brought this up.

23 This is a -- a two-year contract as it is. Each year  
24 consisting of an 8-month period.

25 And under the present contract, the contractor is to provide  
26 the equipment.

27 So I'm really -- don't understand what -- why we have to  
28 renegotiate that part because the contract is supposed to --

29 BERT RAMOS: Just the -- just the supplies, like broken  
30 sprinklers, faucets, things that are --

31 COMMISSIONER WAITS: Can we purchase some under our  
32 government purchasing power that's a little bit less expensive  
33 than them purchasing it?

34 KEITH WESTENGARD: Well, these are little items. She --  
35 there's a broken sprinkler. She'll go to the -- to the hardware  
36 store and purchase it.

37 But we need to make it clear that she either purchases --  
38 purchase the item herself and then gets reimbursed from the  
39 county. You can't have a non-county employee signing --

40 DISTRICT ATTORNEY HERRERA: That's correct.

1 KEITH WESTENGARD: -- on the county credit.  
2 CHAIRMAN STIENMETZ: So what she's doing is going down  
3 there and charging the part?  
4 BERT RAMOS: No, not necessarily her.  
5 CHAIRMAN STIENMETZ: All right.  
6 BERT RAMOS: This has been --  
7 CHAIRMAN STIENMETZ: Somebody.  
8 BERT RAMOS: This has been something that's been going on  
9 throughout -- throughout the county, not just an --  
10 DISTRICT ATTORNEY HERRERA:  
11 CHAIRMAN STIENMETZ: (Indiscernible.)  
12 BERT RAMOS: -- an individual.  
13 DISTRICT ATTORNEY HERRERA: We cannot have -- no -- excuse  
14 me -- non-Lander County employees purchasing anything against  
15 the county.  
16 CHAIRMAN STIENMETZ: Right.  
17 DISTRICT ATTORNEY HERRERA: That -- that's -- whether or  
18 not they -- then -- then you have to follow up and see who --  
19 who properly authorized it. Was it properly authorized it? And  
20 if we don't put a stop to it now, it could get into a -- the  
21 area of criminal.  
22 I'm not saying it has. And I'm not trying to suggest that.  
23 But it certainly could do that.  
24 And -- and we've noticed in -- in at least two areas so far  
25 that that's being done.  
26 And -- and Keith and I decided we need to put a stop to that  
27 until -- unless we -- so it won't get into the criminal.  
28 COMMISSIONER MILLS: So I have a question on that. Because  
29 if this is happening, is -- is this how we correct that is  
30 contract by contract? Or is there another way to correct the  
31 problem?  
32 DISTRICT ATTORNEY HERRERA: Well, this is the simplest.  
33 This is the legal solution on -- on the civil responsibilities.  
34 If -- if they don't have the authorization under -- by  
35 contract, then if they do it, it's -- then goes into the criminal  
36 law area.  
37 COMMISSIONER MILLS: They're not authorized in this --  
38 DISTRICT ATTORNEY HERRERA: They're not authorized --  
39 COMMISSIONER MILLS: -- contract; are they?  
40 DISTRICT ATTORNEY HERRERA: -- to do it. So if it's

1 ambiguous as to the authority, --  
2 COMMISSIONER MILLS: Okay, I see.  
3 DISTRICT ATTORNEY HERRERA: -- that's the problem.  
4 We -- we want to get rid of any ambiguity.  
5 COMMISSIONER BAKKER: So can we renew the contract with a  
6 30-day clause and just authorize you guys to change it so Bert  
7 REQs out the parts or --  
8 BERT RAMOS: Well, I think the easiest solution is if the  
9 individual contractors go get themselves an account down there  
10 or wherever they're getting parts from.  
11 COMMISSIONER BAKKER: Yeah.  
12 BERT RAMOS: Or they can go bill the parts to themselves.  
13 And then at the end of the month, they can give us an itemized  
14 statement of what they need reimbursed for.  
15 COMMISSIONER BAKKER: But then how do you know they're  
16 using them on our stuff?  
17 BERT RAMOS: Well, it's --  
18 COMMISSIONER CLARK: You wouldn't know anyway.  
19 BERT RAMOS: It's --  
20 COMMISSIONER BAKKER: You wouldn't know. Yeah, if goes,  
21 REQs out the parts and checks out where they're using them at.  
22 COMMISSIONER MILLS: Are you going to make them do that on  
23 every purchase?  
24 NAN ANCHO: Nan Ancho, Finance. Apparently, what you do on  
25 a contractor, it's built into their bid price. Whenever the  
26 project goes out to bid, it's built into their bid price that  
27 they supply a certain amount of materials.  
28 So if this contract was to go out to bid, then they could  
29 negotiate a price that would include a certain percentage for  
30 materials. And then that would -- that would take care of that  
31 issue. You wouldn't have to decipher where the parts came from  
32 or where they were used.  
33 COMMISSIONER BAKKER: So let's make a motion -- renegotiate  
34 or send it back out to bid?  
35 DISTRICT ATTORNEY HERRERA: Well, we -- you can  
36 renegotiate.  
37 I think the executive director was asking permission from the  
38 board to renegotiate that aspect of this contract --  
39 COMMISSIONER BAKKER: Okay.  
40 DISTRICT ATTORNEY HERRERA: -- along with taking out the

1 automatic renewal class.  
2 COMMISSIONER BAKKER: So --  
3 KEITH WESTENGARD: She does a good job.  
4 COMMISSIONER BAKKER: Yeah.  
5 KEITH WESTENGARD: I'm happy with her.  
6 COMMISSIONER MILLS: Right.  
7 KEITH WESTENGARD: Bert's happy with her.  
8 COMMISSIONER BAKKER: So I'm going to make a motion that  
9 you --  
10 DISTRICT ATTORNEY HERRERA: Now, I need to point out one  
11 other thing that this contract presently says before we make a  
12 motion. And excuse me for the interpretation.  
13 This contract does provide that -- there is a list of  
14 responsibilities for her. And it says at the bottom -- and I'm  
15 looking at page 1 of 6 on subsection 3 at the last sentence. In  
16 that paragraph, it says county may unilaterally add or reduce set  
17 facilities list within reason.  
18 The important part of that clause in that particular sentence  
19 is that this contract -- the present contract terminates  
20 October 31<sup>st</sup>, 2015. So the new contract would start November 1<sup>st</sup>,  
21 2015. And we should be in the new building by that time. So  
22 there may be differences of scope. But that clause takes that  
23 into account.  
24 So I just want -- I want everyone to be satisfied that  
25 that's already in here.  
26 COMMISSIONER BAKKER: Okay.  
27 DISTRICT ATTORNEY HERRERA: Okay.  
28 COMMISSIONER MILLS: And I have one other question.  
29 Because this also says it's an 8-month contract.  
30 DISTRICT ATTORNEY HERRERA: Yes.  
31 COMMISSIONER MILLS: Is there any reason not do a full-year  
32 contract?  
33 DISTRICT ATTORNEY HERRERA: Yeah. The fact that you'd be  
34 paying 60- -- \$60,000 more.  
35 COMMISSIONER CLARK: They mow the lawn eight months a year.  
36 COMMISSIONER MILLS: Right. But it isn't -- don't they do  
37 other maintenance-type things. It's just mowing lawns?  
38 COMMISSIONER CLARK: The county jumps in.  
39 COMMISSIONER MILLS: It sounds like they're fixing  
40 sprinklers.

1 BERT RAMOS: Oh, yeah. She does that as well.  
2 COMMISSIONER MILLS: She's doing some weeded and some other  
3 things.  
4 I'm just wondering if it's --  
5 DISTRICT ATTORNEY HERRERA: If -- I guess the question  
6 would be: Is it be worth \$60,000 to do these other minute  
7 things or can --  
8 COMMISSIONER MILLS: Okay.  
9 DISTRICT ATTORNEY HERRERA: -- can our people in the county  
10 already do that?  
11 KEITH WESTENGARD: And the people -- our people can do  
12 that. Because we're -- during the off season, we move the golf  
13 course people into town, --  
14 COMMISSIONER MILLS: Okay.  
15 KEITH WESTENGARD: -- the golf course employees. And they  
16 can do tree trimming or -- or garbage pickup, things like that.  
17 Golf course is closed so we move them in town. We started doing  
18 that last month.  
19 COMMISSIONER MILLS: Okay.  
20 COMMISSIONER WAITS: I appreciate what you're saying about  
21 the type of job that they are doing. But I do know the  
22 commissioners questioned a year or so ago about how prudent it  
23 was to at least occasionally go out for bid to see if anybody  
24 else would like to do that.  
25 We do have a little bit of time to do that. And it doesn't  
26 mean that we won't give the bid to them anyway even if somebody  
27 did.  
28 It just simply means that we're doing our job to make it  
29 open and available for other people to bid things.  
30 And so that would be my only other question for the  
31 commissioners to consider is --  
32 COMMISSIONER MILLS: How long -- how long has T & M had --  
33 COMMISSIONER WAITS: October --  
34 COMMISSIONER MILLS: -- this contract?  
35 COMMISSIONER WAITS: -- 31<sup>st</sup> is the --  
36 KEITH WESTENGARD: She had it several --  
37 COMMISSIONER WAITS: -- the renewal.  
38 CHAIRMAN STIENMETZ: (Indiscernible.)  
39 KEITH WESTENGARD: (Indiscernible.) It's been quite a lot  
40 of years.

1 COMMISSIONER MILLS: Years?  
2 KEITH WESTENGARD: Yes. I don't know the exact year, but I  
3 can get that for you. She's been doing it quite a while.  
4 COMMISSIONER WAITS: But we haven't offered it out for  
5 anyone for some time. And it's sometimes prudent to look at  
6 that.  
7 COMMISSIONER CLARK: Ted, with the way the agenda item is  
8 written, can we do that?  
9 DISTRICT ATTORNEY HERRERA: Absolutely.  
10 COMMISSIONER CLARK: Can we put it up? We can?  
11 DISTRICT ATTORNEY HERRERA: Yes, Commissioner.  
12 COMMISSIONER CLARK: Okay.  
13 CHAIRMAN STIENMETZ: (Indiscernible.)  
14 COMMISSIONER CLARK: I mean, if this is Bert's  
15 recommendation, I'm willing to go with what Bert says. He's our  
16 department head.  
17 DISTRICT ATTORNEY HERRERA: We're the present -- now,  
18 again, we're in this contract until October, the end of October.  
19 So if -- if the commission wants to put it out to bid, I  
20 would hope that they would include in that words to the effect  
21 that this in no way impacts what they believe the job performance  
22 is up to date. Because she is supplying a wonderful service to  
23 this county. And she's doing a good job of it.  
24 COMMISSIONER CLARK: Is this contract written in such a way  
25 that the person that has it now has a lead in getting it next  
26 time?  
27 DISTRICT ATTORNEY HERRERA: Well, based on experience in  
28 the past, I would certainly imagine that she would.  
29 COMMISSIONER CLARK: Okay.  
30 COMMISSIONER MILLS: Uh-huh.  
31 COMMISSIONER CLARK: That's what I thought.  
32 COMMISSIONER WAITS: But the contract doesn't state any  
33 influence --  
34 DISTRICT ATTORNEY HERRERA: Absolutely not.  
35 COMMISSIONER WAITS: -- whatsoever.  
36 DISTRICT ATTORNEY HERRERA: We're not prohibited in any  
37 way.  
38 Now, another question is, is usually on these contracts  
39 that are come -- that I'm bringing in front of you, you add a  
40 30-day clause. And I'm wondering if you want that 30-day clause

1 in the new contract, whether it's with our present contractor or  
2 not. We've been adding a 30-day clause in all these contracts.  
3 COMMISSIONER BAKKER: And no automatic renewal.  
4 DISTRICT ATTORNEY HERRERA: And no automatic --  
5 COMMISSIONER MILLS: Yeah.  
6 DISTRICT ATTORNEY HERRERA: -- renewal.  
7 COMMISSIONER MILLS: Just for consistency I think --  
8 DISTRICT ATTORNEY HERRERA: Right.  
9 COMMISSIONER MILLS: -- it's important do that.  
10 CHAIRMAN STIENMETZ: Yeah.  
11 DISTRICT ATTORNEY HERRERA: Okay.  
12 COMMISSIONER WAITS: Are you still looking at a two-year  
13 contract though?  
14 DISTRICT ATTORNEY HERRERA: It -- the -- that's what I put  
15 what I did. I --  
16 COMMISSIONER CLARK: Negotiate it.  
17 DISTRICT ATTORNEY HERRERA: So the terms are you up to you,  
18 whether you want a two-year contract or you want a one-year  
19 contract, I think it's been working well. And sometimes if  
20 something works, you probably shouldn't mess with it, unless  
21 it's broken. There's an old adage to that effect. But you  
22 certainly may do what you wish.  
23 The way it's agendized, you may take any approach you wish.  
24 COMMISSIONER MILLS: Well, I think there's actually some  
25 merit to the idea to taking it out to bid to show that doing due  
26 diligence in our job to the county. I have a feeling that no  
27 one is else is going to bid, which is fine with me.  
28 But it does show us doing our, I guess you'd call it a civic  
29 responsibility in the positions we hold and offering that out to  
30 someone else.  
31 And if they continue and rebid and continue with the job,  
32 that's great, based on the job they're doing.  
33 COMMISSIONER CLARK: And we still have the option to choose  
34 whomever we want?  
35 DISTRICT ATTORNEY HERRERA: Yes, sir.  
36 COMMISSIONER MILLS: Yeah, we do.  
37 CHAIRMAN STIENMETZ: Okay.  
38 COMMISSIONER MILLS: So I don't have any objection to  
39 taking it out to bid. It presents some risk to T & M Lawn Care.  
40 But it's -- I think it's a minor risk to them, and it shows us

1 doing our job. And I'm not -- I'm not opposed to doing that.

2 COMMISSIONER BAKKER: Make the motion.

3 COMMISSIONER MILLS: So I'll make a motion that we take  
4 this out to bid.

5 COMMISSIONER BAKKER: Second.

6 CHAIRMAN STIENMETZ: Do we need to add anything in our --

7 DISTRICT ATTORNEY HERRERA: I don't --

8 CHAIRMAN STIENMETZ: -- contract terms?

9 DISTRICT ATTORNEY HERRERA: I'd ask that you direct the --  
10 the county clerk to enforce -- to follow through with your -- if  
11 it's passed, if you pass the motion.

12 CHAIRMAN STIENMETZ: Any public comment?

13 COMMISSIONER CLARK: Sadie, you got direction?

14 COUNTY CLERK SULLIVAN: Ted will help me with this.

15 DISTRICT ATTORNEY HERRERA: Yes, I'll be more than happy  
16 to.

17 COMMISSIONER BAKKER: Okay.

18 CHAIRMAN STIENMETZ: All in favor?

19 COMMISSIONER BAKKER: Aye.

20 COMMISSIONER MILLS: Aye.

21 COMMISSIONER WAITS: Aye.

22 COMMISSIONER CLARK: Aye.

23 CHAIRMAN STIENMETZ: Aye.

24 Thanks, Bert.

25 BERT RAMOS: Thank you.

26 COMMISSIONER BAKKER: Thanks, Bert.

27  
28  
29 **WATER & SEWER**

30  
31 **4) Discussion for possible action regarding the lease agreement**  
32 **for the storage/maintenance shop located at 145 West 3rd**  
33 **Street renewal, terms, and length between Lander County and**  
34 **the Bullock Mechanical District, and other matters properly**  
35 **related thereto.**  
36

37 CHAIRMAN STIENMETZ: Now we go to Item 4, Water and Sewer.  
38 Discussion for possible action regarding the lease agreement for  
39 the storage, slash, maintenance shop located at 145 West 3rd  
40 Street renewal, terms, and length between Lander County and

1 Bullock Mechanical District, and other matters properly related  
2 thereto.

3 COMMISSIONER CLARK: Good morning, Scott.  
4 SCOTT BULLOCK: How we doing?  
5 COMMISSIONER WAITS: Good morning.  
6 SCOTT BULLOCK: Scott Bullock for the --  
7 COMMISSIONER CLARK: Good.  
8 SCOTT BULLOCK: -- record.

9 DISTRICT ATTORNEY HERRERA: Again, commissioners, this is  
10 another contract that -- that is going to end September -- no,  
11 it ends -- yeah, September. So it's up for renewal pretty soon.  
12 I -- it -- I'm just bringing up to the commission so they  
13 could decide if they -- if they want to put this out to bid, if  
14 they want to renew it, and the terms and the length and the amount  
15 of money.  
16 And -- and take out any automatic renewal clause or whatever  
17 you want.  
18 This is just typical -- there's nothing atypical about this  
19 matter in this board, it's just the next contract in line.  
20 COMMISSIONER WAITS: One of the first things, of course, is  
21 the automatic renewal. That's one.  
22 And I don't know how you get a handle on fair market price.  
23 Because it's a very, very small building. And there haven't been  
24 any improvements; have there? Over --  
25 SCOTT BULLOCK: The county actually did put a new roof on  
26 it about a year ago.  
27 COMMISSIONER WAITS: How much acreage is included, Scott?  
28 SCOTT BULLOCK: Not a lot. Look across the road. Whatever  
29 you can park over there. It's not very big. It's more like a  
30 glorified storage unit than anything.  
31 COMMISSIONER CLARK: Did you look into this, Keith?  
32 KEITH WESTENGARD: I didn't look into it a whole lot. I  
33 did get some -- some input. But it's not confirmed as far as  
34 fair market value goes.  
35 COMMISSIONER WAITS: There's not much to really compare  
36 it --  
37 KEITH WESTENGARD: Well, and that's the problem.  
38 COMMISSIONER WAITS: -- with, is --  
39 KEITH WESTENGARD: There's not a lot --  
40 COMMISSIONER WAITS: -- the problem.

1 KEITH WESTENGARD: -- to compare it to. If you guys would  
2 like, I can get some -- work toward getting some more  
3 information on this.

4 COMMISSIONER WAITS: Actually, I did do some research on  
5 it, trying to determine the amount. And the reason it concerns  
6 me is because we've had this situation before with fair market  
7 value and reasonable rent.

8 And in some situations, it made quite a bit of difference.  
9 However, this is -- this is a very small, small building. And  
10 there's not a whole lot over there.

11 And I -- I truly don't have a problem with renewing. No one  
12 has expressed interest --

13 CHAIRMAN STIENMETZ: No.

14 COMMISSIONER WAITS: -- in it at all.

15 DISTRICT ATTORNEY HERRERA: Commissioner Waits, one thing  
16 you should -- should all be aware of is, is soon we will have  
17 multiple buildings in this same situation.

18 COMMISSIONER WAITS: Yes.

19 DISTRICT ATTORNEY HERRERA: So at some point in time, it's  
20 going to be important to get fair market value on all Lander  
21 County's buildings.

22 Because unless you decide to just destroy them, you're going  
23 to be in the same position that you are right now with this  
24 building.

25 So at some point in time we're going to have to get this.

26 COMMISSIONER WAITS: And I know that. That will be coming.  
27 But I didn't have a problem with this one for -- for one year  
28 without an automatic renewal is what I'm saying for -- for what  
29 it was. So...

30 I wasn't going to direct him to go out and do this  
31 specifically.

32 COMMISSIONER BAKKER: Right. Let's renew it for one more  
33 year.

34 Keith, you want to get fair market value on everything, and  
35 then we'll figure it out after that.

36 DISTRICT ATTORNEY HERRERA: So the same terms, --

37 COMMISSIONER CLARK: Make a motion.

38 DISTRICT ATTORNEY HERRERA: -- one year?

39 COMMISSIONER BAKKER: Yeah, 30-day clause. No automatic  
40 renewal.

1 DISTRICT ATTORNEY HERRERA: Okay. For \$200 a month?  
2 COMMISSIONER BAKKER: Yeah. You need a motion?  
3 COMMISSIONER MILLS: Before --  
4 DISTRICT ATTORNEY HERRERA: Yes.  
5 COMMISSIONER MILLS: Before we do that, I do have one  
6 question just in the interest of consistency and fairness  
7 because we've had other properties where we've had some issues  
8 with rent payments and utility payments being late. And I'm  
9 just wondering, are you current and consistent with your  
10 payments on your rent?  
11 SCOTT BULLOCK: Yeah, I mean, sometimes we get a month  
12 behind because that's because I'm a scatterbrain and try to do  
13 too much in our own community. But, I mean, --  
14 COMMISSIONER MILLS: Okay.  
15 SCOTT BULLOCK: -- it's always paid.  
16 COMMISSIONER MILLS: Because, like I said, I just want to  
17 be consistent in the way we're doing some of these things --  
18 DISTRICT ATTORNEY HERRERA: And --  
19 COMMISSIONER MILLS: -- and if that's an issue, I think  
20 it's something else we need to look at.  
21 DISTRICT ATTORNEY HERRERA: Commissioner Mills, that's a  
22 great question. And I've -- I've talked to Nan about this. And  
23 she said that she is consistent in making all of his payments.  
24 COMMISSIONER MILLS: Okay. All right. I am content.  
25 COMMISSIONER BAKKER: Okay. I'm going to make a motion to  
26 approve the lease agreement for the storage/maintenance shop  
27 located at 145 West 3rd Street between Lander County and Bullock  
28 Mechanical with a 30-day clause and no automatic renewal.  
29 COMMISSIONER MILLS: I'll second.  
30 CHAIRMAN STIENMETZ: Any public comment?  
31 (No comment.)  
32 CHAIRMAN STIENMETZ: All in favor?  
33 COMMISSIONER CLARK: Aye.  
34 COMMISSIONER BAKKER: Aye.  
35 COMMISSIONER MILLS: Aye.  
36 COMMISSIONER WAITS: Aye.  
37 CHAIRMAN STIENMETZ: Aye.  
38 COMMISSIONER WAITS: Aye.  
39 COMMISSIONER CLARK: Steve. Steve, I need to get a break.  
40 CHAIRMAN STIENMETZ: All right. Can we have a ten-minute

1 break.

2 SCOTT BULLOCK: Thanks.

3 CHAIRMAN STIENMETZ: Thanks, Scott.

4

5 (Break taken between 10:03 a.m. and 10:13 a.m.)

6

7 CHAIRMAN STIENMETZ: Okay. Let's call the meeting back to  
8 order.

9

10 5) Discussion for possible action on the need to file a  
11 temporary change of point of diversion application for Well  
12 #9 as the present annual permit expires September 15, 2015.  
13 Further discussion and action on who would file this permit  
14 application and the manner of payment for said services, and  
15 other matters properly related thereto.  
16

17 CHAIRMAN STIENMETZ: We're on Item 5. Discussion for  
18 possible action on the need to file a temporary change of point  
19 of diversion application for Well #9 as the present annual  
20 permit expires September 15, 2015. Further discussion and  
21 action on -- on what would -- what would file -- what would file  
22 this point application -- or who would file this point  
23 application and manners of payment for said services, and other  
24 matters properly related thereto.

25 JAY FISCHER: Good morning.

26 COMMISSIONER WAITS: Good morning, Jay.

27 JAY FISCHER: Jay Fischer with Reese River Hydrologic.

28 I've been administering the county water rights for the  
29 last couple of years. I've brought to the staff's attention  
30 last week the need to file a temporary point of diver- -- change  
31 of point of diversion that currently allows us to pump from Well  
32 #9, the newest well south of town.

33 And this is necessary while we work through the basin  
34 inventory and the requirements by the state engineer for the new  
35 water right application for -- for Well #9.

36 So we're using this -- this temporary change of point of  
37 diversion from Well #8, unused water from Well #8 that allows us  
38 currently to pump from Well #9.

39 So I brought this to the staff's attention -- Bert, Nan --  
40 last week. And they asked that I appear before the board to, I

1 guess, to get the authorization to proceed here.

2 COMMISSIONER WAITS: Yeah, Jay, tell me about the  
3 application, like, how many pages is it? And how much time does  
4 it take to fill out?

5 JAY FISCHER: It takes a couple hours' worth of time to  
6 fill this application out.

7 It's an online form from the Nevada water division of water  
8 resources association and in a format that's specified by them  
9 stating the amount of duty, the location. It requires a -- a map  
10 showing the location of the current water right and where the  
11 proposed point of diversion is.

12 COMMISSIONER WAITS: Like, you have this information --

13 JAY FISCHER: And I have all --

14 COMMISSIONER WAITS: -- already. Right? So --

15 JAY FISCHER: I have all this information. So typically it  
16 takes -- it takes me about four hours to complete this  
17 application and get it off in the mail to the state engineer's  
18 office along with a application fee of \$180.

19 The procedure then is the state engineer reviews the  
20 application for completeness only. And once that they determine  
21 the application is prepared properly and complete, they will send  
22 a fee notice to the county. And you -- and the county must pay  
23 per gallon to the tu- -- and this application will be in the  
24 amount of about \$900 that will be charged in order for the state  
25 --

26 COMMISSIONER WAITS: To divert it?

27 JAY FISCHER: -- engineer to exe- -- once they receive  
28 those funds, then they can execute the temporary change of point  
29 of diversion application, which is good for one year.

30 So...

31 COMMISSIONER WAITS: I know you file our other, you know  
32 extensions and such. So is this anything that actually would be  
33 included as far as the amount of your time and the cost in our  
34 current contract with you?

35 JAY FISCHER: The contract has no set limit other than  
36 administer -- it's very general -- administer the county water  
37 rights, which you're correct, Commissioner Waits, it includes  
38 the extensions of time. And in this one case, this renewal of  
39 the point of -- temporary point of -- change of point of  
40 diversion here. So...

1           So no, it's not -- I guess I'm not sure how to answer your  
2 question since the contract is not a -- a set amount.  
3           COMMISSIONER WAITS: Okay. So how do we establish the  
4 cost? Four hours of your time?  
5           JAY FISCHER: Four hours of my time, plus the meeting time  
6 here to appear. So 600 -- \$625 is what it will cost of my time  
7 to process this application.  
8           COMMISSIONER CLARK: Okay. You came in front of us during  
9 the budget hearing for a contract; correct?  
10          JAY FISCHER: No.  
11          COMMISSIONER CLARK: We contracted you for a year?  
12          JAY FISCHER: For -- we -- there was a co- -- the contract  
13 specifically was for the basin inventory, --  
14          COMMISSIONER CLARK: Okay. And then you came back and --  
15          JAY FISCHER: -- which is different --  
16          COMMISSIONER CLARK: -- you asked for more money.  
17          JAY FISCHER: -- than this work. Correct. Correct. I  
18 did -- I did appear before you --  
19          COMMISSIONER CLARK: A couple --  
20          JAY FISCHER: -- previously for a change in the scope of  
21 that basin inventory that required more money.  
22          So --  
23          DISTRICT ATTORNEY HERRERA: Excuse me. There was no change  
24 to the scope. It was just a change to the amount of the  
25 contract. It was the same --  
26          JAY FISCHER: Right.  
27          DISTRICT ATTORNEY HERRERA: -- scope.  
28          JAY FISCHER: It was the same --  
29          DISTRICT ATTORNEY HERRERA: It's just more work involved in  
30 this -- but it was the same scope. I don't want the record to  
31 think that we added more. There was more work involved, but it  
32 was the same scope.  
33          JAY FISCHER: Yes.  
34          COMMISSIONER WAITS: Right. And that was because of the  
35 state engineer.  
36          DISTRICT ATTORNEY HERRERA: Right.  
37          COMMISSIONER WAITS: Let me ask, Bert, because this falls  
38 under you; right?  
39          BERT RAMOS: No, I pretty much put it back under you guys.  
40          COMMISSIONER WAITS: No, I mean as far as -- as what's

1 going on and your temporary title of what you're doing; right?  
2 So somebody has to file this diversion. And right now we do  
3 have contracts with -- with Jay's company. So it isn't anything  
4 you can do as a county employee?  
5 Yes? No?  
6 BERT RAMOS: No, it's not anything I have any expertise in.  
7 COMMISSIONER WAITS: Okay. And we don't have anyone else,  
8 right?  
9 KEITH WESTENGARD: Well, we don't. But we increased the  
10 contract. And part of my concern is: Is it within the scope of  
11 the contract or are we going to pay in addition to what you  
12 increased his contract by? Are we going to have to pay him  
13 additional for this?  
14 COMMISSIONER WAITS: Well, that was my --  
15 KEITH WESTENGARD: So we increased --  
16 COMMISSIONER WAITS: -- first question.  
17 KEITH WESTENGARD: -- the contract.  
18 COMMISSIONER CLARK: Yeah.  
19 COMMISSIONER WAITS: That was my first question. He said  
20 --  
21 KEITH WESTENGARD: And that's why it's on here. Because I  
22 do know that -- I understand there will be additional fees.  
23 I'd also like to see the permit come to us to Lander County  
24 and we --  
25 JAY FISCHER: Which it does.  
26 KEITH WESTENGARD: -- can pay it. The filing fee, I mean.  
27 Because I understand that the filing fee is X dollars. And then  
28 there's additional cost on that, but we --  
29 JAY FISCHER: The letter comes -- all correspondence comes  
30 directly to the county. I'm copied on all of the correspondence  
31 so I can take care of the necessary steps to keep all the water  
32 rights in good standing.  
33 None of it is ever done autonomously by myself. Applications  
34 come in. There -- the practice has been discussion with the  
35 staff. Here's what needs to be done and proceed.  
36 Maybe the issue here, I think, that Commissioner Clark and  
37 Commissioner Waits both touch on here is, it was maybe a less  
38 formal, albeit a contract, but less specific contract that was  
39 issued to me three years ago to administer all of the county water  
40 rights, which are these extensions. And -- and in this case --

1 COMMISSIONER WAITS: Diversion?  
2 JAY FISCHER: -- this temporary point -- change of point of  
3 diversion.  
4 COMMISSIONER MILLS: Is that -- is that contract still in  
5 effect?  
6 KEITH WESTENGARD: This is (indiscernible).  
7 DISTRICT ATTORNEY HERRERA: I don't know if that's still  
8 (indiscernible).  
9 KEITH WESTENGARD: This one is (indiscernible).  
10 COMMISSIONER WAITS: What's our date to have this filed?  
11 JAY FISCHER: In order to -- in order to eliminate any --  
12 eliminate any interruptions of pumping from Well #9, the  
13 application needs to be approved by September 15<sup>th</sup>.  
14 COMMISSIONER WAITS: By the state?  
15 JAY FISCHER: By the state. There is a chance that given  
16 the time even that we're at right now that that might not occur.  
17 In which case, we would no longer --  
18 COMMISSIONER BAKKER: Don't you usually get, like, a 30-day  
19 leeway after the 15<sup>th</sup> or in between there?  
20 JAY FISCHER: No. It's pretty specific.  
21 COMMISSIONER BAKKER: When's our next commission meeting?  
22 KEITH WESTENGARD: Twenty-seventh, I believe. Let me look  
23 real quick.  
24 COMMISSIONER WAITS: There's a 30-day leeway on filing for  
25 an extension of time, I believe.  
26 COMMISSIONER BAKKER: Right.  
27 COMMISSIONER WAITS: But not the diversion.  
28 JAY FISCHER: Not point --  
29 COMMISSIONER WAITS: Because the diversion needs to be in  
30 and approved.  
31 JAY FISCHER: You're -- you're correct. It is and  
32 extension of time, but not this temporary change of point of  
33 diversion. There's no 30-day leeway there.  
34 KEITH WESTENGARD: Commissioners, I -- I just wanted you to  
35 be aware that there is an additional fee for this.  
36 It's -- it's not under your original scope. Is that correct?  
37 Let's just make it clear.  
38 JAY FISCHER: Correct. Correct.  
39 KEITH WESTENGARD: There is an additional fee for this.  
40 And I would like to see the invoices for the charges for the

1 filing of the permit, which is -- we can pay them.  
2 I mean, you can send that to us and we can pay them.  
3 COMMISSIONER BAKKER: Nan, we don't pay that already?  
4 NAN ANCHO: We understood it was that Jay was paying it and  
5 then tacking on a fee and then billing us for it.  
6 JAY FISCHER: There -- there was no markup previously.  
7 I was paying those fees, submitting the -- the copy with the  
8 filed application along with the copy of my check and adding that  
9 into the cost when I billed the county each -- each -- each time  
10 we had to do this.  
11 COMMISSIONER BAKKER: Pretty much we want the bill to go to  
12 Nan?  
13 KEITH WESTENGARD: Yeah, we can --  
14 COMMISSIONER BAKKER: Yeah.  
15 KEITH WESTENGARD: We can pay it --  
16 COMMISSIONER BAKKER: So --  
17 KEITH WESTENGARD: -- directly.  
18 COMMISSIONER BAKKER: Let's set that up and we're good.  
19 KEITH WESTENGARD: We can pay any fees related. We don't  
20 need to have the fees paid. And if I misunderstood that there  
21 was something tacked on, I apologize.  
22 JAY FISCHER: Yeah.  
23 KEITH WESTENGARD: But that was my understanding. We can  
24 pay them.  
25 COMMISSIONER BAKKER: Okay.  
26 KEITH WESTENGARD: We pay our invoices every -- every --  
27 COMMISSIONER BAKKER: So let's --  
28 KEITH WESTENGARD: -- weeks. Every week we can pay them.  
29 COMMISSIONER BAKKER: So tell the state water guy. Can't  
30 remember his name right now. Tell him to bill -- bill the  
31 permit bill to Nan. Or we can send it in when we send in the --  
32 JAY FISCHER: Well, yeah.  
33 COMMISSIONER BAKKER: -- form.  
34 JAY FISCHER: The application fee doesn't come with the  
35 bill.  
36 COMMISSIONER BAKKER: Right.  
37 JAY FISCHER: That's -- that's -- that's a fee that the  
38 county prefers to -- to write a check for that. I'd be happy to  
39 issue the application when that check is available for the --  
40 for the filing --

1 COMMISSIONER BAKKER: I just --  
2 JAY FISCHER: -- for the filing fee. The fee notice that  
3 will come in a couple of weeks after the application is filed  
4 will go directly to the county. And the county can pay that --  
5 pay that fee directly.  
6 COMMISSIONER BAKKER: Okay.  
7 JAY FISCHER: And --  
8 KEITH WESTENGARD: That's fine. And then you're aware that  
9 this is in addition --  
10 COMMISSIONER BAKKER: Addition.  
11 KEITH WESTENGARD: -- an additional --  
12 CHAIRMAN STIENMETZ: Yeah.  
13 COMMISSIONER BAKKER: So when you send the application in,  
14 just take it to Keith. You guys can cut a check and send it in.  
15 You know what I mean?  
16 JAY FISCHER: Yeah.  
17 KEITH WESTENGARD: We'll take care of it.  
18 COMMISSIONER BAKKER: Yeah. And then the county will be  
19 taking care of it.  
20 JAY FISCHER: So one important point here, is likely the --  
21 well, there is a likelihood that will not all occur by and be  
22 completed by September 15<sup>th</sup>.  
23 Bert has spoken to the operator on record for the county,  
24 who tells us that we can -- if there is some interruption to  
25 Well #9, we can use Well #6 for a period of time to meet the  
26 community water.  
27 COMMISSIONER BAKKER: I don't think they're going to come  
28 in and say, shut it down, though. There -- I mean as long as  
29 you get the application in and it's being processed, they're not  
30 going to say stop pumping.  
31 CHAIRMAN STIENMETZ: They'll know.  
32 JAY FISCHER: They'll know. Yeah. I mean, your --  
33 CHAIRMAN STIENMETZ: No guarantee.  
34 JAY FISCHER: Your --  
35 COMMISSIONER BAKKER: No, I know. But I mean --  
36 JAY FISCHER: The likelihood is -- is -- is -- is small  
37 that they would do that.  
38 COMMISSIONER BAKKER: Yeah.  
39 COMMISSIONER WAITS: We do have a priority on -- on the  
40 water use.

1 COMMISSIONER BAKKER: Well, not even ag. They don't come  
2 in and just say, shut it down right now.  
3 JAY FISCHER: Right.  
4 COMMISSIONER BAKKER: There's a process.  
5 JAY FISCHER: Right.  
6 COMMISSIONER BAKKER: And as long as they're processing the  
7 application, you're going to be pretty fine.  
8 COMMISSIONER WAITS: So if we work with this out with what  
9 we need to pay you then, what -- what would be your timeline for  
10 sending this in?  
11 JAY FISCHER: The timeline for -- I can have the  
12 application prepared and available tomorrow.  
13 It's a couple of hours. The time to write the check will  
14 probably be the -- the -- the leading item.  
15 KEITH WESTENGARD: Does the -- does the state take a credit  
16 card payment? Or does it have to have a check?  
17 I mean, we have a county credit card.  
18 JAY FISCHER: Well, they -- they take electronic payments  
19 if you prefer --  
20 COMMISSIONER BAKKER: Yeah.  
21 JAY FISCHER: -- to --  
22 KEITH WESTENGARD: So we can get it in --  
23 CHAIRMAN STIENMETZ: Yeah.  
24 KEITH WESTENGARD: -- fairly quickly?  
25 JAY FISCHER: But I don't --  
26 NAN ANCHO: We send checks every week. So there isn't a  
27 problem with getting a check when it's --  
28 KEITH WESTENGARD: So if I was to receive the invoice  
29 tomorrow, or whatever we need to do, along with the application,  
30 we'll have the check cut next week.  
31 JAY FISCHER: Okay.  
32 COMMISSIONER BAKKER: Okay.  
33 COMMISSIONER WAITS: Don't we also have a contract with Day  
34 Engineering on some water things?  
35 KEITH WESTENGARD: Bert, do you want to --  
36 BERT RAMOS: What's that?  
37 KEITH WESTENGARD: Day Engineering? For water rights?  
38 COMMISSIONER WAITS: Don't we a contract with --  
39 BERT RAMOS: I believe you guys do the water rights in --  
40 JAY FISCHER: Austin.

1 BERT RAMOS: -- Austin. But that's a separate -- they're  
2 like a separate state.  
3 I say -- that comes off sounding sarcastic. But it's -- but  
4 I mean that they're a separate district. So it's completely --  
5 completely apart from each other.  
6 COMMISSIONER WAITS: I under- -- I understand.  
7 BERT RAMOS: I don't mean that as --  
8 COMMISSIONER WAITS: I understand what --  
9 BERT RAMOS: -- as a shot across the --  
10 COMMISSIONER WAITS: -- you're saying.  
11 BERT RAMOS: -- bow at Austin.  
12 COMMISSIONER WAITS: I asked.  
13 BERT RAMOS: Everybody knows I'm a big supporter of Austin.  
14 COMMISSIONER BAKKER: You're going to get lynched now.  
15 BERT RAMOS: Yeah.  
16 COMMISSIONER BAKKER: You know that.  
17 BERT RAMOS: No. No. They're just a completely separate  
18 deal.  
19 COMMISSIONER WAITS: Okay, I --  
20 COMMISSIONER CLARK: We've all known you for a long time  
21 since you were a little guy. We understand.  
22 BERT RAMOS: Okay.  
23 COMMISSIONER WAITS: I was asking because something in my  
24 mind is when -- when Marty came up and we approved Day  
25 Engineering for some things, on some water things for the  
26 county. That's all. So...  
27 KEITH WESTENGARD: Good.  
28 COMMISSIONER WAITS: Okay.  
29 COMMISSIONER BAKKER: Okay.  
30 You guys good?  
31 CHAIRMAN STIENMETZ: Uh-huh.  
32 KEITH WESTENGARD: So you're estimating 6-, 640, you said?  
33 Is that your estimate?  
34 JAY FISCHER: The -- yeah.  
35 KEITH WESTENGARD: Okay.  
36 BERT RAMOS: Now, if I understand this correct, this is  
37 still outside of what you're saying your scope is. So there  
38 will be and additional bill?  
39 CHAIRMAN STIENMETZ: We will be billed for his time to  
40 prepare the application.

1 COMMISSIONER BAKKER: He just said 640.  
2 KEITH WESTENGARD: About.  
3 BERT RAMOS: Yeah. Is why --  
4 COMMISSIONER WAITS: And if it doesn't take you that long,  
5 do we get a discount for how much per hour?  
6 JAY FISCHER: I've always charged -- I don't have a set fee  
7 for -- lump sum amount for -- for these type of applications and  
8 extensions. It's always been whatever my time is to prepare and  
9 deliver the -- deliver the application by certified mail.  
10 COMMISSIONER MILLS: So it's not to exceed?  
11 JAY FISCHER: So...  
12 COMMISSIONER BAKKER: Not to exceed?  
13 JAY FISCHER: So...  
14 COMMISSIONER MILLS: All right. Go ahead.  
15 COMMISSIONER BAKKER: Okay. I'm going to make a motion to  
16 approve the temporary change of point of diversion application  
17 for Well #9 as present. The annual permit expires  
18 September 5<sup>th</sup>, 2015, for Jay Fischer to file the permit, not  
19 to exceed \$640.  
20 COMMISSIONER MILLS: Okay.  
21 COMMISSIONER WAITS: I'll second that motion.  
22 CHAIRMAN STIENMETZ: Any public comment?  
23 (No comment.)  
24 CHAIRMAN STIENMETZ: All in favor?  
25 COMMISSIONER BAKKER: Aye.  
26 COMMISSIONER MILLS: Aye.  
27 COMMISSIONER CLARK: Aye.  
28 CHAIRMAN STIENMETZ: Aye.  
29 COMMISSIONER WAITS: Aye.  
30 CHAIRMAN STIENMETZ: Thank you, Jay.  
31 JAY FISCHER: Thank you.  
32 COMMISSIONER BAKKER: Thanks, Jay.  
33 Okay.

34  
35  
36 **COMMISSIONERS**

- 37  
38 6) **Discussion and possible action to approve the job description**  
39 **for the Public Works Supervisor position, and other matters**  
40 **properly related thereto.**

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CHAIRMAN STIENMETZ: All right. Let's go to Item Number 6. Discussion for possible action to approve the job description for the Public Works supervisor position, and other matters properly related thereto.

KEITH WESTENGARD: As you -- as you're aware, we've done some restructuring in the Public Works, Road and Bridge North and South. This is the position to oversee all those throughout the entire county, meaning Austin and Battle Mountain.

We looked through several other job descriptions on the internet. This is what we came up with for the position. It's been pretty well researched.

And I just need your approval for it.

DISTRICT ATTORNEY HERRERA: (Indiscernible.)

KEITH WESTENGARD: Yes. Oh, and it does com- -- it does comply with our county ordinance, our county code. Thank you.

COMMISSIONER CLARK: Is this your recommendation?

KEITH WESTENGARD: Yes.

DISTRICT ATTORNEY HERRERA: It's -- legally, it's fine with me as long as it's in compliance with the Lander County code.

COMMISSIONER BAKKER: That's good. I'll make a motion to approve the job description for the Public Works supervisor.

COMMISSIONER WAITS: The advertising.

COMMISSIONER BAKKER: Or for the advertis- --

CHAIRMAN STIENMETZ: No.

COMMISSIONER BAKKER: No, this is for the --

CHAIRMAN STIENMETZ: This is for the --

COMMISSIONER BAKKER: -- job description.

COMMISSIONER MILLS: It's for the job --

COMMISSIONER CLARK: Job description.

COMMISSIONER WAITS: Sorry. Thank you.

COMMISSIONER BAKKER: Motion still stands.

COMMISSIONER MILLS: I'll second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

1 CHAIRMAN STIENMETZ: Aye.

2  
3 7) Discussion and possible action to approve/disapprove  
4 advertising for the Public Works supervisor position, and  
5 other matters properly related thereto.  
6

7 CHAIRMAN STIENMETZ: Item Number 7. Discussion for  
8 possible action to approve/disapprove the advertising for the  
9 Public Works supervisor position, and other matters properly  
10 related thereto.

11 COMMISSIONER BAKKER: I'm --

12 KEITH WESTENGARD: I put this in county. If it's approved  
13 I'd like to advertise it in county for our normal one-week  
14 period. If we have no interested applicants, then we'll put it  
15 in the paper for two weeks. But we go in county first.

16 CHAIRMAN STIENMETZ: I agree.

17 COMMISSIONER BAKKER: Okay. I'll make a motion to approve  
18 the advertising for the Public Works supervisor position.

19 COMMISSIONER MILLS: I'll second.

20 CHAIRMAN STIENMETZ: Any public comment?

21 (No comment.)

22 CHAIRMAN STIENMETZ: All in favor?

23 COMMISSIONER BAKKER: Aye.

24 COMMISSIONER MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER WAITS: Aye.

27 CHAIRMAN STIENMETZ: Aye.  
28

29 8) Discussion for possible action regarding the Eleventh  
30 Judicial District Youth and Family Services Lander County  
31 (EJDY & FSLC), request to be heard by the Lander County  
32 Commissioners in regards to establishing an expense and  
33 revenue account for juvenile court fine moneys received,  
34 which can be accessed by the Eleventh Judicial District Youth  
35 and Family Services for operation expenditures within the  
36 Lander County Youth and Family Services Office. Their  
37 proposal is to create an expense and revenue account  
38 utilizing the fine moneys collected by the juvenile court,  
39 and other matters properly related thereto.  
40

1 CHAIRMAN STIENMETZ: Now we'll go to Number 8.

2 Discussion for possible action regarding the Eleventh  
3 Judicial District Youth and Family Services Lander County -- LJDY  
4 & FSLC -- respectfully request to be heard by the Lander County  
5 commissioners in regards to establishing an expense and revenue  
6 account for the fine moneys received, which can be assessed by the  
7 Eleventh District Court Youth and Family Services for operations  
8 and expenditures within Lander County Youth and Family Services --  
9 offices -- Office.

10 Our proposal is to execute an expense and revenue account  
11 utilizing the fine moneys collected by the judicial court, and  
12 other matters properly related thereto.

13 CRAIG TIPPENS: Good morning. Craig Tippens. I'm the  
14 chief juvenile probation officer for the Eleventh Judicial  
15 District.

16 DAN BALDINI: My name is Dan Baldini. I'm a juvenile  
17 probation officer here in Lander County.

18 Also present of that is Juvenile Probation Officer Noliena  
19 Castellanos and our Office Manager Michele Scovil.

20 COMMISSIONER CLARK: Good morning, gentlemen and ladies.

21 CRAIG TIPPENS: Good morning. Thank you for the  
22 opportunity to be heard on this matter.

23 What we are requesting is to be able to use the fine money  
24 that's collected, court ordered by our department.

25 As I understand it now, that money is sent either to the  
26 county or the state, depending on where the traffic ticket --  
27 depending on where it's issued from. That money's passed on to  
28 the state or the county.

29 Our request is to be able to keep that money and use it for  
30 operation and expenses within the Lander County office.

31 In Pershing County, that's the way it's set up now. In  
32 Humboldt County, when we were the Sixth Judicial District,  
33 that's the way it was set up. When we collected fine money,  
34 that was deposited into a revenue account for us to expend from.  
35 And we did that. And so that's -- that's simply our request  
36 here in Lander County as well.

37 COMMISSIONER WAITS: Have we been really short of funds for  
38 your -- your division there? What --

39 CRAIG TIPPENS: Not short of funds. As you know now,  
40 because we're still in agreement with the Sixth, this budget

1 year is extremely tight.

2 It's just our philosophy that if we -- if we can use revenue  
3 that we collect, that we -- that we should be able to use it to  
4 cover our expenses.

5 I mean, it's not going to sustain us. We're not talking  
6 about huge amounts of money. But any revenue that we collect, we  
7 would certainly like to be somewhat self-sufficient in being able  
8 to turn that around to use for either services or equipment for  
9 each local office.

10 COMMISSIONER WAITS: So you're concerned we're not going to  
11 be able to fund your -- your group enough? Is that it?

12 CRAIG TIPPENS: No. No. That's not our concern at all.  
13 Our concern is just that the revenue that we're collecting,  
14 we're not expending. And we would like to be able to do that,  
15 similar to our administrative assessment funds.

16 DISTRICT ATTORNEY HERRERA: Well, on the AA Fund, you only  
17 get a certain percentage of that.

18 CRAIG TIPPENS: Only from justice court or municipal court.

19 DISTRICT ATTORNEY HERRERA: Right.

20 CRAIG TIPPENS: For the juvenile court fines, we get the  
21 entire \$10.

22 COMMISSIONER WAITS: Uh-huh.

23 CRAIG TIPPENS: For the justice court and municipal court,  
24 it's a percentage pursuant to NRS.

25 COMMISSIONER CLARK: You have any recommendation, Mr.  
26 Herrera?

27 DISTRICT ATTORNEY HERRERA: Well, the money's presently  
28 going to our General Fund.

29 COMMISSIONER CLARK: It's going?

30 DISTRICT ATTORNEY HERRERA: Into our General Fund.

31 COMMISSIONER CLARK: Okay.

32 CRAIG TIPPENS: Not the state portion.

33 DISTRICT ATTORNEY HERRERA: Pardon me?

34 CRAIG TIPPENS: The state -- there's the state portion as  
35 well though.

36 DISTRICT ATTORNEY HERRERA: Well, I believe that some of it  
37 is going to the state. But I don't know if there's any mandate  
38 that it has to go to the state.

39 CRAIG TIPPENS: Right.

40 DISTRICT ATTORNEY HERRERA: And that's why they're asking

1 for this.

2 So I believe Grace and Nan are -- are looking at this. Nan's  
3 not here right now because I asked her to corroborate whether or  
4 not Pershing County is doing that. And she stepped out for a  
5 minute. So I hope she gets back so she can corroborate that.

6 But basically what this is, is basically what Craig says.  
7 They're trying to get as much money as they possibly can,  
8 obviously. I mean, what organization or group doesn't?

9 But you need to know that aside from the money that we send  
10 to the state for this, we would no longer be getting it -- getting  
11 it into our General Fund. We would be directing it to a line item  
12 offensive that they can attach.

13 COMMISSIONER BAKKER: First of all, what's the money being  
14 used for now?

15 DISTRICT ATTORNEY HERRERA: It's going into the General  
16 Fund and whatever moneys, wherever they trickle down from the  
17 General Fund.

18 COMMISSIONER CLARK: When -- when you say General Fund,  
19 it's still --

20 DISTRICT ATTORNEY HERRERA: It's Lander County.

21 COMMISSIONER CLARK: -- designated for juvenile?

22 DISTRICT ATTORNEY HERRERA: No.

23 COMMISSIONER CLARK: Out of the General --

24 COMMISSIONER WAITS: No.

25 COMMISSIONER CLARK: -- Fund?

26 CHAIRMAN STIENMETZ: No.

27 DISTRICT ATTORNEY HERRERA: No.

28 CRAIG TIPPENS: No.

29 DISTRICT ATTORNEY HERRERA: They want it so designated,  
30 basically. That's what they're asking for.

31 So this is above and beyond what they're going to be asking  
32 for next year in the budget process. And it's above and beyond  
33 what's already been budgeted for in this process. Now you need  
34 to understand, Craig -- Craig said it's a little tight this  
35 year. But the flip side of that is we're paying a lot more than  
36 we should this year.

37 COMMISSIONER CLARK: We --

38 DISTRICT ATTORNEY HERRERA: We're paying a lot more than we  
39 should. And that's Leighton Hall and has nothing to do with the  
40 Eleventh Judicial District.

1 But we're already getting disadvantaged. So is Pershing  
2 County for the next -- for the next year.

3 COMMISSIONER WAITS: There --

4 DISTRICT ATTORNEY HERRERA: So it's going to be tight for  
5 them, but -- but it was tighter for us.

6 COMMISSIONER WAITS: There's also a question when we were  
7 talking about the money that we were sending to the state and  
8 exactly whether we need to still be doing that. And that is  
9 being researched now. So that would come back into the General  
10 Fund.

11 So this is something we need to look at all the way around.

12 But my concern is your actual need now. And -- and since  
13 we haven't budgeted it and we've done all the rest of the costs,  
14 I'd like to see us defer this to budget time. If you have a  
15 real need in between, that's a whole different matter.

16 But just to have it to have it and then we set the precedent  
17 and it's yours, I'm not in favor of doing that at this point.

18 CRAIG TIPPENS: I can appreciate that.

19 We provided some backup documentation, like Mr. Herrera  
20 said. Your treasurer's office provided a two-year, three-year,  
21 five-year, ten-year, fifteen-year.

22 There's also backup documentation from Humboldt County's  
23 budget where it's clearly a line item as well as it is in  
24 Pershing County in the backup documentation.

25 COMMISSIONER WAITS: I saw that.

26 CRAIG TIPPENS: Both of those counties have already done  
27 that. And we currently spend that money.

28 So I understand your concern.

29 COMMISSIONER MILLS: So just -- I just want to be clear.  
30 This is -- these -- these moneys are currently being collected  
31 and they're just going into our General Fund. You're just  
32 wanting to --

33 CRAIG TIPPENS: To be able to --

34 COMMISSIONER MILLS: -- create a line item for juvenile  
35 department, that they stay in the county?

36 CRAIG TIPPENS: Yes, absolutely. To spend that money in  
37 the local office. And the way I see it is this, you know, the  
38 two-year window that Grace provided us. So it's \$7300 over the  
39 last two years. Thirty-five hundred of that was for state,  
40 thirty-seven was for -- for the county.

1           So like I said, we're not dealing with huge amounts of money.  
2 But that's certainly money that over the last two years this  
3 office could've used for whatever, you know, the chief at that  
4 time deemed appropriate that would not have come from a different  
5 line item.

6           DISTRICT ATTORNEY HERRERA: Commissioners, I just talked to  
7 Nan. And she's still waiting for a call back from Pershing  
8 County. And we're still researching the state part of this,  
9 whether there's some type of legal mandate. I couldn't find  
10 one.

11          CRAIG TIPPENS: Right.

12          DISTRICT ATTORNEY HERRERA: I'm going to be honest, I  
13 couldn't find it.

14          CRAIG TIPPENS: Yeah.

15          DISTRICT ATTORNEY HERRERA: So we're asking the state if --  
16 if they know of one that we don't know.

17          CRAIG TIPPENS: Sure. And I believe when we requested that  
18 Humboldt County do the same thing, probably five, six years ago,  
19 I think the research was done then and the line item was created  
20 and it was an expense and a revenue account.

21          COMMISSIONER WAITS: I think it's something --

22          COMMISSIONER BAKKER: It could hurt your defense, though,  
23 saying Humboldt County. Just so you know.

24          CRAIG TIPPENS: Okay. Would it help if I said Pershing  
25 County?

26          COMMISSIONER WAITS: Not really. But the big thing is it's  
27 not budget time.

28          And -- and I can appreciate what you're telling us and  
29 requesting. And as I said, I don't see the immediate need now.  
30 And I would like to consider something more towards budget time  
31 and see if that's something that might work out for us as a line  
32 item then. And then we can negotiate some other things too.

33          But if you're hurting on something, then -- then, yes, you  
34 need to come to us and we'll consider something.

35          CRAIG TIPPENS: You know, --

36          COMMISSIONER WAITS: But just -- just to automatically say,  
37 "Okay, you've got it guys. It's yours. It's a line item," I'm  
38 not ready do that right now.

39          CRAIG TIPPENS: It's not a matter of us hurting. It's just  
40 a matter of us wanting to be able to spend the revenue we're

1 collecting.

2 CHAIRMAN STIENMETZ: Grace.

3 COMMISSIONER BAKKER: We should at least defer until you  
4 finish doing all the research. And then we can revisit this  
5 with all the answers.

6 DISTRICT ATTORNEY HERRERA: And that's fine. I'm not ready  
7 right now. And I don't believe Nan is ready right now.

8 CHAIRMAN STIENMETZ: Grace would like to talk, please.

9 COMMISSIONER CLARK: Grace has something to say.

10 GRACE POWRIE: Grace Powrie, Lander County treasurer.

11 COUNTY CLERK SULLIVAN: Will you speak up a little bit?  
12 Sorry. Thank you.

13 GRACE POWRIE: The probation department came to me and  
14 asked me to look this up. And for probably the 31 years I'm  
15 aware of, we've collected the money, past practice, sent it to  
16 the state. When we turned it into the state, it goes under a --  
17 an NRS that only deals with district court and deals with  
18 justice court, not juvenile court.

19 So the question is: Are we truly even supposed to give that  
20 money to the state?

21 And if we aren't, they shouldn't receive it.

22 So we're holding the money at this point. I talked to the  
23 state. They will refund up to one year, but --

24 COMMISSIONER BAKKER: Oh, that's --

25 GRACE POWRIE: -- only one year that I'm aware of even  
26 doing it, not telling what the past practice was before that.

27 So the NRS that we earmark it to the state, they don't know  
28 if it's justice. They don't know if it's district. They don't  
29 know if it's juvenile. That's just what the county's done all  
30 these years.

31 So it may be one of those dark holes that may never have  
32 been able -- they're not going see it. It comes from the three  
33 judicial districts.

34 We lump it together and send it as one.

35 Every statute I've read does not say anything about justice  
36 court not giving them money. It doesn't say anything about  
37 district court not giving the money. But it doesn't say  
38 anything about the juvenile giving the money.

39 So unless the judges and lawyers and district attorneys  
40 figure this out and the state, yes, I really do believe that

1 juvenile should end up with that money at the end of the day.

2 If you can't find a statute that says, give it to the  
3 state, then they need to find one that says that the county  
4 should give it to them.

5 You know, we shouldn't just offer that.

6 As far as the General Fund, it just goes into a line item  
7 right now.

8 Would it help their budget? Absolutely.

9 They are getting a budget now through the budget process.  
10 But these moneys are truly being collected for juvenile  
11 delinquents, juvenile probation, juvenile fines and fees. It  
12 makes all the sense in the world if we can keep it in our county  
13 to have that offset some of their revenue. But we've got to find  
14 out, you know, make sure it's -- make sure that Mineral County,  
15 Pershing County, probably Humboldt County, that we're all doing  
16 things the same.

17 So it's -- it's -- the -- the figures I sent you, are figures  
18 that should've probably been them -- theirs all along. And I only  
19 give gave you a 15-year scenario. I didn't go back 30 years. So  
20 we're not going to be able to recover it.

21 So I would like to not send it to state from July 1 of 2015  
22 forward until they find out. It's much easier not to ask the  
23 state for a refund. It's much easier to give it to them as a  
24 quarterly payment when we find out the answer.

25 Because if we can't find the statute, why are we sending it?

26 COMMISSIONER WAITS: Thank you, Nan. I appreciate what  
27 you're saying and the information. And I -- my understanding  
28 was that we were holding up on that.

29 And I also understand the point of why we're collecting and  
30 why they want it. But I think we're missing the point of how much  
31 we really do pay from other sources, I mean, several hundred  
32 thousand dollars. So it isn't like the juvenile group hasn't  
33 gotten this. They have and -- and just from other fundings.

34 And so now, to create a line item, it's like I said, I'm  
35 maybe just fine with that, but the need isn't there. And we're  
36 still working out. We're not going to be three. We're going to  
37 be our own with, you know, Hawthorne.

38 So we're just -- I would like to wait on it and see while  
39 we're doing the other research.

40 DISTRICT ATTORNEY HERRERA: And as far as what Grace said,

1 there's no -- she's -- she's right. I cannot find the statute  
2 that -- that mandates us sending any money to the state.

3 So in my opinion, we could stop that right now, if we haven't  
4 already.

5 By the same virtue, there is no controlling statute that says  
6 we have to or should give it to the juvenile department. I --  
7 just so you're aware of that, there is no -- there's no positive,  
8 there's no negative statute. So it would be within -- entirely  
9 within your control or province, once we get the full research  
10 done. I just don't -- I don't feel comfortable right now either  
11 advising you to do this or against this at this point. That's all  
12 I'm saying.

13 COMMISSIONER BAKKER: So...

14 DISTRICT ATTORNEY HERRERA: So I'm staying neutral on it as  
15 far as my advice.

16 JUDGE MAX BUNCH: I do -- Max Bunch, for the record.

17 I do have a comment. That money -- and when the state says  
18 they can only give back a year, I can't imagine that that'd be  
19 true because all the money that is collected from fines goes to  
20 the state school distributive fund. And that fund cannot be  
21 spent. So they have all 31 years sitting there, if that's the  
22 case.

23 So just when you're doing the research, that money is not  
24 gone. The only thing they can use that money for is the interest  
25 for the schools.

26 The -- the principal continues to grow month by month by  
27 month. And they're prohibited from spending that money. That  
28 money is only on interest that goes out to the states.

29 So if we can show 31 years' worth of juvenile going in on  
30 that record, they ought to be able to repay all 31 years.

31 DISTRICT ATTORNEY HERRERA: And that's what we're looking  
32 into right now. But as far as the issue in front of you,  
33 it's -- I stand withdrawn without having finished my -- but do I  
34 think you can do it? Yes. I will tell you that. I believe you  
35 can do this, if you wish. But I just can't give any -- a full  
36 commitment as to -- without finishing my research.

37 COMMISSIONER MILLS: Okay. Well, I make a motion that we  
38 defer this until we have more information.

39 COMMISSIONER BAKKER: Second.

40 CHAIRMAN STIENMETZ: Any public comment?

1 (No comment.)  
2 CHAIRMAN STIENMETZ: All in favor?  
3 COMMISSIONER BAKKER: Aye.  
4 COMMISSIONER MILLS: Aye.  
5 COMMISSIONER CLARK: Aye.  
6 COMMISSIONER WAITS: Aye.  
7 CHAIRMAN STIENMETZ: Aye.  
8 CRAIG TIPPENS: Thank you.  
9 COMMISSIONER WAITS: Thank you, gentlemen.  
10 COMMISSIONER BAKKER: Thank you, guys.  
11 Ted, you got to do the next one.  
12 DISTRICT ATTORNEY HERRERA: What's the next one?  
13

- 14 9) Discussion for possible action regarding entering into a  
15 lease agreement with the Lander County Convention and Tourism  
16 Board for the operation of the Lander County Civic Center or  
17 by resolution to determine that the interest of the county  
18 and the public interest is to dissolve the duly created  
19 County Fair and Recreation Board (subsequently changed to the  
20 Lander County Convention and Tourism Board), and/or explore  
21 other options, and other matters properly related thereto.  
22

23 CHAIRMAN STIENMETZ: All right. Number 9, discussion for  
24 possible action --

25 COMMISSIONER BAKKER: Turn around.

26 CHAIRMAN STIENMETZ: -- regarding entering into a lease  
27 agreement with the Lander County Convention and Tourism Board  
28 for the operation of the Lander County Civic Center or by  
29 resolution to determine that the interest of the county and the  
30 public interest is to dissolve the duly created County Fair and  
31 Recreation Board, subsequently changed to Lander County  
32 Commission [verbatim] and Tourism Board, and/or explore the  
33 options, and other matters properly relating thereto.

34 DISTRICT ATTORNEY HERRERA: Commissioner Stienmetz, this is  
35 a complicated and important issue.

36 And what the fair and rec board are doing -- I call it the  
37 fair and rec board, even though they changed their name. I call  
38 it that because the statute, the controlling statute in the NRS is  
39 called the fair and rec statute. So that's why I refer it to  
40 that.

1 I'm not -- I'm not making any claims that it's bad they  
2 changed the name because the statute allows them to change their  
3 name. So it's a very -- they do very important work so it's a  
4 complicated statute.

5 I'm still doing research. And I would ask that -- that  
6 because of the importance of this, that we take it off the agenda  
7 for today.

8 COMMISSIONER BAKKER: I'll make a motion to defer Item  
9 Number 9.

10 COMMISSIONER CLARK: Second.

11 CHAIRMAN STIENMETZ: How long do you want to defer it?  
12 Until we get more information?

13 COMMISSIONER BAKKER: How much time do you need, Ted?

14 CHAIRMAN STIENMETZ: A month?

15 DISTRICT ATTORNEY HERRERA: A month.

16 CHAIRMAN STIENMETZ: All right.

17 COMMISSIONER BAKKER: Okay, defer it for a month.

18 COMMISSIONER WAITS: They don't have a current lease. It's  
19 just 30 days to 30 days --

20 DISTRICT ATTORNEY HERRERA: They have one current.

21 COMMISSIONER WAITS: It's a resolution.

22 DISTRICT ATTORNEY HERRERA: No, we had a lease.

23 COMMISSIONER WAITS: We had a lease too.

24 DISTRICT ATTORNEY HERRERA: There's two different issues.  
25 What -- the existence of the fair and rec board or the  
26 convention and tourism are -- that's in our resolution and  
27 statute. And it's controlled by NRS statute.

28 But there's two issues here. But I believe we need to solve,  
29 I need to do complete research on the first issue before we decide  
30 the second issue, which is to continue or not to continue the  
31 lease of the fair and rec board running our civic center.

32 COMMISSIONER WAITS: Okay, the renewal. Okay.

33 DISTRICT ATTORNEY HERRERA: Right. So that -- that's two  
34 separate issues.

35 COMMISSIONER WAITS: Okay. Okay. Hopefully it'll be  
36 sooner than later.

37 CHAIRMAN STIENMETZ: We had a first. Do we have a second?

38 COMMISSIONER WAITS: Uh-huh.

39 CHAIRMAN STIENMETZ: All right. Any public comment?  
40 (No comment.)

1 CHAIRMAN STIENMETZ: All in favor?  
2 COMMISSIONER BAKKER: Aye.  
3 COMMISSIONER CLARK: Aye.  
4 COMMISSIONER MILLS: Aye.  
5 CHAIRMAN STIENMETZ: Aye.  
6 COMMISSIONER WAITS: Aye.  
7

8 10) Discussion for possible action to initiate, at no cost, the  
9 Rangeland Fire Protection with Nevada Division of Forestry,  
10 and other matters properly related thereto.  
11

12 CHAIRMAN STIENMETZ: All right. Now we go to 10.  
13 Discussion for possible action to initiate, at no cost, the  
14 Rangeland Fire Protection with Nevada Division of Forestry, and  
15 other matters properly related thereto.

16 COMMISSIONER WAITS: Did you get one to Austin?

17 TOM TURK: No, we did not. We brought (indiscernible) over  
18 and --

19 KEITH WESTENGARD: About a month ago, Nan and I met with  
20 Bob Roper, the state forester, and Tom Turk, battalion chief  
21 here, and discussed this program.

22 It's a good program. We had a very good discussion about it.  
23 And Chief Turk is here to present it to you. I think it's a --  
24 could be a valuable asset for the county.

25 TOM TURK: Good morning, commissioners. Tom Turk,  
26 battalion chief for Division of Forestry out of Elko.

27 There's a synopsis or a summary of the process regarding AB  
28 163 that was proposed by Assemblyman Hansen in this last  
29 session. It's important enough that the governor went ahead and  
30 signed emergency regulations allowing us to start into the  
31 process.

32 It's out there and available to support organizations that  
33 wish to protect some of their own lands and investments throughout  
34 the counties.

35 And it -- it originates at the grass roots level. It comes  
36 before the commissioners in each county or any fire district that  
37 exists. And then after it meets the criteria -- there's a  
38 checklist in your handout that gives several items including their  
39 corporate structure, not-for-profits, for example, they're ability  
40 to provide liability and workers comp insurance, list of assets

1 from the different ranchers or organizations. And it -- it's not  
2 restricted to ranchers. It could be any property holder or  
3 interested stakeholder, like a power company, for example, could  
4 join if they have a corridor.

5 You have three very distinct fire department structures in  
6 the county. But there's this 50 mile or so no man's land, if you  
7 will, that falls down around Antelope Valley.

8 And so we really are not here to promote or establish an  
9 agreement until such time that an organization wishes to be  
10 recognized. And then we will assist, help meet with them. And  
11 if they bring it forth, meet the criteria that we're here as  
12 your adviser on for the subject matter experts, then we can --  
13 if they're recognized, then they open a whole new means to  
14 access to grant funds for support. We can offer training. And  
15 it's been supported by our partners -- the forest service and  
16 BLM -- that they'll assist us in this.

17 It's kind of -- the precursor to it was the wildfire support  
18 group that existed in Humboldt County for a number of years under  
19 the BLM's administration supervision.

20 And there are several RFPAs currently engaged on a wildland  
21 fire across the Idaho border out of Owyhee. There's, I believe,  
22 six organized ones in Idaho at this time. And so this or- --  
23 this structure is recognize- -- kind of resembles the Idaho  
24 model. But Oregon also has a means to support their local  
25 constituents too.

26 So we're here today -- the permanent regulation hearing is  
27 set for September 4<sup>th</sup> at 9:00 a.m. in Carson City. And that  
28 location is to be determined. We'll get that out as soon as we  
29 know.

30 The temporary regulations are there. We met with Humboldt  
31 County with an initial request from some of that ranching  
32 community, if you will, up in no man's land in northern  
33 Humboldt.

34 But again, it's going to come through the commissioners to  
35 let us know if they wish to proceed and recognize that  
36 organization.

37 Elko County has taken a different look at it. And they wish  
38 not to have any RFPAs. They would rather form the community into  
39 a volunteer fire department where they can support them and then  
40 better have controls on them as opposed to a not-for-profit,

1 stand-alone organization that you endorse, but you don't fund.

2 So there's a couple of different ways of -- of skinning this  
3 cat, if you will, and allowing them, an organization, recognized  
4 by the firefighting organizations to go out and protect their  
5 investments, their private land, their cattle, and such.

6 And it requires training and PPE. And, like I say, the  
7 liability, workers comp coverage so that those issues don't fall  
8 back on any one individual, as a non-for-profit.

9 So today's kind of a snapshot. There's some documentation  
10 there. And we had a very good meeting with Nan, Keith. Joe sat  
11 in as Safety, I believe, for the county.

12 And so if you had any questions, I'm here to answer them  
13 maybe today. And it would be a matter of reaching out to the  
14 community down there and seeing what they're interests are, if  
15 they wish to try and form that type of an organization.

16 COMMISSIONER MILLS: I have a couple of questions. What --  
17 tell me something about the liability to the county for doing --

18 TOM TURK: Well, the way it was originally intended under  
19 the -- under AB 163, they will form their own private  
20 not-for-profit organization. And generally, we're required like  
21 a 501(c)(3) status through the IRS. And they will provide their  
22 own liability insurance, their own workers' comp. They will  
23 maintain their own bank account. There really is no liability  
24 to the county other than, you're the organization or the level  
25 of government that will -- you're ultimately statutorily  
26 responsible, as agencies, for the commission having jurisdiction  
27 over all those private lands within the county.

28 We're here to help make sure that they meet all the criteria  
29 that you spoke of.

30 If they don't have the training, they don't wear the PP, they  
31 don't follow the regulations that we, as professional firefighters  
32 or seasonal firefighters even, then they're in -- out of  
33 compliance with what you had approved for them to do and what we  
34 would oversee or assist with.

35 So there's a couple of ways to go about it. They do have to  
36 provide all that insurance on their own. The county -- now in  
37 Humboldt they -- the group has asked the county to consider  
38 providing it, but there may be a conflict between private,  
39 not-for-profit and the county paying something on their behalf.  
40 Their DA was going to look into that and research that further.

1 So ultimately, --

2 COMMISSIONER MILLS: So they're -- they're expected to pay  
3 that on their own?

4 TOM TURK: Um --

5 COMMISSIONER MILLS: And are they paying for their PPE?  
6 And are they paying for their training and...

7 TOM TURK: They have the ability to. But once they become  
8 a recognized organization, then we have access to multiple grant  
9 funds to help provide that --

10 COMMISSIONER MILLS: Okay.

11 TOM TURK: -- stuff to them, and again, at no cost.  
12 One of the commissioners in Humboldt stated that this is  
13 great legislation, but it comes with no money to fund it.

14 COMMISSIONER MILLS: Uh-huh.

15 TOM TURK: And so that's the beauty of the not-for-profit  
16 organization.

17 They -- the Three Creeks RFPA in southern Idaho -- they  
18 currently do an annual assessment to each rancher plus whatever  
19 equipment they put on their equipment list. We'll come out and  
20 do pre-season inspections and make sure that they're in  
21 compliance before they roll out.

22 We want this to be a -- they would be considered a  
23 firefighting organization as well. And they have to meet all  
24 the criteria and safety concerns that we do. Anything less than  
25 that's going to be deemed unacceptable. And we're going to have  
26 to resolve those issues.

27 COMMISSIONER MILLS: So far, are you finding any interest  
28 from anybody wanting to do all of this?

29 TOM TURK: We haven't heard of anything through Lander yet.  
30 We -- this is the third presentation we've made since the  
31 emergency regulations were passed.

32 Humboldt County's the only one that's actually been on an  
33 agenda as an organization seeking recognition. But they have what  
34 came first? The chicken or the egg? Who provides the insurance?

35 They're seeking a different model. With their organization  
36 in Humboldt, with all their force, NRS 474 fire protection  
37 districts, they have the ability to form them up albeit in that  
38 part of the world, it's a long way between hither and yon between  
39 ranches. And so a volunteer fire department might not be the  
40 model they want to follow. So...

1 We have not -- again, Elko County's chosen not to. But they  
2 find themselves in a precarious spot because Three Creeks RFPA in  
3 Idaho blends over and has private holdings in northern Elko  
4 County. And so when they cross that border, we're working through  
5 issues as Idaho's workers comp requirements are totally different  
6 from Nevada's. So we're working through these type issues. We  
7 want to be your subject matters experts to make sure if they  
8 approach you, we can say they met all the intent of the regulation  
9 and the checklist so that those questions are answered up front.

10 COMMISSIONER WAITS: Of course, the -- the time frame is --  
11 is certainly undeterminable right now because a 501(c)(3) takes  
12 how long to be approved. And so they can't get a grant. They  
13 can't get the money. So they may have some good intentions.

14 So I'm looking at this as maybe something way down the  
15 road. But just to clarify then, we do have a group that decides  
16 to do this and they meet this, they go to you first for all the  
17 checklists and the grants and whatever and then they come to us  
18 so local government can approve them? Is that --

19 TOM TURK: If they reach out and basically come before the  
20 commission with an intent to form an organization, --

21 COMMISSIONER WAITS: But they're going to come to us first?

22 TOM TURK: Yes.

23 COMMISSIONER WAITS: Okay.

24 TOM TURK: And then we'll be your subject matter experts.

25 COMMISSIONER WAITS: Okay.

26 TOM TURK: We'll go through, walk them through process.  
27 We'll validate their documentation. And then if we come back to  
28 the board and say, they -- they're a thumbs up. They should be  
29 recognized. They're going to meet all the intent. And the  
30 501(c)(3) is not necessarily a requirement. But their private,  
31 not-for-private status, like, with the secretary of state where  
32 they have to register with a board of directors and they have to  
33 file bylaws and articles of incorporation and such, they may not  
34 deem to have tax free or -- or nontaxable assets as a  
35 not-for-profit organization. It's not a mandate. But that's  
36 one of the things that they've sought out in Idaho originally.

37 COMMISSIONER WAITS: But they could do.

38 TOM TURK: They could do. It's not a requirement. But  
39 that 501(c)(3) might --

40 COMMISSIONER WAITS: Okay. So that's not going to hold

1 them up. They can still --  
2 TOM TURK: It shouldn't.  
3 COMMISSIONER WAITS: -- go ahead and -- okay.  
4 TOM TURK: I believe anybody can pretty much file with  
5 secretary of state on any day that they wish they want to have  
6 the legal documents with the secretary of state for saying  
7 articles of incorporation and bylaws to form a not-for-profit.  
8 COMMISSIONER CLARK: I have a question.  
9 Will this conflict in any way, at any level with our local  
10 volunteer fire company?  
11 CHAIRMAN STIENMETZ: Yeah.  
12 DISTRICT ATTORNEY HERRERA: No, this is an association.  
13 And the group -- the group would petition the county  
14 commissioners. And you would approve or deny the petition.  
15 And as we've pointed out, you would ask this agency to see if  
16 all the checklists have been done, all the -- the conditions have  
17 been met, and whether or not to form this association.  
18 Now, the problem -- and it's always the problem -- is  
19 it's -- it's not a mandate. But it's un- -- it's non-funded.  
20 It's unfunded by the state, by the feds. It -- it would have  
21 to, therefore, be funded by the county.  
22 So at some point in time that's what -- it's my understanding  
23 that's what Humboldt County's researching right now, the  
24 complexities of the funding.  
25 TOM TURK: If I may? Tom Turk, for the record.  
26 The Humboldt situation was a little bit different because  
27 they already were formed up under the wildfire support group where  
28 that BLM program originally initiated.  
29 The state felt there was a better avenue to recognize those  
30 folks who want to protect their own organ- -- their own property  
31 and investments. So they passed this regulation.  
32 At no time in the Idaho model are they providing any  
33 financial support to the RFPAs.  
34 Because, again, it comes to the question of mixing public  
35 funds with private. It would have to be a donation kind of a  
36 configuration, as I understand it. But they would not be an  
37 organization under county government. But they would be  
38 recognized as someone out protecting their investments and filling  
39 a gap where you don't have a volunteer fire department. But  
40 ultimately, statutory responsibility lies with the county for

1 private lands within the boundary.

2 DISTRICT ATTORNEY HERRERA: Do these associations expect  
3 any financial gifting or reimbursement or anything from the  
4 county?

5 TOM TURK: Not to my knowledge. I don't believe there's  
6 any mechanism in the -- the regulations that -- that provides  
7 for that.

8 They -- they could always come and ask. I'm sure as any  
9 other not-for-profit organization, whether it be a youth group or  
10 an adult -- the car shows, et cetera.

11 DISTRICT ATTORNEY HERRERA: Is there -- is there any  
12 association that is put in place at this time within our  
13 counties that would petition the -- the county commissioners?

14 TOM TURK: Not to my knowledge, no. There hasn't really  
15 been an outreach to -- the last I had heard was the local BLM  
16 district had consulted with a few of the ranching community down  
17 in and around Antelope and El Tomera Farms, in that area.

18 And I believe one of them was Bert Paris that might have --  
19 they might have reached out to.

20 DISTRICT ATTORNEY HERRERA: Okay, but --

21 TOM TURK: But that never came to fruition under that --  
22 the original model that the federal government had set up.

23 DISTRICT ATTORNEY HERRERA: So the county commissioners at  
24 this point is still waiting for an association to be --

25 TOM TURK: Someone to petition --

26 DISTRICT ATTORNEY HERRERA: -- formed to petition?

27 TOM TURK: They would want to come -- Tom Turk again, sorry  
28 -- they would want to come before the board and let you know  
29 there's an intent to --

30 DISTRICT ATTORNEY HERRERA: Okay.

31 TOM TURK: -- organize. And that wouldn't deem approval at  
32 that point. It would simply let you know that they're looking  
33 at proceeding, in which we'll be the reference, probably, for it  
34 and we'll start --

35 COMMISSIONER BAKKER: So do --

36 TOM TURK: -- to do the process.

37 COMMISSIONER BAKKER: -- we need an action item?

38 DISTRICT ATTORNEY HERRERA: No.

39 COMMISSIONER WAITS: No.

40 DISTRICT ATTORNEY HERRERA: This -- this --

1 COMMISSIONER BAKKER: This is just an update?  
2 DISTRICT ATTORNEY HERRERA: -- is more --  
3 TOM TURK: An awareness.  
4 DISTRICT ATTORNEY HERRERA: -- to -- for your  
5 understanding.  
6 COMMISSIONER MILLS: So if -- if someone decides to  
7 petition the county to go through this process, what -- what are  
8 they going to benefit from it?  
9 TOM TURK: Currently, without the organization, the  
10 training, the personal protective equipment, the communications,  
11 they're -- they're at risk of possibly jeopardizing firefighting  
12 forces coming in. Because without that recognition, they're  
13 just another life threat we have to be concerned with while  
14 they're out -- freelancing's not a good term, but basically  
15 taking independent action --  
16 COMMISSIONER MILLS: Right.  
17 TOM TURK: -- to protect their own interest.  
18 COMMISSIONER MILLS: Because I envision if somebody's got a  
19 fire on their property, they're going to go out and try to fight  
20 it?  
21 TOM TURK: They are.  
22 COMMISSIONER MILLS: And they're going to fight it until  
23 help arrives.  
24 TOM TURK: They -- they --  
25 COMMISSIONER MILLS: So...  
26 TOM TURK: -- cannot be run off suppression of their own  
27 private lands. The -- the issue comes when they cross onto or  
28 are threatened by a fire from public lands onto private.  
29 And we're trying to provide an avenue where they can go  
30 out, with the best of knowledge we can provide, training and  
31 equipment, and help themselves while the other agencies are  
32 responding. It provides for a quick initial attack and  
33 hopefully keep the fires small  
34 COMMISSIONER WAITS: Along with your -- your grant funds,  
35 does the money also cover if they want to use that for works  
36 compensation or liability? Or insurance is on their own?  
37 That's not part of grants?  
38 TOM TURK: No, the grants would be for non-consumable  
39 items, --  
40 COMMISSIONER WAITS: Okay.

1 TOM TURK: -- capital outlay-type items. It is set up to  
2 provide for us to travel to provide training after hours in the  
3 evenings, weekends when most of the folks would be interested in  
4 conducting their training.  
5 That's what it gives us is the access to -- to the equipment  
6 that they generally can't purchase for a reasonable price.  
7 COMMISSIONER WAITS: I figured that. I just am looking at  
8 how much moneys they would need to even start such a program and  
9 that's probably why the 501(c) is attractive is because people  
10 can donate --  
11 TOM TURK: Sure.  
12 COMMISSIONER WAITS: -- and write it off. But I understand  
13 the point there. So thank you so much for coming before us and  
14 keeping us up to date.  
15 COMMISSIONER CLARK: I've got a statement, question. I was  
16 commandeered one day by the sheriff to fight a fire. For about  
17 18 hours I was with him. It's hard work. So I appreciate what  
18 you guys do.  
19 This sounds too good to be true. So I'm just wondering what  
20 Ron and Bart have, if they have any thoughts on this. Because I  
21 know Ron and Bart spent most of their life here in the volunteer  
22 fire company. Do you have any comments? Ron? Bart?  
23 BART NEGRO: This is basically the ranchers covering their  
24 butts; isn't it?  
25 COMMISSIONER CLARK: Okay.  
26 BART NEGRO: To put it simply.  
27 COMMISSIONER CLARK: My previous question was: There's no  
28 conflict with -- with our guys?  
29 CHAIRMAN STIENMETZ: No.  
30 DISTRICT ATTORNEY HERRERA: No.  
31 UNIDENTIFIED PARTICIPANT: No.  
32 COMMISSIONER CLARK: Okay.  
33 COMMISSIONER BAKKER: No, because those ranchers will go  
34 out and fight that fire regardless.  
35 COMMISSIONER CLARK: Right.  
36 CHAIRMAN STIENMETZ: Right.  
37 COMMISSIONER CLARK: Okay.  
38 KEITH WESTENGARD: When we have --  
39 TOM TURK: I --  
40 KEITH WESTENGARD: When we have --

1 COMMISSIONER MILLS: Also, I was --  
2 KEITH WESTENGARD: -- our meeting, --  
3 COMMISSIONER MILLS: -- wanting to know, what's the benefit  
4 to the -- what's the benefit to the rancher for participating in  
5 this?  
6 COMMISSIONER BAKKER: Because they start piling on the --  
7 COMMISSIONER MILLS: Because they're going to go fight the  
8 fire anyway.  
9 COMMISSIONER BAKKER: Right.  
10 COMMISSIONER MILLS: What are they -- what are they getting  
11 out of this for becoming a 501(c)(3) --  
12 TOM TURK: Coverage.  
13 COMMISSIONER MILLS: -- and doing all this stuff?  
14 TOM TURK: Coverage.  
15 COMMISSIONER WAITS: Training, proper gear --  
16 COMMISSIONER BAKKER: Getting some of the stuff, piling  
17 onto BLM ground.  
18 DISTRICT ATTORNEY HERRERA: They get covered when they go  
19 from their ranch land to public lands.  
20 COMMISSIONER BAKKER: Yeah.  
21 ROCKY UHLIG: Rocky with BLM. One of -- you know, like, my  
22 concern is liability for my folks too and, you know, the safety  
23 of -- of everybody going out there.  
24 When we get into the avenues of, you know, people are going  
25 to go out there anyways. You know, firefighting is hard work. We  
26 do need communications. We do need these safety, you know, PPE,  
27 et cetera out there.  
28 And, you know, the more coordination we can get up front. So  
29 if they are recognized, they are put together. We can -- you  
30 know, we do plenty of training with the VFDs that are established.  
31 And if RFPAs are established, we're going to do that same  
32 pre-coordination so we can talk on a radio when we get there. We  
33 can make a plan, and it's not somebody getting burned up.  
34 COMMISSIONER BAKKER: So the upside to this, when you guys  
35 show up or the BLM shows up, can -- will they be able to help  
36 those guys on their private ground?  
37 TOM TURK: Oh, yes.  
38 Tom Turk, for the record.  
39 ROCKY UHLIG: Yes.  
40 TOM TURK: Yes, we -- we're still going to be working as

1 your agent under what you're signed into as the wildfire  
2 protection plan also. This kind of --

3 COMMISSIONER CLARK: Right.

4 TOM TURK: -- dovetails with it. And actually they become  
5 -- they blend and support one another in many ways because you  
6 have access to us for training like our federal partners with  
7 the volunteer departments in the communities.

8 COMMISSIONER CLARK: So there's no fine print surprises?

9 TOM TURK: Not that we've discovered yet, to be honest,  
10 Commissioner.

11 COMMISSIONER CLARK: That's my concern. Because when it  
12 sounds too good to be true, it is.

13 TOM TURK: Tom Turk, for the record, again. And I will say  
14 that one of the things about us having access to an organization  
15 is we bring together a community group of members of this  
16 organization. And we -- they're still bound and liable to  
17 follow all the protocols and policies. If there's an area that  
18 we're not -- that's cultural and we're not supposed to drop a  
19 blade on a dozer and that, we're going to be trying to help them  
20 on the front end, identify those areas so they know when they  
21 need to use caution. They still have to follow the rules and  
22 regulations. It gives them a better footing to be out there  
23 with us working hand in hand and protecting themselves instead  
24 of as an individual.

25 COMMISSIONER BAKKER: Okay. About a year ago there was a  
26 fire out there, maybe two years ago, on private ground. The BLM  
27 showed up, and they sat there on the other side of the fence and  
28 watched the farmers put it out. So if we join this  
29 organization, will they be able to come over and help us?

30 TOM TURK: I -- I can't speak --

31 COMMISSIONER BAKKER: That's what I mean by that.

32 TOM TURK: Tom Turk, for the record.

33 I can't speak to that issue specifically. There at no time  
34 have I ever been aware of a fire agency in this state that  
35 hasn't come across, unless they were given direction not to by  
36 one of their management team, but I'm not aware of that. They  
37 can cross any line to assist a private landowner or federal  
38 land.

39 ROCKY UHLIG: So I can answer that a little --

40 CHAIRMAN STIENMETZ: Rocky.

1 ROCKY UHLIG: -- a little bit.  
2 CHAIRMAN STIENMETZ: She misses your last name.  
3 ROCKY UHLIG: It's --  
4 COUNTY CLERK SULLIVAN: Can I get your last name?  
5 ROCKY UHLIG: It's Uhlig.  
6 COUNTY CLERK SULLIVAN: Uhlig? Will you spell that,  
7 please, for the record?  
8 ROCKY UHLIG: It's U-H-L-I-G.  
9 COUNTY CLERK SULLIVAN: Thank you.  
10 CHAIRMAN STIENMETZ: Thank you.  
11 ROCKY UHLIG: And so on a federal agency or another agency  
12 going onto private lands, if we're not requested, we are -- we  
13 can be liable. It --  
14 COMMISSIONER BAKKER: So if the guy's standing on the other  
15 side of the fence saying, come help us.  
16 ROCKY UHLIG: If we're not requested and it's not  
17 threatening our jurisdiction, we have no authority to be there.  
18 If it's threatening, going acrossed into our jurisdiction  
19 where we're told we can fight fire, then we can go across.  
20 Or if we're --  
21 CHAIRMAN STIENMETZ: Paula.  
22 ROCKY UHLIG: -- requested to help.  
23 PAULA TOMERA: Paula Tomera, for the record. I'm just  
24 wondering -- so if you are requested to go over and help that  
25 private individual, does the BLM charge that rancher for your  
26 services to cross?  
27 ROCKY UHLIG: So every year we go into -- well, not every  
28 year, but for the past many years, we've been in a cooperative  
29 fire protection agreement with the county. And that gives a  
30 mutual aid agre- -- time frame that's 24 hours where it's --  
31 it's a free service.  
32 And I would imagine that this type of organization would  
33 want to go in that same kind of agreement where it's, like,  
34 forces -- our ground resources are all -- we -- we count the  
35 engine that we have the same as the resource that you have. And  
36 so it's a net cost to (indiscernible) side.  
37 PAULA TOMERA: And after the 24 hours?  
38 ROCKY UHLIG: After the 24 hours, it would -- it would  
39 depend on the situation. There would be negotiations between  
40 the federal agency, the county agency, and NDF, since NDF has a

1 big stake in that these days.

2 TOM TURK: If I may clarify. Tom Turk, for the record.

3 We are, by nature, signing on with the wildfire protection  
4 plan as you did. You saw a couple of years ago -- we used in  
5 example before -- the 40,000 the county was on the hook for up to  
6 midnight June 30<sup>th</sup>. And July 1<sup>st</sup>, the state wrote a check for  
7 half a million dollars on your behalf for some of those private  
8 lands in the south.

9 So the county operates under the umbrella of the five-party  
10 master agreement. That's the -- the forest service, BLM, BIA,  
11 Fish and Wildlife Service, and the state forest -- or state  
12 forestry. So we are your -- we're going to write those checks  
13 where it's private lands. We generally do a cost share when we  
14 have mixed acres and we exceed some of the 24 hours. It gets  
15 complicated because, for example, hand crews and air assets are  
16 assistance by hire from the time of alarm. If a fire goes past 24  
17 hours, then engines and apparatus that goes back to the start of  
18 the incident.

19 But we split the cost of fire generally by black acres. If  
20 it's a thousand acres, 500 of it is private and 500 is public,  
21 we split the cost 50/50 for a total suppression. And nothing  
22 comes back to the landowner in that instance. And that's one of  
23 the things that we provide with your membership to the wildfire  
24 protection plan. This enhances quick initial attack.

25 We all know that the bird is a really big issue. And there  
26 are identified areas of PPG for the primary grouse habitat.  
27 Hopefully, we keep the fires small and we don't lose a lot of  
28 acres of (indiscernible) ground or grazing lands.

29 So I think if that happy helps answer your question, under  
30 our banner, in conjunction with the county, the landowner's not on  
31 the hook for any acres there.

32 Now, if they were to cause a fire through an accidental  
33 albeit negligent act or something like that, they could be  
34 responsible for cost recovery. But that's a whole 'nother issue  
35 that lies at the county level and investigations and such like  
36 that.

37 But we're talking primarily about natural fire,  
38 lightning-caused, the accidental, the wheel bearing going down the  
39 highway that starts a fire and burns of onto both federal and  
40 private lands. And how do get -- enable these people to work

1 within our framework so that we can allow them to be out there  
2 with us and helping make a difference.

3 COMMISSIONER BAKKER: That sounds goods.

4 COMMISSIONER CLARK: That's what I'm afraid of.

5 TOM TURK: I'm afraid to say that I'm from the state and  
6 I'm here to help.

7 But I'll say it anyway. We're here to actually help. And  
8 once the contacts are made, I'm sure that it's going to come  
9 through Keith's office and -- or through the fire department or  
10 the sheriff. And then we're going to be, you know, asked to  
11 kind of fill in some information, probably have another  
12 organizational meeting with them and provide them with some of  
13 the same intel.

14 COMMISSIONER WAITS: Thank you, Tom.

15 COMMISSIONER BAKKER: Sounds good.

16 CHAIRMAN STIENMETZ: Thank you.

17 COMMISSIONER BAKKER: Thank you.

18 TOM TURK: Thank you for your time.

19 COMMISSIONER MILLS: Thank you.

20  
21 **11) Discussion for possible action regarding Harless Aircraft**  
22 **Services Airport Management Agreement renewal, terms, and**  
23 **length, and other matters properly related thereto.**  
24

25 CHAIRMAN STIENMETZ: Let's go to Number 11. Discussion for  
26 possible action regarding Harless Aircraft Service Airport  
27 Management Agreement renewal, terms, and length, and other  
28 matters properly related thereto.

29 KEITH WESTENGARD: I asked this to be put on the agenda. I  
30 spoke with Mr. Harless earlier, a week or two ago.

31 Once again, just looking for some direction. Are we -- of  
32 what you want to do. Renew? Release? As is? Have me do some  
33 negotiations with him? Put it out to bid? Advertise it?

34 It's just we're looking for direction here. There's no  
35 issues with the airport right now.

36 DISTRICT ATTORNEY HERRERA: This is a five-year contract as  
37 it presently sits.

38 RICK HARLESS: Correct.

39 DISTRICT ATTORNEY HERRERA: And you need -- that's one of  
40 the issues you need to decide. And since -- since he's here,

1 it's a great opportunity to ask him. How -- does he want to  
2 enter into another five-year contract or less or whatever?

3 RICK HARLESS: Well, Rick Harless, Harless Aircraft  
4 Services. Yeah, if we were to enter into a new contract, it  
5 would be five years is what we would be looking for.

6 CHAIRMAN STIENMETZ: Isn't that part of because of what you  
7 have invested out there?

8 Don't you -- I mean, for the airport and stuff?

9 RICK HARLESS: For the -- I didn't follow you.

10 CHAIRMAN STIENMETZ: For your personal -- I mean, you have  
11 --

12 RICK HARLESS: Well, we own all the equipment in the  
13 hangars --

14 CHAIRMAN STIENMETZ: Right.

15 RICK HARLESS: -- and the fuel.

16 CHAIRMAN STIENMETZ: That's what I'm saying. Because of  
17 what your investment is.

18 RICK HARLESS: And it's -- and it's rather large.

19 CHAIRMAN STIENMETZ: Yeah. If you do it for less than five  
20 years it's kind of --

21 RICK HARLESS: Oh, yeah. Nobody'll do it for less than  
22 five years.

23 No.

24 DISTRICT ATTORNEY HERRERA: Right.

25 RICK HARLESS: And in the past, we would have had -- we  
26 would have liked to have had a longer one, but we never got one.

27 But as I get older, I don't want any more than five. Maybe  
28 not even that.

29 COMMISSIONER WAITS: Good morning, Mr. Harless. One of my  
30 first questions is, when I looked over the airport management  
31 agreement, and it says, if you wish to renew this agreement, it  
32 shall provide notice of such intent to renew in writing to the  
33 county not later than 90 days prior to the expiration date of  
34 the agreement, which is up. So have you done that?

35 RICK HARLESS: No, I -- I called Keith on the phone. And I  
36 talked to Steve on the phone.

37 CHAIRMAN STIENMETZ: He talked to me about it too.

38 RICK HARLESS: The answer is no.

39 COMMISSIONER WAITS: Okay.

40 RICK HARLESS: I did not.

1           COMMISSIONER WAITS: Thank you. That was my first  
2 question. Okay.

3           KEITH WESTENGARD: Well, what I need you to do is, you  
4 know, people talk, rumors get around that you wanted to retire.  
5 So I -- we talked. And his intention was to continue.  
6           So...

7           RICK HARLESS: Well, my intention is -- is to talk with  
8 Keith some more about it.

9           I mean, honestly, I've been up and down. You know. We've  
10 done it for a long time. The county's been good to us.

11           But, you know, the dynamics out there have changed quite a  
12 bit since when we first took over. So I would like to talk to  
13 Keith some more about it. And I think that's why he suggested we  
14 come here today to see whether you want the talks to go on or  
15 whether you just want to go out to bid.

16           COMMISSIONER WAITS: But you definitely are thinking about  
17 it? But it's not --

18           RICK HARLESS: Yes.

19           COMMISSIONER WAITS: -- an absolute yes. But if you did,  
20 it would be no less than a five-year contract that you want?

21           RICK HARLESS: Correct.

22           COMMISSIONER WAITS: Okay. Got it.

23           And I don't know if you want to keep that 90 days in there or  
24 not then, if you're considering a new one here of what you'd like  
25 to do.

26           I do have one question and that is one that we would have to  
27 correct. It's number G on the five cents per gallon fuel sold up  
28 to 200,000, thereafter seven cents per gallon. And I know with  
29 the cost of -- of fuel and how it has sky rocketed and everything,  
30 especially with aviation, do you feel that that's still a fair  
31 amount? On the payment?

32           RICK HARLESS: I'm still good with that amount.

33           COMMISSIONER WAITS: Okay.

34           And I think it's probably pretty standard. Now commercial's  
35 a little bit different. But that would need to be corrected if --  
36 if we renew the lease because I checked our -- in our master  
37 policy too and it reads exactly the same way. And it doesn't  
38 identify where the 200,000 max is. It says, pay county five cents  
39 per gallon for fuel sold up to 200,000, thereafter seven cents per  
40 gallon. It doesn't say per client, per week, per month, per

1 annual.

2 And I did check with our airport engineers. It is annually.

3 But we've neglected to put that in both the master plan, which is

4 being corrected and this.

5 RICK HARLESS: Yeah, it was --

6 COMMISSIONER WAITS: Yeah.

7 RICK HARLESS: -- intended for total --

8 COMMISSIONER WAITS: Yeah.

9 RICK HARLESS: -- sales for a year.

10 COMMISSIONER WAITS: Right. But -- but we need that

11 clarified if that -- if that goes forward, on that part. That's

12 the only other thing I had.

13 KEITH WESTENGARD: I'm sorry, Commissioner Waits, what was

14 that under? G?

15 COMMISSIONER WAITS: G. On the very first one, duties and

16 services to be provided.

17 COMMISSIONER MILLS: Is that number 2 G?

18 KEITH WESTENGARD: Thank you.

19 COMMISSIONER WAITS: Uh-huh.

20 DISTRICT ATTORNEY HERRERA: So I would suggest that, at

21 this point, that any motions would be to -- to allow the two

22 parties to negotiate at this point.

23 And if they reach a combination, --

24 COMMISSIONER CLARK: Yep.

25 DISTRICT ATTORNEY HERRERA: -- then the new contract that I

26 would do up with the terms they negotiated would be presented in

27 front of the commission. You can either -- you can either go

28 along with it or change it or whatever you'd like to do.

29 COMMISSIONER WAITS: And if I'm correct, if I -- I can't

30 remember. I've read so many contracts in the last couple of

31 weeks -- if this one is not completed by the date, it goes month

32 to month; right?

33 DISTRICT ATTORNEY HERRERA: Yes.

34 COMMISSIONER WAITS: Okay. So we're okay with that.

35 RICK HARLESS: Yeah. And -- and I will say that we're more

36 than willing to stay, you know, until -- we're not going to walk

37 away.

38 COMMISSIONER WAITS: If you decide not to. Okay. Good.

39 RICK HARLESS: we'll help you out. The county's been

40 really good to us. We'll stay there, not forever, but, you

1 know, whatever's reasonably necessary to -- to make that happen.  
2 COMMISSIONER BAKKER: Put a 30-day clause in there? I  
3 think a five-year does that.  
4 DISTRICT ATTORNEY HERRERA: I don't know if --  
5 COMMISSIONER BAKKER: And the only reason why I say that is  
6 we've done that in every other contr- -- all the other  
7 contracts.  
8 DISTRICT ATTORNEY HERRERA: There's a 30-day clause if for  
9 any reason he's unable to -- to perform his duties.  
10 This is a different contract.  
11 COMMISSIONER BAKKER: Okay.  
12 DISTRICT ATTORNEY HERRERA: I have a contract and I don't  
13 know --  
14 COMMISSIONER BAKKER: That's what I was asking.  
15 DISTRICT ATTORNEY HERRERA: I don't think it's -- I  
16 wouldn't advise that 30-day clause because other clauses in here  
17 that cover both parties.  
18 COMMISSIONER BAKKER: Okay. Then we're good?  
19 I -- go ahead.  
20 COMMISSIONER WAITS: On the -- on the other contracts you  
21 have, how many other contracts with us? One on the hangars?  
22 RICK HARLESS: Yes.  
23 COMMISSIONER WAITS: That one's --  
24 RICK HARLESS: Yeah, that's separate.  
25 COMMISSIONER WAITS: That's the only other one? Is that  
26 it?  
27 RICK HARLESS: Yeah, there should be two for two -- two  
28 sets of hangars.  
29 COMMISSIONER WAITS: Two. Two, but it's just hangars.  
30 Okay. Thank you.  
31 RICK HARLESS: Yeah. Yeah. Actually those were bought  
32 before we took over the FBOs.  
33 COMMISSIONER BAKKER: I'll make a motion that our executive  
34 director and Harless Aircraft Services enter into negotiations  
35 for a new contract.  
36 COMMISSIONER MILLS: I'll second.  
37 CHAIRMAN STIENMETZ: Any public comment?  
38 (No comment.)  
39 CHAIRMAN STIENMETZ: All in favor?  
40 COMMISSIONER BAKKER: Aye.

1 COMMISSIONER CLARK: Aye.  
2 COMMISSIONER MILLS: Aye.  
3 COMMISSIONER WAITS: Aye.  
4 CHAIRMAN STIENMETZ: Aye.  
5 COMMISSIONER CLARK: Can I get a timeout?  
6 COMMISSIONER BAKKER: Fine.  
7 Thanks, Rick.  
8 CHAIRMAN STIENMETZ: Let's take a short break, please.  
9 RICK HARLESS: Thank you.  
10 CHAIRMAN STIENMETZ: Thank you, Rick.  
11  
12 (Break taken between 11:24 a.m. and 11:35 a.m.)  
13  
14 CHAIRMAN STIENMETZ: Bring the meeting back to order,  
15 please.  
16 COUNTY CLERK SULLIVAN: Can you hear us okay, Miteshell?  
17 CHAIRMAN STIENMETZ: What about Ted? Did he leave us  
18 again?  
19 I'm going to go ahead and --  
20 COUNTY CLERK SULLIVAN: Sorry. Miteshell, can you hear us  
21 okay?  
22 MITESHELL LANHAM: I can.  
23 COUNTY CLERK SULLIVAN: Thank you.  
24 CHAIRMAN STIENMETZ: All right. Back to order.  
25  
26 **12) Update from Van Woert Bigotti Architects regarding cost of**  
27 **the Battle Mountain Recreational Center Project, and other**  
28 **matters properly related thereto.**  
29  
30 CHAIRMAN STIENMETZ: We're on Number 12. Update from Van  
31 Woert Bigotti Architects regarding costs of the Battle Mountain  
32 --  
33 COMMISSIONER BAKKER: We're going to defer that, Steve.  
34 CHAIRMAN STIENMETZ: -- Recreation Center Project, and  
35 other matters properly related thereto.  
36 I've got to read it in though.  
37 COMMISSIONER BAKKER: Okay. Sorry. I make a motion to --  
38 well, Ted, do we even need a motion to defer it? Just --  
39 CHAIRMAN STIENMETZ: Yeah, best to do that.  
40 COMMISSIONER BAKKER: Okay. I make a motion to defer

1 Number 12.  
2 COMMISSIONER MILLS: I second.  
3 COMMISSIONER BAKKER: I already did that at the very  
4 beginning.  
5 JUDGE MAX BUNCH: At the beginning?  
6 COMMISSIONER BAKKER: Yeah.  
7 JUDGE MAX BUNCH: Sorry.  
8 COMMISSIONER BAKKER: Yeah.  
9 CHAIRMAN STIENMETZ: All right. We have a first and  
10 second.  
11 Any public comment?  
12 (No comment.)  
13 CHAIRMAN STIENMETZ: All in favor?  
14 COMMISSIONER BAKKER: Aye.  
15 COMMISSIONER CLARK: Aye.  
16 COMMISSIONER MILLS: Aye.  
17 COMMISSIONER WAITS: Aye.  
18 CHAIRMAN STIENMETZ: Aye.

19  
20 **13) Discussion for possible action to appoint Frank Whitman to**  
21 **the Central Nevada Regional Water Authority, and other**  
22 **matters properly related thereto.**  
23

24 CHAIRMAN STIENMETZ: All right. Go to 13. Discussion for  
25 possible action to appoint Frank Whitman to the Central Nevada  
26 Regional Water Authority, and other matters properly related  
27 thereto.

28 FRANK WHITMAN: Hey, Frank Whitman, here in Austin, if I  
29 make speak for a minute.

30 CHAIRMAN STIENMETZ: Sure.

31 FRANK WHITMAN: Originally, the reason I asked to have this  
32 on the agenda was I wanted to ensure the continuity with the  
33 county's involvement with that outfit. I realize that other  
34 commissioners are on that board, that other commissioner's often  
35 are not able to attend with other meetings. And I've been  
36 pretty faithful atten- -- about making that meeting.

37 With Ray Williams resigning from that, that there is a slot  
38 that could be -- could be open.

39 You know, I also would be nonpartisan and nonelected. And no  
40 offense, but commissioners, they come and go. But I think it's

1 important to have contin- -- long-term continuity on that board.  
2 Some of these water issues do develop over five -- five years  
3 plus.

4 At the same time, I would be on the board and I'd be at the  
5 will of the commissioners. If for whatever reason things change  
6 and then one of the commissioners wanted me to step down, I could  
7 certainly do that.

8 And lastly, I'm very concerned that we have a presence, at  
9 least a face at the table, regularly for this -- the governor's  
10 drought task force, which is mostly stacked -- it's my opinion,  
11 it's mostly stacked with Clark and Washoe, Reno and Vegas  
12 interests. And I -- I'm -- we're all worried about our rural  
13 water supplies and the Vegas water grab. And nowadays we're a  
14 little worried about where the water's going to come from Tesla.

15 So anyhow, those are -- those are the things that I'd like  
16 the board of commissioners to consider. And either way, I've,  
17 you know, I don't have a dog in this fight. I just want to see  
18 the county represented. Thank you.

19 COMMISSIONER CLARK: Thank you, Frank. I'd like to make a  
20 motion to appoint Frank Whitman to the Central Nevada Regional  
21 Water Authority.

22 COMMISSIONER BAKKER: I'll second that.

23 CHAIRMAN STIENMETZ: Okay. I have a first and second. Any  
24 public comment?

25 (No comment.)

26 CHAIRMAN STIENMETZ: All in favor?

27 COMMISSIONER BAKKER: Aye.

28 COMMISSIONER CLARK: Aye.

29 COMMISSIONER MILLS: Aye.

30 CHAIRMAN STIENMETZ: Aye.

31 COMMISSIONER WAITS: Aye.

32 FRANK WHITMAN: Thank you very much.

33 COMMISSIONER CLARK: You're welcome, Frank. Thanks for  
34 your hard work.

35  
36 **14) Discussion for possible action on Lander County vs. Deputy**  
37 **Director of the Governor's Office of Energy, ORNI 42 and**  
38 **whether Lander County should proceed with filing an appeal to**  
39 **the Nevada Supreme Court, and other matters properly related**  
40 **thereto.**

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CHAIRMAN STIENMETZ: All right, 14. Discussion for --

COMMISSIONER BAKKER: Oh, boy.

CHAIRMAN STIENMETZ: -- possible action on *Lander County vs. Deputy Director of the Governor's Office of Energy, ORNI 42* and whether Lander County should proceed with filing an appeal to the Nevada Supreme Court, and other matters properly related thereto.

COMMISSIONER WAITS: Just for clarification on -- on the reason it's the deputy director of the governor's office of energy. For those of you that have not been following this when we first filed the appeal, the actual director is appointed by the governor. And that happens to be a former --

CHAIRMAN STIENMETZ: Ormat employee.

COMMISSIONER WAITS: -- employee of Ormat, who came before us and asked for the abatement to begin with. So he did have to recuse himself.

So we had the appeals at the deputy --

COMMISSIONER BAKKER: I'll be darned.

COMMISSIONER WAITS: -- director knowing that's her boss. And it still seemed out of line.

So that's just general information why we are with the deputy director of the energy office.

COMMISSIONER BAKKER: And the plot thickens.

COMMISSIONER MILLS: Wow.

DISTRICT ATTORNEY HERRERA: Where we are in this, as this letter -- and apologize for not having it in the packet earlier, but we were waiting to hear back from the deputy district attorney in Elko, Kristin. And she's not going to return to the office for another two weeks, so -- and the assistant couldn't find any notes in her file.

And the reason I'm bringing up Elko is Elko is also with us in this -- in this lawsuit.

So we don't have any information what Elko did when Kristin she -- she told us she was going to put it in front of her commissioners. So I don't have any information to give you on whether or not she did, number one, and what they said if she did, number two.

Now, this is a situation where -- where it's a proposed order. They haven't even filed the final order. That hasn't

1 been filed. We haven't been sent notice. So the -- the time  
2 has not started to run.

3 And -- but, however, we can certainly decide, or not to  
4 decide, whether or not we want to venture into this appeal at this  
5 time.

6 I think that since we're talking about millions of dollars,  
7 that if -- that we should probably appeal, if we have any chance  
8 of success. And the attorney -- and you'll see in the letter --  
9 believes that there is a chance of success.

10 So since I'm not directly part of the lawsuit, except in an  
11 advisory capacity, I don't know the ins and outs of this  
12 particular case, legally. But I -- so we hire attorneys so that  
13 they can give us that advice. And his advice is that -- that we  
14 have issues and grounds that we can rely on in an appeal to the  
15 Supreme Court.

16 So basically, that's all the information I can give you at  
17 this time.

18 And -- and we thank Commissioner Waits because she has the  
19 history, the institutional history about this issue.

20 And based on that, I would like you to either say, yeah, we  
21 want to go ahead and proceed with the appeal or not.

22 COMMISSIONER BAKKER: Go ahead.

23 COMMISSIONER WAITS: I'll be glad to give you a little bit  
24 of background. But I was going to say one of my first concerns  
25 and why we had it on here was because after that letter is  
26 filed, we only have 30 days.

27 DISTRICT ATTORNEY HERRERA: Right.

28 COMMISSIONER WAITS: And so --

29 CHAIRMAN STIENMETZ: Right.

30 COMMISSIONER WAITS: -- that -- that doesn't give us a lot.  
31 So we could make that decision if we have. And I'll be glad the  
32 give you a little bit of history. But you had a question? Go  
33 ahead, Sean.

34 COMMISSIONER BAKKER: I was going to make a motion.

35 COMMISSIONER WAITS: Oh, well, great. But let -- can I  
36 give you the history?

37 COMMISSIONER BAKKER: Yeah. That's why.

38 COMMISSIONER WAITS: All right. First of all, --

39 COMMISSIONER MILLS: Make a motion.

40 COMMISSIONER WAITS: -- the new deputy director, the one

1 that actually came before us, when -- I think you were the only  
2 commissioner that -- that came before. Geothermal was going in  
3 and they said, we would like an abatement. And the  
4 commissioners said, no.

5 Pretty much have all the geothermal there. If you want to  
6 come here, we don't have to entice you. And that's what  
7 abatements are for. Please come to our county instead of that  
8 county. We had all the resources. So they denied them.

9 Okay. So they came anyway and not only built their plant,  
10 they've added onto it already. It's very successful. Very  
11 successful, as they say, probably one of the better ones in the  
12 state. And now they're even looking at a third. So this is  
13 wonderful.

14 However, not this last legislature but the legislature before  
15 that, they had some lobbyists and I think it was about 12 or 13  
16 attorneys, I believe I've been told. That went before the  
17 legislature and said, we don't think that they should -- they, the  
18 counties -- be able to just say, yes, you can have it. No, you  
19 can't. We think there should be criteria. And that criteria  
20 should say, if they're losing money because we're here, then we  
21 don't get the abatement. But if they're not losing money, we  
22 should have an abatement. What do you think?

23 Well, they got it through. That was very clear.

24 And when that second geothermal plant went in, their  
25 addition, and that came before us, and we looked at the  
26 criteria, yes, it cost us extra money for roads and for  
27 emergency services and et cetera, but we weren't going to lose  
28 money.

29 So they're on them. So therefore, we had to give them the  
30 abatement. Okay. This is what this is about.

31 Their attorneys came forward when we started doing the NAC  
32 regulations that went with this new legislation, and they said, we  
33 think we can go back to the first one and have an adjustment. So  
34 the abatement would go retroactive to the first one that the  
35 counties denied.

36 Well, NACO really fought for us on that one. And we were in  
37 constant contact through everything. And she said, the attorneys  
38 finally gave up and said, okay, we didn't get the language we  
39 want, but we still think we can get this. So we'll see you in  
40 court, if that's the way you want to do it.

1           And that's how it was left.

2           DISTRICT ATTORNEY HERRERA: Right. So they used their  
3 administrative remedies. We're talking about administrative  
4 court here. It hasn't yet got into a court of law.

5           So at this point now -- and thank you for the background.  
6 That was very good, very succinctly stated -- we have to decide  
7 whether we want to take it out of the administrative --

8           COMMISSIONER WAITS: Okay.

9           DISTRICT ATTORNEY HERRERA: -- part of this and appeal to  
10 the supreme court.

11          COMMISSIONER WAITS: We did -- we did appeal it. And we  
12 lost the appeal at the Department of Energy. Gee, I can't  
13 imagine why we did that. But we lost the appeal. And then when  
14 we decided we have to have an attorney to go further, perhaps  
15 get a summary judgment, whatever we could do, Elko said, we're  
16 going to appeal it so we went in with Elko.

17          And that's what happened. They -- that county and our county  
18 are the ones that are carrying this forward. And it's nice to  
19 know an attorney says, maybe. But they haven't even looked at, do  
20 they have the right to go retroactively? It doesn't specifically  
21 say that. And that's where we're coming from.

22          Now, whether Elko goes or not, if they go, and we say, yes,  
23 let's go with them, that's great. But I think we should make a  
24 decision today even if they don't go, whether we want to continue  
25 the cost that we lost. Because remember, BLM owns the land so we  
26 don't get in money on the -- on the land per se, PILT.

27          But the taxes that we will be losing on their facilities,  
28 Lura told us is in the neighborhood of \$22 million.

29          COMMISSIONER MILLS: Wow.

30          COMMISSIONER WAITS: So that's where we are. And that's  
31 why it's here today.

32          So you had a motion?

33          DISTRICT ATTORNEY HERRERA: Right. So one more thing, this  
34 appeal that we undertook was -- was the right for judicial  
35 review.

36          So you need to understand that, that we asked, can we take it  
37 out of the administrative courts and have a judicial review?

38          And they didn't even talk about our issues. They just say,  
39 no, they denied our -- that's why -- the -- this appeal would be  
40 to the supreme court.

1 Does everyone understand that?  
2 CHAIRMAN STIENMETZ: Uh-huh.  
3 DISTRICT ATTORNEY HERRERA: Okay. Thank you.  
4 COMMISSIONER WAITS: Thank you.  
5 COMMISSIONER BAKKER: Okay. I'm going to make a motion  
6 that we proceed with the filing an appeal between *Lander County*  
7 *vs. Deputy Director of the Governor's Office of Energy, ORNI 42.*  
8 COMMISSIONER MILLS: Second.  
9 CHAIRMAN STIENMETZ: Any public comment?  
10 (No comment.)  
11 CHAIRMAN STIENMETZ: All in favor?  
12 COMMISSIONER BAKKER: Aye.  
13 COMMISSIONER CLARK: Aye.  
14 COMMISSIONER MILLS: Aye.  
15 COMMISSIONER WAITS: Aye.  
16 CHAIRMAN STIENMETZ: Aye.  
17 COMMISSIONER WAITS: Thank you.

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**16) Discussion for possible action to appoint two (2) commissioners to attend the agenda setting meetings, and other matters properly related thereto.**

CHAIRMAN STIENMETZ: All right. Number 16, discussion for possible action to appoint two commissioners to attend the agenda setting meeting, and other matters properly related thereto.

The reason why I had put this on is I would like to see the different guys attend. I think that having somebody drive up here is a -- when they could call in would be better, but that's a big added expense to the county.

And I -- that's my concern for doing this.

COMMISSIONER WAITS: Let me add then, that as chair or vice chair from the southern part of the county, those two positions are the ones that have sat in on agenda setting for a long time.

It's true, it costs money. And I try and use the county car whenever we can because we have a county car now. But it costs money no matter what we do.

And being from the south, I think they need that representation. And as I said, when a chair is elected from the south and we've always have had one, eventually as they pass

1 that around and a vice chair, I don't mind giving my time. I  
2 think it's part of the position that we have. I'm sorry that  
3 our chair can't attend. But I don't think it should still be  
4 all at Battle Mountain setting the agenda. I do believe that  
5 that's something we should try and do.

6 And if you're concerned about the cost, Mr. Chairman, I can  
7 certainly start keeping track of all the extra things that we have  
8 saved for the county since I have been a commissioner in the --  
9 the appropriation of funds. And I don't think that extra amount  
10 to drive up and attend an agenda or by phone or whatever is that  
11 far out of line. I think that's all part of being a county  
12 commissioner and doing what you're elected to do.

13 COMMISSIONER CLARK: I have --

14 COMMISSIONER WAITS: So I would love to serve.

15 COMMISSIONER CLARK: I have two things to say. Number one,  
16 when we had the meeting, Patsy, and we were giving -- assigning  
17 commissions and committees to go to, you said, we don't spend  
18 money as commissioners. We try to not spend money. So the  
19 money issue, you know.

20 But more importantly, you're the representative of Austin  
21 and you couldn't go to the airport board meeting because you  
22 chose to come up here.

23 The chairman mentioned having commissioners in Battle  
24 Mountain go. I went. Sean was there. So I had to leave. I  
25 scheduled my time to be there at that meeting because the chairman  
26 said that's what he wanted to do.

27 So I'm in favor of this.

28 COMMISSIONER WAITS: Along with the responsibilities as a  
29 vice chair is the agenda setting. And I did e-mail our  
30 executive director and tell him that I would be there.

31 So if someone else was -- was going to attend, there  
32 wouldn't be a conflict and have two people show up.

33 COMMISSIONER CLARK: That's contrary to what our chairman  
34 wanted to do so that's what we've arrived at this point. And  
35 let's see what happens.

36 CHAIRMAN STIENMETZ: As chairman, I have the right to  
37 appoint another commissioner to attend the agenda setting in my  
38 place.

39 And that's what I would like to do.

40 COMMISSIONER WAITS: I -- I don't have any problem with you

1 doing that. But the clarification is -- is -- it's also part of  
2 a vice chair's responsibility. Is that something you don't want  
3 me to do anymore?

4 CHAIRMAN STIENMETZ: Well, only one of us needs to attend.  
5 And that's the way it's always been, either the chairman or the  
6 vice chair attending. And I'm just saying that I would like to  
7 appoint someone to attend those meetings in my place.

8 COMMISSIONER CLARK: Well, I make a motion to appoint two  
9 commissioners to attend the agenda setting meetings.

10 COMMISSIONER MILLS: Well, before -- before we get into a  
11 motion, I would like to say that I like the idea of doing a --  
12 spreading the responsibility and having a kind of round robin --

13 CHAIRMAN STIENMETZ: Right, that's --

14 COMMISSIONER MILLS: -- kind of way of doing it.

15 CHAIRMAN STIENMETZ: That's kind of what I was wanting is  
16 to have it to where --

17 COMMISSIONER MILLS: To me, that's a separate issue.

18 CHAIRMAN STIENMETZ: Right.

19 COMMISSIONER MILLS: I don't know how it's supposed to  
20 work. I don't know if we have NRS statutes. I don't know if we  
21 have anything --

22 COMMISSIONER CLARK: No.

23 COMMISSIONER MILLS: -- that says --

24 COMMISSIONER CLARK: Not really.

25 COMMISSIONER MILLS: -- it has to be one way or the other.

26 COMMISSIONER WAITS: Routinely, it's chair and vice chair  
27 for all of the counties. But -- but Steve's right. He can do  
28 it any way he --

29 COMMISSIONER MILLS: Right.

30 COMMISSIONER WAITS: -- wants to do it.

31 UNIDENTIFIED PARTICIPANT: Right.

32 COMMISSIONER MILLS: So having the chair. And if the chair  
33 can't be there, having the vice chair there, I think is a good  
34 idea. But -- although I have to -- I have to freely admit, I  
35 don't have a lot of interest in doing agenda setting meetings.  
36 But I do have an interest in doing my job well. And I think  
37 it's something that I need to learn about and participate in the  
38 process.

39 So instead of assigning two commissioners that would be  
40 there all the time and being basically locked out of being able

1 to participate in those, I would like to see a -- a round robin  
2 type process where everybody gets the opportunity to  
3 participate.

4 So whether it's the chair and one other commissioner or the  
5 vice chair and one other commissioner, if you want to set it  
6 that way, I'm fine with that. But that's what I would like to  
7 see kind of happen. Because I don't want to be -- I don't want  
8 to see two assigned and then be kind of locked out of it.

9 Not that I really want to go, but I -- I feel like it's a  
10 responsibility and I probably should

11 COMMISSIONER WAITS: Routinely, it has always been chair  
12 and vice chair. And routinely, we have always rotated the chair  
13 every single, you know, year, a couple times --

14 COMMISSIONER MILLS: Right.

15 COMMISSIONER WAITS: -- they've had it twice when people  
16 are on their second terms and such.

17 So everyone does have a chance to -- to lead this  
18 commission. Everyone has a chance to learn then. Whether you  
19 need to learn it your first year out or your second year out, --

20 COMMISSIONER MILLS: Right.

21 COMMISSIONER WAITS: -- is -- is really, you know,  
22 unimportant at this point. You will be able to do that at some  
23 point. And you should. All of us should.

24 COMMISSIONER MILLS: Right.

25 COMMISSIONER CLARK: There's no guaranteeing that because  
26 you don't -- you can't predict the vote.

27 Just because you're the vice chair this year, doesn't  
28 guarantee you to be the chair next year.

29 COMMISSIONER WAITS: No, I'm just saying it alw- -- it  
30 always has changed. And we have always done that. You're  
31 absolutely --

32 COMMISSIONER CLARK: There's a --

33 COMMISSIONER WAITS: -- right.

34 COMMISSIONER CLARK: -- lot of things that always have  
35 been. And that's why we're clearing things up now. So I make a  
36 motion to appoint two commissioners to attend agen- -- agenda  
37 settings.

38 COMMISSIONER BAKKER: You have to appoint one at a time.  
39 You're going to have to appoint one at a time.

40 COMMISSIONER CLARK: Okay. Well, we're going to appoint --

1 COMMISSIONER BAKKER: Or let Steve appoint them.  
2 COMMISSIONER CLARK: Yeah.  
3 DISTRICT ATTORNEY HERRERA: Well, you -- you certainly may  
4 accommodate this issue by taking two or three different votes.  
5 First, if you take the first vote as the motion was made by  
6 you, Commissioner Clark, that you're -- that you want to -- or  
7 don't want to appoint two commissioners to have two  
8 commissioners at every one. That -- that would be fine to do  
9 that. And then you would say, well, which commissioners? Then  
10 you make those decisions.  
11 So there's nothing wrong with saying, that's the process we  
12 want to put in place.  
13 So I -- I think it's a far better method to do it that way.  
14 First, you decide, what process do we want? And then if it's  
15 a process where you need to appoint commissioners today that would  
16 be the second and third vote.  
17 COMMISSIONER CLARK: Okay, I'll --  
18 COMMISSIONER BAKKER: I like the alternating.  
19 COMMISSIONER CLARK: -- withdraw my -- I'm going to  
20 withdraw my motion then.  
21 DISTRICT ATTORNEY HERRERA: No, your motion was well stated  
22 if you want to --  
23 COMMISSIONER CLARK: Okay.  
24 DISTRICT ATTORNEY HERRERA: -- do it that way, is what I'm  
25 saying. If that's the process.  
26 We need to figure out if you guys want to do it that way.  
27 So you need to take a vote on that. So it's good, whether you  
28 either agree that we're going to appoint two commissioners or  
29 disagree.  
30 COMMISSIONER MILLS: Well, that does bring up other issues.  
31 And I think Patty's comment is good -- or Patsy's comment is  
32 good that odds are each one of us is going to be either the  
33 chair or vice chair along the years of our service.  
34 And I think if there's an issue of -- is there -- is there a  
35 benefit to continuity in having chair and vice chair attend these  
36 meetings and have a continuity? And maybe there's a flaw in the  
37 idea of having a round robin type of a process.  
38 So I think that needs to be kind of determined.  
39 DISTRICT ATTORNEY HERRERA: Well, that -- that motion would  
40 determine it. If it's --

1 COMMISSIONER MILLS: Right.  
2 DISTRICT ATTORNEY HERRERA: -- voted down or it's not  
3 seconded.  
4 COMMISSIONER MILLS: Right.  
5 DISTRICT ATTORNEY HERRERA: -- then that particular idea  
6 would be off --  
7 COMMISSIONER CLARK: It died.  
8 DISTRICT ATTORNEY HERRERA: -- the table.  
9 COMMISSIONER CLARK: Right.  
10 COMMISSIONER MILLS: Right.  
11 COMMISSIONER CLARK: So this is --  
12 COMMISSIONER MILLS: So I don't know what.  
13 COMMISSIONER CLARK: This is in --  
14 COMMISSIONER MILLS: That's why --  
15 COMMISSIONER CLARK: -- line with the --  
16 COMMISSIONER MILLS: -- I'm asking, what do you guys think?  
17 Is -- is there a benefit to having two? And I would think it  
18 would be the chair and the vice chair because apparently that's  
19 kind of the -- a way it's been done.  
20 COMMISSIONER WAITS: Routine.  
21 COMMISSIONER MILLS: It's the way it's been done in other  
22 counties. That's -- it seems appropriate.  
23 CHAIRMAN STIENMETZ: Yeah.  
24 COMMISSIONER MILLS: Or is a round robin a viable method?  
25 Is that something we want to do? And is -- or is that not a  
26 good idea because of the lack of continuity --  
27 COMMISSIONER WAITS: Just --  
28 COMMISSIONER MILLS: -- from --  
29 COMMISSIONER BAKKER: The --  
30 COMMISSIONER MILLS: -- month to month?  
31 COMMISSIONER BAKKER: -- idea was to save money.  
32 COMMISSIONER WAITS: Think of any situation that you are in  
33 that has a chair, any association you belong to. And who does  
34 the agendas? It is the chair and the vice chair that do the  
35 agendas. It's not the board members.  
36 COMMISSIONER MILLS: Okay.  
37 COMMISSIONER WAITS: They say, what would you like to put  
38 on? So I'm saying, it's -- it's -- it's not just routine.  
39 That's what's done.  
40 But my understanding is, as chair, Steve can appoint anybody

1 he wants regardless of whether we vote this or not. Is that  
2 correct?

3 COMMISSIONER MILLS: How is that?

4 DISTRICT ATTORNEY HERRERA: If you make a procedure, then  
5 you're making a procedure.

6 COMMISSIONER WAITS: Okay. Okay.

7 DISTRICT ATTORNEY HERRERA: That's the point I'm trying --

8 COMMISSIONER WAITS: Okay.

9 DISTRICT ATTORNEY HERRERA: -- to make.

10 COMMISSIONER WAITS: Okay.

11 COMMISSIONER MILLS: So then we're eliminating the chair's  
12 ability to assign who he wants.

13 DISTRICT ATTORNEY HERRERA: Well, you need to understand  
14 that, yes.

15 COMMISSIONER MILLS: Okay.

16 DISTRICT ATTORNEY HERRERA: If you -- if you adopt a  
17 procedure that two people are going to be going to everyone, at  
18 least one of those two to everyone, then that would be the new  
19 procedure.

20 COMMISSIONER CLARK: Correct me if I'm wrong, but a citizen  
21 can get an agenda item on --

22 CHAIRMAN STIENMETZ: Yeah.

23 COMMISSIONER CLARK: -- for the -- for the board.

24 DISTRICT ATTORNEY HERRERA: A citizen can make an agenda  
25 request.

26 COMMISSIONER CLARK: A request.

27 DISTRICT ATTORNEY HERRERA: And that request goes in front  
28 of the agenda board.

29 COMMISSIONER CLARK: Right. So there's no negation of  
30 getting agenda items to the board?

31 DISTRICT ATTORNEY HERRERA: Not to the -- not to the agenda  
32 board.

33 COMMISSIONER CLARK: Right.

34 DISTRICT ATTORNEY HERRERA: Yeah. Right. So you just need  
35 to --

36 COMMISSIONER MILLS: So it's just a matter of how do we  
37 want to do the agenda setting meetings? And who should be  
38 attending. And that's -- what do we want to do?

39 COMMISSIONER WAITS: Well, before -- and yes, to answer  
40 Commissioner Clark, I -- I opted to be at the agenda setting

1 instead of the airport. They did conflict that day. You're  
2 absolutely right.

3 But along with that, we have had Commissioner Bakker attend  
4 many, many of them. And one of you, you know, has -- has  
5 certainly had the opportunity to come in as a second  
6 commissioner if you wanted to.

7 So it has been covered. Steve is just saying, I would like  
8 to appoint someone to do that.

9 CHAIRMAN STIENMETZ: Well, my -- my -- I was just trying to  
10 get across that I would like to be able to appoint somebody to  
11 attend in my place, since I'm not there.

12 COMMISSIONER BAKKER: Well, it seems like you can do that  
13 without make anything motions or doing anything. You can just  
14 ask one of us to attend in your place if you're not going to be  
15 there.

16 COMMISSIONER CLARK: With the matter of fact, --

17 COMMISSIONER MILLS: Isn't that the case?

18 COMMISSIONER CLARK: With the matter of fact being that  
19 Mr. Stienmetz is in his third cycle of elections, I'm depending  
20 on his experience. So that's why I'm supporting this.

21 COMMISSIONER WAITS: His experience at the agenda setting?

22 COMMISSIONER BAKKER: Well, the issue --

23 COMMISSIONER CLARK: His experience as a commissioner.

24 COMMISSIONER BAKKER: -- that happened was that last  
25 meeting --

26 COMMISSIONER WAITS: Yes.

27 COMMISSIONER BAKKER: -- Steve did say he wanted us to  
28 start rotating out.

29 COMMISSIONER CLARK: Right.

30 COMMISSIONER BAKKER: So he already appointed us to start  
31 doing that, in my eyes.

32 DISTRICT ATTORNEY HERRERA: Right. So today, you would be  
33 making a new procedure is what I'm saying. That's the point I'm  
34 making. If you make any motions, you would be changing what the  
35 current procedure is. And the current procedure is not written  
36 down by ordinance or statutes. It's just common practice --  
37 what we call common practice.

38 Now, you can change that. And you can actually establish a  
39 procedure. Or you can just say, well, we're just going to go the  
40 way we've always done.

1 COMMISSIONER CLARK: Right.  
2 DISTRICT ATTORNEY HERRERA: So those are your choices.  
3 COMMISSIONER CLARK: So Commissioner Stienmetz can contact  
4 one of the commissioners and say, I would like you to attend the  
5 agenda setting.  
6 DISTRICT ATTORNEY HERRERA: And Vice Chair Commissioner  
7 Waits could still attend if she wished.  
8 COMMISSIONER CLARK: If -- if --  
9 DISTRICT ATTORNEY HERRERA: No, it doesn't matter about  
10 that.  
11 CHAIRMAN STIENMETZ: Yeah. It doesn't matter.  
12 DISTRICT ATTORNEY HERRERA: That -- if we're doing it that  
13 way, if we're going to keep the old procedure, the only way that  
14 Commissioner -- Vice Chair Commissioner Waits would be  
15 prevented -- and I hate to use that. It's kind of a harsh  
16 term -- from going to these agenda settings is if you establish  
17 a new procedure.  
18 COMMISSIONER CLARK: And that's what this --  
19 DISTRICT ATTORNEY HERRERA: And that's what the motion is.  
20 COMMISSIONER CLARK: To establish a new procedure.  
21 DISTRICT ATTORNEY HERRERA: Right.  
22 COMMISSIONER CLARK: For Mr. Stienmetz to --  
23 DISTRICT ATTORNEY HERRERA: No, no, no. Your motion --  
24 COMMISSIONER MILLS: Yeah, he can do --  
25 COMMISSIONER CLARK: Oh.  
26 DISTRICT ATTORNEY HERRERA: -- was that --  
27 COMMISSIONER MILLS: He can do that --  
28 COMMISSIONER CLARK: Okay.  
29 COMMISSIONER MILLS: -- if we wants.  
30 DISTRICT ATTORNEY HERRERA: -- to appoint -- to appoint two  
31 commissioners to go to every agenda setting.  
32 That means that you are letting the past practice go to the  
33 wayside and you're establishing and adopting a new procedure.  
34 COMMISSIONER MILLS: So as I see it, there's already two  
35 commissioners appointed to go, --  
36 DISTRICT ATTORNEY HERRERA: No, they're --  
37 COMMISSIONER MILLS: -- the chair and the vice chair.  
38 DISTRICT ATTORNEY HERRERA: It's just common practice.  
39 COMMISSIONER WAITS: Not appointed.  
40 COMMISSIONER MILLS: Not appointed. But that's -- that's

1 what we're doing is the chair and vice chair are attending the  
2 meetings. And if -- I would say if neither one of them can be  
3 there, then they could ask one of the other of us to attend in  
4 their place.

5 DISTRICT ATTORNEY HERRERA: And that's how it currently is  
6 now.

7 COMMISSIONER MILLS: Then what's -- what's the problem?

8 DISTRICT ATTORNEY HERRERA: What's the problem?

9 COMMISSIONER MILLS: Yeah. Why we -- I don't see why we  
10 need to change anything.

11 DISTRICT ATTORNEY HERRERA: That's your choice. I'm just  
12 pointing out your choices.

13 COMMISSIONER MILLS: Yeah.

14 DISTRICT ATTORNEY HERRERA: You either --

15 COMMISSIONER CLARK: I made a motion. We'll see if it --  
16 if there's a second. If there's no second, then the motion  
17 dies.

18 COMMISSIONER BAKKER: I'll second it.

19 CHAIRMAN STIENMETZ: All right. We have a first and a  
20 second.

21 Any public comment?

22 COUNTY CLERK SULLIVAN: I do actually. Sadie Sullivan, for  
23 the record.

24 And I don't know if you want me to comment after this. I  
25 could give you what has been done prior to this board and who  
26 sat in and what have you if you want to know a little bit.

27 DISTRICT ATTORNEY HERRERA: That's more common practice  
28 situation.

29 COUNTY CLERK SULLIVAN: Right. Right. I understand. But  
30 then that way -- because truly since the new three have come on,  
31 they used to be a lot, well, anyway.

32 DISTRICT ATTORNEY HERRERA: Well, it has nothing to do with  
33 this -- this motion.

34 CHAIRMAN STIENMETZ: Well, when we used to have --

35 COUNTY CLERK SULLIVAN: Well, so --

36 CHAIRMAN STIENMETZ: -- only --

37 COUNTY CLERK SULLIVAN: -- that's what --

38 CHAIRMAN STIENMETZ: -- three --

39 COUNTY CLERK SULLIVAN: -- I'm saying.

40 CHAIRMAN STIENMETZ: -- commissioners, two of us couldn't

1 attend.

2 DISTRICT ATTORNEY HERRERA: Right.

3 COUNTY CLERK SULLIVAN: well, no, even with the five, there  
4 was only one commissioner, the executive director, the clerk's  
5 office, --

6 KEITH WESTENGARD: HR.

7 COUNTY CLERK SULLIVAN: -- and whoever actually wrote up  
8 the agenda. So it was Donna or Soveida, those two positions.  
9 But HR only went in the place of if the secretary couldn't. And  
10 then it was a smaller group.

11 JUDGE MAX BUNCH: You left out the DA.

12 COUNTY CLERK SULLIVAN: And the DA. Sorry. And the DA.  
13 Thank you, Max.

14 DISTRICT ATTORNEY HERRERA: I --

15 COUNTY CLERK SULLIVAN: And so it was --

16 DISTRICT ATTORNEY HERRERA: I just --

17 COUNTY CLERK SULLIVAN: -- just a smaller group. And it  
18 kind of --

19 DISTRICT ATTORNEY HERRERA: -- as soon not go --

20 COMMISSIONER MILLS: This --

21 COUNTY CLERK SULLIVAN: Well, you have to have an extra --

22 DISTRICT ATTORNEY HERRERA: -- go there.

23 COUNTY CLERK SULLIVAN: But anyway, so it was just kind of  
24 a smaller group, but it kind of -- it went smooth. It went  
25 great. You get too many people out there, those meetings can be  
26 like this, you know. But I mean, it's -- you know, it's  
27 whatever you guys choose to do.

28 But I'm just telling you so that way you guys know that it  
29 was a little bit of a smaller, you know. Rogene would sit in if  
30 the executive director wasn't there. Nan sat in and that type of  
31 thing. So I'm just telling you what the previous practice was.  
32 That's all.

33 CHAIRMAN STIENMETZ: All right. I have a first and a  
34 second.

35 No more public comment?

36 (No comment.)

37 CHAIRMAN STIENMETZ: All in favor?

38 COMMISSIONER CLARK: Aye.

39 COMMISSIONER BAKKER: Aye.

40 CHAIRMAN STIENMETZ: Aye.

1 All those opposed?  
2 COMMISSIONER WAITS: Nay.  
3 COMMISSIONER MILLS: I oppose. Nay.  
4 COMMISSIONER BAKKER: So Ted, do we have to agendize a new  
5 way to do this or --  
6 DISTRICT ATTORNEY HERRERA: No. No.  
7 You -- you just adopted a new way to do it. Now, you have to  
8 adopt which two commissioners are going to be appointed.  
9 COMMISSIONER BAKKER: Can Steve just appoint them on a  
10 week-to-week basis?  
11 DISTRICT ATTORNEY HERRERA: If that's the motion that Steve  
12 would appoint commissioners to each agenda setting, you can  
13 certainly make that motion.  
14 COMMISSIONER BAKKER: I make a motion that Steve appoints  
15 two commissioners for agenda setting.  
16 CHAIRMAN STIENMETZ: And it doesn't to be two that go to  
17 them.  
18 COMMISSIONER BAKKER: Right.  
19 DISTRICT ATTORNEY HERRERA: The reason the two was motion  
20 was at least one of them can make it that particular --  
21 COMMISSIONER BAKKER: Right.  
22 DISTRICT ATTORNEY HERRERA: -- week.  
23 COMMISSIONER BAKKER: Right.  
24 COMMISSIONER CLARK: Okay.  
25 DISTRICT ATTORNEY HERRERA: So you've now adopted a new  
26 policy that two commissioners will be appointed to attend the  
27 agenda settings.  
28 KEITH WESTENGARD: And only one has to go.  
29 DISTRICT ATTORNEY HERRERA: And only one has to go. Now  
30 where you go from that point depends on -- on how you want to  
31 make the next motion, whether Steve appoints them or you want to  
32 appoint the two now.  
33 COMMISSIONER BAKKER: I want Steve to appoint them as we  
34 go.  
35 COMMISSIONER CLARK: Yeah.  
36 DISTRICT ATTORNEY HERRERA: Then that's the motion you need  
37 to make.  
38 COMMISSIONER BAKKER: I make a motion that Steve appoints  
39 who he wants to represent him at agenda setting.  
40 COMMISSIONER CLARK: I'll second.

1 CHAIRMAN STIENMETZ: Any public comment?  
2 JUDGE MAX BUNCH: I do have a public comment.  
3 Would you not rather just have the chairman rather than the  
4 person Steve. Steve might not be there in five years.  
5 COMMISSIONER BAKKER: I get what you're saying. I amend my  
6 motion to the chair appoints who he or she wants --  
7 COMMISSIONER CLARK: Right.  
8 COMMISSIONER BAKKER: -- to attend the agenda setting.  
9 COMMISSIONER MILLS: So you realize now you're requiring  
10 the chair to make a weekly phone call to one of us or two of us  
11 to be at those --  
12 COMMISSIONER CLARK: That's --  
13 COMMISSIONER MILLS: -- meetings.  
14 COMMISSIONER CLARK: -- not too hard.  
15 COMMISSIONER BAKKER: No.  
16 COMMISSIONER MILLS: All right.  
17 DISTRICT ATTORNEY HERRERA: Every -- you know, biweekly  
18 phone calls.  
19 COMMISSIONER BAKKER: Yeah, it's every two weeks.  
20 COMMISSIONER MILLS: Every -- oh, biweekly. Yeah.  
21 COMMISSIONER BAKKER: Or every three weeks.  
22 COMMISSIONER MILLS: So...  
23 DISTRICT ATTORNEY HERRERA: You can do what you want to do.  
24 COMMISSIONER MILLS: I don't know.  
25 COMMISSIONER BAKKER: Okay.  
26 COMMISSIONER CLARK: I seconded it.  
27 CHAIRMAN STIENMETZ: Any more public comment?  
28 (No comment.)  
29 CHAIRMAN STIENMETZ: All in favor?  
30 COMMISSIONER BAKKER: Aye.  
31 COMMISSIONER CLARK: Aye.  
32 CHAIRMAN STIENMETZ: Aye.  
33 Opposed?  
34 COMMISSIONER WAITS AND COMMISSIONER MILLS: Nay.  
35  
36 17) Update regarding status of the Lander County  
37 Courthouse/Administration Building Project, and other matters  
38 properly related thereto.  
39  
40 CHAIRMAN STIENMETZ: All right. Now let's go to Item 17.

1 Update regarding status of the Lander County  
2 courthouse/administrative building project, and other matters  
3 properly related thereto.

4 JUDGE MAX BUNCH: Max Bunch, for the record. Part of your  
5 building committee that represents the commissioners.

6 Casey, obviously, was here. He had to leave to get back  
7 and get some more stuff done.

8 We have site work is ongoing. We are placing the boulders  
9 that were donated from Newmont to us. I don't know if you may  
10 have noticed those have arrived on site yesterday. They're being  
11 placed today.

12 The -- the update for the air-conditioning system is it is up  
13 and running for the last two days. So it's starting to make it a  
14 little bit more pleasant to be able to be up on the second floor  
15 there because it was getting extremely hot.

16 The final fire alarm inspection is scheduled for next week.  
17 Carpet is ongoing in the building. The first floor is  
18 completed with the exception of the commissioners' chambers.  
19 The second floor is ongoing right now and should be completed by  
20 next week with the exception of the courtrooms.

21 There's a lot of work going on in the commissioners' and  
22 the two courtrooms on the -- they're trying to get the  
23 ceilings -- ceilings figured out a little bit. We've hit a  
24 little snag, but we're -- we're working through it.

25 The architects were on site yesterday to look at those at  
26 about 6:30 last night. So -- then I haven't heard anything since  
27 that meeting.

28 So interior finishes are ongoing.

29 We've started a punch list of offices as we -- as -- we're  
30 kind of following in behind them, starting a punch list for the  
31 ceilings, all the stuff that has to be fixed as we went through  
32 this.

33 The safety people will be on site today. So I think we'll be  
34 almost to our last safety score. Hopefully, we still attain a  
35 high -- a high mark.

36 I do have a couple other additional things. And I believe I  
37 talked to the executive director, myself, we talked about this a  
38 little bit, setting for the 24<sup>th</sup> agenda a potential move-in date.  
39 So that would be a month from us to set -- it's going to be a  
40 month -- it'll be about six weeks -- to look at, to talk to you

1 about move-in stuff. So we may have to put some agenda's items on  
2 that are specific -- or a little more specific than an update.

3 And that's looking at the actual that date that we're going  
4 to do the move in.

5 We've been -- I've been coordinating with the treasurer so as  
6 to not affect payroll, all those little things that come up. You  
7 just pick a date and all of a sudden it's the day that people are  
8 supposed to be getting paid and you can't do it because the  
9 computers are no longer in one building and they're in another  
10 building. So there's a lot of foresight that we're having to go  
11 through. And then commission meetings we have to take into  
12 consideration, the commission meetings. Not that you can't have a  
13 commission meeting here while we're moving in, but it just -- it  
14 makes it because we've got staff that are supposed to be trying to  
15 move and can't move because they're in a meeting.

16 COMMISSIONER WAITS: And equipment.

17 JUDGE MAX BUNCH: So -- yeah, there'll be a lot of  
18 equipment. And then we'll have people moving throughout the  
19 courthouse, which may make it a little louder than you're used  
20 to.

21 COMMISSIONER CLARK: We're still on schedule?

22 JUDGE MAX BUNCH: Um.

23 COMMISSIONER CLARK: Because I know that -- I know that.  
24 Well, --

25 DISTRICT ATTORNEY HERRERA: He's not here. He can't answer  
26 that.

27 COMMISSIONER CLARK: I know the issue. We needed to get  
28 those schools done. And I have no problem falling behind on  
29 schedule because of that and the Tesla issue. I completely  
30 understand that.

31 JUDGE MAX BUNCH: The problem being is they have a  
32 contract. And there's damages the day they don't have --  
33 they're not completed on their contract.

34 COMMISSIONER CLARK: But there are always exceptions. I'm  
35 just --

36 JUDGE MAX BUNCH: Well, there could be.

37 COMMISSIONER CLARK: Now, --

38 JUDGE MAX BUNCH: There could exceptions if the commission  
39 chose to do that.

40 DISTRICT ATTORNEY HERRERA: If you want to waive that --

1 and I would advise strongly against it.  
2 COMMISSIONER CLARK: Okay. That was my -- okay. I'm just  
3 saying.  
4 JUDGE MAX BUNCH: I mean -- I mean, if we get to a certain  
5 point where a couple days and we get -- get it done then and you  
6 choose to waive a couple days, that's up to you afterwards.  
7 But, you know, if you -- if we were to make that decision  
8 right now, it's detrimental to us. We might --  
9 COMMISSIONER CLARK: Right.  
10 JUDGE MAX BUNCH: -- not get it until January.  
11 COMMISSIONER CLARK: Right. Okay. Unforeseeable  
12 circumstances.  
13 DISTRICT ATTORNEY HERRERA: Yes. It's -- it's not very  
14 often we have an advantageous contract, --  
15 COMMISSIONER CLARK: Okay.  
16 DISTRICT ATTORNEY HERRERA: -- provisions.  
17 COMMISSIONER CLARK: Okay.  
18 DISTRICT ATTORNEY HERRERA: And we do now. Please don't  
19 take it away.  
20 JUDGE MAX BUNCH: So --  
21 COMMISSIONER MILLS: That's nothing not something we did.  
22 COMMISSIONER CLARK: Right. I understand that. I just --  
23 JUDGE MAX BUNCH: So...  
24 There's a -- there's a lot of information that goes behind  
25 that. So if we -- I know that we actually have people on site  
26 working at 3:00 o'clock this morning. And we were trying to get  
27 things accomplished. We're working long -- more days into the  
28 contract than what they were doing. So instead of -- they were  
29 working four tens. And I think they're at five -- they're  
30 working five tens now so -- to make sure that we get caught up.  
31 But I can potentially see an issue coming up because the  
32 other school that wasn't the push is probably now going to be push  
33 because it has to be done by the 21<sup>st</sup> of this month. So they've  
34 got just a couple of weeks to get that done. And sometimes it's a  
35 surprise to us that somebody doesn't show up on site when we have  
36 them scheduled to be there.  
37 COMMISSIONER CLARK: Okay.  
38 JUDGE MAX BUNCH: So -- so we are -- we are attempting to  
39 be on schedule.  
40 They're doing --

1 COMMISSIONER CLARK: Okay.

2 JUDGE MAX BUNCH: -- everything they possibly can. The two  
3 superintendents and the project manager at the courthouse are  
4 trying to stay on schedule. And -- and real life schedule, I  
5 don't, you know, it's kind of hard to tell because it moves day  
6 by day, the schedule does. Whether -- whether they made up the  
7 time or they didn't make up the time, and we're, you know, maybe  
8 they made up half the time and, say, we were five days behind  
9 and tomorrow we could be two-and-a-half days behind because  
10 they've made up whatever work.

11 Another thing that -- that the commission needs to consider,  
12 and this is on the card reader access to the building. The -- the  
13 county commissioners own the building. You're in control of the  
14 building. Okay. So all the front doors and all the -- what we  
15 call -- public access and public access one doors, which are  
16 numerous doors throughout the building. But just think of it as  
17 the front doors, the back doors for right now.

18 The commission is probably going to want, as I -- as I've  
19 looked at this, is going to be want to be in control of those  
20 door, people who come in and go out of the building.

21 For example, if you want the planning commission to have a --  
22 a key because they're a board that sits under you to be able to  
23 have their meetings there, you'll want them to --

24 COMMISSIONER BAKKER: Don't they have their own meeting  
25 room though? Isn't there a special commons meeting room for all  
26 the groups?

27 JUDGE MAX BUNCH: There is. And that's what we're calling  
28 public access one, which is the community meeting room.

29 COMMISSIONER BAKKER: That's good enough.

30 JUDGE MAX BUNCH: That will allow -- but we have to have  
31 somebody sitting on the computer checking out the cards.

32 COMMISSIONER BAKKER: Yeah.

33 JUDGE MAX BUNCH: Okay. And so what I'm talking about is  
34 somebody from the administration and maybe it's two people from  
35 the administration. I probably strongly encourage that two  
36 people from the administration would have control over the front  
37 and back doors of the building. Okay.

38 And then -- then you would have elected officials and/or  
39 department -- a head of a department, like the executive director,  
40 that's over all of their area that they're over. They would --

1 they would only have access to their area, the elected officials  
2 would have individual access to their areas.

3 So basically, I'm looking at trying to get a software  
4 program. And I have to talk to the gentleman, I thought he was  
5 here today, but I -- I'm understanding he left at 3:00 o'clock  
6 this morning when he got everybody started on work that he was  
7 there all day yesterday and until 3:00 o'clock this morning.

8 So I think he went back. He's supposed to be out here twice  
9 a week. And I thought I was going to be able to catch him today.  
10 And I'm not going to catch him until next week.

11 But my understanding of the software program is that it's  
12 just a basic computer program. You check the boxes of door  
13 numbers. And I've got a list of doors, about 160-some doors in  
14 the building that --

15 COMMISSIONER BAKKER: That's a lot of checks.

16 JUDGE MAX BUNCH: There's a lot of checks. So you've got  
17 one group, which would be under -- under the commissioners. The  
18 administration would have control over certain doors.

19 The other elected officials would then have control over  
20 their areas. And that would take a separate password.

21 So you'd end up going into a computer and putting in two  
22 passwords where you have the -- somebody from the administration  
23 under you guys and the elected official has a password. And both  
24 of them, in order to get the doors checked, it would take two  
25 people to do that. And I think that's a safe route. And then  
26 nobody is saying, well, he -- just for example, he has access to  
27 my search warrants. And he has access to my -- to my office, not  
28 saying we would do this. But if you just gave one person access,  
29 then they could just go do whatever they wanted and --

30 DISTRICT ATTORNEY HERRERA: And it's a confidentiality  
31 issue.

32 JUDGE MAX BUNCH: And, I mean, it's the same way as giving  
33 me that and letting me have access to HR files. That's not --  
34 that's not kosher, shouldn't happen.

35 So I just want to make sure, I mean, I'm trying to think  
36 this thing through. I'm trying to work with this gentleman.  
37 I've talked to Keith about it a little bit. And we haven't had  
38 a lot of time to sit down and discuss it, but I think that I  
39 wanted to bring it up to you because I think it's an important  
40 issue that we figure that out.

1           So -- and then if you have any comments about it, please tell  
2 me.  
3           COMMISSIONER BAKKER: The DA and the executive director.  
4           JUDGE MAX BUNCH: Well, --  
5           COMMISSIONER BAKKER: You got legal and administrative.  
6           JUDGE MAX BUNCH: Well, I don't believe that I want to have  
7 Mr. Herrera have access to my office.  
8           DISTRICT ATTORNEY HERRERA: Hey now.  
9           JUDGE MAX BUNCH: And I know he doesn't want me to have  
10 access to his.  
11           COMMISSIONER BAKKER: Man, now we're flip-flopping here.  
12           I wouldn't have foreseen having access to your office, but  
13 they would have to be the two to approve someone having access to  
14 what doors; right?  
15           JUDGE MAX BUNCH: I think you need two people from the  
16 administration --  
17           COMMISSIONER BAKKER: Okay.  
18           JUDGE MAX BUNCH: -- that work under the commissioners.  
19           COMMISSIONER BAKKER: Okay.  
20           JUDGE MAX BUNCH: Then you've got every elected official is  
21 a separate equal to you with their own access to their own  
22 areas.  
23           COMMISSIONER BAKKER: Right.  
24           JUDGE MAX BUNCH: I will tell you that there is a master  
25 key that will be in -- in the building or in the KNOX-BOX locked  
26 up. And that's a master key to the whole entire building and  
27 we're --  
28           COMMISSIONER BAKKER: But that's for fire; right?  
29           COMMISSIONER CLARK: For safety.  
30           JUDGE MAX BUNCH: That's for fire --  
31           COMMISSIONER BAKKER: Fire and safety.  
32           JUDGE MAX BUNCH: -- and safety.  
33           COMMISSIONER BAKKER: Yeah.  
34           JUDGE MAX BUNCH: I've went through -- I've got six pages  
35 here of -- of every -- every potential door lock in the building  
36 that we have worked on, like, four or five times, we've had four  
37 or five different meetings for all these locks and how they're  
38 going to work. So --  
39           And I mean, we're work -- we've almost got that. The guy  
40 will be here in September. We'll be working on that. But --

1 COMMISSIONER BAKKER: Okay.

2 JUDGE MAX BUNCH: -- you know, I think we have to have  
3 potentially a fairly tight rein on what's happening.

4 COMMISSIONER MILLS: Where's the -- where's the computer  
5 that's going to control all of that going to be located?

6 JUDGE MAX BUNCH: Well, that's -- that's one of the  
7 questions.

8 COMMISSIONER MILLS: Yeah.

9 JUDGE MAX BUNCH: I think -- I think that if we have it in  
10 administration -- because you could have some group that comes  
11 up and says, hey, we'd like to use the room tonight. Is the  
12 room being used?

13 No.

14 But we want to use it at 7:00 o'clock.

15 So you issue them that little card. Whomever in the  
16 administration can go on there, check their boxes. And you  
17 don't need any other elected official to do it because that  
18 really only has three doors that that's going to control.

19 COMMISSIONER BAKKER: And can't you put like a time on  
20 there? Say they're going to be there at 7, 00 you can have it,  
21 --

22 COMMISSIONER CLARK: Yeah, it's timed.

23 COMMISSIONER BAKKER: -- the card shut off at midnight or  
24 whatever?

25 JUDGE MAX BUNCH: You could, but there are some groups that  
26 are there with monthly meetings.

27 COMMISSIONER BAKKER: Right.

28 JUDGE MAX BUNCH: You -- say, the gun club for example.  
29 They're there on a monthly meeting for the most part all the  
30 time. And you can give that card to them. Because if you don't  
31 want them in there anymore, you go in the computer. You uncheck  
32 it. They ain't getting in.

33 COMMISSIONER BAKKER: Right.

34 JUDGE MAX BUNCH: It's all done.

35 COMMISSIONER BAKKER: And they can only get into that one  
36 room; right?

37 JUDGE MAX BUNCH: Yes.

38 COMMISSIONER CLARK: Yeah.

39 JUDGE MAX BUNCH: Well, no. I take that back. They can  
40 only have a meeting in that one room. But there is restrooms

1 and everything available. So they can get into more than one  
2 room.

3 COMMISSIONER CLARK: Uh-huh.

4 JUDGE MAX BUNCH: There's -- there's a room for a meeting  
5 and there's all the facilities that go with it.

6 COMMISSIONER CLARK: They can get into a room. They can't  
7 get into an office.

8 COMMISSIONER BAKKER: Right.

9 DISTRICT ATTORNEY HERRERA: They can get into that one  
10 area.

11 COMMISSIONER BAKKER: Right.

12 JUDGE MAX BUNCH: And the bathrooms, the public bathrooms  
13 that are located for them.

14 COMMISSIONER BAKKER: Right.

15 COMMISSIONER MILLS: So is -- is this program set up so  
16 that the gun club is just -- you just check them off, and  
17 they're able to get in every Thursday night at 7:00 o'clock? Or  
18 --

19 JUDGE MAX BUNCH: You know, --

20 COMMISSIONER MILLS: -- the first Thursday of the month at  
21 7:00 o'clock.

22 JUDGE MAX BUNCH: I wish --

23 COMMISSIONER MILLS: And that's --

24 JUDGE MAX BUNCH: -- I knew the answer.

25 COMMISSIONER MILLS: Okay.

26 JUDGE MAX BUNCH: And that's the meeting I wanted to have  
27 with the gentleman.

28 COMMISSIONER MILLS: Okay.

29 JUDGE MAX BUNCH: But he's --

30 COMMISSIONER MILLS: It seems like that should be possible.

31 JUDGE MAX BUNCH: He's got a few more fires to get put out.  
32 Well, -- (indiscernible) -- but it's bad to say fires. But  
33 there's lot of issues he's working out.

34 COMMISSIONER MILLS: All right.

35 COMMISSIONER BAKKER: A lot of bugs.

36 JUDGE MAX BUNCH: Yeah. There's a lot of bugs. And some  
37 of the cable didn't get ran. And so that's why they're there --

38 COMMISSIONER MILLS: Oh.

39 JUDGE MAX BUNCH: -- at 3:00 this morning getting the  
40 cables ran that weren't ran that needed to be ran so that

1 there's a test coming up. And that has to happen.  
2 So there are those things that we are working on that just  
3 pop up as we go along, issues.  
4 So -- so, like I said, I haven't had the opportunity to  
5 talk to him, but I would like to talk to him and see what kind  
6 of system it actually is or if it's two separate computers. I'm  
7 hoping it's one computer, one software program with -- whether  
8 we decide to do it with two passwords or three passwords or four  
9 passwords. And you've got a whole bunch of people there --  
10 COMMISSIONER CLARK: Oh, yeah.  
11 JUDGE MAX BUNCH: -- so that when the key's made or the  
12 fob's made -- and then once you do it, you're done. But if you  
13 have a terminated employee, --  
14 COMMISSIONER MILLS: Yeah, just --  
15 JUDGE MAX BUNCH: -- you get -- you uncheck it. You don't  
16 have to worry about them getting into the building.  
17 COMMISSIONER MILLS: So when that computer crashes, is  
18 there going to be an alternate way to get into the building?  
19 JUDGE MAX BUNCH: There probably will be a backup to the --  
20 to the company, Tri-Signal, who's actually putting in all that  
21 information.  
22 COMMISSIONER MILLS: Okay.  
23 COMMISSIONER BAKKER: There's an actual --  
24 DISTRICT ATTORNEY HERRERA: We're going to be --  
25 COMMISSIONER BAKKER: -- hard key, though; right?  
26 DISTRICT ATTORNEY HERRERA: We're going to be worried about  
27 getting out of the building.  
28 COMMISSIONER BAKKER: Yeah.  
29 COMMISSIONER MILLS: Well, push the door. You're out.  
30 DISTRICT ATTORNEY HERRERA: Not getting into the building.  
31 JUDGE MAX BUNCH: There are. There --  
32 COMMISSIONER BAKKER: There's an actual metal master key.  
33 JUDGE MAX BUNCH: I -- I have a backup plan to the  
34 computer.  
35 COMMISSIONER MILLS: Okay.  
36 JUDGE MAX BUNCH: And that's part of these -- this --  
37 COMMISSIONER BAKKER: You have to do it like we all do it.  
38 Put it in and turn it.  
39 COMMISSIONER MILLS: Really? That's weird.  
40 KEITH WESTENGARD: Is this going to be compared to, like,

1 when you go to a hotel and you get your hotel room key. And  
2 that key will also open the swimming pool and the gym, but it  
3 wouldn't go into the manager's office?  
4 JUDGE MAX BUNCH: That's correct.  
5 KEITH WESTENGARD: Okay.  
6 COMMISSIONER MILLS: Yeah.  
7 KEITH WESTENGARD: So -- all right. Just wanted to make  
8 sure.  
9 JUDGE MAX BUNCH: Yeah. That's -- that's kind of the  
10 concept, the proximity.  
11 KEITH WESTENGARD: All right.  
12 JUDGE MAX BUNCH: It's not the magnetic where you slide it  
13 in. It's the -- being in the proximity of it.  
14 KEITH WESTENGARD: Yeah. Because I got one for the  
15 hospital. I got one. And it's -- it's just --  
16 JUDGE MAX BUNCH: For this hospital up here?  
17 KEITH WESTENGARD: Yeah.  
18 JUDGE MAX BUNCH: How did you get that?  
19 KEITH WESTENGARD: That gets me into the hospital or the  
20 John Peters building. So -- and just walk slightly across.  
21 JUDGE MAX BUNCH: Well, that's nice. Can I go?  
22 COMMISSIONER MILLS: I don't have one of those.  
23 JUDGE MAX BUNCH: I want one.  
24 COMMISSIONER WAITS: Is that for the emergency room?  
25 KEITH WESTENGARD: I have connections.  
26 COMMISSIONER BAKKER: He got caught.  
27 COMMISSIONER MILLS: That's to the drug cabinet.  
28 JUDGE MAX BUNCH: Your check box might not get checked.  
29 COMMISSIONER MILLS: Yeah.  
30 JUDGE MAX BUNCH: So, yeah. It's a -- it's a convoluted  
31 process and to sit and think out every little thing that's  
32 happening and I know there's going to probably be errors in  
33 there. But like I said, we've had four or five meetings where  
34 we've got one more meeting. The gentleman's going to be here  
35 September 8<sup>th</sup> to start on -- on the backup plan. So we're --  
36 we're working diligently.  
37 And every time I go through this process, there's one or  
38 two little changes. But I wanted to make sure the --  
39 COMMISSIONER MILLS: Yeah.  
40 JUDGE MAX BUNCH: -- elected officials had their own access

1 to their own offices and other people didn't have access to  
2 those. And the same with the administration getting into your  
3 office. So --

4 COMMISSIONER BAKKER: Good job, Max.

5 CHAIRMAN STIENMETZ: Thanks, Max.

6 COMMISSIONER BAKKER: I'm glad it's you and not me.

7 COMMISSIONER CLARK: What are you going to do when this is  
8 over with? All your time?

9 JUDGE MAX BUNCH: I'm going on vacation.

10 COMMISSIONER BAKKER: No, no, no.

11 COMMISSIONER CLARK: The rec center. Rec center.

12 COMMISSIONER BAKKER: No, rec center.

13 COMMISSIONER CLARK: There we go.

14 JUDGE MAX BUNCH: That big a place, I'm going to  
15 Disneyland.

16 DISTRICT ATTORNEY HERRERA: I'm going with you.

17 COMMISSIONER BAKKER: Max is still consulting me. And Ted.

18 JUDGE MAX BUNCH: Thank you.

19 DISTRICT ATTORNEY HERRERA: I'm a consultant.

20 COMMISSIONER BAKKER: Yeah. Yeah. But so is Max. You  
21 guys can't leave me there.

22 JUDGE MAX BUNCH: I'm going on vacation.

23  
24 **18) Correspondence/reports/potential upcoming agenda items.**

25  
26 CHAIRMAN STIENMETZ: All right. Let's go to Item 18.  
27 Correspondence, reports, potential upcoming agenda items.

28  
29 (The following correspondence was received:

30 1. Letter from the Nevada Division of Environmental  
31 Protection to Mr. Jason Benson of Reno, Nevada dated July 17,  
32 2015 and received July 23, 2015, regarding Request for  
33 Dielectric Fluid Release/Spill Information at the NV Energy  
34 Transformer near Austin, Nevada, and recommended course of  
35 action in regards to remediation of possible PCB release.

36 2. Proposed Decision dated July 23, 2015, from United  
37 States Department of the Interior, BLM, Mount Lewis Field Office  
38 to Interested Public related to Range Improvement Projects for  
39 Authorization Numbers 2700159, 2706006, and 2706028 Argenta  
40 Allotment, including response to comments.

1           3. Letter from State of Nevada Commission on Mineral  
2 Resources, Division of Minerals, dated July 22, 2015, including  
3 the 2014 Nevada Abandoned Mine Lands Report reviewing the 2014  
4 AML program and activities, contract work, public awareness, and  
5 permanent closures.

6           4. Copy of Water Pollution Control Permit Number  
7 NEV2008102 from the Department of Conservation and Natural  
8 Resources, Division of Environmental Protection, Bureau of  
9 Mining and Reclamation to Red Widow Mining Company, Inc.,  
10 regarding May Turquoise Mine, received July 27, 2015.

11           5. United States Department of the Interior, BLM, Mount  
12 Lewis Field Office to Interested Public, dated July 28, 2015 and  
13 received July 29, 2015, regarding Proposed Decision Temporary  
14 Range Improvements for Authorization #2700138, including  
15 response to comments.

16           6. Notice of Final Decision from the Nevada Division of  
17 Environmental Protection, dated July 27, 2015 and received July  
18 30, 2015, in regards to Reclamation Permit 0374 pertaining to  
19 Barrick Cortez, Inc., and the Infiltration Study Exploration  
20 Project.

21           7. Letter from Nevada Division of Environmental  
22 Protection to Mr. P. Bryan Johnson, Newmont Mining Corporation,  
23 dated July 31, 2015 and received August 3, 2015, regarding "BMRR  
24 approval of amendment to plan of operations for the Battle  
25 Mountain Complex Exploration Project dated July 20, 2015.  
26 Reclamation Permit 0180; BLM Case No. N-067450."

27           8. Proposed Decision for Range Improvement Projects for  
28 Authorization Number 2703673 from the United States Department  
29 of the Interior, BLM, Mount Lewis Field Office to Interested  
30 Public, dated July 31, 2015 and received August 3, 2015.  
31 Reference 2120 (NVB0100).

32           9. Notice of Amendment to Environmental Assessment by  
33 change in plan of operations and reclamation permit  
34 (NVN-067575)(14-1A) by Barrick Cortez, Inc., including details  
35 related to modifications of existing operations, dated July 28,  
36 2015, from United States Department of the Interior, BLM, Mount  
37 Lewis Field Office, and notice of commencement of comment  
38 period.)

39  
40           COMMISSIONER CLARK: I've got one. I would like Keith to

1 contact Kerry Lee, the sheriff of Lincoln County.  
2 KEITH WESTENGARD: Was it Harry?  
3 COMMISSIONER CLARK: Kerry, K-E-R-R-Y.  
4 KEITH WESTENGARD: Okay. Lee? Lee.  
5 COMMISSIONER CLARK: In Lincoln County, they are -- the  
6 citizens are allowed to drive their ATVs and their OHVs on the  
7 street. They figured out how to do that. And I would like you  
8 to get in touch with him and report back to us by the last  
9 meeting in September. And I'd like to map out a plan, if at all  
10 possible, for Lander County.  
11 COMMISSIONER BAKKER: I think, isn't there a --  
12 COMMISSIONER CLARK: There's an NRS.  
13 COMMISSIONER BAKKER: Not an NRS, but a --  
14 DISTRICT ATTORNEY HERRERA: Ordinance.  
15 COMMISSIONER BAKKER: Yeah, because we looked it up. An  
16 ordinance. We would have to change the ordinance.  
17 COMMISSIONER CLARK: Whatever we need to do.  
18 JUDGE MAX BUNCH: Actually, you'd have to create one. We  
19 don't actually have a -- Judge Max Bunch, for the record.  
20 COMMISSIONER BAKKER: Right.  
21 COMMISSIONER CLARK: It has --  
22 JUDGE MAX BUNCH: We don't -- we don't have an ordinance as  
23 it stands right now. We can do a county ordinance that would  
24 allow that to happen. I know that --  
25 COMMISSIONER CLARK: Right.  
26 JUDGE MAX BUNCH: -- Elko County has done that. And so  
27 it's just a matter of probably getting a copy of their  
28 ordinance, Lincoln County's ordinance. And I think that would  
29 be beneficial for the whole county because we already have  
30 people in the south end of the county that are driving on  
31 potential roads already.  
32 COMMISSIONER CLARK: And we should get a copy of Lincoln  
33 County's ordinance. And Kerry Lee will be more than happy to  
34 talk with you.  
35 COMMISSIONER BAKKER: The golf cart thing or the wine walk.  
36 Where we at?  
37 COMMISSIONER CLARK: That's the sheriff's.  
38 KEITH WESTENGARD: I was contacted yesterday by Sadie  
39 Tingey. And she told me that her board, as well as herself,  
40 would -- didn't want to do that, have a special meeting. They

1 wanted to see how things go this week. So I --  
2 COMMISSIONER BAKKER: Okay.  
3 KEITH WESTENGARD: I dropped it. Those were her words?  
4 COMMISSIONER CLARK: It's Friday.  
5 KEITH WESTENGARD: I -- I understand. And we were going to  
6 have a special meeting set up next week.  
7 COMMISSIONER BAKKER: Yeah, because it's next Friday.  
8 KEITH WESTENGARD: Yeah, it's --  
9 COMMISSIONER MILLS: Next. It's not this week.  
10 COMMISSIONER CLARK: Okay.  
11 KEITH WESTENGARD: And Sadie called this week and said her  
12 and her board would ask me not to have --  
13 COMMISSIONER BAKKER: Did we ever --  
14 KEITH WESTENGARD: -- a special.  
15 COMMISSIONER BAKKER: -- pull the minutes on --  
16 COUNTY CLERK SULLIVAN: Yes, we did. Sadie Sullivan, for  
17 the record.  
18 COMMISSIONER BAKKER: How'd that run?  
19 COUNTY CLERK SULLIVAN: I believe it was 2012. And it was  
20 where it was brought to the board specifically. I have it in my  
21 office, sitting on the table, if you would like a copy. But it  
22 was for Bullock Management for that day specifically. I think  
23 it was September. And it was for the golf cart limousines. So  
24 it was specifically that company specifically that day. So it  
25 was --  
26 COMMISSIONER BAKKER: So we need to make it broader. We'll  
27 see how it goes. So...  
28 COMMISSIONER CLARK: Okay.  
29 CHAIRMAN STIENMETZ: All right. Anything else?  
30 KEITH WESTENGARD: Yeah, I just wanted to let you guys  
31 know, I'm going to be emailing you for you to look over for what  
32 should be on the meeting for the 27<sup>th</sup>. It's a new job  
33 description that will reflect Finance, slash, assistant  
34 executive director. So I'm emailing you next week so you guys  
35 will have it for review. And it will be on the 27<sup>th</sup> agenda.  
36 CHAIRMAN STIENMETZ: All right. Thank you.  
37 KEITH WESTENGARD: Uh-huh.  
38  
39  
40

1 **PUBLIC COMMENT**

2  
3 CHAIRMAN STIENMETZ: All right. If there's nothing else,  
4 we'll go to public comment for non-agendized items only.

5 Do we have any public comment?

6 (No comment.)  
7  
8

9 **ADJOURNMENT**

10  
11 COMMISSIONER BAKKER: Make a motion to adjourn.

12 COMMISSIONER CLARK: Second.

13 CHAIRMAN STIENMETZ: All in favor?

14 COMMISSIONER CLARK: Aye.

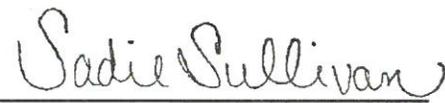
15 COMMISSIONER BAKKER: Aye.

16 COMMISSIONER MILLS: Aye.

17 COMMISSIONER WAITS: Aye.  
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\_\_\_\_\_  
**CHAIRMAN OR VICE CHAIRMAN OF THE  
BOARD OF LANDER COUNTY  
COMMISSIONERS AND THE LANDER  
COUNTY LIQUOR BOARD**

33  
34 **ATTEST:**

  
\_\_\_\_\_  
**LANDER COUNTY CLERK**

35  
36  
37  
38  
39 *Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of*  
40 *Battle Mountain and Austin, Nevada.*