

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 28, 2014, at
4 9:01 a.m.

5
6 **PRESENT:** DEAN BULLOCK, COMMISSIONER
7 STEVEN STIENMETZ, COMMISSIONER
8 BRIAN GARNER, COMMISSIONER
9 DAVID MASON, COMMISSIONER
10 PATSY WAITS, COMMISSIONER
11 SADIE SULLIVAN, COUNTY CLERK
12 NICOLE TING, DEPUTY DISTRICT ATTORNEY
13 NAN ANCHO, FINANCE DIRECTOR
14 JOY SWEENEY, HUMAN RESOURCES DIRECTOR
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16 Let the record reflect the presence of a quorum of five
17 commissioners.

18
19 Let the record reflect the presence of Austin via telephone
20 conference.

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22 [Meeting commenced on August 28, 2014, at 9:01 a.m.]
23

24 CHAIRMAN GARNER: Call to order the meeting of the
25 Lander -- Town -- Lander County Commissioners meeting, Town
26 Board of Battle Mountain, and Austin Board of County Highway
27 Commissioners to order.
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29 (Pledge of Allegiance.)
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32 **APPROVAL OF AGENDA NOTICE**
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34 CHAIRMAN GARNER: Discussion for possible action regarding
35 approval of agenda notice.

36 COMMISSIONER STIENMETZ: I'll make a motion to approve the
37 agenda notice.

38 COMMISSIONER BULLOCK: Second.

39 CHAIRMAN GARNER: All those -- any public comment?

40 (No comment.)

1 CHAIRMAN GARNER: All those in favor?
2 COMMISSIONER MASON: Aye.
3 CHAIRMAN GARNER: Aye.
4 COMMISSIONER WAITS: Aye.
5 COMMISSIONER STIENMETZ: Aye.
6 COMMISSIONER BULLOCK: Aye.
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9 **APPROVAL & ACCEPTANCE OF MINUTES**

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11 CHAIRMAN GARNER: Do we have minutes for the regular
12 session?
13 COUNTY CLERK SULLIVAN: Uh-uh.
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16 **COMMISSIONER REPORTS**

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18 CHAIRMAN GARNER: With no regular session minutes, we'll go
19 on to commissioners' reports on meetings, conferences, and
20 seminars attended.

21 COMMISSIONER MASON: I have nothing.

22 CHAIRMAN GARNER: Patsy.

23 COMMISSIONER WAITS: Thank you. On August 20th, I did
24 attend the Kingston Town Board meeting. Things are -- are
25 pretty much the same. They're still having some real concerns
26 between the town board and the corporation for the Kingston Fire
27 Department. And they're trying to work that out.'

28 They had a very successful fundraiser to the tune of about
29 \$5,000, Brad Ward reported.

30 COMMISSIONER MASON: What was the money for?

31 COMMISSIONER WAITS: The Kingston Fire Department.

32 And their chair resigned from the town board. So they're
33 advertising now, as Sadie knows, for another member to the
34 board.

35 On August 2nd, we had a NACO meeting with some good things
36 that I'd like to share with you. It actually was held in Gerlach.
37 And, yes, after the meeting, we went on a five-hour tour to
38 Burning Man, which was --

39 COMMISSIONER STIENMETZ: Was it open?

40 COMMISSIONER WAITS: It was -- it was very, very

1 interesting. One of -- on of the directors that actually was
2 there from the very beginning spoke to us. And they have a -- a
3 lot that they presented. It's certainly very interesting.

4 One of the things is they are now non-profit and have quite
5 a history of charitable giving to the communities surrounding
6 the Black Rock Desert along with the other things they do and a
7 lot of grants back to the many of the edifices that are there
8 that they built during that Burning Man time. So that was kind
9 of interesting.

10 Couple of things I do want to share. Mark Walker, who is the
11 dean of the University of Nevada Cooperative Extension, spoke with
12 us. He said they were working on the implementation of the county
13 educator central model, doing more education in the different
14 counties. And so they're trying to put that together.

15 Also, they will very soon be searching for a statewide 4-H
16 director. They're really putting a lot of emphasis now on the 4-H
17 again. So that was good news.

18 The board voted to submit five bill draft requests. And
19 I'll share those quickly with you, just general ideas. We don't
20 have the bill draft request put together yet. One is most
21 certainly the timing of payments from net proceeds of the
22 minerals to the counties.

23 Another one is delegating two county commissioners the
24 authority to grant longevity pay for county elected officials.

25 The third one is rebalancing the cost allocation between the
26 state and counties for pre-sentence investigation reports prepared
27 by the Department of Public Safety.

28 Fourth one is delegating additional authority to counties for
29 certain day-to-day functions of county government.

30 And the fifth is adjustment to structure and costs for the
31 provisions of the indigent defense in the state of Nevada. And
32 we've had a lot of correspondence back and forth. And I know
33 the commissioners have had some regarding our indigent defense
34 and -- and the -- the state's obligation to actually pick up
35 that cost and defend them, not the counties. So they're trying
36 to clarify that on one of the bills.

37 Thank you.

38 CHAIRMAN GARNER: Steve.

39 COMMISSIONER STIENMETZ: All right. On the 15th, I had a
40 Nevada Mining -- meeting with Nevada Mining Association and then

1 a Humboldt River Water Basin Authority meeting.

2 One of the things that was brought up there is we have the
3 extra seat. And since we have five commissioners, if maybe
4 after the election, if there's a second -- another commissioner
5 that would like to go on that board, we can elect another
6 commissioner on that board, which would give us another vote is
7 what it would amount to.

8 And then on the 6th -- Saturday the 16th, I went on the
9 grass tour to look at the various riparian areas and the grass
10 up in the mountains with the ranchers.

11 On the 20th, we had a pool board meeting that we went
12 over the CMARs.

13 And then on the 21st, I had rural half preparedness
14 prevention meeting that lasted all day, which was the very
15 hospitals in our area net [sic].

16 And that's all I have.

17 COMMISSIONER BULLOCK: Okay. On the 16th, I also attended
18 the grass tour, which there was representatives from Elko --
19 this is commissioners -- Elko County, Eureka, Humboldt, and of
20 course Lander. So it was a fair turnout from the communities
21 around. And so it was pretty well attended and pretty
22 informative. So that's all I have.

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25 **STAFF REPORTS**

26

27 CHAIRMAN GARNER: Moving on to staff reports on meetings,
28 conferences, and seminars attended.

29 JIM OLSON: I talked to, last week the -- our J.H.
30 Consultants out of Colorado for the levy. We're supposed to
31 have a completed survey that they did and report back to BLM by
32 September. And hopefully, we'll have a copy of that report by
33 early October. That's what I was told.

34 We also had a meeting with Jake, north and south -- Roads
35 and Bridges North and South. And Day Engineering will work with
36 Jake in his capacity. And we'll use Summit Engineering work
37 with Donnie for his -- his roads and bridges, designs and needs
38 and project management so that we can hopefully increase
39 efficiency in the projects, and get a better timing, and avoid
40 confusion that's been happening in the past.

1 And the recreation center for the pool, we had a meeting to
2 -- with the pool committee to review who would be the -- who was
3 successful, the RFP package, to be the CMAR for the county. And
4 only three -- three responded. Only -- only two actually
5 submitted RFPs, which was CORE Construction and Metcalf
6 Builders. And out of those, we selected CORE to be the most
7 likely, the best candidate, the best choice for CMAR.

8 Ormat. Had discussions with Peterson and went over the
9 remaining details that had to be addressed for Grass Valley Road.
10 McGinness encroachment permit is being prepared. As soon as Ormat
11 finishes their final drawings showing the piping's being relocated
12 to the east side of the road and the permit being issued as soon
13 as we get those drawings.

14 Battle Mountain Airport, the FAA had discussions with Mike
15 Williams out of Phoenix. He wants to come out September 9th to do
16 a site review of the airports to see the progress we've made and
17 the status and the compliance with reports and studies we got from
18 J-U-B.

19 And the county code's at Municode. We've sent them over all
20 the resolutions from 2007 to date so that they can coincide that
21 with the various codes that we're asking for and make sure we
22 don't conflict with any NRS regulations.

23 And that's been moving forward. And that's basically about
24 it in a synopsis for right now.

25 COMMISSIONER MASON: How -- on the airport in Austin, how's
26 the fuel delivery system coming along? Is it in?

27 JIM OLSON: We have the plans been done by J-U-B. We're
28 just incorporating the specifics of the manufacturer of the
29 tank. L. A. Perk is going to submit the documents to us for
30 details so we can split them in the drawings. And that's --
31 that's moving along pretty well at this point. Just need to get
32 the actual final quote from L. A. Perks and --

33 COMMISSIONER MASON: Do --

34 JIM OLSON: -- specifications.

35 COMMISSIONER MASON: Do you have go back to the FAA for
36 final approval?

37 JIM OLSON: No, the FAA's approved what we've done so far.

38 And also at Battle Mountain, we have a projection for next
39 year of number of flights we have, which is a critical factor
40 because of the 20-30 runway, which is a crosswind runway. The

1 FAA was pushing to decommission that, which would be a death
2 knell, I think, to the airport so far as BLM firefighting. And
3 our estimates that J-U-B put together, they accepted, which is
4 very nice, which is extremely useful because now we can justify
5 the air -- the air traffic on that runway and justify the need
6 to upgrade it and keep it in condition to use to take C-130s.

7 COMMISSIONER MASON: So is that likely to be a subject in
8 the future? Shutting doing that runway?

9 JIM OLSON: No, I think that kind of opens a window up for
10 us to get approved for grants. That's a critical factor to get
11 grant approval is to show number of flights we have or projected
12 flights and having them accept that. It has to be greater than
13 95 -- if it's greater 95 -- it has to be greater than 95-percent
14 usage to justify the -- the grant. And so now the FAA's behind
15 us and saying, yes, we agree with you.

16 COMMISSIONER MASON: Good.

17 JIM OLSON: So now we're opting -- we're opting for that
18 and be looking for that grant next year to do the actual
19 resurfacing of that runway.

20 COMMISSIONER MASON: Thank you.

21 COMMISSIONER WAITS: Jim, I have a quick question on the
22 ordinances. And I know you've been reporting we hired the firm
23 that's making sure we're in compliance with NRS and all. But is
24 this the time when you're also looking to where they are and if
25 they need updated and if some are absolutely obsolete? So are
26 you working with the DA's office on that --

27 JIM OLSON: Yes.

28 COMMISSIONER WAITS: -- so when it will be finished it all
29 will be a complete --

30 JIM OLSON: Yeah, we'll have a --

31 COMMISSIONER WAITS: -- revamping?

32 JIM OLSON: complete -- it will cover all the codes. We're
33 trying to add new codes as appropriate and bring them before the
34 board and get their approval for ordinance -- ordinance changes
35 and things like that.

36 COMMISSIONER WAITS: Good.

37 JIM OLSON: I haven't gotten that far right now. He's just
38 reviewing -- the attorney involved is reviewing all the
39 resolutions we've had because he said some of the resolutions
40 were in conflict with NRS. And he wants to read them

1 specifically and understand and see how he has to change the
2 language to match it correctly.

3 COMMISSIONER WAITS: I understand on that side. I just
4 wanted to be sure we weren't through and we were going to
5 continue to update the ordinances that need to be updated on
6 other (indiscernible), not the fact that we were just in
7 conflict with the NRS. Good.

8 JIM OLSON: Yeah, he's --

9 COMMISSIONER WAITS: Thank you.

10 JIM OLSON: They're going over all of that to make sure it
11 all is up to date and current.

12 CHAIRMAN GARNER: Is that it?
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15 **PAYMENT OF THE BILLS**
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17 CHAIRMAN GARNER: Discussion for possible action regarding
18 payment of the bills.

19 CINDY BENSON: I'm Cindy with the finance department
20 (indiscernible).

21 And I have submitted expenditures in the amount of
22 \$1,253,030.69 from check #49227 through 49221.

23 And I only have one check to ratify: check #49212 in the
24 amount of \$4,129.46 to Wells Fargo Remittance, the county's credit
25 card.

26 CHAIRMAN GARNER: I need to abstain from check 49234, Car
27 Wash.

28 COMMISSIONER BULLOCK: And I need to abstain from check
29 #49245.

30 COMMISSIONER WAITS: And I will be abstaining from check
31 49313 for travel expenses.
32

33 (Commissioners reviewing payment of the bills.)
34

35 **Wells Fargo Remittance**
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37 COMMISSIONER BULLOCK: I make a motion to ratify check
38 #49212 to Wells -- Wells Fargo Remittance in the amount of
39 \$4,129.46.

40 COMMISSIONER STIENMETZ: I'll second the motion.

1 CHAIRMAN GARNER: Public comment?
2 (No comment.)
3 CHAIRMAN GARNER: All those in favor?
4 COMMISSIONER MASON: Aye.
5 COMMISSIONER WAITS: Aye.
6 COMMISSIONER STIENMETZ: Aye.
7 COMMISSIONER BULLOCK: Aye.

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Submitted Expenditures

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COMMISSIONER BULLOCK: I'll make a motion to approve submitted expenditures in the amount of \$1,253,030.69 from check #49227 through check #49321.
COMMISSIONER STIENMETZ: I will second the motion.
CHAIRMAN GARNER: Any public comment?
(No comment.)
CHAIRMAN GARNER: All those in favor?
COMMISSIONER MASON: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN GARNER: Aye.
COMMISSIONER STIENMETZ: Aye.
COMMISSIONER BULLOCK: Aye.

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PUBLIC COMMENT

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CHAIRMAN GARNER: Public comment for non-agendized items only.
(No comment.)
CHAIRMAN GARNER: Seeing none, we'll move on to one.

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FINANCE

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- 1) Discussion for possible action regarding budget review, contracts, financial update, and other matters properly relating thereto.

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CHAIRMAN GARNER: Discussion for possible action regarding budget review, contracts, financial update, and other matters

1 properly related thereto.

2 Hello, Nan.

3 NAN ANCHO: Good morning.

4 CHAIRMAN GARNER: Good morning.

5 COMMISSIONER BULLOCK: Morning.

6 COMMISSIONER STIENMETZ: Morning.

7 COMMISSIONER STIENMETZ: Morning.

8 NAN ANCHO: Nan with Finance.

9 Get to my page. I have the accounts receivables for July
10 are as follows: Water 5,750; Sewer 4,200; Miscellaneous
11 Water/Sewer \$16; Landfill, 11,221; Ambulance is \$80; and Active
12 Accounts at Collections is 972, for a total of \$22,239.

13 And I just wanted to let you know I won't be attending CFOA
14 the 9th, 10th, and 11th. I'll be staying here, working hard
15 because our audit starts the following week. So it's best I stay
16 here. And that's all I have on that subject.

17 COMMISSIONER STIENMETZ: Thank you.

18 COMMISSIONER BULLOCK: Thanks, Nan.

19

20 **2) Discussion for possible action regarding a resolution**
21 **directing apportionment of net proceeds received in the month**
22 **of August 2014, and other matters properly relating thereto.**
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24 CHAIRMAN GARNER: Two, discussion for possible action
25 regarding a resolution re- -- directing apportionment of net
26 proceeds received in the month of August 2014, and other matters
27 properly related thereto.

28 NAN ANCHO: On August 1st, 2014, the Lander County
29 treasurer received \$1,563,255.06 in net proceeds.

30 The mandated funds were distributed: Commission Fees,
31 \$46,897.65; Assessor's Tech Fees, \$31,265.10; China Springs,
32 \$1,472.36; State Medical Indigent, \$32,146.55; State Indigent
33 (NACO), \$7,361.81; Capital Acquisition, \$14,723.61; Landfill,
34 \$24,539.35; Hospital, \$238,205.97; School District, \$349,685.81.
35 The total mandated was \$746,298.21.

36 And discretionary went to the CCP Fund for 816 thousand 956
37 thousand -- 956 dollars and 85 cents.

38 COMMISSIONER BULLOCK: This an adjustment? Or is this --

39 NAN ANCHO: These were net proceeds that we received. It
40 didn't -- she didn't say if it was projected or if it was a

1 true-up. I'm taking it as projected for this next year because
2 that's when we received it. So you can't -- can't spend it
3 right now.

4 COMMISSIONER STIENMETZ: Not until we get -- this is just a
5 prediction of what we're going to get, right? That's what --
6 NAN ANCHO: I do believe so, yes.

7 COMMISSIONER BULLOCK: I thought we usually got that in
8 June.

9 NAN ANCHO: You did get some in June. But we did receive
10 another distribution just the first week in August for '14/'15.

11 COMMISSIONER BULLOCK: Hm.

12 COMMISSIONER MASON: When do you know for sure?
13 NAN ANCHO: We'll know for sure in about May.

14 COMMISSIONER MASON: Of next year.

15 COMMISSIONER STIENMETZ: When they give us a check.

16 NAN ANCHO: Mm-hm.

17 COMMISSIONER STIENMETZ: Right, Nan?
18 NAN ANCHO: What's that?
19 COMMISSIONER STIENMETZ: When we get the check?
20 NAN ANCHO: Oh, well, you got the check, but --
21 COMMISSIONER STIENMETZ: Oh.
22 NAN ANCHO: -- you -- this is --
23 COMMISSIONER STIENMETZ: When they --
24 NAN ANCHO: -- money that came in. But you don't know if
25 you get to keep all your net proceeds --
26 COMMISSIONER STIENMETZ: Oh, all right.
27 NAN ANCHO: -- for '14/'15 until May.

28 COMMISSIONER WAITS: It's just an estimation. And that's
29 why one of the bill draft requests was for them to do this
30 another way. It's catching a lot of counties in a real --
31 NAN ANCHO: Into a tight -- mm-hm.
32 COMMISSIONER WAITS: -- into a real bad situation because
33 they have the money and end up spending it because they need to.
34 But then when they come and say, you owe us this back, it's very
35 difficult.

36 NAN ANCHO: Correct.

37 COMMISSIONER WAITS: So it's a strange way of doing it, and
38 nobody's really happy, I think, with the way it's putting forth.
39 So --
40 NAN ANCHO: Right.

1 COMMISSIONER MASON: So the November election is this --
2 this net proceeds could just go away? Is what you're -- is that
3 true?
4 CHAIRMAN GARNER: No.
5 COMMISSIONER BULLOCK: No, not in the election.
6 COMMISSIONER STIENMETZ: No.
7 COMMISSIONER BULLOCK: That depends on the legislature.
8 COMMISSIONER MASON: Okay.
9 COMMISSIONER BULLOCK: I make a motion the commission
10 approve and adopt Resolution Number 2014-14, a resolution
11 directing apportionment of the net proceeds of minerals tax
12 received on August 1st, 2014, in the amount of \$1,563,255.06 and
13 allocating the Lander County portion in the amount of
14 \$816,956.85 to the appropriate funds.
15 COMMISSIONER STIENMETZ: I will second the motion and
16 authorize the chair to sign.
17 COMMISSIONER WAITS: Do we need to authorize the chair to
18 sign the resolution?
19 CHAIRMAN GARNER: He just did.
20 COUNTY CLERK SULLIVAN: He stated that while you were
21 talking.
22 COMMISSIONER STIENMETZ: That's what I said.
23 COMMISSIONER WAITS: Okay.
24 COMMISSIONER STIENMETZ: We need to authorize the chair to
25 sign it.
26 COMMISSIONER WAITS: Thank you.
27 COMMISSIONER BULLOCK: So I'll say, "authorize the chair to
28 sign."
29 CHAIRMAN GARNER: Any public comment?
30 (No comment.)
31 CHAIRMAN GARNER: All those in favor?
32 COMMISSIONER MASON: Aye.
33 CHAIRMAN GARNER: Aye.
34 COMMISSIONER WAITS: Aye.
35 COMMISSIONER STIENMETZ: Aye.
36 COMMISSIONER BULLOCK: Aye.
37 NAN ANCHO: Thank you.
38 CHAIRMAN GARNER: Thanks, Nan.
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1 ROAD AND BRIDGE SOUTH

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3 3) Discussion for possible action regarding operations and
4 projects for the Road and Bridge South Department, and other
5 matters properly related thereto.

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7 CHAIRMAN GARNER: Three, discussion for possible action
8 regarding operations and projects for the Road and Bridge South
9 Department, and other matters properly related thereto.

10 Bert, are you on the phone?

11 MITESHELL LANHAM: No, he's not here.

12 CHAIRMAN GARNER: Thank you.

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15 ROAD AND BRIDGE NORTH

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17 4) Discussion for possible action regarding operations and
18 projects for the Road and Bridge North Department, and other
19 matters properly related thereto.

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21 CHAIRMAN GARNER: Four, discussion for possible action
22 regarding operations and projects for the Road and Bridge North
23 Departments, and other matters properly related thereto.

24 Donnie, you on the phone?

25 COMMISSIONER BULLOCK: No, he's in Reno.

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27
28 PUBLIC WORKS

- 29
30 5) Discussion for possible action regarding operations and
31 projects for the Public Works Department, and other matters
32 properly related thereto.

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34 CHAIRMAN GARNER: Five, discussion for possible action
35 regarding operations and projects for the Public Works
36 Department, and other matters properly related thereto.

37 JAKE EDGAR: Morning.

38 COMMISSIONER STIENMETZ: Morning.

39 CHAIRMAN GARNER: Jake's --

40 COMMISSIONER BULLOCK: Morning, Jake.

1 CHAIRMAN GARNER: Are you there?
2 JAKE EDGAR: Yeah, I'm here partly.
3 Not much has changed since the last time we talked.
4 Project-wise: Well 9, we're still waiting for some state samples
5 to come back. But all in all, the job is pretty much complete
6 except for some programming. And it looks -- everything looks
7 really good. Water looks good. So we're doing about 1600 gallons
8 a minute, which is awesome. So that's all doing well.
9 Courthouse, we're going -- I'm going to make their engineer
10 change the design a little bit and give us some extra fire
11 hydrants along the freeway there. They only have one. If it ever
12 does develop, might as well have them there for the future
13 anyways, so --
14 CHAIRMAN GARNER: I thought --
15 I thought --
16 JAKE EDGAR: They'll design that in there.
17 CHAIRMAN GARNER: I thought we had three.
18 JAKE EDGAR: Only one on the drawings, so --
19 CHAIRMAN GARNER: There's supposed to be three.
20 JAKE EDGAR: One is a -- yeah, he's -- he's going to call
21 and get -- figure out what they're got going, so --
22 CHAIRMAN GARNER: They said -- yeah, because originally --
23 JAKE EDGAR: There's going to be some at the facility
24 itself moved closer.
25 CHAIRMAN GARNER: We wanted three down there every so-many
26 feet.
27 JAKE EDGAR: There's only one on the thing. So anyway,
28 we'll get it handled.
29 CHAIRMAN GARNER: Cool.
30 JAKE EDGAR: Other than that, the alley project, all the
31 road crossings are done. They've started in between Second and
32 Third on the Reese side of town over here. And they've
33 already -- that first portion of the alley's already done.
34 They'll pour the manhole today.
35 And that portion of the alley is where we had troubles in
36 the past with -- there's a residence at the end of the alley.
37 And they -- they had a lawsuit against us. I don't know where
38 that's at right now. But we flooded their basement, according
39 to them. But we found the bad spot in the pipe, which was
40 partially the gas company's issue. When they bored the gas

1 lines in the past, it nicked a hole in the pipe and part of the
2 gas line was sticking through. We've got pictures of it.
3 Anyway, long story short, that's going on. It's going good,
4 too. So those were the project updates.
5 COMMISSIONER BULLOCK: Okay, so on Well 9.
6 JAKE EDGAR: Yeah, sorry.
7 COMMISSIONER BULLOCK: At 1600, you going to run that as
8 the primary and use the other two as the backup then?
9 JAKE EDGAR: We will rotate them just like -- in the
10 programming, we have it where nine will come on first, and then
11 there will be a lead. Seven or eight will take up the lag,
12 depending on -- and we'll rotate those back and forth as needed.
13 It will never ever not run so that we don't have -- I mean,
14 it's just easier on maintenance.
15 COMMISSIONER BULLOCK: Or switch them wintertime.
16 JAKE EDGAR: Yep. We'll just --
17 COMMISSIONER BULLOCK: To where nine's not the primary?
18 JAKE EDGAR: Right. And we have the option to do all
19 three, so --
20 COMMISSIONER BULLOCK: Okay.
21 JAKE EDGAR: And then other than that, we're chasing water
22 leaks. That's about it.
23 Any --
24 Oh, the VFD showed up for the golf course. And I'm hoping
25 it'll be in within the next week. So --
26 Any questions?
27 COMMISSIONER MASON: I have one. I was out at the two new
28 tanks.
29 JAKE EDGAR: Uh-huh.
30 COMMISSIONER MASON: And there's a -- I didn't know how to
31 read what that gauge was that hangs downs the side of the tank.
32 COMMISSIONER STIENMETZ: It's the level (indiscernible).
33 COMMISSIONER MASON: What is that? Level?
34 JAKE EDGAR: Correct.
35 COMMISSIONER MASON: Water level inside?
36 JAKE EDGAR: Correct. And it reads backwards.
37 COMMISSIONER MASON: It what?
38 JAKE EDGAR: It reads backwards.
39 CHAIRMAN GARNER: Remember, we went through this a few
40 months ago?

1 COMMISSIONER MASON: No wonder I didn't understand. So you
2 have to be in reverse to read it?
3 JAKE EDGAR: Yeah.
4 COMMISSIONER STIENMETZ: Yep.
5 COMMISSIONER MASON: Thank you.
6 JAKE EDGAR: Pretty much.
7 UNIDENTIFIED PARTICIPANT: The other way.
8 COMMISSIONER BULLOCK: The more -- the more it goes on the
9 outside, the more water that's in it.
10 CHAIRMAN GARNER: You've just got to stand on your head,
11 Dave.
12 COMMISSIONER MASON: There you go.

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15 **TREASURER**

16

17 6) Discussion for possible action concerning a) the County
18 "Elite" Credit Card, to increase the county credit card limit
19 for a total of \$80,000.00, b) the Authorization to Borrow
20 Letter on behalf of Lander County for a new Business Elite
21 account from Wells Fargo; and other matters properly related
22 thereto.

23

24 CHAIRMAN GARNER: Discussion for possible action concerning
25 a) the county "Elite" credit card to increase the county credit
26 card limit for a total of \$80,000.00, b) the Authorization to
27 Borrow letter on behalf of Lander County for a new Business
28 "Elite" account from Wells Fargo; and other matters properly
29 related thereto.

30 COMMISSIONER BULLOCK: Can we get ahold of Grace?

31 COMMISSIONER GARNER: How many times are we going to hammer
32 this?

33 COMMISSIONER BULLOCK: She wants to raise it?

34 COUNTY CLERK SULLIVAN: I don't know where --

35 CHAIRMAN GARNER: We already raised it last time.

36 COUNTY CLERK SULLIVAN: Do you want me just to walk there
37 real quick?

38 I don't know the number.

39 COMMISSIONER BULLOCK: Okay. Thanks, Nan.

40 COMMISSIONER STIENMETZ: Thanks, Nan.

1 COMMISSIONER BULLOCK: My understanding and Grace can do it
2 with the total of the added credit cards, the limit is higher
3 than what originally projected.
4 CHAIRMAN GARNER: I thought we raised it last time to a
5 hundred.
6 COMMISSIONER STIENMETZ: But what --
7 COMMISSIONER BULLOCK: Uh-uh. Eighty. Or no, it was
8 sixty.
9 COMMISSIONER STIENMETZ: Something like sixty, I think.
10 COMMISSIONER BULLOCK: We were switching companies.
11 CHAIRMAN GARNER: Oh, now we're switching?
12 Try this again.
13 GRACE POWRIE: Good morning. I'm sorry. Things are really
14 busy this morning.
15 COMMISSIONER WAITS: Good morning, Grace.
16 GRACE POWRIE: Item number seven?
17 CHAIRMAN GARNER: You're up.
18 COMMISSIONER BULLOCK: Six.
19 COMMISSIONER STIENMETZ: Six.
20 GRACE POWRIE: Which item is that?
21 COMMISSIONER BULLOCK: Credit card.
22 COMMISSIONER STIENMETZ: Limit.
23 GRACE POWRIE: Okay. Basically, when I was in in June, we
24 did a -- a letter that exceeded the -- the maximum. So we just
25 need to redo it for a lower amount. That's basically all it is.
26 I think our first letter had 125,000 on it. And it can
27 only be a hundred, so --
28 COMMISSIONER STIENMETZ: Why does this say 80-?
29 GRACE POWRIE: That's just the increase of 80-. We have a
30 limit of 20- right now already --
31 COMMISSIONER STIENMETZ: Oh.
32 GRACE POWRIE: -- on. So I just need to increase it by 80-
33 and make it a maximum of a hundred, just make everything right.
34 And then I can send everything in.
35 COMMISSIONER BULLOCK: So we're looking for a hundred
36 thousand?
37 GRACE POWRIE: Just an increase of 80- to make it a maximum
38 of a hundred, yes. Because we're going to have, like, 23 cards
39 issued. And the combined total of all those cards can't go over
40 that maximum is basically what that says.

1 COMMISSIONER WAITS: So all the cards will have the same
2 limit?

3 COMMISSIONER BULLOCK: No.

4 CHAIRMAN GARNER: No.

5 GRACE POWRIE: No, at the -- at the previous meeting, you
6 put a maximum for the elected officials and a maximum on the
7 department heads. And so each elected official and the
8 executive director will state -- the elected officials will do
9 their maximum or their minimum of the amount they want. And the
10 director will indicate to me how much each of the department
11 heads can have on theirs without exceeding the maximum.

12 COMMISSIONER BULLOCK: I'll make a motion that the
13 commission approve the county "Elite" credit card to increase
14 the credit card limit by 80,000 to give it a maximum of 100,000
15 and make -- allow -- who's got to sign the letter?

16 GRACE POWRIE: Any two commissioners. So it can be the
17 chair and -- so it's you guys here today -- the chair and the
18 vice chair --

19 COMMISSIONER STIENMETZ: Vice chair.

20 GRACE POWRIE: -- can sign.

21 COMMISSIONER BULLOCK: And authorize, the Authorization to
22 Borrow letter on behalf of the Lander County for a new business
23 "Elite" account from Wells Fargo and authorize those designated
24 to sign.

25 COMMISSIONER STIENMETZ: I'll second the motion.

26 CHAIRMAN GARNER: All those -- public comment?

27 (No comment.)

28 CHAIRMAN GARNER: All those in favor?

29 COMMISSIONER MASON: Aye.

30 COMMISSIONER WAITS: Aye.

31 CHAIRMAN GARNER: Aye.

32 COMMISSIONER STIENMETZ: Aye.

33 COMMISSIONER BULLOCK: Aye.

34 GRACE POWRIE: Thank you, gentlemen and Patsy. Thank you.

35

36 7) Discussion for possible action regarding approval/disapproval
37 to revise the County Investment Policy from A to AAA Rated
38 Corporate Notes and Bonds (final maturity of 5 years or less,
39 purchased through an investment adviser only), and other
40 matters properly related thereto.

1
2 CHAIRMAN GARNER: Seven, discussion for possible action
3 regarding approval/disapproval to revise the county investment
4 policy from A to AAA rated corporate notes And bonds (final
5 maturity of 5 years or less, purchased through an investor --
6 investment adviser only), and other matters properly related
7 thereto.

8 GRACE POWRIE: I have a investment policy in place for
9 many, many years. And I'm just adding corporate paper to it.
10 So I would just like to add one more option as item number "I"
11 to the existing policy.
12 Give me a few more options to invest.

13 COMMISSIONER BULLOCK: Better rates?

14 GRACE POWRIE: At this point, yes.
15 You know, it's -- it's all within the statutes. Some statute
16 policies I don't have in mine. So I'm actually more limited than
17 what the statute allows. But this one here may help us a little
18 bit until the -- the interest rates come up. We'll see how that
19 works.

20 COMMISSIONER MASON: Who has final authority on this --
21 making these investments? You?

22 GRACE POWRIE: Yes.

23 COMMISSIONER MASON: And who do you talk to? Do you -- I
24 mean, do you converse with legal? Do you converse with a
25 committee?

26 GRACE POWRIE: I have several investment officers out
27 there, the State of Nevada.

28 COMMISSIONER MASON: Professionals?

29 GRACE POWRIE: Yes.

30 COMMISSIONER MASON: Okay.

31 COMMISSIONER STIENMETZ: I'll make a motion that the
32 commission approve to revise the county investment policy from A
33 to AAA rated corporate notes and bonds (final maturity of five
34 years or less, purchased through an investment adviser only).

35 COMMISSIONER MASON: I'll second it.

36 GRACE POWRIE: I think the --

37 CHAIRMAN GARNER: Public comment?
38 (No comment.)

39 CHAIRMAN GARNER: All those in favor?
40 COMMISSIONER MASON: Aye.

1 COMMISSIONER WAITS: Aye.
2 CHAIRMAN GARNER: Aye.
3 COMMISSIONER STIENMETZ: Aye.
4 COMMISSIONER BULLOCK: Aye.
5 GRACE POWRIE: I have one down on letterhead to sign. It's
6 exactly what's in your packet. I just put it on letterhead to
7 make sure that --
8 CHAIRMAN GARNER: Why doesn't she have it?
9 COMMISSIONER BULLOCK: You need to amend your motion.
10 COMMISSIONER STIENMETZ: What's that? Oh --
11 COMMISSIONER BULLOCK: To author- --
12 COUNTY CLERK SULLIVAN: Authorize the chair.
13 COMMISSIONER STIENMETZ: All right. I amend my motion to
14 authorize the chair to sign.
15 COUNTY CLERK SULLIVAN: May -- may I get a copy for the --
16 GRACE POWRIE: Yeah.
17 CHAIRMAN GARNER: Second?
18 COMMISSIONER MASON: Second.
19 CHAIRMAN GARNER: Any public comment?
20 (No comment.)
21 CHAIRMAN GARNER: All those in favor?
22 COMMISSIONER MASON: Aye.
23 COMMISSIONER STIENMETZ: Aye.
24 COMMISSIONER WAITS: Aye.
25 COMMISSIONER BULLOCK: Aye.
26 GRACE POWRIE: Thank you.

27
28
29
30

EXECUTIVE DIRECTOR

31 8) Discussion for possible action regarding the presentation and
32 proposal submitted by Craig Eschrich, IVP Energy Heavy
33 Industries Corporation, to create public-operations and
34 private partnerships through Special Purpose Companies (SPC)
35 to fund the purchase, installation and operation of a solar
36 system for Lander County at select county facilities; and
37 other matters properly related thereto.

38
39
40

CHAIRMAN GARNER: Eight, discussion for possible action regarding presentation and proposal submitted by Craig Eschrich,

1 IVP Energy Heavy Sol- -- Industries Corporations, to create
2 public/private partnerships through Special Purpose Companies
3 (SPC) to fund the purchase, installation, and operation of a
4 solar system for Lander County at select county facilities; and
5 other matters properly related thereto.

6 JIM OLSON: He's going to push this off to September the
7 9th, if he could.

8 CHAIRMAN GARNER: September --

9 JIM OLSON: Or September 11th meeting, I mean, it is.

10 DEPUTY DISTRICT ATTORNEY TING: Nicole Ting, for the
11 record. I'd like to go into a closed -- or I recommend you take
12 it into a closed legal meeting.

13 COMMISSIONER BULLOCK: Make a motion to go into a legal
14 meeting.

15 COMMISSIONER STIENMETZ: I'll second the --

16 CHAIRMAN GARNER: We'll go to legal.

17 All in favor?

18 COMMISSIONER WAITS: Aye.

19 COMMISSIONER STIENMETZ: Aye.

20 CHAIRMAN GARNER: Aye.

21 COMMISSIONER BULLOCK: Aye.

22 COMMISSIONER MASON: Aye.

23 COUNTY CLERK SULLIVAN: We'll call you back, Austin.

24 MITESHELL LANHAM: All right.

25 COUNTY CLERK SULLIVAN: Thank you.

26
27 (Break taken between 9:35 a.m. and 9:41 a.m.)
28

29 **9) Discussion for possible action regarding Lander County**
30 **issuing the Request for Proposal (RFP) to select a firm to**
31 **provide Construction Manager at Risk (CMAR) services for**
32 **Lander County's Battle Mountain Recreation Center, and other**
33 **matters properly related thereto.**
34

35 CHAIRMAN GARNER: -- Request for Proposal (RFP) to select a
36 firm to provide Construction Manager at Risk (CMAR) services for
37 the Lander County, Battle Mountain Recreation Center, and other
38 matters properly related thereto.

39 JIM OLSON: Going through the CMAR process, the review,
40 submitted the requested RFPs and came back. And we held the

1 meeting. And it was decided that CORE would be the best
2 selection for us based on qualifications, experience, and past
3 history of the county, as well as bonding capacity.
4 The other gentleman, Metcalf, that was bidding the project
5 couldn't produce a bond in the capacity we needed for the
6 project.
7 COMMISSIONER BULLOCK: Do we have a figure?
8 COMMISSIONER STIENMETZ: We need to negotiate that.
9 CHAIRMAN GARNER: That's -- yeah -- that's later.
10 COMMISSIONER BULLOCK: Okay.
11 CHAIRMAN GARNER: This is just the first step.
12 COMMISSIONER WAITS: And this was the committee consensus?
13 COMMISSIONER STIENMETZ: Yes.
14 JIM OLSON: Yes, the committee -- committee took an
15 assessment --
16 COMMISSIONER STIENMETZ: It was unanimous.
17 JIM OLSON: -- of the CMAR process, evaluated all three
18 proposals -- pending proposals, and eliminated the other two,
19 like I said, because of the bond on one case and the other one
20 because of unresponsiveness. And that left us with CORE. And
21 CORE was clearly the -- the contractor of choice.
22 What we're asking for is the board's approval to proceed with
23 CORE as our CMAR.
24 COMMISSIONER STIENMETZ: Can I do that, or --
25 COMMISSIONER BULLOCK: Yeah. Go ahead.
26 CHAIRMAN GARNER: I can't.
27 COMMISSIONER STIENMETZ: I'll make a motion that the
28 commissioners uphold the action of Lander County's committee to
29 appoint CORE as the CMAR for the Battle Mountain Recreation
30 Center.
31 COMMISSIONER BULLOCK: Second.
32 CHAIRMAN GARNER: Any public comment?
33 (No comment.)
34 CHAIRMAN GARNER: All those in favor?
35 COMMISSIONER MASON: Aye.
36 COMMISSIONER STIENMETZ: Aye.
37 COMMISSIONER WAITS: Aye.
38 COMMISSIONER BULLOCK: Aye.
39
40

1 10) Discussion for possible action regarding the Pershing County
2 Water Conservation District ("District") and Lander County
3 seeking to obtain transfer of title to portions of the
4 Humboldt Project Conveyance Act from the United States,
5 acting through the Bureau of Reclamation, Department of the
6 Interior, to "District" and Lander County; and other matters
7 properly related thereto.
8

9 CHAIRMAN GARNER: Ten, discussion for possible action
10 regarding the Pershing County Water Conservation District
11 ("District") and Lander County seeking to obtain transfer of
12 title to portions of the Humboldt Project Conveyance Act from
13 the United States, acting through the Bureau of Reclamation,
14 Department of the Interior, to "District" and Lander County; and
15 other matters properly related thereto.

16 Was this where they were going to try and give those
17 pieces back?

18 COMMISSIONER STIENMETZ: This is where they're giving us
19 the land by where the other office is and the other building and
20 all that and other areas over there.

21 CHAIRMAN GARNER: Those several pieces that were --

22 COMMISSIONER STIENMETZ: Yeah.

23 CHAIRMAN GARNER: -- that have been going for 20 years?

24 COMMISSIONER BULLOCK: Mm-hm.

25 GERALD LAMIAUX: Hi. Just to make myself available for
26 your information.

27 CHAIRMAN GARNER: Speak your name for the record.

28 GERALD LAMIAUX: Gerald Lamiaux.

29 CHAIRMAN GARNER: Okay.

30 GERALD LAMIAUX: Former county commissioner, former school
31 board member, president of the Nevada Association of School
32 Boards. I've -- the -- I was on the RAC -- chairman of the RAC
33 for several years of Northeast Great Basin Resource Advisory
34 Council, et cetera.

35 I'm -- I'm just a full-time miner, but have done -- have
36 involved myself in some public, some public things.

37 I -- yeah, before it's opened for me, I will -- -- I became
38 aware of this project only in 1995; I think I was sitting as the
39 chairman of this board. And we were asked to support the Pershing
40 County Water Conservation District effort to transfer title of the

1 -- all of the assets involved in the Humboldt project.

2 Humboldt project is defined in these contracts. It was a CCC
3 project of 1933 or so. And it involved the construction of the
4 Rye Patch Dam and distribution of water and acquiring the water
5 rights that would make it a viable reservoir.

6 I think you've gone through the history of it. Every
7 document that's involved has the history of it. The big
8 difference here is that Pershing County Water Conservation
9 District continues to characterize this as a mortgage.

10 It is in fact, these contracts reflect and they're in the
11 recorder's office available. And I would think should have legal
12 review as to exactly what they are so that you can get an opinion
13 of exactly what these -- what these contracts represent.

14 But I just wanted to make myself available to you. I'd like
15 to see the DA's office review the contracts and review Lander
16 County's commitment to supporting this title transfer.

17 You are in fact a co-applicant for the title transfer.
18 You're -- you are noted in the congressional act of 2005 in
19 which the State of Nevada, Lander County, and Pershing County
20 Water Conservation District are co-applicants.

21 The Pershing County Water Conservation District has
22 priority recognition as the primary beneficiary and the primary
23 stakeholder. So they have status, the status to apply for this
24 title transfer; whereas, no one else probably could at least at
25 this time from the BOR.

26 The status of the state as a co-applicant is now in question.
27 The state may be withdrawing their status as a co-applicant. If
28 they do, that's 5200 acres of the 29,000-so-many-hundred acres
29 that are everything north of town here, all the way to the
30 mountains stretching from Argenta to, I think, the (indiscernible)
31 ranch. That's a lot of -- it's a lot of land.

32 Of that 29,500 acres, or whatever it is, if the state does
33 not receive the 5200 acres they were supposed to get around the
34 river for wildlife and for riparian, et cetera, then what happens
35 to that land?

36 Does that make the Pershing County Water Conservation
37 District the only -- the only entity to receive that -- that land
38 or not?

39 I'm suggesting if they're out, then Lander County should be
40 out. Lander County should never have been in. They've, I think,

1 have taken advantage of the fact that there's a turnover here.
2 But one of the Lander County commissioners -- board of
3 commissioners resolved to oppose this -- this title transfer back
4 in '95 and '96.

5 So -- that -- so then the question of the State of Nevada.
6 The Pershing County Water Conservation District is a
7 quasi-governmental entity. Their mission is in Pershing County,
8 not in Lander County. Granted, they needed the water rights to
9 make that -- that reservoir work. Why do they need the land in
10 Lander County to make that work? That's not part of their
11 mission.

12 Again, they are, as a quasi-governmental entity, receiving
13 grants on a regular basis right up till now, \$4 million project
14 in which \$3.75 million were granted from the state. They are
15 being subsidized.

16 COMMISSIONER MASON: Did we -- did we secure this property
17 because of the water rights?

18 GERALD LAMIAUX: The Bureau of Reclamation acquired the
19 water rights.

20 COMMISSIONER MASON: I know, but Lander County had to get
21 involved with this to acquire these water rights for the bureau.
22 Or how did we get involved?

23 GERALD LAMIAUX: Well, in 1933, I think things were
24 different.

25 COMMISSIONER MASON: Okay. Oh, I'm sure they were.

26 GERALD LAMIAUX: It was a different world. And people
27 were, you know, hard up. Those ranches that they bought for
28 pennies on the dollar were -- were made available because
29 those -- those family ranches were hard up.

30 COMMISSIONER MASON: Were you -- did you present this to
31 this board about two or three years ago?

32 GERALD LAMIAUX: Um.

33 CHAIRMAN GARNER: Six months.

34 GERALD LAMIAUX: About month ago, I think.

35 COMMISSIONER WAITS: Mm-hm.

36 COMMISSIONER MASON: No, I mean, there were maps --

37 GERALD LAMIAUX: Yeah.

38 COMMISSIONER MASON: -- showing the whole 29,000 acres.
39 And it was a breakdown.

40 GERALD LAMIAUX: Right.

1 COMMISSIONER MASON: I don't have that now. So I don't
2 have those maps either.

3 GERALD LAMIAUX: Well, it -- and I'm not sure.

4 COMMISSIONER MASON: No, the other question I have is --
5 is: What are the restrictions on the use of this property even
6 if we acquired it?

7 GERALD LAMIAUX: If --

8 COMMISSIONER MASON: There's restricted use, right?

9 GERALD LAMIAUX: This is -- it falls under a special
10 category. Bureau of Reclamation land and holdings are not the
11 same as the BLM holdings. So there are a -- some differences
12 between how they manage land and how the BLM manages land.
13 We're kind of familiar with how the BLM manages it for multiple
14 use -- FLPMA from the '70s.

15 COMMISSIONER MASON: Well, the pieces that we're trying --
16 no -- the acquisition of the land for the Lander -- for Lander
17 County.

18 GERALD LAMIAUX: Okay, there are --

19 COMMISSIONER MASON: -- which would be restricted for
20 use -- right? -- if we took it.

21 GERALD LAMIAUX: No. Not that I know of. It's public
22 land. It becomes Lander County public land designated for
23 public use.

24 It's the rodeo grounds. It is a parking lot on both sides of
25 the river at the white bridge that is already in the right-of- --
26 right-of-way.

27 So there is already public access. There is no gift. There
28 is nothing there. And it is, I think, 800 acres or so west of our
29 water/sewer that kind of extends on towards the river. And I
30 think that the county at one time thought that that was important
31 because they may have to treat effluent with a bio treatment
32 through various types of plants and marshes to make it -- make it
33 available to discharge into the river again.

34 COMMISSIONER MASON: So as an expert -- you are an expert
35 on this; aren't you?

36 GERALD LAMIAUX: I'm as -- I've -- I know as -- as much as
37 anybody.

38 COMMISSIONER MASON: As much as anybody.

39 GERALD LAMIAUX: It's only what I've been reading and
40 interpreting on my own --

1 COMMISSIONER MASON: All right and this next question --
2 GERALD LAMIAUX: -- over the last --
3 COMMISSIONER MASON: -- is just --
4 GERALD LAMIAUX: -- twenty years.
5 COMMISSIONER MASON: -- for your opinion as -- as
6 associated to this project: What are the benefits and what are
7 the -- what are not the benefits of acquiring this?
8 GERALD LAMIAUX: The way I see it, Pershing County Water
9 Conservation District has special status as the beneficiary.
10 And that's stated in the acts. And therefore, they have --
11 they're the main stakeholder. But Lander County is also
12 recognized as a stakeholder.
13 And the criteria for this going forward, by the way, is
14 that for the Bureau of Reclamation, as defined, says that all
15 stakeholders must agree. And Lander County as a stakeholder can
16 say, I don't agree. And we have not in the past.
17 COMMISSIONER MASON: Is that your recommendation?
18 GERALD LAMIAUX: I would say that if we can get out of
19 this, we should get out of it. I don't mind supporting the --
20 the transfer of title of the water rights, of the land under
21 the -- under the Rye Patch Dam itself, which is occupied by
22 that. They're talking about another 20-some-thousand acres in
23 the Humboldt Sink, 30,000 acres or so. And I don't mind that.
24 You know, that's all in their area. That's part of their
25 mission.
26 The land that's residual land that sits here is no part of
27 that even though its legal status as BOR assets acquired for a
28 project.
29 So the thought that this is a mortgage is, you know, it's
30 simply wishful thinking spoken over and over again over a 20-year
31 period, maybe a 50-year period until I think they believe it. But
32 the facts are, if you review these contracts, they contracted for
33 a water system and to acquire the use of water rights. And that's
34 what they got. That's what they paid for. They've paid about
35 \$3.2 million over the years in actual dollars. They've received
36 13-, \$14 million in subsidies. Now tell me that they paid for
37 that.
38 This is a map, if I may. You can pass it on, I guess, if
39 you want. But just to explain it a little. Upside down. This
40 is it. This is the Pershing County mission area. This is the

1 dam. This is -- this is this valley just going -- before it --
2 before it goes through to Winnemucca. And this is Lander
3 County. You can see it there?
4 COMMISSIONER MASON: Yeah, okay.
5 GERALD LAMIAUX: And this is the area from Argenta all the
6 way, including and around Battle Mountain, all the way over
7 to -- and into here.
8 COMMISSIONER MASON: I remember this. I mean, this has
9 been a couple years.
10 COMMISSIONER BULLOCK: All right. To me, this isn't a
11 water rights issue.
12 GERALD LAMIAUX: No.
13 COMMISSIONER BULLOCK: This is just a land transfer.
14 GERALD LAMIAUX: It's land.
15 COMMISSIONER BULLOCK: But you keep -- you keep bringing
16 water rights into this, and that's where water rights has
17 nothing do with this land transfer.
18 GERALD LAMIAUX: Oh, it does. The transfer -- the title
19 transfer is defined in the congressional act of 2005 as -- as
20 the assets of the Bureau of Reclamation is holding and want to
21 transfer to the Pershing County Water Conservation District.
22 COMMISSIONER BULLOCK: And I'm just trying to get a handle
23 on this. I know you've had a fight with Pershing County Water
24 District for years.
25 GERALD LAMIAUX: I don't fight with them at all. I like
26 them.
27 COMMISSIONER BULLOCK: Well, but --
28 GERALD LAMIAUX: You know, I think they're --
29 COMMISSIONER BULLOCK: -- you're not up on all their water
30 rights.
31 GERALD LAMIAUX: I'm -- I'm familiar with --
32 COMMISSIONER BULLOCK: No, I don't mean --
33 GERALD LAMIAUX: -- and I've heard about water rights.
34 COMMISSIONER BULLOCK: I just mean you're not in favor that
35 they have all these water rights. Is that what I'm
36 understanding?
37 GERALD LAMIAUX: I'm in favor that they -- that they keep
38 their water rights.
39 COMMISSIONER BULLOCK: Okay, so I guess I don't understand
40 the issue here. This is just a land transfer. We have nothing

1 to do with the water rights.

2 GERALD LAMIAUX: The only thing that Lander County's
3 involved with is, first of all, we're recognized as a
4 stakeholder. And secondly, the requirement is that all
5 stakeholders agree.

6 And -- and I don't think we should agree that to -- that to
7 hand over 30,000 acres of land. And that's my question, right.

8 COMMISSIONER BULLOCK: Yeah, but wouldn't you accept 30,000
9 acres if somebody's offering it to you?

10 GERALD LAMIAUX: Yeah. Right.

11 And -- and -- and the fact is that I think they should
12 redefine this whole title transfer to the water rights and the
13 things that are relative to their mission.

14 These 30,000 acres up here have nothing to do with that other
15 than that's where the water rights were -- resided that have come
16 from this county. That's all.

17 CHAIRMAN GARNER: So why -- why would we not accept that
18 land because it really doesn't have any effect on us?

19 COMMISSIONER MASON: Yeah. I think it binds us.

20 GERALD LAMIAUX: Yeah, it --

21 COMMISSIONER MASON: If we accept the land, then we accept
22 the conditions that it came in. Is that the package?

23 GERALD LAMIAUX: Yeah, if we accept our 900 acres and they
24 get the other 28,600 -- 700 acres that constitute the entire
25 valley -- if we do that, then we're accepting this --

26 COMMISSIONER MASON: The conditions of the agreement.

27 GERALD LAMIAUX: -- and they take over. Right.

28 CHAIRMAN GARNER: But haven't we already accepted that?

29 GERALD LAMIAUX: I don't know. I don't know how. But I
30 would suggest that the --

31 COMMISSIONER STIENMETZ: The guy back there wants to speak.

32 GERALD LAMIAUX: -- DA's office should review exactly where
33 we're at, like if the D- -- if the state --

34 COMMISSIONER BULLOCK: It was reviewed by the DA --

35 GERALD LAMIAUX: -- has backed out, --

36 COMMISSIONER BULLOCK: -- a DA, as in Janalee Murray back
37 in '07.

38 GERALD LAMIAUX: Uh-huh.

39 COMMISSIONER BULLOCK: I have it right here where she
40 reviewed it.

1 COMMISSIONER MASON: And what'd she say about it?
2 COMMISSIONER BULLOCK: She -- it just said she reviewed it.
3 COMMISSIONER WAITS: She signed off on it.
4 COMMISSIONER BULLOCK: We also went to the law firm of
5 Schroeder Law Offices, which was sent out, which has reviewed
6 it, --
7 COMMISSIONER WAITS: Mm-hm.
8 COMMISSIONER BULLOCK: -- which is in my packet here. So
9 there's been two law firms --
10 GERALD LAMIAUX: But what did they say?
11 COMMISSIONER BULLOCK: -- or the DA and a law firm. They
12 really didn't come -- they just have reviewed it. They haven't
13 come back with anything negative or positive. So apparently,
14 there was no problems --
15 GERALD LAMIAUX: I --
16 COMMISSIONER BULLOCK: -- in it or we'd have been advised.
17 GERALD LAMIAUX: I don't think you're doing anything
18 illegal by -- by agreeing with this. There's nothing illegal at
19 all about it. You can -- you can choose to do that.
20 COMMISSIONER BULLOCK: Mm-hm.
21 GERALD LAMIAUX: I don't think that it's in the best
22 interest of Lander County.
23 COMMISSIONER MASON: Okay. Now define "best interest."
24 GERALD LAMIAUX: Best interest is having land available
25 that we might expand into eventually.
26 If the BOR doesn't -- doesn't transfer this now, they will
27 probably divest of it later, probably in a governmental transfer
28 or whatever. I don't know. But I say that -- that private
29 ownership of that land, being precluded from there, is worse than
30 its current status as BOR land.
31 And I think eventually that the BOR not wanting -- they have
32 a program of divesting these -- all of these assets they've
33 acquired and accumulated that they will divest of it.
34 The other thing is that by definition, and I think that
35 this -- this qual- -- disqualifies the whole program. By
36 definition the BOR says the program must be uncomplicated. Now,
37 ~~this is not uncomplicated. This goes across three counties. It~~
38 is a water transfer that would never happen today across -- out of
39 a county without the county's permission. Those are all part of
40 the state law now. And -- and there are interests all the way

1 along.

2 So, first of all, I don't think that -- I think you have a
3 good standing or a good justification saying it's not
4 uncomplicated.

5 COMMISSIONER MASON: So, wait a minute. I guess I --

6 COMMISSIONER BULLOCK: Let's let the gentleman back --
7 state your name, please.

8 FRANK DIMICK: My name is Frank Dimick. I'm a consultant
9 for the Pershing County Water Conservation District.

10 I've been working on this title transfer since 1996. And
11 there was a federal law passed in 2001 which Mr. Lamiaux
12 referred to as 2005 -- It's incorrect. It's 2001 -- which
13 stated that the land is to be transferred. Period. That means
14 Congress has already determined that the value of the lands and
15 all these contract issues that he's talking about are null and
16 void as far as the transfer is concerned. The transfer was
17 directed by the Congress. So much of the land is to go to
18 Pershing County. So much of the land is to go to the State of
19 Nevada. And so much of the land is go to Lander County and some
20 to Pershing County also.

21 There is nothing else that can be done with that land except
22 transfer to you unless you refuse to accept it. Then, in fact, it
23 would sit there, because it would take congressional action to, as
24 Mr. Lamiaux referred, for the bureau to then dispose of it in any
25 other way.

26 The Bureau of Reclamation has no choice. Congress has made
27 their decision and has said the land will be transferred to
28 these entities. Period.

29 The Bureau of Reclamation is now preparing at the present
30 time a quitclaim deed, which says all right, title, and interest
31 of this land will be transferred to Lander County, with existing
32 rights-of-way. That is the only restriction on the land that
33 you will have is existing rights-of-way.

34 I met with your executive director this morning. We are
35 now looking at which of those are existing rights-of-way
36 that the -- we know that there's high- -- state highway
37 rights-of-way and power lines and gas lines, et cetera.

38 But the thing is, is that this land -- what he's talking
39 about is issues that we discussed years ago.

40 Congress then made the decision as to what should be done.

1 If that land is not given -- if you refuse to accept the
2 land, which you could do, then the land will sit there until
3 Congress decides to do something else with it.

4 The Bureau of Reclamation cannot do anything with that land
5 except give it to you, unless Congress then passes another federal
6 law which says the land can go to somebody else.

7 DEPUTY DISTRICT ATTORNEY TING: This is Nicole Ting.

8 The law -- the federal law that you're referencing that's
9 the -- that's the Humboldt Project Conveyance Act?

10 FRANK DIMICK: Public Law 101 -- I can't remember the other
11 numbers. But it was passed in 2001 and signed into law.

12 There is -- there will be no restrictions on your land other
13 than existing easements that are there. That was worked out years
14 ago. There is no cost to you other than the title transfer costs,
15 which -- the survey (indiscernible).

16 COMMISSIONER STIENMETZ: Recording it.

17 FRANK DIMICK: There is no value to the land.

18 So if you refuse to do it, the land will sit there in Bureau
19 of Reclamation control. They may transfer control to BLM. But
20 BLM cannot dispose of that under their normal procedures.

21 GERALD LAMIAUX: And I'd suggest that we all knew that it
22 took an act of Congress to -- to act on these assets.

23 The act of the Congress is surprisingly fairly easy to get.
24 And that can be acquired, you know. You can have lobbyists over
25 there or you can just send representatives from the state or from
26 the county even to -- to the country's capital.

27 And in this case, Gibbons, I think, was the congressman
28 who -- who introduced this thing. And it was pushed through. I
29 -- I felt that it was -- it was not adequately discussed, nor
30 were the interest holders, stakeholders adequately -- anyway,
31 we're talking about 900 acres versus 29,000 acres.

32 COMMISSIONER BULLOCK: I understand that. And I guess
33 another part of my confusion is, is I thought this was signed in
34 '07?

35 GERALD LAMIAUX: Pardon?

36 COMMISSIONER BULLOCK: I mean, the documents I got, this
37 was signed in '07, that the title transfer.

38 GERALD LAMIAUX: The agreement?

39 COMMISSIONER BULLOCK: Yeah.

40 GERALD LAMIAUX: No, well, there's -- there's also a

1 process, NEPA or SHPO or whatever. It's a federal requirement
2 that --

3 COMMISSIONER STIENMETZ: We've done it.

4 GERALD LAMIAUX: -- further goes into the environmental
5 impact and the public attitude towards it.

6 FRANK DIMICK: Mr. Bullock, the -- the agreement you're
7 talking about, is that the agreement between Pershing County
8 and -- and the state --

9 COMMISSIONER BULLOCK: And Lander County.

10 FRANK DIMICK: -- and Lander County and Pershing County?

11 COMMISSIONER BULLOCK: Yeah.

12 FRANK DIMICK: Yes.

13 COMMISSIONER BULLOCK: To acquire it.

14 FRANK DIMICK: When these originally were started before
15 Congress passed the bill, there was an agreement between the
16 county and Pershing County Water Conservation District to pursue
17 title transfer. And that agreement contained the clauses in it
18 about the land to go. It was then passed by Congress. In 2005,
19 a memorandum of understanding was written into -- between
20 Pershing County and you guys to go ahead and process, go through
21 the process, which included how it would be funded and the
22 details of that. But the original agreement was way back in the
23 late 1990s.

24 COMMISSIONER BULLOCK: Yeah. I understand that. And I'm
25 looking at the one dated in 2007.

26 FRANK DIMICK: Yes.

27 COMMISSIONER WAITS: So if we accept the transfer of this,
28 is this the end of it? Does that finish everything up then and
29 it's a done deal?

30 GERALD LAMIAUX: It would become more or less private
31 property owned by the Pershing County Water Conservation
32 District. And I don't know. Maybe they could actually sell it
33 to somebody, you know, and it would become private again. And
34 we could actually tax it, which is -- taxing is another issue
35 here that I would suggest you look into.

36 There was a -- authorization by the state that the Pershing
37 County Water Conservation District would -- would agree or come to
38 an agreement with the Lander County to -- for a tax schedule.

39 And the intent of this was to -- Lander County, which are
40 leased by the district from the Bureau of Reclamation of the

1 United States Department of the Interior, if such lands were
2 assessed. Okay, they were supposed to pay equal amounts. And
3 this is for a 20-year authorization. Equal amounts as if the --
4 such lands were assessed and taxed as other real estate of -- that
5 is privately taxed in the county.

6 That didn't happen.

7 What happened was, I think, they -- they barely got an
8 equivalent of in lieu of what the fed pays the county in lieu of
9 tax rather than as private real estate.

10 So there's probably a bill here for at least from the time
11 that this was passed in '67 until now, of taxes that were not
12 comparable to real estate. And this was the intent of the -- of
13 the state at this time was to compensate Lander County for their
14 loss of taxes and tax base.

15 So I would -- I would look into that also. I think that's
16 a -- that's a problem area.

17 But I would say I support -- support the transfer, but not
18 the land. Land is just no part of it. Land can stay with BOR.
19 It's not going to change from its current status. They already
20 have signs out there saying, "Keep out. Private property."

21 So I would -- I would resist that. And at some point in time
22 maybe we're prepared to go to the congress and ask them to, you
23 know, to either transfer it to the BLM or transfer it to the
24 county or do something else with it.

25 But it's land that's in this county. They've -- this whole
26 project has been so damaging to Lander County and its future:
27 water rights, ranches, et cetera, that drainage, you know, and
28 environmental problems that they've done enough damage. I'd say
29 to stop.

30 COMMISSIONER BULLOCK: So what would be the difference of
31 BLM coming and saying, we want to give the county 600 acres?

32 GERALD LAMIAUX: BLM has a procedure -- right? -- which you
33 apply for public use, you know, our dumps, our -- all of the
34 recreational things that we have out here south of town.
35 They're -- they're all land ceded from the BLM simply for public
36 use.

37 It's a very, straightforward procedure. You just apply and
38 you get -- more or less, you get what you asked for. Certain
39 requirements to meet certain criteria.

40 COMMISSIONER BULLOCK: So you're saying if we get this

1 land, we can't use it as public use?
2 I mean, that's the answer I'm understand- -- I'm trying to
3 understand it, --
4 COMMISSIONER MASON: Yeah, I don't --
5 COMMISSIONER BULLOCK: -- because I don't see the
6 difference. I honestly --
7 GERALD LAMIAUX: We're not getting --
8 COMMISSIONER BULLOCK: -- don't.
9 GERALD LAMIAUX: -- the land. We -- we wouldn't get the
10 land.
11 COMMISSIONER BULLOCK: we don't -- it's a land title. Or I
12 mean, it's a transfer of land --
13 GERALD LAMIAUX: Right.
14 COMMISSIONER MASON: -- is what this agreement says.
15 GERALD LAMIAUX: Well, you're talking about the land
16 that's -- that's already agreed to? The 900 acres?
17 COMMISSIONER BULLOCK: Yeah. I mean. I guess. Yeah, I'm
18 just not grasping why we wouldn't want the land.
19 GERALD LAMIAUX: Well, you could --
20 COMMISSIONER BULLOCK: -- if we can utilize it as public
21 use.
22 GERALD LAMIAUX: You could get the land now, and it would
23 be Lander County land, park property, whatever.
24 COMMISSIONER BULLOCK: Mm-hm. For us to designate how we
25 want.
26 GERALD LAMIAUX: Yeah, there would be --
27 COMMISSIONER BULLOCK: The Bureau of Reclamation's out of
28 the --
29 GERALD LAMIAUX: Right.
30 COMMISSIONER BULLOCK: -- picture.
31 GERALD LAMIAUX: Yeah. If -- if you oppose this land pass,
32 then you won't get the land. You won't get what's designated in
33 there, your agreement of all 900 acres. I'm just suggesting
34 that 900 acres is not enough.
35 And if the state backs out of this, that's another
36 5200 acres. Then bang, the whole --
37 COMMISSIONER BULLOCK: Okay, I finally got --
38 GERALD LAMIAUX: -- rest of the --
39 COMMISSIONER BULLOCK: -- the picture here. I think.
40 GERALD LAMIAUX: Okay.

1 COMMISSIONER BULLOCK: You're saying we shouldn't accept
2 it, because we should be going for more acres.

3 GERALD LAMIAUX: I'd say that it's going to restrict us in
4 the north here for --

5 COMMISSIONER BULLOCK: Okay. I get that. So I mean,
6 that's -- I don't know. I guess I look a little different.
7 I'll take what I can get. Because if I go tell the BLM I want
8 1.2 million acres, they're going to laugh in my face. Take what
9 you get, what the BLM gives you, because you're just not going
10 to get anymore.

11 GERALD LAMIAUX: Oh, no, no, no. In the future, if it ever
12 goes to BLM. We're talking about BOR.

13 COMMISSIONER BULLOCK: No, I'm just talk- -- total -- I'm
14 just trying to analyze the separate issues here.

15 GERALD LAMIAUX: First of all, it's not -- it's not -- it's
16 not available for grazing for local ranchers. It's only
17 available to the Pershing County Water Conservation members. I
18 think they can sublease it, but --

19 COMMISSIONER BULLOCK: But then if we (indiscernible) the
20 land, can we not graze it?

21 GERALD LAMIAUX: I would probably --

22 COMMISSIONER MASON: It's public use.

23 GERALD LAMIAUX: The immediate question is: Do we get the
24 land? I'm saying the immediate question is: We should oppose
25 the transfer to Pershing County Water Conservation District.
26 That's all. What we would not get the advantage of getting that
27 900 acres by the sewer plant.

28 The rodeo grounds, that's questionable. But I think we have
29 probably usury [sic] rights there.

30 But I think it's worthwhile just reviewing the whole thing.
31 That's -- that's -- and if there's any other information I can
32 provide for you (indiscernible) --

33 COMMISSIONER BULLOCK: And I appreciate the information.
34 It's -- it's one of those things that it looks like, to me, it's
35 been reviewed to death here with all the documentation I've got
36 here.

37 GERALD LAMIAUX: The problem is, it's been reviewed by --
38 what? -- three or four or five different sets of commissioners?

39 COMMISSIONER BULLOCK: Well, and I understand --

40 GERALD LAMIAUX: Initially it was reviewed and it was

1 rebuked.

2 COMMISSIONER BULLOCK: But I'm -- I'm rev- -- it's been
3 reviewed by two attorneys, too. So --

4 GERALD LAMIAUX: Well, the --

5 COMMISSIONER BULLOCK: I mean, each set of commissions may
6 have a different opinion on it.

7 GERALD LAMIAUX: Sure.

8 COMMISSIONER BULLOCK: I understand it. And it's just
9 going to keep coming back. Or like you said, the Bureau of
10 Reclamations is going to step in and say, Okay, you had your
11 chance.

12 GERALD LAMIAUX: Mm-hm.

13 COMMISSIONER BULLOCK: They can give --

14 GERALD LAMIAUX: This is not a long-time thing.

15 COMMISSIONER BULLOCK: They can give it to Joe Blow
16 Ranching, Incorporated, you know, or sell it to them. And we're
17 out of the picture totally.

18 GERALD LAMIAUX: No, they wouldn't. They can't do that.

19 COMMISSIONER BULLOCK: Well, then I don't un- -- if they're
20 going to step in and give us the acreage anyway --

21 GERALD LAMIAUX: They're not going to give us the 29,000
22 acres.

23 COMMISSIONER BULLOCK: No, but they'll give us -- we'd end
24 up with the same thing just years down the road. Right?

25 GERALD LAMIAUX: That isn't how I see it. No, I see it as
26 going to the BLM, quite possibly, or us applying for bits and
27 pieces of it. Or there's a whole range of things that could --
28 could be done. I'm just saying that it -- Pershing County Water
29 Conservation District is not -- is not the appropriate
30 recipient, even though they're recognized as the primary
31 beneficiary of the BOR. And they are the beneficiary. They've
32 paid pennies for -- for many thousands of gallons of water
33 over --

34 COMMISSIONER BULLOCK: Mm-hm.

35 GERALD LAMIAUX: -- 70 years, 80 years (indiscernible).
36 I'm just --

37 COMMISSIONER BULLOCK: And a lot of Lander County residents
38 appreciate that water there to use for recreation, so --

39 COMMISSIONER STIENMETZ: Right.

40 COMMISSIONER BULLOCK: -- I mean, it's not like we don't

1 get benefit from it also.
2 GERALD LAMIAUX: From the wa- -- from the river?
3 COMMISSIONER BULLOCK: Yeah.
4 GERALD LAMIAUX: Well, if --
5 COMMISSIONER BULLOCK: Or Rye Patch or --
6 GERALD LAMIAUX: Doesn't make any difference.
7 COMMISSIONER BULLOCK: -- South Fork.
8 GERALD LAMIAUX: Oh, yeah. Absolutely.
9 COMMISSIONER BULLOCK: I mean, Lander County residents do
10 benefit --
11 GERALD LAMIAUX: Absolutely.
12 COMMISSIONER BULLOCK: -- by what they have done with all
13 this --
14 GERALD LAMIAUX: I think we would have benefited --
15 COMMISSIONER BULLOCK: -- it's a federal --
16 GERALD LAMIAUX: -- by the Rock Creek Dam. It would've
17 been even closer.
18 COMMISSIONER BULLOCK: And I'm -- yeah. And I agree with
19 that.
20 GERALD LAMIAUX: But when we went to.
21 COMMISSIONER BULLOCK: That's an issue way back. So --
22 GERALD LAMIAUX: When we went to Pershing County Water
23 Conservation District, at that time in the early '90s, and asked
24 them about adjusting water rights, trade this for that, we have
25 3,000 primary water rights here. And we could get some run-off
26 rights, they laughed us out of -- out of their meeting. Why
27 would they want to do that?
28 So anyway.
29 COMMISSIONER BULLOCK: No, I appreciate your input. I
30 really do.
31 COMMISSIONER WAITS: Thank you, Gerry.
32 COMMISSIONER STIENMETZ: Thank you.
33 CHAIRMAN GARNER: Any other discussion?
34 COMMISSIONER STIENMETZ: Looks like it's already been
35 approved.
36 COMMISSIONER MASON: I have a thought here.
37 Kind of the way I'm picturing this: If we don't do anything,
38 we may get the land back anyway or BLM's going to get it. If BLM
39 gets it, all their regulations go with it.
40 GERALD LAMIAUX: Right.

1 COMMISSIONER MASON: If we do something, if we -- whatever
2 we decide to do, we take action on this, we're in for 900 acres
3 plus 5,000 acres?
4 Is that what --
5 GERALD LAMIAUX: If we go ahead with what's on the --
6 COMMISSIONER MASON: But the authority over the 900 and the
7 thousand, is it our land?
8 COMMISSIONER STIENMETZ: Yes.
9 GERALD LAMIAUX: Yeah. Lander County.
10 COMMISSIONER MASON: Thank you.
11 COMMISSIONER WAITS: So part of this agenda item is also to
12 approve the administrative costs that we agreed to in the
13 contract; is it not? Is that your understanding?
14 Nan, does that sound right? Because you've got all the
15 backup on what we've been paying. They had a \$10,000 retainer
16 they were holding --
17 COMMISSIONER BULLOCK: Mm-hm.
18 COMMISSIONER WAITS: -- we've been paying as we go along;
19 right? So part of it says that we need to approve that
20 administrative cost for this year?
21 NAN ANCHO: The only thing I seen is the survey on this.
22 And that was like 15,000? 13,000?
23 COMMISSIONER WAITS: I'm looking at the agenda request
24 form. It says, authorization for payment of administrative fees
25 per the memorandum of agreement between Lander County and the
26 PCWCD.
27 So it isn't just the transfer of lands, but it's the
28 administrative costs that we've been obligated to pay as -- and
29 they're -- been billing us for the last few years.
30 COMMISSIONER BULLOCK: Which \$10,000 was set aside?
31 COMMISSIONER WAITS: Right.
32 COMMISSIONER BULLOCK: With a -- it can't go below \$2,000
33 is what's -- is what's in the agreement.
34 COMMISSIONER MASON: Just like a catch-22; isn't it?
35 COMMISSIONER BULLOCK: Okay. I feel like I'm getting a
36 better understanding of this, but I would still make a motion to
37 defer this so I can -- so we can investigate a little further.
38 CHAIRMAN GARNER: Yeah.
39 COMMISSIONER WAITS: I'll second that motion.
40 CHAIRMAN GARNER: There's a lot of parts and pieces to this

1 puzzle.

2 COMMISSIONER BULLOCK: Got a second.

3 CHAIRMAN GARNER: Any public comment?

4 (No comment.)

5 CHAIRMAN GARNER: All those in favor?

6 Aye.

7 COMMISSIONER MASON: Aye.

8 COMMISSIONER WAITS: Aye.

9 COMMISSIONER STIENMETZ: Aye.

10 COMMISSIONER BULLOCK: Aye.

11 Thank you.

12 COMMISSIONER STIENMETZ: Thank you.

13 CHAIRMAN GARNER: Take a five-minute break.

14

15 (Break between 10:20 a.m. and 10:28 a.m.)

16

17 CHAIRMAN GARNER: Call the meeting back to order.

18

19 11) Discussion for possible action regarding approval and
20 authorization for the extension of the existing contract with
21 Valley TV Repair for one year to enable the county to assess
22 alternate proposals, and other matters properly related
23 thereto.

24

25 CHAIRMAN GARNER: Eleven, discussion for possible action
26 regarding approval and authorization for the extension of the
27 existing contract with Valley TV Repair for one year to enable
28 the county to access [sic] alternate proposals, and other
29 matters properly related thereto.

30 Where's the backup on this?

31 COMMISSIONER WAITS: That's -- that's my information, I
32 think.

33 We -- we had this contract that came due the first part of
34 July. And we discussed this and felt that it was prudent to go
35 out to bid for all of our individual contracts. So we actually
36 made a motion to go out for bid.

37 ~~Unfortunately, that has not been done and was not done.~~

38 And with the timeframe, by the time that I -- I spoke with our
39 executive director, wasn't ready to go out until last week.

40 And with all timeframe, we're delaying so long.

1 And because of the situation, we've got the AT&T tower
2 going up in Austin. And that's also where we have all of our
3 digital equipment for the -- the TV. And they started scraping
4 some of the -- the land off, and they cut our cables.

5 So now we're in a problem with cables. And our current
6 person with Valley TV says, but you haven't renewed the
7 contract. And if we did go out for bid, we have to give them
8 time to bid and then review. And I felt under the
9 circumstances, it would just be prudent to go back and consider
10 renewing his contract for one more year and going out to bid
11 earlier on these. We can't wait that long. It was just too
12 long. We had --

13 COMMISSIONER MASON: Do you have any dates?

14 COMMISSIONER WAITS: Yes. It's --

15 COMMISSIONER MASON: There's no dates on here.

16 COMMISSIONER WAITS: Yes. July. July was when his
17 contract was due.

18 COMMISSIONER MASON: July 30th? July 1st?

19 COMMISSIONER WAITS: I believe it was July 1st, Nan?

20 NAN ANCHO: July 1st.

21 COMMISSIONER WAITS: I -- I believe so.

22 COMMISSIONER MASON: So we're extending it from July to
23 July?

24 COMMISSIONER WAITS: July to the end of June.

25 COMMISSIONER STIENMETZ: Yeah.

26 COMMISSIONER WAITS: Yes. Because of the timeframe and the
27 circumstances of our situation with the repairs and -- although
28 we're -- we're going back on the subcontractor that actually cut
29 the cables and such.

30 But to have this man keep coming out and repairing this and
31 working with them, we just felt the timeframe was a bit more
32 prudent right now that we just renew the current one.

33 If you'd like to do that, I would sincerely appreciate it
34 so we aren't caught in the middle. Because he's -- he feels
35 he's operating without a contract and doesn't want to do that
36 anymore, of course. And he basically is. And I don't want to
37 see us wait another two months.

38 So I'll make a motion that we renew the contract with
39 Valley TV Repair for Austin TV.

40 COMMISSIONER MASON: Put the dates in.

1 COMMISSIONER WAITS: Effective July 1st to June 30th, 2015.
2 COMMISSIONER MASON: I'll second it.
3 COUNTY CLERK SULLIVAN: Will this be something typed up and
4 brought back and we record? I'm just asking for --
5 COMMISSIONER WAITS: He has a contra- -- an invoice. And
6 we have the old contract that -- that can be continued; is it
7 not? Isn't that how we do it?
8 COUNTY CLERK SULLIVAN: I thought we were changing that.
9 NAN ANCHO: Is it one of those that can just roll over? It
10 was stated as rollover if there wasn't a 30-day notice?
11 COMMISSIONER WAITS: Right. Right. The one that was the
12 rollover.
13 COMMISSIONER MASON: So are we extending it?
14 COMMISSIONER WAITS: Well, I did ask the DA. I sent it to
15 the DA and asked them if indeed he was still was under contract,
16 because we have a 30-day cancellation, which we have not done.
17 And it is a rollover if we don't do something. And we have not
18 voted to -- to not do it. We simply voted to go out to bid.
19 CHAIRMAN GARNER: So it's rolled over.
20 COMMISSIONER WAITS: So we thought it rolled over. He
21 claims that we haven't paid the invoice for the retainer, which
22 he billed in May. So therefore, he feels he's working without a
23 contract. And I did send it to the DA to review and tell me
24 indeed whether he is under contract or not. I never got a
25 response, so I don't know.
26 DEPUTY DISTRICT ATTORNEY TING: I think we should do a new
27 contract just -- just put in these new dates for -- for a one
28 year, because doesn't -- doesn't it roll over for, I think, a
29 new two-year?
30 COUNTY CLERK SULLIVAN: (Indiscernible) we'll have to look
31 at that (indiscernible).
32 COMMISSIONER BULLOCK: Yeah. Change.
33 DEPUTY DISTRICT ATTORNEY TING: Because I think if it rolls
34 over, I think it's another two-year term. So if that's the
35 case, I need to change dates for a one-year.
36 COMMISSIONER WAITS: Okay. And the motion was for one
37 year, so --
38 DEPUTY DISTRICT ATTORNEY TING: Yeah.
39 COMMISSIONER WAITS: That would be a new contract. Okay.
40 COMMISSIONER MASON: And I second it.

1 CHAIRMAN GARNER: Any public comment?
2 (No comment.)
3 CHAIRMAN GARNER: All those in favor?
4 COMMISSIONER MASON: Aye.
5 COMMISSIONER WAITS: Aye.
6 COMMISSIONER STIENMETZ: Aye.
7 COMMISSIONER BULLOCK: Aye.
8 CHAIRMAN GARNER: Those opposed?
9 Aye.

10
11 **12) Discussion for possible action regarding Austin Airport --**
12 **The Nevada Institute for Autonomous Systems ("NIAS") Task**
13 **Order Agreement, and other matters properly related thereto.**
14

15 CHAIRMAN GARNER: Discussion for possible action regarding
16 Austin Airport -- The Nevada Institute for Autonomous Systems
17 ("NIAS") Task Order Agreement; and other matters properly
18 related thereto.

19 COMMISSIONER BULLOCK: I know J.D. had some questions on
20 this. And I thought he was going to be here. So --

21 DEPUTY DISTRICT ATTORNEY TING: I also have some concerns
22 with this contract.

23 CHAIRMAN GARNER: Yeah.

24 DEPUTY DISTRICT ATTORNEY TING: I wouldn't recommend going
25 into it right now.

26 COMMISSIONER BULLOCK: No.

27 CHAIRMAN GARNER: Motion to defer?

28 DEPUTY DISTRICT ATTORNEY TING: If -- I don't know how the
29 district attorney would want to do this, but maybe if one or two
30 commissioners wants to come meet with me in my office, we can
31 negotiate some things. Do you -- do you guys have in your
32 package J.D.'s concerns?

33 CHAIRMAN GARNER: Nope.

34 COMMISSIONER WAITS: If that's the last page that said,
35 personally, I would negotiate with the company and request the
36 following, I don't know who that was from.

37 JIM OLSON: That was --

38 DEPUTY DISTRICT ATTORNEY TING: J.D.

39 JIM OLSON: That was from J.D.

40 COMMISSIONER WAITS: Thank you. I didn't know if they were

1 your comments from the district attorney's office or our
2 executive director or who reviewed that, so I appreciate that
3 information. Thank you.

4 COMMISSIONER BULLOCK: Well, I don't see a problem in doing
5 it in an open meeting. We just need J.D. to be here.

6 CHAIRMAN GARNER: Mm-hm.

7 JIM OLSON: Okay.

8 COMMISSIONER BULLOCK: So I make a motion we defer it until
9 J.D. can be here.

10 COMMISSIONER STIENMETZ: I'll second the motion.

11 CHAIRMAN GARNER: Any public comment?

12 (No comment.)

13 CHAIRMAN GARNER: All those in favor?

14 COMMISSIONER STIENMETZ: Aye.

15 COMMISSIONER WAITS: Aye.

16 COMMISSIONER MASON: Aye.

17 COMMISSIONER BULLOCK: Aye.

18
19
20 **RECORDER**

21
22 **13) Discussion for possible action regarding approval of revised**
23 **job description for Senior Deputy Recorder, and other matters**
24 **properly related thereto.**
25

26 CHAIRMAN GARNER: Discussion for possible action regarding
27 approval of revised job description for senior deputy recorder,
28 and other matters properly related thereto.

29 COMMISSIONER MASON: Didn't 13 and 14 go together? Aren't
30 they back to back or --

31 COMMISSIONER BULLOCK: No.

32 IDONNA TREVINO: Yes.

33 COMMISSIONER MASON: Are they -- you were before us.

34 IDONNA TREVINO: And I didn't have the written response
35 from the union, which I have today for the approval to the
36 changes to the job description.

37 Basically, the only thing that's changed --

38 CHAIRMAN GARNER: State your name for the record.

39 IDONNA TREVINO: -- is we're just adding in the DMV duties.

40 CHAIRMAN GARNER: Speak your --

1 COMMISSIONER STIENMETZ: State your name, please, for the
2 record.
3 IDONNA TREVINO: Oh, I'm sorry. Idonna Trevino, Lander
4 County Recorder.
5 COMMISSIONER STIENMETZ: Thank you.
6 IDONNA TREVINO: Thank you. And the reason that we're
7 doing this is so that I can have everyone in the office
8 cross-trained eventually.
9 In order to do recording, I need sworn deputies that act on
10 my behalf.
11 COMMISSIONER MASON: Yeah, I remember now.
12 IDONNA TREVINO: DMV clerk was not a sworn deputy.
13 CHAIRMAN GARNER: You mean eventually. They're not now
14 though.
15 So if they're not now, why would you promote them?
16 IDONNA TREVINO: I'm sorry. I can't hear you.
17 CHAIRMAN GARNER: Why would you -- why would you, if
18 they're not now, why would you promote them --
19 IDONNA TREVINO: It's not a promotion. It's exact,
20 straight across the board. Only the title changes.
21 CHAIRMAN GARNER: So don't do it then.
22 IDONNA TREVINO: Well, in order for her to be a sworn
23 deputy, she has to be a deputy.
24 CHAIRMAN GARNER: Isn't there somebody else that can take
25 that position?
26 IDONNA TREVINO: Not at this time, no.
27 CHAIRMAN GARNER: That has the --
28 IDONNA TREVINO: I have one trainee in the office and one
29 person that's been there for a long time.
30 CHAIRMAN GARNER: I guess what you need to explain to me is
31 if -- if you're the milkman and you want to be the manager of
32 the store, you need to -- you need to get to the manager
33 position first I guess is where -- instead of just getting the
34 title. If they're not trained --
35 IDONNA TREVINO: She's being trained and has been being
36 trained. But in order to make it official, I have to have her
37 as a sworn deputy.
38 COMMISSIONER WAITS: And it doesn't invo- --
39 CHAIRMAN GARNER: I wasn't here last meeting so I'm trying
40 to --

1 COMMISSIONER WAITS: It doesn't involve a pay raise if
2 you're --
3 COMMISSIONER STIENMETZ: No.
4 IDONNA TREVINO: No.
5 COMMISSIONER WAITS: -- a sworn deputy?
6 COMMISSIONER STIENMETZ: No.
7 IDONNA TREVINO: It's -- they're --
8 COMMISSIONER STIENMETZ: -- it just allows --
9 IDONNA TREVINO: -- the exact same --
10 COMMISSIONER STIENMETZ: -- them to do the duties.
11 IDONNA TREVINO: -- grade, step, pay, everything. It's
12 just an intra-department transfer.
13 COMMISSIONER WAITS: But they have to be a sworn deputy to
14 do the recording?
15 IDONNA TREVINO: Yes.
16 CHAIRMAN GARNER: Who does the recording now?
17 IDONNA TREVINO: Myself and a trainee.
18 CHAIRMAN GARNER: And she's sworn?
19 IDONNA TREVINO: She's sworn.
20 COMMISSIONER WAITS: Are you saying that two of you are out
21 of the office at the same time and things can't be recorded?
22 IDONNA TREVINO: No, I'm saying that if I'm not in the
23 office, I have to have somebody in charge. A person that's only
24 been there for twelve weeks is not really in charge.
25 I need another person that's been there, that knows the
26 office, and that can act on my behalf.
27 COMMISSIONER WAITS: But the other one is a sworn deputy
28 and can record?
29 IDONNA TREVINO: Yes.
30 COMMISSIONER WAITS: So if you aren't there, they can still
31 record. You just don't have a manager.
32 IDONNA TREVINO: Right.
33 COMMISSIONER WAITS: Well, there are several departments
34 that don't have a manager when they're out, right?
35 IDONNA TREVINO: I've always had a senior deputy until she
36 retired. And then at that point, that position -- or actually
37 she didn't retire. She left the state. That position has just
38 been vacant for a while. And I want to move one person into
39 that position.
40 COMMISSIONER WAITS: And you want to move the DMV person

1 into that position?
2 IDONNA TREVINO: Into that position --
3 COMMISSIONER WAITS: I think that's what we --
4 IDONNA TREVINO: -- because we're cross-training.
5 COMMISSIONER WAITS: -- are having a concern about.
6 COMMISSIONER MASON: Yeah.
7 IDONNA TREVINO: That way I can have everybody
8 cross-trained.
9 COMMISSIONER MASON: So first of all you -- you -- you want
10 us to revise the job description for senior deputy and then
11 next --
12 IDONNA TREVINO: And then next --
13 COMMISSIONER MASON: -- we'll take care of --
14 IDONNA TREVINO: -- we'll take care of the transfer.
15 COMMISSIONER MASON: -- the next one --
16 IDONNA TREVINO: Yes.
17 COMMISSIONER MASON: -- when it comes up?
18 IDONNA TREVINO: Yes. Now the deputy recorder's job
19 description has had DMV in it for years. We just never rewrote
20 the senior deputy position.
21 CHAIRMAN GARNER: Why didn't we?
22 COMMISSIONER STIENMETZ: Now she's trying to.
23 COMMISSIONER MASON: Basically, these are just
24 technicalities.
25 IDONNA TREVINO: Yes.
26 COMMISSIONER MASON: There's no money involved.
27 IDONNA TREVINO: There's no money involved.
28 COMMISSIONER MASON: Okay.
29 IDONNA TREVINO: Just the title.
30 CHAIRMAN GARNER: But how does that go together, I guess,
31 because the DMV union was separately -- she was held. That
32 position was held as a separate issue with negotiations in --
33 IDONNA TREVINO: DMV --
34 CHAIRMAN GARNER: Weren't they?
35 IDONNA TREVINO: The only difference --
36 CHAIRMAN GARNER: Catch me if I'm wrong.
37 IDONNA TREVINO: -- with DMV is my contract with the DMV.
38 COMMISSIONER BULLOCK: It's the same pay.
39 CHAIRMAN GARNER: The DMV's position's not held separately?
40 IDONNA TREVINO: No --

1 CHAIRMAN GARNER: It's not --
2 IDONNA TREVINO: It's not a separate issue. I mean, --
3 COMMISSIONER BULLOCK: Just union.
4 IDONNA TREVINO: -- they all work for the recorder.
5 CHAIRMAN GARNER: I thought there was something different
6 with it.
7 IDONNA TREVINO: No.
8 COMMISSIONER MASON: I don't see a problem here.
9 IDONNA TREVINO: I don't see any problem with it either. I
10 mean, since there's no money involved, we're just changing the
11 --
12 COMMISSIONER STIENMETZ: Job description.
13 IDONNA TREVINO: -- language a little bit.
14 COMMISSIONER MASON: It's just a minor -- it's a minor job
15 description change.
16 IDONNA TREVINO: Yes.
17 COMMISSIONER WAITS: But now the DMV person is going be
18 recording documents.
19 IDONNA TREVINO: Yes.
20 COMMISSIONER STIENMETZ: She'll be trained so she can.
21 COMMISSIONER WAITS: She'd be sworn so she can.
22 COMMISSIONER STIENMETZ: Yeah.
23 IDONNA TREVINO: Yes. And then the -- the trainee that I
24 have now that's a sworn deputy, she is going to be trained to do
25 DMV. Because that's in her job description as a deputy
26 recorder. It's just language.
27 CHAIRMAN GARNER: So what -- if -- it's just language.
28 There's more to it than just language. The position of that job
29 description brings out administrative duties with the senior
30 deputy that could -- that could place -- other positions in that
31 department, giving that senior deputy power to put discipline on
32 other positions in that department of which then become
33 head-to-head with union, as I read it.
34 Is that correct?
35 IDONNA TREVINO: Well, it would give her authority to
36 recommend to me. I mean, she's not going to just go in and fire
37 somebody. She's under a supervisor.
38 CHAIRMAN GARNER: It gives her -- it gives her those --
39 COMMISSIONER MASON: Well, there's a --
40 IDONNA TREVINO: The way I read it is --

1 CHAIRMAN GARNER: It gives --
2 IDONNA TREVINO: -- supervises and recommends to recorder
3 any action or discipline.
4 She recommends. She doesn't do it.
5 So next two weeks when I'm gone to CFOA, I have to have
6 somebody in charge of the office and this -- with a senior deputy,
7 I have that coverage.
8 CHAIRMAN GARNER: I'm not saying it's good or bad. I'm
9 looking at the county's interest. And when you put -- when you
10 lateral a position to a higher position without any pay raise,
11 but then you give them the glory, but they're not trained for
12 the glory, and it's a county -- it's a county position, now you
13 have a person that could make administerial decisions when
14 you're gone. Where does that hold the county? Where does that
15 -- where does that --
16 IDONNA TREVINO: But she has been training -- in training
17 for many years.
18 CHAIRMAN GARNER: But I'm talking on a county level with a
19 negotiation of all the stuff we do with this -- with the union,
20 now you put a person in that position to where she can go
21 against a union, basically, a union employee, is telling another
22 union employee how to act or could make suggestions of different
23 ideas. That I think is, myself, is kind of a contradicting.
24 The two positions could -- could be at battle.
25 I see.
26 I don't know what you guys. I mean.
27 COMMISSIONER BULLOCK: Well, the senior deputy's always
28 been a union position anyway.
29 IDONNA TREVINO: Yes, it has been all along. And the union
30 has approved it.
31 CHAIRMAN GARNER: I mean, I --
32 IDONNA TREVINO: The deputy position and the DMV position
33 are all union positions.
34 I don't have any at-will in my office.
35 CHAIRMAN GARNER: Yeah, I understand. I was just looking
36 through all the duties of it, and it doesn't --
37 IDONNA TREVINO: But I don't see anything in here that says
38 that they have the power to hire, fire, or do anything else.
39 They can recommend. And they can supervise.
40 So it's -- I don't see it as any different than you having a

1 road and bridge supervisor or a recording supervisor.
2 CHAIRMAN GARNER: Well, there is a difference. Road and
3 Bridge has a supervisor that supervises everybody. You are the
4 supervisor for everybody. Now you're saying -- now you have a
5 s- -- so now there's a -- you're a supervisor over a supervisor
6 over --
7 IDONNA TREVINO: Well, --
8 CHAIRMAN GARNER: Now --
9 IDONNA TREVINO: Or maybe they call it a lead man, I mean,
10 instead of calling it a lead man, I'm calling it a senior
11 deputy.
12 COMMISSIONER WAITS: Okay. So Idonna, will you point out
13 to me -- you're revising the job description as senior deputy
14 recorder is what it's asking for.
15 COMMISSIONER BULLOCK: Mm-hm.
16 COMMISSIONER WAITS: But my understanding is you just want
17 to move the DMV person to that title of --
18 IDONNA TREVINO: Yes.
19 COMMISSIONER WAITS: -- senior deputy recorder. That's not
20 what the agenda item says. It says revise job description. So
21 you're revising the job --
22 COMMISSIONER BULLOCK: Next agenda item.
23 COMMISSIONER WAITS: -- description of the DMV person to
24 now be --
25 IDONNA TREVINO: No.
26 COMMISSIONER WAITS: Is that what you're saying?
27 IDONNA TREVINO: I'm just revising the senior deputy job
28 description. After I revise that, then I want to move the DMV
29 clerk --
30 COMMISSIONER WAITS: Okay.
31 IDONNA TREVINO: -- into that revised position, which will
32 make her a sworn deputy and able to do DMV.
33 COMMISSIONER WAITS: Okay. What have -- what -- what is
34 the difference? What have you revised?
35 IDONNA TREVINO: We have just added the DMV duties to
36 senior deputy.
37 COMMISSIONER WAITS: Okay, to her duties --
38 IDONNA TREVINO: It was never --
39 COMMISSIONER WAITS: -- to the duties.
40 IDONNA TREVINO: -- written in before.

1 COMMISSIONER STIENMETZ: Yeah.
2 COMMISSIONER WAITS: Okay. So if our --
3 IDONNA TREVINO: It was in there deputy.
4 COMMISSIONER WAITS: All right. If our DMV person leaves
5 then at some point and you hire somebody new, that new person
6 now will be a senior --
7 IDONNA TREVINO: No.
8 COMMISSIONER WAITS: -- deputy recorder?
9 IDONNA TREVINO: No, I have --
10 COMMISSIONER WAITS: But you've revised it.
11 IDONNA TREVINO: -- deputy recorders. And I don't have to
12 have a senior deputy.
13 CHAIRMAN GARNER: That's where I'm lost. That's where
14 I'm --
15 IDONNA TREVINO: Yeah.
16 CHAIRMAN GARNER: That's where I'm -- I wasn't here last
17 meeting. I apologize. But I just -- that's where I'm lost with
18 the whole --
19 COMMISSIONER BULLOCK: The only thing difference is, is the
20 job description for the senior deputy. It's saying that the
21 senior deputy can do DMV.
22 COMMISSIONER WAITS: DMV. Okay.
23 COMMISSIONER BULLOCK: That's bottom --
24 IDONNA TREVINO: Yeah.
25 COMMISSIONER BULLOCK: -- line. That's all --
26 IDONNA TREVINO: That's the bottom line.
27 COMMISSIONER BULLOCK: -- we're addressing right now.
28 IDONNA TREVINO: That's all it is.
29 COMMISSIONER BULLOCK: We're not addressing any other
30 issue. That's the next agenda item.
31 COMMISSIONER WAITS: Okay.
32 COMMISSIONER BULLOCK: All -- all it is, is a job
33 description change, which the -- just the regular deputy
34 recorders all already do DMV. That's in their job descriptions.
35 COMMISSIONER WAITS: Got it.
36 IDONNA TREVINO: Yes.
37 COMMISSIONER BULLOCK: It's just whether the senior deputy
38 can do the DMV or not. That's all we're discussing --
39 IDONNA TREVINO: And it was --
40 COMMISSIONER BULLOCK: -- right now.

1 IDONNA TREVINO: -- it was just never rewritten when we
2 took over DMV.
3 CHAIRMAN GARNER: Oh.
4 COMMISSIONER WAITS: I'll make a motion we revise the job
5 description of senior deputy recorder to add the DMV.
6 COMMISSIONER STIENMETZ: I'll second the motion.
7 CHAIRMAN GARNER: Any public comment?
8 (No comment.)
9 CHAIRMAN GARNER: All those in favor?
10 COMMISSIONER MASON: Aye.
11 CHAIRMAN GARNER: Aye.
12 COMMISSIONER WAITS: Aye.
13 COMMISSIONER STIENMETZ: Aye.
14 COMMISSIONER BULLOCK: Aye.

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- 14) Discussion for possible action regarding approval of employee #584 for an intra-departmental transfer from DMV Clerk to Senior Deputy, grade and hourly wage will stay the same, to become a sworn deputy performing statutory duties of the office of Recorder, and other matters properly related thereto.

23 CHAIRMAN GARNER: Now, discussion for possible action
24 regarding approval of employee #584 for an intra-departmental
25 transfer from DMV Clerk to Senior Deputy, grade and hourly wage
26 will stay the same, to become a sworn deputy performing
27 statutory duties of the office of recorder; and other matters
28 properly related thereto.

29 COMMISSIONER BULLOCK: Okay. Now, that this is in light --
30 this is not our call.

31 As an elected official, that's your job.

32 COMMISSIONER STIENMETZ: You can --

33 COMMISSIONER BULLOCK: We changed the job description.

34 This isn't up to us.

35 COMMISSIONER STIENMETZ: You can do that yourself.

36 COMMISSIONER BULLOCK: The way I feel on this, this -- this
37 is out of our hands at this point.

38 IDONNA TREVINO: Okay. Well, as long as I get --

39 COMMISSIONER BULLOCK: We changed the job description --

40 IDONNA TREVINO: -- the job description.

1 COMMISSIONER BULLOCK: The job description's changed but
2 this becomes your job as an elected official to decide --
3 IDONNA TREVINO: Okay.
4 COMMISSIONER STIENMETZ: Who you want in that position.
5 COMMISSIONER BULLOCK: -- who you want. We don't go around
6 telling the other elected officials who has to be lead man or
7 whatever.
8 IDONNA TREVINO: Well, I just wanted to cover my bases --
9 COMMISSIONER BULLOCK: Yeah.
10 COMMISSIONER STIENMETZ: Right.
11 IDONNA TREVINO: -- just to make sure so I didn't get
12 bogged down again.
13 So at this point, then I --
14 COMMISSIONER BULLOCK: I mean, correct me if I'm wrong, but
15 that's the way I see it.
16 DEPUTY DISTRICT ATTORNEY TING: I think you're correct,
17 Commissioner.
18 IDONNA TREVINO: So I can go ahead to --
19 COMMISSIONER STIENMETZ: Yep.
20 IDONNA TREVINO: -- HR and do what I need to do.
21 COMMISSIONER STIENMETZ: Right.
22 IDONNA TREVINO: Okay. Thank you, so much.
23 COMMISSIONER BULLOCK: Mm-hm.
24 CHAIRMAN GARNER: Thanks.
25 COMMISSIONER STIENMETZ: Thank you, Idonna.

26
27
28 **COMMISSIONERS**

29
30 15) **Discussion for possible action regarding status report and**
31 **update on the Yucca Mountain repository program. Consultant**
32 **to provide brief status report on repository activities and**
33 **answer any questions or requests the Board may have, and**
34 **other matters properly related thereto.**

35
36 CHAIRMAN GARNER: Fifteen, Discussion for possible action
37 regarding status report and update on the Yucca Mountain
38 repository program. Consultant to provide brief status report
39 on repository activities and answer any questions or requests to
40 the board -- or any requests the board may have, and other

1 matters properly related thereto.

2 COMMISSIONER BULLOCK: Where's he at?

3 CHAIRMAN GARNER: Rex is not here. He's the one that
4 requested it.

5 COMMISSIONER STIENMETZ: So I guess we --

6 CHAIRMAN GARNER: We'll go on to item number 16.

7

8 **16) Discussion for possible action regarding Department of Public**
9 **and Behavioral Health presentation on Community Health**
10 **Nursing and Environmental Health Services, and other matters**
11 **properly related thereto.**

12

13 CHAIRMAN GARNER: Discussion for possible action regarding
14 Department of Health -- Department of Behavioral Health
15 presentation on community health nursing and environmental
16 health services, and other matters properly related thereto.

17 COMMISSIONER WAITS: Good morning.

18 COMMISSIONER STIENMETZ: Good morning.

19 JO MALAY: Good morning. Good morning, Commissioner
20 Garner, board members. Thank you.

21 For the record, my name is Jo Malay with the Division of
22 Public and Behavioral Health. I'm the director of nursing over
23 the community health and nursing programs and the behavioral
24 health nursing programs here in Nevada.

25 CINDY ULCH: And I'm Cindy Ulch. I'm the supervisor of the
26 environmental health section for Division of Public and
27 Behavioral Health and environmental health section.

28 JO MALAY: And so before I get started, I want to start
29 with a short little story and -- that really brought the issue
30 of community services that we provide here in Lander County
31 home.

32 And recently, I -- an employee within the central office
33 there in Carson City became really very ill. And I hadn't seen
34 her in a number of days, took one look at her, and said, oh,
35 please, go to the hospital. You're quite sick. So it turned out
36 that she was actually hospitalized with a vaccine-preventable
37 disease.

38 So it just, like, we -- we encourage, of course,
39 immunizations with all of our children. As you can see here in
40 Lander County, we provided over 795 children services. And most

1 of those are immunizations.

2 And although it's a requirement for children to enter school,
3 sometimes adults forget that they need immunizations as well.
4 They also forget or don't want to admit that they're ill or why do
5 you need preventive services.

6 And this really brought home why we need preventable
7 services. Everyone doesn't recognize it, and of course, until
8 you're ill, and then all of a sudden it's very important.

9 So the community health nursing program -- with me today is
10 Dr. John Kirwin and Dr. Kirwin is the new program manager for
11 the community health nursing program.

12 And I was hoping that Michelle Sandoval, who is also the
13 center director for your behavioral health clinic here in Lander
14 County, hopefully she can make it as well.

15 As you know in July 1st of 2013, we -- no 2014. What is
16 this month? It was the 13th. Oh, my gosh. Time flies. But
17 the Division of Public Health and the Division of Mental Health
18 merged through NRS and became one division. And since then, we
19 have integrated those services and really have found that we
20 serve a similar population, so that those clients now can
21 receive not only their physical health and wellness, but also
22 the behavioral health issues.

23 As we know, during times of economic decline and job loss,
24 the need for behavioral health services increases. And so we
25 offer those more and more here in Lander County. And in fact,
26 our previous CHN nurse did provide an integrated service of
27 behavioral health services as well in our clinic.

28 So working together, they're just across the street from
29 each other, they provided those services.

30 As you know Brenda Keller has moved on. She actually moved
31 on to the Division of Mental Health side and is just providing
32 behavioral health services in Washoe County.

33 And recently, we did interview candidates for the position
34 here in Battle Mountain to serve Lander County for community
35 health nursing. We have submitted a hire packet. It does need to
36 go through our processes, which sometimes takes a while. But we
37 do want to ensure that Battle Mountain is being covered. We have
38 a couple of nurses that travel in and provide those services along
39 with an advanced -- excuse me -- advanced practice nurse that
40 provides those advanced skills as well. So those services

1 continue.

2 As you can see, here in Lander County, the community health
3 nursing clinic served over 3800 patients just last year.

4 And so -- to the efforts, you can see the PODs, or the points
5 of dispensation are actually a preparedness activity where we
6 administer flu vaccine. Last year, there was an incident of a
7 fatalities, not only Lander County but in an adjoining county as
8 well. And so that really, again, brought home the need for
9 immunizations and preventive health medicine.

10 And so your community rose to that occasion, both by being
11 prepared for those activities, in the case of event, the same
12 kind of activities would be held if we give flu vaccine in these
13 types of settings or if there was an earthquake or flood. So
14 being prepared in the county is really important. And community
15 health nursing oversees public health preparedness in the county
16 as well and works closely with your emergency management system
17 here in town.

18 And so the county came together, and really outreach was
19 phenomenal. And we served probably 50% of the population got
20 immunized -- so that was perfect -- against flu last year. So
21 we'll see that same return this year in about -- in the next few
22 weeks, we'll be having another points of dispensation or POD
23 exercise. And we're hoping to see many people there again.

24 COMMISSIONER WAITS: Jo, could I ask on that because
25 there -- there kind of -- was a breakdown between the northern
26 and the southern part, like, not the information, but it was
27 available when they came to Austin and the Kingston area.

28 So we just might point out, if you're doing that, and I
29 assume you're handling all the county, that you advertise more.
30 They were just going to the schools and -- and we didn't have the
31 adults taking part and -- and knowing they had an opportunity to
32 do this.

33 JO MALAY: Sure. That's a great point. We do provide
34 multiple levels of immunization, not to get into the
35 mechanics -- the mechanics of the vaccine program. But what we
36 get for flu PODs in particular is a very particular set amount
37 of flu vaccines. And so we -- with due diligence, we have to
38 provide certain amounts to remote locations in Lander County.
39 And with Battle Mountain, being the larger population, they just
40 got more supplies of vaccines as well. So -- but with that

1 information, I'll make sure that the far-reaching counties, I
2 mean, cities also know in Lander County. And we'll try and
3 serve them as best we can. It gets tight with flu vaccines, I
4 know. So thank you for that information.

5 If no further questions?

6 No comments. I'm going to hand it over to Cindy Ulch.

7 CINDY ULCH: Well, it's a pleasure to be before you again
8 today. I was before you last year to report on the activities
9 of the environmental health section.

10 And I have a few statistics for you. And I do apologize
11 for not getting my report in to you in advance. I was out of
12 state with a family death. And it was -- it's been a little
13 hectic.

14 JO MALAY: Sadie, did you get our PowerPoint presentation?

15 COUNTY CLERK SULLIVAN: There's just a copy, I believe. It
16 must have been sent over to the secretary over at the executive
17 director's.

18 JO MALAY: Oh. Okay.

19 COUNTY CLERK SULLIVAN: Just a -- it's just a paper one
20 that's --

21 CINDY ULCH: Sadie, I have these. And I apologize.

22 COUNTY CLERK SULLIVAN: So we have just this paper
23 PowerPoint that's here in the packet for them.

24 COMMISSIONER STIENMETZ: We already have that.

25 JO MALAY: Oh, so they do have it?

26 COMMISSIONER BULLOCK: I have it.

27 COMMISSIONER STIENMETZ: We have that.

28 JO MALAY: Oh, okay. Perfect.

29 COMMISSIONER STIENMETZ: That's in our packet.

30 JO MALAY: Thank you.

31 CINDY ULCH: I think that's -- I think I'm the one that
32 didn't manage to get my stuff in.

33 So we do have a new Battle Mountain inspector. Her name is
34 Lindsey Doolittle. She's based out of our Elko office. She's a
35 brand-new employee. She's in training right now. She is right
36 now my only employee in Elko. I have a vacancy there that we're
37 in the process of filling. We do have our list from personnel.

38 So right now, we're serving Battle Mountain, both from our
39 Winnemucca office, our Carson office, and Lindsey is also
40 helping out in Battle Mountain. So right now you have three or

1 four different people rotating in as I have staff available from
2 Carson. And Battle Mountain and Austin are both caught up
3 through -- with their mandatory, statutorily-mandated
4 inspections through, I think, about the end of October.

5 Having said that, we do have our schools now that are ramping
6 back up. And we will be doing -- hitting all the schools for
7 every single semester. That's school kitchens and school
8 buildings.

9 And I'm proud to say that for the last five years, we've not
10 missed a mandated school kitchen or school building inspection
11 anywhere in the state, including in Lander County. So we'll be --
12 we'll be doing those schools and school kitchens again.

13 Last year, we did a total of 95 inspections throughout
14 Lander County. And this year we did 100. Last year, we did 55
15 inspections in restaurants, bars, and caterers. This year we
16 did 54. Last year we did 20 inspections in markets, delis, and
17 processors. And this year we did 21. We did a warehouse
18 inspection this year. We did your 18 schools and school
19 kitchens. That's nine total schools. We do them in the fall
20 semester and during the spring semester as well. And that's
21 mandated in NRS. We did a jail inspection, again, here in
22 Lander County on your jail. We did three RV parks throughout
23 your county, which we had not done previously.

24 COMMISSIONER BULLOCK: Can we back up just a minute?

25 CINDY ULCH: Yes.

26 COMMISSIONER BULLOCK: How many school kitchens did you say
27 we have?

28 CINDY ULCH: It's a combination of nine schools and school
29 kitchens. So there's part schools and part school kitchens.

30 COMMISSIONER STIENMETZ: Didn't know we had that many.

31 CINDY ULCH: School buildings and school kitchens,
32 Commissioner.

33 COMMISSIONER BULLOCK: Okay. I got to figure out where
34 they're at.

35 COMMISSIONER MASON: Well, that's covering the whole
36 county.

37 CINDY ULCH: That's the whole county. That's the whole
38 county.

39 COMMISSIONER BULLOCK: I understand. We got one in Austin.

40 CHAIRMAN GARNER: Three here.

1 COMMISSIONER WAITS: Actually, I'm assuming --
2 CHAIRMAN GARNER: Four.
3 COMMISSIONER WAITS: -- you do the senior center because
4 they prepare the food, right? And then you do the school. So
5 that would be two?
6 CINDY ULCH: Yeah, we d- -- we have -- I can get you the --
7 I can get you --
8 COMMISSIONER BULLOCK: Oh, I just --
9 CINDY ULCH: -- the full list.
10 COMMISSIONER BULLOCK: Yeah, I just -- no, that's all
11 right.
12 CINDY ULCH: Yeah. It works out to be four school
13 buildings. I think there's four -- three -- three school
14 buildings in Battle Mountain. And I used to inspect Battle
15 Mountain back when the earth's crust was still cooling.
16 COMMISSIONER BULLOCK: No, there's five.
17 CINDY ULCH: And there's one in -- in -- so if you consider
18 that it's 18 for the -- for the entire year, works out to be --
19 COMMISSIONER BULLOCK: Okay.
20 CINDY ULCH: I can get you those numbers --
21 COMMISSIONER BULLOCK: It's all right.
22 CINDY ULCH: -- specifically. Anyway. And then we just
23 did the swimming pool in your county.
24 And I think one of the things that's the happiest part of
25 my report is that we did last -- last time we had 26 food
26 establishments that had at least one critical violation in them.
27 And we've talked about critics before. What a critical
28 violation means is that it's one that has the potential to
29 immediately cause a danger to public health and something that
30 needs to be corrected right away.
31 So what we try to do is we try to -- this would be the food
32 that's left out at room temperature for a long time or a
33 refrigerator that has failed or a dishwasher that's not working
34 properly, something that could cause an immediate problem with
35 public health. So what we try do is we try to stay in the
36 establishment, help that operator find a way to remediate that.
37 And if they can't, then they follow up within a certain
38 timeframe. So -- are you -- are you questioning that or can I
39 clarify that for you?
40 COMMISSIONER WAITS: Actually, I -- I wondered as far as

1 like our commercial kitchens and such --
2 CINDY ULCH: Mm-hm.
3 COMMISSIONER WAITS: -- with restaurants and bars that --
4 CINDY ULCH: Mm-hm.
5 COMMISSIONER WAITS: -- you're talking about. Because I --
6 I know we've had different problems in different areas. And --
7 and I have been told that they were much more lenient because
8 you're allowed so many establishments within so many miles. And
9 therefore, they're a bit more lenient on the health situations?
10 CINDY ULCH: Uh.
11 COMMISSIONER WAITS: Have you ever heard that?
12 CINDY ULCH: No.
13 COMMISSIONER BULLOCK: Have you ever had a health
14 inspection?
15 CINDY ULCH: I don't think we're lenient.
16 COMMISSIONER BULLOCK: They're not lenient at all.
17 CINDY ULCH: No.
18 COMMISSIONER WAITS: Well, no, I'm saying that because of
19 some --
20 CHAIRMAN GARNER: I'll second that.
21 COMMISSIONER WAITS: -- of the situations that we've --
22 that we've had.
23 CINDY ULCH: No, there's -- you know, we have a statutory
24 mandate to do every single one of our facilities one time a
25 year. We don't miss that mandate. And we get there, and if
26 there's a critical violation, which Commissioner Bullock can
27 attest to how this works, not saying that you've had any, but --
28 but if there is one, we follow up on it. We make sure it's
29 fixed. Because it's important for us to make sure we don't have
30 something existing in a public facility that can harm your
31 citizens or your visitors. So we follow-up on those.
32 But, you know, we had 32 total critical violations that
33 were corrected on site, last time that I reported.
34 And we had 38 of those that were corrected on site this time.
35 So we're getting a better rate of correction. And we also had --
36 there was one that was completed with a compliance schedule or
37 return visit. So most of those were minor, I mean, even though
38 they were critical violations, we were able to come up with a
39 solution to get those corrected on site.
40 So we did not have any food-borne illness outbreaks in Lander

1 County in fiscal year 2014, not a one. And the focus of our
2 regulatory program remains to be on compliance, public education,
3 and interventions to protect the public.

4 So -- and again, we did cor- -- we did complete 100 percent
5 of the statutorily-mandated inspections for all of Lander County
6 timely. We didn't miss any. And we also, like I said, we did
7 all your schools and all your school kitchens timely.

8 So I'm happy --

9 COMMISSIONER WAITS: Thank you.

10 CINDY ULCH: -- to entertain questions.

11 COMMISSIONER WAITS: Would you be kind enough to leave your
12 cards?

13 CINDY ULCH: Yes.

14 JO MALAY: You bet.

15 CINDY ULCH: We'll do that.

16 JO MALAY: One other thing I wanted to add. I forget
17 actually our administrative assistant is new as well, not new to
18 you. Jane Bianchi is our new administrative assistant in the
19 community health nursing clinic. She's training currently in
20 Winnemucca. And our community health nursing clinic, the dome,
21 the famous dome, which I enjoy, but I guess we're moving out of
22 there as the Battle Mountain General Hospital, working with Phil
23 Hannah, Michelle Sandoval.

24 COMMISSIONER BULLOCK: That's yet to be determined.

25 JO MALAY: Oh. Are we going to stay in the dome? Well,
26 then you tell me.

27 COMMISSIONER BULLOCK: There's an assumption there. And it
28 was --

29 JO MALAY: Oh.

30 COMMISSIONER BULLOCK: -- brought to their attention, but
31 they're not really listening. I'll be hon- -- let's -- we pay
32 the rent.

33 JO MALAY: Okay. Got you. Got you.

34 COMMISSIONER BULLOCK: We're building a new courthouse --

35 JO MALAY: That's true.

36 COMMISSIONER BULLOCK: -- administration building. We have
37 four vacant buildings going to be available. So that is yet to
38 be determined.

39 JO MALAY: Okay. But it won't be the dome?

40 COMMISSIONER BULLOCK: No, it won't be the dome.

1 JO MALAY: Okay. So that's -- all right.
2 Well, what -- to be seen. We'll be happy to -- we're happy
3 just to be in Battle Mountain. So that's the -- but again, thank
4 you for the support of the county.
5 COMMISSIONER BULLOCK: Okay.
6 JO MALAY: And keep me informed on that.
7 Thank you.
8 COMMISSIONER MASON: Thank you.
9 COMMISSIONER BULLOCK: Hey, I'm not done. Hold on. Hold
10 on a minute.
11 JO MALAY: Must be Cindy. Nobody has questions for
12 community health nursing.
13 COMMISSIONER BULLOCK: I have a couple of questions.
14 JO MALAY: Yes.
15 COMMISSIONER BULLOCK: Servsafe. Big deal. Okay.
16 CINDY ULCH: Yeah.
17 COMMISSIONER BULLOCK: You have classes all over and -- and
18 there's -- you show in -- in Lander County that there's 42
19 restaurants and yet no class has been held in Battle Mountain or
20 Austin or in Lander County. They're all elsewhere.
21 CINDY ULCH: No, there have been classes held in Battle
22 Mountain.
23 COMMISSIONER BULLOCK: I've never seen a thing on it --
24 CINDY ULCH: Yeah.
25 COMMISSIONER BULLOCK: -- because I get all the fliers and
26 not one has been in Battle Mountain.
27 CINDY ULCH: I will send you -- the contact information for
28 Tony --
29 COMMISSIONER BULLOCK: Okay.
30 CINDY ULCH: -- Pastini.
31 COMMISSIONER BULLOCK: Because the next four --
32 CINDY ULCH: He --
33 COMMISSIONER BULLOCK: -- are in -- in Fallon, Elko,
34 Winnemucca, and Wendover.
35 CINDY ULCH: Okay.
36 COMMISSIONER BULLOCK: And I'm still waiting. I've waited
37 all year --
38 CINDY ULCH: Okay.
39 COMMISSIONER BULLOCK: -- for one to be here to send my
40 employees.

1 CINDY ULCH: All right.
2 COMMISSIONER BULLOCK: And I've yet to see one.
3 CINDY ULCH: Okay.
4 COMMISSIONER BULLOCK: Second complaint the restaurants
5 have --
6 CINDY ULCH: Okay.
7 COMMISSIONER BULLOCK: -- for that: --
8 CINDY ULCH: All right.
9 COMMISSIONER BULLOCK: -- Where's the Spanish-speaking one?
10 CINDY ULCH: There -- on Servsafe?
11 COMMISSIONER BULLOCK: But the test needs to be Spanish.
12 CINDY ULCH: Okay. Let me --
13 COMMISSIONER BULLOCK: We've gone to Spanish-speaking ones,
14 but then the test is in English.
15 CINDY ULCH: Mm-hm.
16 COMMISSIONER BULLOCK: And there's a lot of Hispanics that
17 work in the restaurants, bars, and they're -- they're struggling
18 with it.
19 CINDY ULCH: Okay. The way that this is written in the
20 administrative code -- and we do have a new code as you're well
21 aware. It was passed December 18th, 2013. It requires that
22 there be an ANSI-accredited course taken by your person in
23 charge in your restaurant and that they have to be able to pass
24 that course to demonstrate competency.
25 So we have left that because we have been under the mandate
26 through our administration and through the governor's office
27 that we're not to interfere with private commerce. So there are
28 people that privately teach that course for a living. So we
29 don't have a huge amount of influence in where they bring the
30 course.
31 But having heard your concern, I will notify the course
32 instructors that I have. And I will also -- that there is also a
33 need for a course here.
34 COMMISSIONER BULLOCK: Mm-hm.
35 CINDY ULCH: And I will also tell you there is a
36 Spanish-speaking -- two instructors that do give Spanish
37 instruction and Spanish tests.
38 COMMISSIONER BULLOCK: Okay.
39 CINDY ULCH: There are definitely. I will tell them that
40 there's a need for that here as well.

1 COMMISSIONER BULLOCK: Yes, there's a restaurant here
2 that's looking for that right now.

3 CINDY ULCH: Okay. And I will send you the link,
4 Commissioner, on our website that offers online courses that can
5 be taken online, independent study. And then all you have to do
6 is retain an accredited instructor. And that's the Servsafe
7 rule, not my rule, to proctor that exam. So I will get you all
8 that information, because I hear what you're saying. And we've
9 got this new requirement coming down the --

10 COMMISSIONER BULLOCK: Quick.

11 CINDY ULCH: -- the pipe at us. And we did -- when I went
12 before the legislature, I put a one-year grace period in. Many
13 people said that was too long of a grace period to get this
14 training. And I said, you don't understand rural Nevada. I
15 mean, I've lived in rural Nevada my entire career. I live in
16 Winnemucca. I've never lived anywhere else in Nevada when I've
17 worked for the health division. And I get rural Nevada.

18 So we did stick with the one-year grace period. It is --
19 it's coming due on January 1st. And I will take your concerns
20 to my instructors, --

21 COMMISSIONER BULLOCK: Okay.

22 CINDY ULCH: -- and I'll get you those links.

23 COMMISSIONER BULLOCK: It's just -- it's not just mine.

24 CINDY ULCH: I know.

25 COMMISSIONER BULLOCK: I mean, I've talked with some --

26 CINDY ULCH: No.

27 COMMISSIONER BULLOCK: -- of the other --

28 CINDY ULCH: No.

29 COMMISSIONER BULLOCK: -- owners here.

30 CINDY ULCH: If I get you the link, can you share that
31 information or --

32 COMMISSIONER BULLOCK: I'll share it with the others.

33 CINDY ULCH: Yeah. Or if they have questions, they're
34 welcome to call me independently, and I'll help them with that.

35 COMMISSIONER BULLOCK: Okay.

36 CINDY ULCH: And I'll nudge those instructors and I'll tell
37 them they have, you know, anxious people in Battle Mountain.

38 COMMISSIONER BULLOCK: We do. And I know of three other
39 restaurant owners that I've talked to that we're looking at
40 hiring our own or whatever. But you know, by the time we have

1 to pay our employees to go out of town because it's not fair to
2 ask them --

3 CINDY ULCH: Yeah. And these are two-day courses --

4 COMMISSIONER BULLOCK: -- to go.

5 CINDY ULCH: -- typically so they have to spend the night.
6 And you have to lose --

7 COMMISSIONER BULLOCK: Mm-hm.

8 CINDY ULCH: -- them from your work force. I get that. I
9 do. I'll do what I can do for you.

10 COMMISSIONER BULLOCK: Okay. Now I've just got a trivial
11 question here.

12 CINDY ULCH: Okay.

13 COMMISSIONER BULLOCK: How is it that Washoe County only
14 has 44 restaurants and bar?

15 CINDY ULCH: Those are the only ones we regulate. And
16 those are all on the university system. So we regu- -- we -- we
17 regulate -- we have the jurisdiction still over state
18 facilities. So those 44 that you're seeing on that PowerPoint
19 presentation, --

20 COMMISSIONER BULLOCK: Mm-hm.

21 CINDY ULCH: -- they're all at the university.

22 COMMISSIONER BULLOCK: So you guys don't recogni- --
23 regulate the casinos, all those bars and --

24 CINDY ULCH: Washoe County Health Department does that.
25 There's a statutory definition in NRS that's set up by the
26 legislature. We do state buildings. Washoe County does
27 everything else.

28 COMMISSIONER BULLOCK: Okay. I was just --

29 CINDY ULCH: Yeah.

30 COMMISSIONER BULLOCK: -- curious.

31 CINDY ULCH: Yeah.

32 JO MALAY: Yeah.

33 CINDY ULCH: When you see that 44, I'm sure you were --

34 JO MALAY: Yeah.

35 CINDY ULCH: -- you thought my school numbers were wonky.
36 I'm sure you thought that was really wonky.

37 COMMISSIONER BULLOCK: I knew there had to be an
38 explanation. I was just -- yeah.

39 CINDY ULCH: The other thing I didn't report on and I
40 should talk a little bit since Brian's here is that we do seem

1 to continue to have a large number of truck wrecks in the -- on
2 the I-80 corridor. I get calls, you know, often from Elko
3 Highway Patrol. And we do seem to be having those. We are also
4 managing those truck accidents when they contain food. So
5 that -- and Brian's pivotal on those. He and I have had a few
6 conversations about those. So we're also regulating that
7 program within your county borders also.

8 COMMISSIONER BULLOCK: Okay. That's all I've got.

9 CINDY ULCH: Okay.

10 COMMISSIONER WAITS: Thank you.

11 COMMISSIONER STIENMETZ: Thank you.

12 CHAIRMAN GARNER: Just one --

13 COMMISSIONER STIENMETZ: Appreciate it. Oh.

14 CHAIRMAN GARNER: The position? Has it been notified yet?

15 CINDY ULCH: No. I have -- until I get approval -- as you
16 know, the state positions don't always -- are competitive in
17 their salaries. And so in order to be competitive, I had to put
18 in specific paperwork that goes to the governor. And so as soon
19 as I get that back, I can make that announcement. That's on.
20 I'm excited.

21 Before I leave, I'm sure you know her already, but Michelle
22 Sandoval is the center director here at Battle Mountain on
23 behavioral health clinic, and so I wanted to make sure you saw
24 her and met her.

25 Thank you, very much.

26 CHAIRMAN GARNER: Thanks ladies.

27 COMMISSIONER STIENMETZ: Thank you.

28 COMMISSIONER WAITS: Thank you.

29 JO MALAY: Thank you.

30 CHAIRMAN GARNER: That was a long one.

31
32 **17) Discussion for possible action regarding review, approval,**
33 **and authorization to enter into a contract with A & K Earth**
34 **Movers for the amount of \$696,000.00 for the Austin Airport**
35 **Apron Expansion, and other matters properly related thereto.**
36

37 CHAIRMAN GARNER: ~~Seventeen, discussion for possible action~~
38 ~~regarding review, approval, and authorization to enter into a~~
39 ~~contract with A & K Earth Movers for the amount of \$696,000 for~~
40 ~~the Austin Airport apron expansion, and other matters properly~~

1 related thereto.

2 JIM OLSON: This is for the apron expansion at Austin
3 Airport.

4 COMMISSIONER BULLOCK: We're at five percent, right?

5 JIM OLSON: Yes.

6 Documents, the original documents were being sent over by
7 J-U-B yesterday, FedEx.

8 COMMISSIONER BULLOCK: Well, I'll make a motion to approve
9 and authorize to enter into a contract with A & K Earth Movers
10 for the amount of \$696,000 for the Austin Airport apron
11 expansion.

12 COMMISSIONER STIENMETZ: I will second that motion.

13 CHAIRMAN GARNER: Any public comment?

14 (No comment.)

15 CHAIRMAN GARNER: All those in favor?

16 COMMISSIONER MASON: Aye.

17 COMMISSIONER WAITS: Aye.

18 CHAIRMAN GARNER: Aye.

19 COMMISSIONER STIENMETZ: Aye.

20 COMMISSIONER BULLOCK: Aye.

21

22 18) Discussion for possible action regarding status of the Lander
23 County Courthouse/Administration Building Project, and other
24 matters properly related thereto.

25

26 CHAIRMAN GARNER: Discussion for possible action regarding
27 status of the Lander County Courthouse/Administration Building
28 Project, and other matters properly related thereto.

29 You guys are out of time. We'll put you back on the agenda
30 in two weeks.

31 JUDGE MAX BUNCH: I have a box full of stuff here.

32 CHAIRMAN GARNER: That's why I said that.

33 JUDGE MAX BUNCH: First, I have photographs presented by
34 CORE Construction, put these together, wanted me to hand these
35 out to the commissioners so that you had everything.

36 COMMISSIONER BULLOCK: If I'd have known that, I would have
37 worn a suit and tie.

38 COMMISSIONER MASON: Aren't you a happy shoveler?

39 COMMISSIONER WAITS: There's no heading and no date on
40 this.

1 COMMISSIONER STIENMETZ: I'd have combed my hair.
2 JUDGE MAX BUNCH: There isn't.
3 COMMISSIONER MASON: It's all right, you can take --
4 JUDGE MAX BUNCH: But I just asked for a photo and never
5 give that a thought actually, but --
6 UNIDENTIFIED PARTICIPANT: I got about 30 copies of the --
7 COMMISSIONER WAITS: Thank you.
8 COMMISSIONER STIENMETZ: Thanks.
9 JUDGE MAX BUNCH: Okay. Kind of give you an update of
10 where we're at today. Starting at 5:00 o'clock this morning,
11 they were pouring the basement floor today. It was about
12 120 yards of cement being poured in the basement and to finish
13 the footings on the front part of the building. They're still
14 working on some landscape design as I explained to you at the
15 last meeting. And the off-site water line looks to be going
16 fine. It's probably about 60% completed.
17 There was some -- Jake did bring up a couple issues. And I
18 know that Casey and -- and CORE are working on this about the
19 potential fire hydrants.
20 The -- the original plan only had one and some there were
21 wanting to put three.
22 But Jake wants to put one where they've already dug up,
23 poured cement, and put it back down on Sheep Creek.
24 And -- and we're right now at the turn-in to the building.
25 So potentially if we have to put the -- put it someplace, then we
26 might want to potentially put it there because they had one up at
27 Sheep Creek across the road by the little storage sheds that are
28 up there. That gets utilized an awful lot. So I just don't know
29 if we need one on Sheep Creek because we're going to have to --
30 somebody's going have to pay to go back in, re-dig it out, and
31 re-hook everything up.
32 CHAIRMAN GARNER: Can't we just come down a hundred feet
33 and do another one?
34 JUDGE MAX BUNCH: We actually have come down a thousand --
35 well, we're -- we've already come down a thousand foot. We have
36 one on the side of the road.
37 CHAIRMAN GARNER: Can we split --
38 JUDGE MAX BUNCH: And now we're just to the fence area,
39 just past the fence area of where the project starts from the
40 south coming north.

1 And there was a gate there where the CORE trailer is, you
2 know, the great big, white CORE trailer. We're just past that
3 about 75 feet. So we're past that about 75 feet, which
4 potentially, if he has one on site, you could get one over
5 there, and we could probably get that in there. And then he
6 wanted one down towards Old 8A -- is my understanding.

7 CHAIRMAN GARNER: So there's n- -- between the site on
8 Sheep Creek there's not any?

9 COMMISSIONER BULLOCK: Yeah, there's one.

10 JUDGE MAX BUNCH: There's -- there're actually two of them.
11 There're actually two of them. One close -- they're both by the
12 sheriff's office. The corner that goes into --

13 CHAIRMAN GARNER: Yeah.

14 JUDGE MAX BUNCH: -- the back gate. And then there's one
15 up on the front. So up on the highway, no. But they're --
16 they're close right there. And they're all tying in. So all of
17 it. So all of those are being tied into the loop around the
18 sheriff's office and the new courthouse.

19 COMMISSIONER BULLOCK: No, there -- but there's one --

20 CASEY GUNTHER: There is one between -- sorry -- Casey,
21 CORE.

22 COMMISSIONER BULLOCK: Mm-hm.

23 CASEY GUNTHER: There is one between the courthouse site
24 and Sheep Creek right now. That one came down about 1100 feet
25 from where the tie-in was.

26 CHAIRMAN GARNER: That's good. That's good.

27 CASEY GUNTHER: So that one is there. But Jake approached
28 me yesterday saying we wanted to add two more.

29 CHAIRMAN GARNER: I think all we originally -- we wanted
30 that one, one -- and then one by Old 8A. That was what was in
31 the original bid.

32 JUDGE MAX BUNCH: You know, I can't recall that off the top
33 of my head, how many fire hydrants we had there.

34 CHAIRMAN GARNER: In the committee's deal, we wanted three.
35 And that would be one, two, and three.

36 COMMISSIONER STIENMETZ: Say they need to identify
37 themselves.

38 COUNTY CLERK SULLIVAN: They did.

39 COMMISSIONER STIENMETZ: Okay. They did? All right.

40 COUNTY CLERK SULLIVAN: Yeah. Casey did.

1 JUDGE MAX BUNCH: I thought I did.
2 COUNTY CLERK SULLIVAN: Max William.
3 JUDGE MAX BUNCH: If I didn't, Max Bunch, for the record.
4 COUNTY CLERK SULLIVAN: Thank you.
5 JUDGE MAX BUNCH: Building committee.
6 COMMISSIONER MASON: Let me ask a question.
7 As you go down to 8A, can't you -- can you tie into the old
8 fire hydrant?
9 COMMISSIONER STIENMETZ: It will be.
10 COMMISSIONER MASON: I mean, can you tie in the new water
11 pressure to the court- -- the jail?
12 JUDGE MAX BUNCH: It will be.
13 COMMISSIONER MASON: Oh. Okay. And the other is: Say two
14 years from now, three years from now, a new business comes in --
15 JUDGE MAX BUNCH: You have -- you have a water line that
16 can be tied in to --
17 COMMISSIONER MASON: I mean, a fire hydrant can be added in
18 later?
19 COMMISSIONER STIENMETZ: Mm-hm.
20 JUDGE MAX BUNCH: Fire hydrant? You asked about new
21 business. So they can put in any water line, because there's a
22 14-inch water line coming down --
23 COMMISSIONER MASON: Yes.
24 JUDGE MAX BUNCH: -- coming down the side of the --
25 COMMISSIONER MASON: Well, I'm just thinking about --
26 JUDGE MAX BUNCH: -- State Route 305.
27 COMMISSIONER MASON: -- fire hydrant. I know they can tie
28 into the main, but --
29 JUDGE MAX BUNCH: So yeah, and they can do a fire hydrant
30 into the main also.
31 COMMISSIONER STIENMETZ: Mm-hm.
32 COMMISSIONER MASON: Good. Okay.
33 JUDGE MAX BUNCH: Okay. Continuing on, I'm working with
34 the county assessor on the data and phone communications between
35 Satview Broadband and AT&T.
36 In the last three weeks, the assessor has indicated to me
37 that broadband -- Satview Broadband could -- could provide
38 x-amount of megabytes per second, which was about five times
39 more than what we currently have.
40 And then on Tuesday morning, I believe, or Wednesday, I got

1 told that they could do about ten times more through AT&T. So
2 -- so. And I got that information from the assessor, which is a
3 hundred megabytes per second for AT&T and 50. And right now the
4 county runs on about 13 is about the most that the county can
5 get. And that was just an upgrade not long ago. So -- and the
6 sheriff's office currently runs on one and a half to three,
7 which will be a big increase.

8 But I think you guys approved an AT&T tower somewhere next
9 to the sheriff's office. And I think that's where that's coming
10 from. So -- so we don't have that far to go.

11 We are putting in -- I talked with CORE -- we're putting in
12 extra conduits for -- on this project. We have it. We can get
13 it within our budget or we can try to find the money through
14 Technology Fund to put in the extra conduits, because they're
15 going to be putting that in here in the next week or two. And
16 so we're trying to make sure we have the extra conduits in for
17 anything that we need to add in.

18 So we're trying to get something in. We're trying to have
19 one extra conduit, because nobody shares conduits for whatever
20 reason. Because AT&T has their own and NV Energy has their own.
21 And everybody has their own. And so we're going to put in one
22 that's ours that belongs to Lander County. And we can choose to
23 run ten cables through there if we want to.

24 And so -- I'm -- I'm trying to think ahead for us that if
25 we're -- if we're able to do that and we own it, then we have our
26 own say and our own cables going through that.

27 COMMISSIONER BULLOCK: But I do understand why AT&T does
28 that, so --

29 COMMISSIONER STIENMETZ: Mm-hm.

30 COMMISSIONER BULLOCK: There's static from the electricity
31 if you try to run it that close.

32 COMMISSIONER STIENMETZ: You can only put certain types of
33 stuff in each conduit because of that.

34 JUDGE MAX BUNCH: That's what's assumed, yes.

35 All right. Going -- going further, the solar shade will be
36 completed by the end of the week with about one week's worth of
37 work to do when we connect to the master switchboard. And that
38 will be down the road a little bit.

39 So if you've looked over there, the shades are up. The
40 solar's on. Everything's connected. The light's underneath.

1 The trench has been done. The cables right to where they can
2 go, as far as they can go right now until we get the basement
3 finished up and start coming up with the -- with the walls.

4 Some block has been put in place in the basement. I don't
5 know if you've seen the stacks of cement blocks out there.
6 They've put some in. And they've also put some on the first
7 floor. So there are some -- the color different. You'll be
8 able to see the tan block that -- that everybody chose that was
9 there to -- to make that decision. Part of that is up on, kind
10 of the sheriff's office side, it faces the sheriff's office
11 parking lot.

12 Let's see. And then I have a tax savings document that --
13 that was give to me from CORE Construction. And it's just things
14 we talked about to -- to have it -- to save on the -- on the sales
15 tax portion of it so we don't have sales tax.

16 And there needs to be some signatures from the county. And
17 I'm not sure if that specifically -- because I know we've
18 discussed it many, many times -- I'm not sure if we can just sign
19 it or whether it's going to be agendized to be signed.

20 COMMISSIONER BULLOCK: Wasn't it already approved?

21 COMMISSIONER STIENMETZ: Yeah.

22 JUDGE MAX BUNCH: Well, you guys approved it. I mean, if
23 you -- I know that we've talked about it numerous times and
24 that's how we could potentially save our -- save a lot of money
25 to get our alternates that we have our alternate parking areas.

26 CHAIRMAN GARNER: Yeah.

27 COMMISSIONER BULLOCK: As far as I know, it's all been
28 approved.

29 COMMISSIONER WAITS: It should be all administration.
30 Yeah.

31 JUDGE MAX BUNCH: So then I can -- then I have the
32 documentation finally, and we can have the -- give that to
33 Brian -- have the chairman sign it.

34 COMMISSIONER BULLOCK: It's okay, but you just don't get it
35 back till there's a copy made.

36 JUDGE MAX BUNCH: Actually transfer CORE or do whatever
37 needs to be done. That's fine with me. I think there's two
38 originals: One for CORE Construction, which Seth Maurer has
39 signed, both of them, and then one for the county.

40 And I can take a copy back whenever you get it done so I

1 can put it in the files.
2 Then I think we're down to the main, potentially the last
3 thing which is -- that I have today, unless there's more
4 questions,
5 COMMISSIONER MASON: Oh, yeah.
6 JUDGE MAX BUNCH: -- is we've gotten this, I think,
7 finalized. Unless there's more changes or everybody's changed
8 their mind.
9 COMMISSIONER MASON: You going to change your mind?
10 JUDGE MAX BUNCH: So the -- the county seal.
11 I know that we've discussed it a few different meetings. You
12 told me to go back and get some things changed. And -- and I've
13 done those. Specifically the last time was the -- the shine on
14 the Lander County. There was some kind of shine that was in the
15 middle of it, the Lander County in the ax handle, outline of
16 Lander County.
17 There was some shine in there. Kind of went down the middle,
18 and it didn't really look good and somebody asked me about that.
19 And so I got with the person and took it out.
20 So --
21 COMMISSIONER BULLOCK: I'm good with it.
22 COMMISSIONER STIENMETZ: I'm good with it.
23 COMMISSIONER MASON: I am too.
24 COMMISSIONER WAITS: It looks nice.
25 COMMISSIONER STIENMETZ: Do we need to make a motion or
26 anything?
27 JUDGE MAX BUNCH: I don't think it's on the agenda. I
28 just -- I just needed to know if this -- if this is where we're
29 going.
30 Potentially what we're attempting to do on the -- on the
31 building is where on the very front of the building where it says
32 Lander County Courthouse and Administration, I believe that we're
33 going to try to get this bronzed. And it would sit in the middle
34 of that on the very front of the building.
35 COMMISSIONER WAITS: In color?
36 COMMISSIONER MASON: Bronzed.
37 JUDGE MAX BUNCH: I think -- I think it's going to be
38 bronzed.
39 CASEY GUNTHER: It'd be bronzed like a plaque.
40 JUDGE MAX BUNCH: I'm working on potentially putting this

1 in the -- in the floor as you walk into the building.
2 The committee, we kind of talked about putting, like,
3 whatever it is that we have and putting that in the floor of the
4 building so that it's -- it's sealed over so it's there
5 permanently in the floor.
6 COMMISSIONER MASON: It'll look -- will that be -- you
7 know, we've got a weather entry, and then you've got the front
8 doors. It will be --
9 JUDGE MAX BUNCH: You've got the front door and then you
10 have a -- foyer. And then you have another set of doors. And
11 then it will be on the floor inside of --
12 COMMISSIONER MASON: Inside. Okay. Yeah.
13 COMMISSIONER WAITS: What type of a size are you looking
14 at?
15 COMMISSIONER STIENMETZ: Whatever fits.
16 JUDGE MAX BUNCH: Whatever fits.
17 COMMISSIONER WAITS: Whatever fits. The whole thing.
18 JUDGE MAX BUNCH: I mean, it could fit a great, big one,
19 but I think we're just looking at something as you come in on
20 the floor, would have that built into the floor.
21 Because we have polished concrete is what we have. On -- on
22 that whole corridor on the bottom for where the public comes in.
23 And this would be down on the floor so when you walked in, you
24 look down on it.
25 CHAIRMAN GARNER: (Indiscernible.)
26 JUDGE MAX BUNCH: Yeah. Yeah. I think it was indicated
27 just a little bit bigger than the size of this table.
28 COMMISSIONER MASON: Great.
29 COMMISSIONER WAITS: Thank you.
30 JUDGE MAX BUNCH: So --
31 COMMISSIONER STIENMETZ: Thanks.
32 JUDGE MAX BUNCH: Any other questions?
33 Oh, 3:30 today, anybody who wants to come over and go through
34 a walk-through, I have it set up. Just need long -- long pants.
35 Dress if you have one, I guess, that would be fine. And hopefully
36 --
37 COMMISSIONER STIENMETZ: Closed-toed shoes.
38 JUDGE MAX BUNCH: Closed-toed shoes would be preferred.
39 And we'll have it set up at 3:30 today. Jeff with CORE at the
40 CORE trailer -- you check in there. He'll have everything for

1 you. You can -- he'll take you and you can walk the site. And
2 you can look at the solar structures and all the cement they've
3 laid in there. Because when you look over the hill, there's a
4 lot of work that's been done. You don't see it from the road,
5 but when you look over the top, then there's a lot of work.

6 Starting -- I think I missed something there -- at -- the
7 basement slab went in today. After it's cured, which is going
8 to be potentially Tuesday, they will start to putting block --
9 will be going up on Tuesday, from the basement up. Then we
10 might see. It might look like it's more progress going than --
11 than what you see. I mean, there is a lot of progress going on.

12 COMMISSIONER MASON: The basement is just by itself.

13 JUDGE MAX BUNCH: Pardon?

14 COMMISSIONER MASON: The basement is a --

15 COMMISSIONER STIENMETZ: It's under the southe- -- the
16 eastern edge of the building.

17 COMMISSIONER MASON: How big is it?

18 JUDGE MAX BUNCH: Four thousand square feet.

19 COMMISSIONER MASON: Yeah, that's what it was. Okay.

20 JUDGE MAX BUNCH: So -- and actually when you get there,
21 you'll see that the floor is in and now they're going to go up
22 with cement.

23 COMMISSIONER MASON: How did you guys decide to seal that?
24 The -- you know -- the seams --

25 CHAIRMAN GARNER: Thompsons.

26 COMMISSIONER MASON: -- from water? I know you've got a --
27 a sump pump.

28 CASEY GUNTHER: The elevator pit and the pier footing that
29 was the deepest that would actually encounter ground water, we
30 add -- we added side patch, which is an addition to the concrete
31 to the waterproofing add mixture.

32 Our engineer of record said that the slab and everything
33 was fine, would not be an issue. And per plan, we're going up
34 with a sheet-applied waterproofing from the outside of footings
35 all the way up the black --

36 COMMISSIONER MASON: There you go.

37 CASEY GUNTHER: -- wall.

38 JUDGE MAX BUNCH: Thank you.

39 CASEY GUNTHER: No problem.

40 JUDGE MAX BUNCH: I could have said it, but probably not

1 like he did.

2 COMMISSIONER MASON: And I -- why long pants? What's that
3 got to do with safety?

4 COMMISSIONER STIENMETZ: It's required.

5 CASEY GUNTHER: It's -- that's an OSHA requirement. Any
6 time you go on a job site, there's stuff flying around. It
7 could be you run around and hit yourself on some rebar that's
8 sticking up, pallets, anything like that.

9 COMMISSIONER MASON: Okay.

10 CASEY GUNTHER: And it's --
11 Thank you.

12 JUDGE MAX BUNCH: Thank you.

13 CHAIRMAN GARNER: Thanks.

14 COMMISSIONER STIENMETZ: Thank you.

15 COMMISSIONER MASON: Thanks.

16

17 **19) Correspondence/reports/potential upcoming agenda items.**

18

19 CHAIRMAN GARNER: Correspondence/reports/potential agenda
20 items.
21 With none, moving on to 20.

22

23 **20) Discussion for possible action regarding the six-month**
24 **performance evaluation of the Lander County Executive**
25 **Director.**

26

27 CHAIRMAN GARNER: Discussion for possible action regarding
28 the six-month performance evaluation of the Lander County
29 Executive Director.
30 You want it closed?

31 COMMISSIONER BULLOCK: No, it has to be open.

32 CHAIRMAN GARNER: Oh.
33 That's right.
34 Then we go to -- that's for the --

35 COMMISSIONER MASON: Is your secretary handing -- making
36 copies of correspondence for us? Or is it -- Jim?

37 JIM OLSON: Me?

38 COMMISSIONER MASON: Yeah.

39 JIM OLSON: Yes, she is. She makes copies.

40 COMMISSIONER MASON: I don't see any on here, so was there

1 none?

2 JIM OLSON: There wasn't anything. Most of it got put into
3 the boxes directly to the various commissioners.

4 CHAIRMAN GARNER: But it's --

5 COMMISSIONER MASON: I know, but we -- don't we --

6 COMMISSIONER STIENMETZ: You're supposed to list them --

7 COMMISSIONER MASON: We put it on --

8 COMMISSIONER STIENMETZ: -- here --

9 COMMISSIONER MASON: -- here --

10 COMMISSIONER STIENMETZ: -- anyway.

11 COMMISSIONER MASON: Supposed to be on here so that we can
12 comment on it.

13 COMMISSIONER WAITS: It's not identified for the record
14 either.

15 JIM OLSON: Okay.

16 COMMISSIONER MASON: So she just keeps a list of
17 correspondence for the two-week period and --

18 JIM OLSON: Okay. I wasn't aware of that. We'll take care
19 of that.

20 COMMISSIONER MASON: That way we can review again or we
21 want to talk about it -- anything.

22 JIM OLSON: Okay.

23 CHAIRMAN GARNER: Anybody want to start?

24 COMMISSIONER BULLOCK: Go ahead.

25 CHAIRMAN GARNER: I got several concerns, comments.
26 Personally, the concerns I have are things that I've given
27 you to look into or, I guess, get some direction back, one of them
28 being the -- the radio system. Several things have not happened.
29 The radio system, I guess I just was -- you took it. You went and
30 you talked to them. And you said everything's all right. And
31 it's not all right. We need to know. The radio system is owned
32 by the county. It's not the sheriff's department's.

33 And if there's problems with it, that's ours. And we, the
34 commissioners, need to address those problems. You didn't take
35 the approach to fix the problem. You took the approach to
36 negotiate with them. And you're not in a position to negotiate.
37 You're in the position to give us what we need to fix the problem,
38 I guess, was my frustration with that.

39 Then you made a point to make a meeting. I was to pick you
40 up at 8:00 o'clock to go to the grass deal. And you double booked

1 on that. You -- I showed up to pick you up, and you were not
2 available. You had another meeting that you had booked on top of
3 it, which happens, but a -- a notification would have been good
4 with that.

5 My biggest problem is I sat down with you a couple of weeks
6 after you got in there, and I told you we had some
7 inter-department, some problems with different departments and
8 different things, and people needing training and needing -- that
9 I felt, personally, and that I had heard about. And to this date,
10 your exposure to the public and to the -- I mean, to the
11 employees -- north, south, all the facilities -- is limited. You
12 should be -- you should be to all the facilities we have
13 constantly.

14 JIM OLSON: Okay.

15 CHAIRMAN GARNER: You should be on top of any conflict with
16 supervisors, any inter-department conflicts, any department --
17 any of that. That's -- we rely on you to fix that.

18 JIM OLSON: Yes.

19 CHAIRMAN GARNER: And we rely on you to make that happen.
20 And I don't feel as if I've got that out of you.

21 The rec center, you're sit in there to -- at our disposal --
22 for the rec center to keep the meetings on agenda. And to keep
23 the -- on schedule, to give us scheduled dates, to contact the
24 lawyer to get the administratal parts of it.

25 And you took the -- you took the -- you took the rec center
26 and you went total left field with it. You already have
27 conceptual drawings. You have already all this stuff that you
28 took into your own hand and just went with it. We didn't ask
29 for that. We asked to talk to the lawyer. We asked to talk, to
30 do things in sequential order, to get it -- to get it on track.
31 You took it, and now we have all these drawings and stuff out in
32 the public. The CMAR is what you were supposed to do, but now
33 we have all these drawings, all these conceptual things. That's
34 not what we -- that's not what you're there for. That's not
35 what we asked. That's that board's decision. And we didn't --
36 ask to have all those conceptual -- all that stuff done.

37 JIM OLSON: Okay.

38 CHAIRMAN GARNER: We didn't ask any of that. But now it's
39 out there. And now, there's going to be mass confusion when --
40 if we make something -- a different decision. That's not what

1 we asked for.

2 JIM OLSON: Right.

3 CHAIRMAN GARNER: And -- but that's what we got, and now we
4 have to deal with it. So those are some of my main -- main -- I
5 guess I'm not -- I don't feel I'm -- I don't feel you're
6 supporting the commission in those manners effectively.

7 Because I don't --
8 I'm. That's --
9 I had them wrote down and I've --

10 COMMISSIONER STIENMETZ: That's what I did too.

11 CHAIRMAN GARNER: -- been up all night.

12 COMMISSIONER STIENMETZ: I just -- and I hate to do this
13 because I can't get everything worded right. But I've had
14 people complain to me that they weren't getting the service they
15 thought they should from you.

16 JIM OLSON: Okay.

17 COMMISSIONER STIENMETZ: When they've asked you to do
18 something, that -- that you weren't responding back to them in
19 the way you should. I'm not -- I don't know how to put that,
20 you know. But it's just the follow-up -- I kind of feel that
21 you should be the manager over there, overseeing everything.
22 And I don't think that's happening -- that -- people are getting
23 the proper guidance -- guidance from you on the things that go
24 on over across the street. That's kind of some of the things
25 I've heard.

26 You know, I mean --

27 JIM OLSON: Sure. I understand.

28 COMMISSIONER STIENMETZ: -- I don't have it written down.
29 I don't have it in writing from anybody, but I just -- that's
30 just kind of general, maybe a little more general than it needs
31 to be, but that's -- maybe you should look into.

32 COMMISSIONER BULLOCK: Well, I had some -- some concerns
33 even going into this, and I made that pretty public.
34 Government's different than the public sector. There is
35 some -- some issues. And it is an adjustment. And I have no
36 doubt in your experience in the public sector. But there's some
37 issues government sector. And specifically, I got some e-mails
38 and I'm just going -- I didn't answer back, because I can't. And
39 I think it's an understanding of the government, I mean,
40 direction's given here as a board, then I can't individually give

1 you --

2 COMMISSIONER STIENMETZ: Right.

3 COMMISSIONER BULLOCK: -- direction outside of here. That
4 is a board's decision. It's not up to me outside of here. And
5 so there's definitely some confusion within the government side
6 of it as a board acts. Which we rely on you to -- and I mean
7 sometimes they're unpleasant decisions, but you've got to make
8 the decision.

9 There's been some balls dropped on, you know, as far as,
10 specifically, I know in agenda setting I asked that J. D.
11 Heithoff be in this meeting and be available, and he wasn't.

12 JIM OLSON: Okay.

13 COMMISSIONER BULLOCK: And it's just things like that,
14 whether by phone or whatever. Because, I mean, there was --
15 there was supposed to have been both airport issues on here.
16 And we wanted his opinion on here. We know they're the same
17 contracts, but all we've seen is the one on the agenda.

18 And there's some concerns over there, so I just have
19 concerns over how we as an entity are getting what -- across
20 that you have to be the director when we're not meeting as a
21 board. And sometimes decisions are unpopular.

22 I know we've had some disciplinary actions that from what
23 I've seen you haven't been a part of. You know, we've had other
24 administrative personnel taking care of it. And with any of
25 that, you should be right -- you're -- you're our liaison of the
26 commissioners, because we can't personally do it. You've got to
27 act for us on behalf of us.

28 You know, and it's just like the agenda, the packets, and
29 all this. And I understand we've got a new secretary, but it's
30 a disaster. The agenda settings, the books, the backups. And
31 you're primary responsible to make sure -- we can put all the
32 blame on the secretary that's new, but you are responsible to
33 make sure we, as commissioners, have everything we need, that
34 people are contacted, that there is a -- they're on the agenda,
35 so that we don't come in here and have to defer, defer, defer,
36 because things aren't set up.

37 I mean, we can't individually call and say, hey, you're on
38 the agenda. We shouldn't. That is your job. If you want to
39 delegate that to the secretary or whatever, that's fine. But it's
40 your responsibility to make sure -- I shouldn't use the

1 terminology -- but we look good in commission meeting --
2 COMMISSIONER STIENMETZ: Right.
3 COMMISSIONER BULLOCK: -- and have all our ducks in a row.
4 And so I just have a lot of concerns over how things are
5 not working governmental-wise versus the -- love your
6 personality. Great guy. But there is definitely a difference
7 within the government sector.
8 So --
9 COMMISSIONER WAITS: Jim, I certainly agree. We knew when
10 we hired you that you didn't have the government information
11 that you needed and experience. But we were in hopes that we
12 could get you trained enough. And I know that's an ongoing
13 process and NACO has reached out. So hopefully we'll get some
14 more training in that area.
15 But I'm kind of disappointed on the other side, because you
16 came with the management experience. And I know on a personal
17 level, I had asked you on a couple action items regarding
18 different things and asked you if you took notes to follow-up on
19 those action items. And I know you certainly have a lot on your
20 plate, not just learning, but I know the loss of the county
21 engineer, you had to take over those things. So I know you've
22 been certainly working in a lot of different areas. And we're
23 not familiar with what you do eight hours a day. Of course not.
24 I -- I appreciate at least your input more on the
25 commissioner's meetings because I know you were so quiet, I
26 didn't know what was going on. And we still don't really have
27 any idea of what the whole county surface is happening.
28 But when I pulled your job description, there's a couple of
29 things that I just want to highlight and I do think we need some
30 improvement on. And under internal operations that you are
31 responsible for providing adequate information to the Lander
32 County Board of Commissioners regarding Lander County operations
33 and federal, state, and local developments that may affect these
34 operations. I think we need to improve in this area a little
35 bit more.
36 Staff development, we've kind of hit upon: Supervise,
37 ~~oversee, and evaluate the exempt staff performances.~~ I don't
38 know whether you've done any evaluations since you've been here.
39 JIM OLSON: I haven't done any evaluations to date.
40 COMMISSIONER WAITS: I'm -- I'm concerned about that. With

1 department meetings, we need some guidance. I mean, we've
2 worked that whole year without anyone at all. And I felt
3 like -- like our employees were just kind of floating out there.
4 And -- and they were looking to your leadership. And I think
5 that's extremely important.

6 So I understood you had that. And I'm hoping that you do and
7 you can be a little bit stronger and take over these department
8 heads. I think they need to know. I think you do need to be
9 visiting them. I think you need to be out there, knowing what's
10 going on.

11 It says here, under financial operations: aggressively
12 seek and secure appropriate grant opportunities, and other
13 available sources of funding. I know grant writing and -- and
14 those opportunities certainly take experience too. But you have
15 some people in your office that you can -- can certainly look
16 to.

17 I think as far as your executive secretary, I'm not sure
18 you used Donna as much as you should have. I found you doing
19 more things that I thought she could have helped you with. So
20 when we're looking at agendas and now you have no experienced
21 help to work from, now we've got two novices. And so it's
22 important. You've got to take these few months under your belt,
23 and you've got to be really close about this.

24 When I gave you that -- that letter at the last agenda and
25 I read through the letter, I couldn't believe that you would put
26 that in an agenda without reviewing it. It was so poorly
27 formed. And I had e-mailed you the letter. The information
28 was -- was even off a little bit. We even had -- had, I think
29 you said paste and copy. I don't know why we went through that.
30 But -- but you should have reviewed that. This is very
31 important going to -- going out to our senators. I mean, I hope
32 you understand that some of the work we do is very critical
33 time-wise and importance. We look like really pretty poor hicks
34 that would send something out like that. And I expected it to
35 have -- to be ready.

36 I mean, our resolutions, our originals, they all have
37 holes -- punch holes in them. I mean, surely you would know
38 when the original is signed, we're going to record that or we're
39 going to mail it to somebody. I certainly don't want a punch
40 hole. So there's a lot of little simple administrative things

1 we're looking to you. Hopefully the executive secretary will be
2 on top of some of that a little bit later too.

3 Community relations: I think you need to look at that,
4 getting your job description a little bit more, and I think
5 review that.

6 We -- we're -- we're glad we have an executive director,
7 because as I mentioned, we went so long without one. And this
8 board can't do it.

9 And so you truly are our liaison. We're looking with a lot
10 of responsibility to you. And -- and I'd like to see you step up
11 a little bit more to the plate.

12 JIM OLSON: Okay.

13 COMMISSIONER WAITS: Thank you.

14 COMMISSIONER MASON: Is there anything you've heard from
15 this board so far that you can't improve on immediately?

16 JIM OLSON: Oh, absolutely. I've been, like, interfacing
17 with Jake and Donnie to address the roadway issues. I know
18 there's a lot of animosity between the two of them. I've gone
19 out to Donnie directly in his shop and his (indiscernible) shop
20 and made a point to get out in the field and physically be with
21 the department heads.

22 CHAIRMAN GARNER: How many times?

23 JIM OLSON: Probably three or four times, I think, in the
24 last two or three weeks.

25 COMMISSIONER MASON: Employee's review. The direct
26 employees that are under you -- what? -- are they reviewed once
27 a year? Is that it? Once a six month? What? What's the
28 regular? Anybody know?

29 CHAIRMAN GARNER: Depends on department.

30 JIM OLSON: I would assume it would be at least -- at least
31 once a year, maybe even once every six months --

32 COMMISSIONER MASON: Okay.

33 JIM OLSON: -- have a review and update.

34 COMMISSIONER MASON: I think what this board is saying is
35 that they want to rein it in tighter with you. They're really
36 depending on you.

37 JIM OLSON: I understand.

38 COMMISSIONER MASON: And I know that you're new to the
39 county as well as this job. So I think you need to pull the
40 reins in tighter, take more control so that you can answer to

1 the board directly just about every issue that you're involved
2 with. I think that's important. I think you're doing a fine
3 job. I don't have any problem with it at all. I just think,
4 from what I'm hearing on this board, that it's time to pull it
5 together and tighten it up.

6 JIM OLSON: Well, I agree with Brian on the pool committee
7 thing. I got out -- I got down a wrong track. And I've been
8 trying to step into that and bring it back on focus, is one
9 example.

10 CHAIRMAN GARNER: My -- this is my personal look at it.
11 The -- the time you spend on -- I know you spend a lot of time
12 on solar. You spend a lot of time with Jan for public stuff.

13 You can have the shiniest car in the parking lot, but if
14 you don't have people to run that car --

15 JIM OLSON: Exactly.

16 CHAIRMAN GARNER: -- or you don't have two people that get
17 along in that car, that car ain't worth nothing.

18 JIM OLSON: Exactly.

19 CHAIRMAN GARNER: So all that time on solar and all that
20 stuff, to me personally, I could give a crap less.

21 JIM OLSON: Yeah.

22 CHAIRMAN GARNER: Because what we have inter-departmental
23 problems that aren't being taken care of. And we have
24 inter-issues with our employees and unions and all of that
25 stuff, that is 100 percent, to me -- I'm not speaking on the
26 board -- to me, that is the most up -- priority I would have
27 personally in my own business.

28 JIM OLSON: I agree.

29 CHAIRMAN GARNER: If you can't get two guys to sit in the
30 same car together, why have --

31 COMMISSIONER STIENMETZ: Doesn't do any good.

32 CHAIRMAN GARNER: -- why have a pretty car?

33 I mean, we can go get all this fancy stuff. We can get all
34 that good stuff: grants, loans. All the stuff in the world does
35 not make the county effective if our personnel and our policies
36 are not looked at very close, are not kept a thumb on very close,
37 and are not monitored almost daily.

38 JIM OLSON: Okay.

39 CHAIRMAN GARNER: Humans are made to err. And they will
40 err. If they will tell you they will err or won't are something

1 to be determined. But people screw up daily, myself included.

2 And for you to say that publicly is very not likely. So
3 sometimes you have to explore why these things are happening, how
4 it can be effectively changed, and if it can't effectively be
5 changed, we need to know of it immediately so we can make an
6 effective change. We can never get good change if we don't start
7 aggressively. And that's my own personal opinion.

8 JIM OLSON: No, I agree. I agree.

9 COMMISSIONER BULLOCK: But in the same token, when you come
10 in passive, it's hard to turn assertive.

11 CHAIRMAN GARNER: Mm-hm.

12 COMMISSIONER BULLOCK: And it depends on whether you get
13 the respect to -- to change like that to the assertiveness on
14 how well it's accepted.

15 I mean, I'm torn. I'm just not sure we're a good fit. I'll
16 be honest. There's some issues that I don't know that we'll ever
17 resolve. And that's my big concerns, because we functioned
18 without an executive director and actually got more done.

19 And this -- this is where I'm saying we're getting less and
20 looking worse right now. And -- and we have somebody in the
21 position. So I don't know; I have some -- some issues.

22 And I guess that's why we do probation periods. So --

23 JIM OLSON: Well, I think I can -- I believe I can turn
24 this around. I'm making an effort recently with Donnie and Jake
25 and address issues there to help improve the processes there. I
26 worked with other people trying to pull things forward and get
27 their ideas and buy-in and consent and move this thing forward.

28 I think one of the problems I had, like I said, with the
29 pool committee thing, I kind of got out of hand, unfortunately.
30 And I've been trying to pull that back to center and stay out of
31 it and just be -- not be involved in it so much personally that
32 -- development and let them develop as a team.

33 And my focus has been to try and build team relationships
34 with people in the field. And I think I have been doing that
35 with -- with Donnie and Jake.

36 I think just recently, this week, trying to pull some
37 consensus about how to go forward and break up the issues of,
38 you know, of what may be viewed by one party as hindering their
39 performance because the other person's not doing something fast
40 enough and trying to get a way to do that and establish some

1 timelines we can follow that are tangible that we have certain
2 goals every day to achieve certain tasks and put -- implement
3 those processes into place, so we don't have this delays and
4 people running around like chickens with their head cut off,
5 more focused on specific tasks, get them done and move on to the
6 next task.

7 COMMISSIONER BULLOCK: It just doesn't hurt to be the bad
8 guy, I guess. I mean, that's the position.

9 JIM OLSON: Sure.

10 COMMISSIONER BULLOCK: We have somebody over there in
11 the -- in the offices right now that come in. There wasn't too
12 many people too fond of the person, but was very assertive, and
13 now is very respected --

14 COMMISSIONER STIENMETZ: Mm-hm.

15 COMMISSIONER BULLOCK: -- for the position that they're
16 holding and is not afraid that, hey, this is a -- this is the
17 way we got to run it. And you know, and so, like I said, I
18 mean, but that -- that individual came in assertive from the
19 beginning. Can we change that? You know, I mean, that's --
20 that's kind of -- you know, what's -- what's to be seen. I
21 mean, to me, it's a very short leash.

22 JIM OLSON: And we agree. It's just -- has to be
23 performance based, performance driven.

24 Everybody has to comply and move along or we're going to have
25 a speed bump and that's going to throw everything off.

26 I need to delegate more of some of the minor things I've done
27 myself to the secretary that's there, to help her come up to
28 speed.

29 CHAIRMAN GARNER: These are -- these are some of the things
30 I talked to you about when I talked to you when you first came
31 on board is -- is we have to be very prompt in getting ahold of
32 these issues. And I don't think you've done that. That's where
33 I'm -- that's why I made the point to come talk to you about
34 these certain issues and stuff, things like, you know, just
35 grants and solar and things like that, to me, mean nothing.

36 JIM OLSON: And I'm --

37 CHAIRMAN GARNER: I know there's a ton of time been spent
38 on that. And I've seen e-mails and seen different things that
39 really leaves a bad taste in my mouth, because the next ten
40 phone calls are from people in the county that are fighting with

1 each other within a departments, with inner departments, from
2 this department to that department, to administration problems
3 that weren't taken care of. There was just a ton -- a ton of
4 phone calls I get I should never get and I should never even
5 hear about them. And you're now part of them.

6 I guess that's where I think, I don't -- yeah.

7 It's -- it's very frustrating for me, because that's the same
8 stuff I dealt with before. So it's not like nothing's even helped
9 or even changed, because I still deal with the same issues.

10 JIM OLSON: Okay.

11 CHAIRMAN GARNER: Maybe -- maybe even worse now because
12 they thought you were going to do something. Now I have to --
13 now it made one more step. Now I have to go to you and find out
14 why. So now I even have one more phone call to make.

15 JIM OLSON: Right.

16 CHAIRMAN GARNER: It's just the -- the waters are very
17 muddy with me right now with the performance.

18 JIM OLSON: Understood.

19 The only thing I can do is to bring it forward and do the
20 best I can to drive it forward and make it more efficient and
21 deal with the issues more completely so you don't get the phone
22 calls.

23 COMMISSIONER BULLOCK: I just, you know, wish they'd have
24 been done up till now, you know. I mean, there's -- you know,
25 there's been some -- some chances, and you know, some -- tried
26 to be some guidance of this and that and what we could use. And
27 I -- you know, I just have concerns.

28 JIM OLSON: Okay.

29 The only thing I can do is to jump in and address those
30 concerns and make sure they're addressed in a timely manner.
31 That's -- that's the best I can do.

32 COMMISSIONER BULLOCK: I understand that, but they should
33 have been addressed four months ago.

34 JIM OLSON: Some, it's been a large learning curve stepping
35 into this -- into this process. There wasn't really per se on
36 boarding. It was kind of like, here it is. Go with it.

37 COMMISSIONER BULLOCK: Well, I understand that. But you
38 did have an office manager that tried to help you right to begin
39 with.

40 JIM OLSON: Yeah, she was very good.

1 COMMISSIONER BULLOCK: And taking a big load. So I don't
2 want to say that nothing was -- I mean, you was just blind
3 coming into there. I know others of us sat down a little bit.

4 I don't know. I'm uncomfortable.

5 So with that, I'm going to make a motion, if it passes it
6 passes and whatever. And I'm going make a motion that we
7 terminate you effective immediately with a 60-day severance
8 package of pay and insurance and we move forward.

9 COMMISSIONER STIENMETZ: I'll second the motion.

10 COMMISSIONER MASON: Jesus.

11 COMMISSIONER WAITS: I would like to make a comment that
12 I -- I don't agree on the termination. But I would like to see
13 us maybe consider another evaluation a whole lot sooner.

14 CHAIRMAN GARNER: Any other public comment?

15 (No comment.)

16 CHAIRMAN GARNER: All those in favor?

17 COMMISSIONER STIENMETZ: Aye.

18 CHAIRMAN GARNER: Aye.

19 COMMISSIONER BULLOCK: Aye.

20 CHAIRMAN GARNER: All those opposed?

21 COMMISSIONER WAITS: Aye.

22 COMMISSIONER MASON: No.

23 COMMISSIONER BULLOCK: Thanks.

24 JIM OLSON: Thank you, very much.

25 CHAIRMAN GARNER: Thank you.

26

27

28 **PUBLIC COMMENT**

29

30 CHAIRMAN GARNER: At this time we have a -- for public
31 comment for non-agendized items only.

32 (No comment.)

33

34

35 **ADJOURNMENT**

36

37 COMMISSIONER BULLOCK: Make a motion to adjourn.

38 COMMISSIONER STIENMETZ: I'll second the motion.

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**CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST:



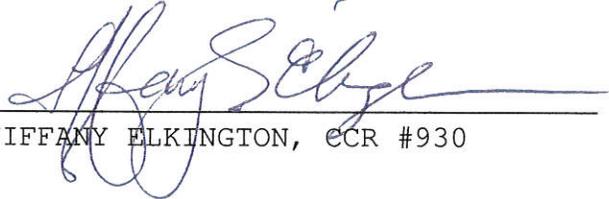
LANDER COUNTY CLERK

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

1 STATE OF NEVADA)
2) ss.
3 COUNTY OF ELKO)
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7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "FOR
10 THE RECORD" ELECTRONIC AUDIO RECORDING OF A MEETING WHICH TOOK PLACE
11 THE 28TH DAY OF AUGUST 2014, AND SAID RECORDING WAS PROVIDED TO ME BY
12 LANDER COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS
13 CORRECT AS THE AUDIO RECORDING ALLOWED.
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20 DATED AT SPRING CREEK, NEVADA,
21 THIS 19th DAY OF SEPTEMBER 2014.

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25 TIFFANY ELKINGTON, ECR #930
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