

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 February 26, 2015, at  
4 9:00 a.m.

5  
6 **PRESENT: PATSY WAITS, COMMISSIONER**  
7 **SEAN BAKKER, COMMISSIONER**  
8 **ART CLARK III, COMMISSIONER**  
9 **DOUG MILLS, COMMISSIONER**  
10 **SADIE SULLIVAN, COUNTY CLERK**  
11 **THEODORE HERRERA, DISTRICT ATTORNEY**  
12 **NAN ANCHO, FINANCE DIRECTOR**  
13 **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**

14  
15 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**  
16

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

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

22  
23 [Meeting commenced on February 26, 2015, at 9:00 a.m.]  
24

25  
26 VICE CHAIRWOMAN WAITS: We would like to call to order the  
27 Lander County commissioners' meeting, Town Board of Battle  
28 Mountain, and Austin Board of Highway Commissioners.

29 Commissioner Bakker, would you lead us in our salute to our  
30 flag for us, please.  
31

32 (Pledge of Allegiance.)  
33

34 VICE CHAIRWOMAN WAITS: Thank you.

35 Next on the agenda is a moment of silence. If you would  
36 respect that with us, please, for 30 seconds.  
37

38 (Moment of silence.)  
39

40 VICE CHAIRWOMAN WAITS: Thank you. Good morning to my

1 fellow commissioners, and --

2 COMMISSIONER BAKKER: Good morning.

3 VICE CHAIRWOMAN WAITS: -- a welcome to our staff and  
4 elected officials and the public and our visitors.

5  
6  
7 **APPROVAL OF AGENDA NOTICE**

8  
9 VICE CHAIRWOMAN WAITS: First off, we have discussion for  
10 possible action regarding approval of the agenda notice.

11 COMMISSIONER BAKKER: I'll make a motion to approve the  
12 agenda notice.

13 COMMISSIONER MILLS: I'll second.

14 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner  
15 Bakker and seconded by Commissioner Mills.

16 Is there any other discussion?

17 (No comment.)

18 VICE CHAIRWOMAN WAITS: All those in favor?

19 COMMISSIONER MILLS: Aye.

20 COMMISSIONER BAKKER: Aye.

21 COMMISSIONER CLARK: Aye.

22 VICE CHAIRWOMAN WAITS: Aye. Thank you. Passing.

23  
24  
25 **APPROVAL & ACCEPTANCE OF MINUTES**

26  
27 VICE CHAIRWOMAN WAITS: Discussion for possible action  
28 regarding approval and acceptance of the minutes of  
29 February 12<sup>th</sup>, 2015.

30 Any of you have any corrections at all?

31 COMMISSIONER BAKKER: I'll make a motion to accept the  
32 minutes for February 12<sup>th</sup>, 2015.

33 COMMISSIONER MILLS: Second that.

34 VICE CHAIRWOMAN WAITS: Thank you. Moved and seconded by  
35 Commissioner Bakker and Commissioner Mills.

36 All those in favor?

37 COMMISSIONER MILLS: Aye.

38 COMMISSIONER BAKKER: Aye.

39 COMMISSIONER CLARK: Aye.

40 VICE CHAIRWOMAN WAITS: Aye. Okay, passing unanimously.

1        **COMMISSIONER REPORTS**

2  
3            VICE CHAIRWOMAN WAITS: We'll move on to commissioners'  
4 reports on meetings, conferences, and seminars attended.

5            Commissioner Mills, I'll start with you this morning.

6            COMMISSIONER MILLS: Okay.

7            Well, I spent a lot of time at budget meetings with the  
8 department heads. And that was actually quite educational. It  
9 was good. It was fun to attend those and listen to the department  
10 heads and find out from them the needs and the wants that they  
11 have. I thought it was a really good thing. And I'm looking  
12 forward to the budget process as we move forward.

13           Other than that, the only thing I have is tomorrow I've got a  
14 meeting with the Humboldt Water District. So that will keep me  
15 busy tomorrow.

16           But other than that I don't have anything to report.

17           VICE CHAIRWOMAN WAITS: Thank you.

18           COMMISSIONER CLARK: How are we looking with money?

19           COMMISSIONER MILLS: How are we looking with money?

20           COMMISSIONER CLARK: How's the money outlook?

21           COMMISSIONER MILLS: Good. It's from -- from the budgets  
22 that have been submitted so far, they're pretty much in line  
23 with what happened last year. There's not a lot of change.  
24 There's some change, but not a lot. It looks good.

25           COMMISSIONER CLARK: And the revenue's good?

26           COMMISSIONER MILLS: Uh-huh.

27           COMMISSIONER CLARK: Good.

28           VICE CHAIRWOMAN WAITS: Thank you. Commissioner Bakker.

29           COMMISSIONER BAKKER: I was in some of them budget meetings  
30 too. But we did -- we had an equalization board meeting on  
31 February 18<sup>th</sup>. It was really short. We chose our chair and  
32 vice chair. No one showed up to appeal any of their taxes or  
33 anything. So it was pretty good. But that's about the only  
34 meeting I had so --

35           COMMISSIONER CLARK: I met with the national riparian team  
36 and the ranchers the other afternoon. And we'll get into that  
37 discussion when we talk about your letter, Patty -- Patsy.  
38 It'll -- it'll come out in discussion what went on at that  
39 meeting.

40           VICE CHAIRWOMAN WAITS: Thank you.

1 I also had the opportunity to sit in on some of the budget  
2 workshops for the different departments. And I'm glad that many  
3 of you did. It -- it's -- you get to ask a lot more questions so  
4 when it comes before us we have a whole general idea because it's  
5 a long day sometimes too when all of those now are finalized by  
6 the treasurer and the finance director come before us.

7 I did have a -- an interesting day. I went out to see the  
8 wild horse gathering in Antelope Valley in Eureka. It was a  
9 very interesting day. They actually had rounded up on that  
10 about 424 horses. Of that, 216 were requested to go to  
11 Palomino Valley, which is the big holding facility outside  
12 of, like, Sparks. And they wanted that number with any of the  
13 horses three years and under. So they took quite a grouping.  
14 That left us the rest that they separated from the mares and the  
15 stallions, of course.

16 And I was so impressed with the different safety measures  
17 that they had put in place for them. In fact, we were a ways  
18 away and one of the stallions was rearing up and rearing up and  
19 rearing up. And later on in the day when I got down to see what  
20 it was, they actually had all but the soft plush -- what's it  
21 called? -- like, like you put on the pipes on the top of the  
22 main pipe for them. I was -- it was all cushioned. And I  
23 thought that's really something.

24 Anyway, they had taken another 18 to 20 yearlings out that  
25 they will have adoption in Eureka. And they all look in really  
26 good condition. Their eyes were bright and their hooves were  
27 solid and good. And their coats looked pretty nice.

28 It was -- it was some of the better gatherings that they  
29 have seen. They did another one down in Nye County where they  
30 were very, very poor condition so this was really a good thing.

31 And then they -- they actually did the birth control on the  
32 mares. They marked the stallions, marked the mares, and then  
33 they'll be turning them loose. So it was -- it was very  
34 interesting -- and I was pleased that -- that at least they had  
35 been taken care of so well.

36 The other interesting thing is when they take them back, they  
37 actually take them back to the same area that they gathered them.  
38 They mark it and they put them back so they're comfortable of  
39 their surroundings and where they were getting water and where  
40 they were getting food when they actually were picked up.

1           So I got a chance to talk to some of the cowboys that were  
2 working for them. One -- one young lad had a great big rodeo  
3 belt. And I said, see your history is rodeo. He said, I love  
4 it. But he'd been doing it for about a year. He's from Reno.  
5 And it was fun to hear what they do. These are our contractors  
6 that I'm talking about. Of course BLM was there, but -- but if  
7 the contractors that they said they had been contracting with  
8 the western states since the '70s. So they've learned a lot,  
9 implemented a lot, and that was -- that was good news.

10           They had many other horses in that area, but they had foals  
11 that were three and four months old, and they didn't even bring  
12 those in or touch those at all, so that was a good thing.

13           On the 18<sup>th</sup>, I attended the Kingston town board meeting.  
14 They're getting things together. They had on their agenda,  
15 again, the -- the fire department, of course, for the town. And  
16 that will be coming before us again.

17           And just a reminder, they're back to celebrating their  
18 St. Patrick's Day fundraiser for all of the fire department.  
19 And that will be held the 14<sup>th</sup>, on Saturday, in Kingston.

20           The other thing I wanted to mention was we do have NACO on  
21 top of everything with all of our new bills that are being heard.  
22 And I wanted to bring to your attention that the AB 227, which is  
23 the land transfer bill the task force had put together. And there  
24 will be a hearing on that. That will be held before the senate  
25 committee on legislative operations and elections on Monday, this  
26 coming Monday at 3:30.

27           And I'm not able to attend that. I wondered if one of you  
28 or a couple of you might like to think about going in for that  
29 for the support.

30           COMMISSIONER BAKKER: What date's that?

31           VICE CHAIRWOMAN WAITS: That's Monday the -- what is  
32 Monday?

33           KEITH WESTENGARD: The 2<sup>nd</sup>.

34           VICE CHAIRWOMAN WAITS: The 2<sup>nd</sup>? At 3:30.

35           COMMISSIONER BAKKER: Where at?

36           KEITH WESTENGARD: Carson.

37           VICE CHAIRWOMAN WAITS: Carson City, legislative office.  
38 Thank you.

39  
40

1     **STAFF REPORTS**

2  
3           VICE CHAIRWOMAN WAITS: We're now on to staff reports.

4           KEITH WESTENGARD: Good morning.

5           Spent a lot of time the last week and a half or so with the  
6 budgets. So that dominated a lot of my time. We were not able to  
7 have our -- our safety meeting because of the budgets. So we  
8 postponed it this month.

9           I did meet with BLM, and we talked about fuel breaks. And we  
10 had a very good discussion with their fuels management officer.  
11 They have some money that they -- they're going to be getting to  
12 work on fuel breaks throughout the county. So we continue to work  
13 on that. As things progress we'll -- I'll bring it to the board  
14 to keep you informed on what's going on.

15           One of the things that they did talk about in the meeting  
16 is they have a program -- and I'll get with our senior center --  
17 to give free wood that they take off these fuel breaks to  
18 selected seniors throughout the county. So I'll work with the  
19 senior center and come up with a plan on how we can get free  
20 wood to seniors throughout the county.

21           Really that's -- that's all -- about all I have as far as  
22 the last couple of weeks. Like I said, most -- it was a lot  
23 with budgets. If you want to let everybody know that the  
24 1:00 p.m. meetings will start next month on the second meeting  
25 of the month, which is the fourth Tuesday. So I'll get with  
26 Heather and maybe we can put it in the paper and -- put it maybe  
27 on the sign board at the civic center as well.

28           VICE CHAIRWOMAN WAITS: Fourth Thursday?

29           KEITH WESTENGARD: Yes. So that will -- it will be the  
30 second meeting of the month, which is the fourth Thursday. And  
31 it will start at 1:00 o'clock.

32           Other than that, that's all.

33           VICE CHAIRWOMAN WAITS: Thank you.

34           Counselor, do you have any reports or anything you'd like  
35 to share with us?

36           DISTRICT ATTORNEY HERRERA: Uh.

37           VICE CHAIRWOMAN WAITS: That's not on the agenda?

38           DISTRICT ATTORNEY HERRERA: There's a lot of things, but we  
39 don't have time.

40           VICE CHAIRWOMAN WAITS: Okay.

1 DISTRICT ATTORNEY HERRERA: You know, not at this time.  
2 There are a lot of things that I'm working on and at the  
3 appropriate time I'll bring it in front of the commission and on  
4 report. I'll have it all listed out. But right now it's  
5 just -- I'm going from fire to fire basically.

6 VICE CHAIRWOMAN WAITS: Thank you.  
7  
8

9 **PAYMENT OF THE BILLS**

10  
11 VICE CHAIRWOMAN WAITS: Discussion for possible action  
12 regarding payment of bills.

13 UNIDENTIFIED PARTICIPANT: It's true.

14 ROBIN SMITH: Good morning.

15 COMMISSIONER MILLS: Good morning.

16 COMMISSIONER BAKKER: Good morning.

17 ROBIN SMITH: Robin with Finance.

18 This morning, I'm here to get expenditures approved in the  
19 amount of \$478,811.25, check #50989 through 51100.

20 COMMISSIONER BAKKER: Oh, sorry.

21 ROBIN SMITH: And I also have four checks that need to be  
22 -- oh, excuse me -- five checks that need to be ratified: check  
23 50777, Business Card in the amount of \$2,817.41; check #50614,  
24 another Wells Fargo Remittance for \$1,851.59; check 50961,  
25 Nevada State Marshal, \$1100; check 50979, Lander County clerk  
26 for \$15; check 50729 to HE Hunewill, \$73,489.34.

27 VICE CHAIRWOMAN WAITS: Thank you.  
28

29 (Commissioners reviewing payment of the bills.)  
30

31 **Lander County Clerk**

32  
33 VICE CHAIRWOMAN WAITS: We need a motion to ratify, please.

34 COMMISSIONER CLARK: I make a motion to ratify check  
35 #050979 to LC clerk in the amount of \$15.

36 COMMISSIONER BAKKER: Second.

37 VICE CHAIRWOMAN WAITS: Thank you. Moved and seconded.

38 All -- all in favor?

39 COMMISSIONER MILLS: Aye.

40 COMMISSIONER BAKKER: Aye.

1 COMMISSIONER CLARK: Aye.  
2 VICE CHAIRWOMAN WAITS: Aye.  
3 Any opposed?  
4 (No comment.)  
5 VICE CHAIRWOMAN WAITS: Thank you.

6  
7 **HE Hunewill Construction**

8  
9 COMMISSIONER CLARK: I make a motion to ratify check  
10 #050729 to Hunewill Construction for the amount of 17 thou- --  
11 \$73,489.34.

12 COMMISSIONER BAKKER: Second.  
13 VICE CHAIRWOMAN WAITS: Thank you. Any further discussion?  
14 (No comment.)  
15 VICE CHAIRWOMAN WAITS: All those in favor?  
16 COMMISSIONER MILLS: Aye.  
17 COMMISSIONER BAKKER: Aye.  
18 COMMISSIONER CLARK: Aye.  
19 VICE CHAIRWOMAN WAITS: Aye.  
20 Thank you.

21  
22 **Nevada State Fire Marshal**

23  
24 COMMISSIONER CLARK: I make a motion to ratify check  
25 #050961 to the Nevada State Fire Marshal for the amount of  
26 \$1,100.

27 COMMISSIONER BAKKER: Second.  
28 VICE CHAIRWOMAN WAITS: Thank you. Any further discussion?  
29 (No comment.)  
30 VICE CHAIRWOMAN WAITS: All those in favor?  
31 COMMISSIONER MILLS: Aye.  
32 COMMISSIONER BAKKER: Aye.  
33 COMMISSIONER CLARK: Aye.  
34 VICE CHAIRWOMAN WAITS: Aye. Thank you.

35  
36 **Wells Fargo Remittance**

37  
38 COMMISSIONER CLARK: Make a motion to ratify check 050 --  
39 050614 to Wells Fargo for the amount of \$1,851.59.  
40 COMMISSIONER BAKKER: Second.

1 VICE CHAIRWOMAN WAITS: Thank you. Any further discussion?  
2 (No comment.)  
3 VICE CHAIRWOMAN WAITS: All those in favor?  
4 COMMISSIONER MILLS: Aye.  
5 COMMISSIONER BAKKER: Aye.  
6 COMMISSIONER CLARK: Aye.  
7 VICE CHAIRWOMAN WAITS: Aye. Thank you.

8  
9 **Business Card**

10  
11 COMMISSIONER CLARK: Make a motion to pay Business Card --  
12 oh, hold on -- check #050777 to Business Card in Wilmington,  
13 Delaware, because this is a credit card for the amount of  
14 \$2,817.41.

15 COMMISSIONER BAKKER: Second.

16 VICE CHAIRWOMAN WAITS: I need a clarification on that to  
17 ratify this check.

18 COMMISSIONER CLARK: Right. To ratify the check 050777 to  
19 Business Card in the amount of \$2,817.41.

20 COMMISSIONER BAKKER: Second.

21 VICE CHAIRWOMAN WAITS: Thank you.

22 Any further discussion?

23 (No comment.)

24 VICE CHAIRWOMAN WAITS: All in favor?

25 COMMISSIONER MILLS: Aye.

26 COMMISSIONER BAKKER: Aye.

27 VICE CHAIRWOMAN WAITS: Commissioner? I need your vote.

28 COMMISSIONER CLARK: Oh, I did. Aye.

29 VICE CHAIRWOMAN WAITS: Aye. Thank you.

30 And we have one more. All those have been passed for the  
31 ratification. This is the approval.

32

33 **Submitted Expenditures**

34

35 COMMISSIONER CLARK: I make a motion to pay --

36 VICE CHAIRWOMAN WAITS: Approve.

37 COMMISSIONER CLARK: To pay -- wow --

38 VICE CHAIRWOMAN WAITS: To approve.

39 COMMISSIONER CLARK: To approve or disapprove subm- --

40 VICE CHAIRWOMAN WAITS: No, to approve.

1 COMMISSIONER CLARK: -- to approve submitted expenditures  
2 in the amount of \$478,811.25 from check #50989 through 51100.  
3 COMMISSIONER BAKKER: Second.  
4 VICE CHAIRWOMAN WAITS: Thank you. Any further discussion?  
5 (No comment.)  
6 VICE CHAIRWOMAN WAITS: All those in favor?  
7 COMMISSIONER MILLS: Aye.  
8 COMMISSIONER BAKKER: Aye.  
9 COMMISSIONER CLARK: Aye.  
10 VICE CHAIRWOMAN WAITS: Aye.  
11 Thank you. All passed unanimously. Thank you, Robin.  
12 ROBIN SMITH: Thank you.  
13  
14

15 **PAYROLL CHANGE REQUESTS**

16  
17 VICE CHAIRWOMAN WAITS: We now have discussion for possible  
18 action regarding payroll change requests.  
19 COMMISSIONER BAKKER: I'll make a motion to approve of  
20 employee change request for employee #1204 for new hire Legal  
21 Secretary I in the amount of \$17.24 hourly effective  
22 February 10<sup>th</sup>, 2015.  
23 COMMISSIONER CLARK: I'll second that.  
24 VICE CHAIRWOMAN WAITS: Thank you. It's been moved and  
25 seconded. Any discussion?  
26 (No comment.)  
27 VICE CHAIRWOMAN WAITS: Any public comment?  
28 (No comment.)  
29 VICE CHAIRWOMAN WAITS: All those in favor?  
30 COMMISSIONER MILLS: Aye.  
31 COMMISSIONER BAKKER: Aye.  
32 COMMISSIONER CLARK: Aye.  
33 VICE CHAIRWOMAN WAITS: Aye. Thank you.  
34 COMMISSIONER BAKKER: I'll make a motion to approve of  
35 employee change request for employee #22, recommendation from  
36 supervisor to move from Maintainer II to Maintainer III Road and  
37 Bridge South at \$20.15 an hour, effective December 10<sup>th</sup>, 2014.  
38 COMMISSIONER MILLS: I'll second.  
39 VICE CHAIRWOMAN WAITS: Thank you. Any further discussion?  
40 (No comment.)

1 VICE CHAIRWOMAN WAITS: Any public comment?  
2 (No comment.)  
3 VICE CHAIRWOMAN WAITS: All those in favor?  
4 COMMISSIONER MILLS: Aye.  
5 COMMISSIONER BAKKER: Aye.  
6 COMMISSIONER CLARK: Aye.  
7 VICE CHAIRWOMAN WAITS: Aye. Thank you.

8  
9

10 **PUBLIC COMMENT**

11

12 VICE CHAIRWOMAN WAITS: It's now the time for public  
13 comment. This is for non-agendized items only. And we do have  
14 a three-minute limit per person if someone would like to share  
15 something with our board this morning?

16 (No comment.)

17 VICE CHAIRWOMAN WAITS: Okay.

18 How about Austin?

19 MITESHELL LANHAM: No.

20 VICE CHAIRWOMAN WAITS: Thank you, Miteshell.

21

22

23 **FINANCE**

24

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

28

29 VICE CHAIRWOMAN WAITS: Okay, we move on to finance.  
30 Update on budget review, contracts, financial update, and other  
31 matters properly related thereto.

32 NAN ANCHO: Good morning. Nan from Finance.

33 COMMISSIONER BAKKER: Good morning.

34 VICE CHAIRWOMAN WAITS: Good morning, Nan.

35 NAN ANCHO: As you've all heard, we've been very busy with  
36 department meetings. I'd like to thank everyone that attended.  
37 It's very helpful.

38 The next step will be, as I take all this information and  
39 I'll be putting it together with the payroll information. Then  
40 you'll get a binder here in about a week or so, and you'll be

1 able to review that prior to the workshop. Again, if you have  
2 any questions, feel free to come in and ask.

3 COMMISSIONER BAKKER: Thank you.

4 NAN ANCHO: The outstanding Accounts Receivable for the  
5 month of January is Water at \$15,337; Sewer is 13,644;  
6 Miscellaneous Water/Sewer is zero; and Landfill is 10,364, for a  
7 total Accounts Receivable of 39,345 that's outstanding.

8 COMMISSIONER MILLS: Is -- is that landfill one -- is --  
9 that's the amount that's been here for a while or is this --

10 NAN ANCHO: It fluctuates.

11 COMMISSIONER MILLS: Okay, because there was a big one  
12 that was sitting out there from one place for a long time. Has  
13 that been --

14 NAN ANCHO: Yes. So we did collect on that.

15 COMMISSIONER MILLS: Okay, good. All right.

16 NAN ANCHO: But the mines -- we get a lot of activity from  
17 the mines on a monthly basis.

18 COMMISSIONER MILLS: Oh, okay.

19 NAN ANCHO: That's what keeps it a little high.

20 COMMISSIONER MILLS: All right.

21 VICE CHAIRWOMAN WAITS: Okay. Thank you. Any public  
22 comment on that?

23 (No comment.)

24

25 2) Discussion for possible action regarding designation of  
26 auditors for 2014-15, and other matters properly related  
27 thereto.

28

29 VICE CHAIRWOMAN WAITS: All right, we'll move to number  
30 two, discussion for possible action regarding designation of  
31 auditors for the 2014/2015, and other matters properly related  
32 thereto.

33 NAN ANCHO: This is something that we have to do every year  
34 for the state. We have to notify them who we designate as our  
35 auditors -- auditors for the upcoming end of this fiscal year.

36 We do have a contract with this company until 2017. But this  
37 is an annual event that we have -- just have to notify the state.

38 VICE CHAIRWOMAN WAITS: Thank you.

39 NAN ANCHO: So you have to make an approval to say you want  
40 to accept it.

1 COMMISSIONER BAKKER: I'll make a motion to approve Drake &  
2 Rose & Associates, LLC, designated for auditors for 2014 and  
3 2015.

4 COMMISSIONER MILLS: I'll second.

5 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner  
6 Bakker, seconded by Commissioner Mills.

7 Any other discussion?

8 (No comment.)

9 VICE CHAIRWOMAN WAITS: Any public comment?

10 (No comment.)

11 VICE CHAIRWOMAN WAITS: All those in favor?

12 COMMISSIONER MILLS: Aye.

13 COMMISSIONER BAKKER: Aye.

14 COMMISSIONER CLARK: Aye.

15 VICE CHAIRWOMAN WAITS: Aye.

16 Thank you.

17

18 3) **Discussion for possible action regarding Resolution No.**  
19 **2015-03 Distribution of Net Proceeds, and other matters**  
20 **properly related thereto.**  
21

22 VICE CHAIRWOMAN WAITS: Number three on the agenda.  
23 Discussion for possible action regarding Resolution Number  
24 2015-03, Distribution of Net Proceeds, and others matters  
25 properly related thereto.

26 NAN ANCHO: On February 4<sup>th</sup>, we received a distribution of  
27 \$1,124,446.37 in net proceeds.

28 This was a settlement from '13/'14 and projected '14/'15  
29 third quarter.

30 So as the mandates were distributed as follows: the  
31 Commission Fees was \$33,733.39; Assessor Tech Fees, \$22,488.93;  
32 China Springs, \$1,059.07; State Medical Indigent, \$23,122.96;  
33 State Indigent NACO is \$5,295.33; Capital Acquisition,  
34 \$10,590.67; Capital Acquisition -- wait a minute. I lost my  
35 spot here -- Landfill, \$17,651 -- 651 dollars 11 cents; the  
36 Hospital, \$171,341.11; and the School District \$251,528.33, for  
37 a total mandated of \$536,810.90.

38 The discretionary distribution went to the CCP Fund,  
39 \$587,635.47.

40 COMMISSIONER CLARK: What's the CCP?

1 NAN ANCHO: That's our capital construction.  
2 COMMISSIONER CLARK: Okay.  
3 VICE CHAIRWOMAN WAITS: Now, the ones that they're  
4 estimating, do we keep that separate? Or you just note that so  
5 we don't spent that?  
6 NAN ANCHO: We note that -- or I'll note that so you don't  
7 dip into that until you know what the final is --  
8 VICE CHAIRWOMAN WAITS: Okay.  
9 NAN ANCHO: -- and that could be this time next year for  
10 the quarter. Because like this -- this stated we had a  
11 credit -- we had to pay back for '13/'14 third quarter, \$18,000.  
12 VICE CHAIRWOMAN WAITS: Right.  
13 NAN ANCHO: And then they projected the '14/'15. So  
14 it'll -- it'll constantly adjust as long as they stay in this  
15 prorated status.  
16 VICE CHAIRWOMAN WAITS: And as long as we don't use it so  
17 we can pay it back when they get the final?  
18 NAN ANCHO: Yes.  
19 VICE CHAIRWOMAN WAITS: The projected part is always hard  
20 for so many of the counties.  
21 On our action on this, Nan, do you need each one that you  
22 just read individual or can we just lump it under the  
23 recommended action?  
24 NAN ANCHO: Just -- you can just lump it under the  
25 recommended action.  
26 VICE CHAIRWOMAN WAITS: Thank you. Okay. Then I'm looking  
27 for a motion on that, gentlemen.  
28 COMMISSIONER BAKKER: I'll make a motion to adopt  
29 Resolution Number 2015-03, directing a portion of the net  
30 proceeds of mineral taxes received on February 4, 2015 in the  
31 amount of \$587,635.47 to the appropriate fund.  
32 VICE CHAIRWOMAN WAITS: I think we need to --  
33 COMMISSIONER BAKKER: You need that whole thing in there?  
34 VICE CHAIRWOMAN WAITS: Yeah, go ahead and read --  
35 COMMISSIONER MILLS: We need to appropriate --  
36 COMMISSIONER BAKKER: -- that full amount?  
37 COMMISSIONER MILLS: -- the million dollars.  
38 COMMISSIONER BAKKER: Okay.  
39 COMMISSIONER CLARK: The whole amount.  
40 COMMISSIONER BAKKER: Taxes received on February 4<sup>th</sup>,

1 2015, in the amount of \$1,124,446.37 and allocating the Lander  
2 County portion in the amount of \$587,635.47 to the appropriate  
3 fund.

4 VICE CHAIRWOMAN WAITS: Thank you.

5 COMMISSIONER MILLS: I'll second.

6 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner  
7 Bakker and seconded by Commissioner Mills. Any other further  
8 discussion?

9 (No comment.)

10 VICE CHAIRWOMAN WAITS: Any public comment?

11 (No comment.)

12 VICE CHAIRWOMAN WAITS: All those in favor?

13 COMMISSIONER MILLS: Aye.

14 COMMISSIONER BAKKER: Aye.

15 COMMISSIONER CLARK: Aye.

16 VICE CHAIRWOMAN WAITS: Aye.

17 Thank you. Passes unanimously. Thank you so much, Nan.

18 COMMISSIONER BAKKER: Thanks, Nan.  
19  
20

21 **COMMUNITY DEVELOPMENT**

22  
23 4) **Discussion for possible action regarding ratification of a**  
24 **letter to Congressman Amodei regarding the Resource**  
25 **Management Plan (RMP) update, and other matters properly**  
26 **related thereto.**  
27

28 VICE CHAIRWOMAN WAITS: Agenda item number four, discussion  
29 for possible action regarding ratification of a letter to  
30 Congressman Amodei regarding the Resource Management Plan, which  
31 is referred to as the RMP, update, and other matters properly  
32 related thereto.

33 JAN MORRISON: I have a letter. And it's simply ratifying,  
34 keeping on top of this RMP.

35 VICE CHAIRWOMAN WAITS: Thank you, Jan.

36 For the record, and we do have in here for your backup,  
37 gentlemen, this is the Resource Management Plan that is put  
38 together by the four different counties that I do represent you  
39 on that plan. And we haven't had any updates at all in any  
40 meetings a year ago last December.

1           And Rex Massey, who is our consultant under that, was going  
2 into the legislative meeting in Washington, DC, and wanted to  
3 take the letter and see if we could really continue. We've done  
4 three chapters so far. We have a long ways to go. And this  
5 hasn't been updated since 1986. So it's a real concern of where  
6 we are. And we were trying to light a little bit of a fire so  
7 that we could get online and start getting this completed  
8 because it's a long process.

9           So all we need is the ratification of the letter unless you  
10 have any other --

11           COMMISSIONER CLARK: Okay.

12           VICE CHAIRWOMAN WAITS: -- questions.

13           COMMISSIONER CLARK: I -- I've been -- I've been meeting  
14 with the ranchers and the national riparian team. And I read  
15 your letter. It's a good letter. It addresses in general the  
16 things that are going on.

17           But specifically here in Lander County, the issue revolves  
18 around six areas -- six acres in hundreds of thousands of acres  
19 of grazing land.

20           And the BLM office here in Battle Mountain is not allowing  
21 the ranchers to fence off these six acres.

22           VICE CHAIRWOMAN WAITS: Commissioner, may I just interrupt  
23 on this? That -- that's not what's on the agenda. It's a  
24 ratification of the letter regarding the Resource --

25           COMMISSIONER CLARK: But this information --

26           VICE CHAIRWOMAN WAITS: -- Management Plan.

27           COMMISSIONER CLARK: -- pertains to this letter.

28           VICE CHAIRWOMAN WAITS: Only because --

29           COMMISSIONER CLARK: Am I right, Ted?

30           DISTRICT ATTORNEY HERRERA: The --

31           VICE CHAIRWOMAN WAITS: Not specifically. It's the  
32 Resource Management Plan that we want to get online for. And  
33 then you can -- all those make up what's going on. But we don't  
34 address the -- the actual ranchers in that specifically, not  
35 our -- our specific group.

36           DISTRICT ATTORNEY HERRERA: That -- how it's agendized is  
37 discuss the possible action regarding ratification of the  
38 letter. And the letter as it's written and that's what Patsy's  
39 pointing out -- is regarding the resource management update, and  
40 other matters properly related to. Any other matters properly

1 related to the letter would be available for discussion by this  
2 board.

3 COMMISSIONER CLARK: Would be how the land is -- how the  
4 resources are being used or constricted, right?

5 DISTRICT ATTORNEY HERRERA: As it pertains to this letter.

6 COMMISSIONER CLARK: Well, --

7 DISTRICT ATTORNEY HERRERA: And -- and the letter says  
8 that -- basically, the letter is -- is criticizing how we've  
9 been able to interact with this agency.

10 And I believe you're -- thank you -- I believe you're  
11 pointing out that one of the problems that the letter is pointing  
12 out.

13 COMMISSIONER CLARK: That's what I'm trying to address. Is  
14 it the letter is addressing what I'm trying to speak to.

15 DISTRICT ATTORNEY HERRERA: Yes. And -- and if you want to  
16 make a brief talk about your concerns and that is why the letter  
17 is so important, I think it is appropriate --

18 COMMISSIONER CLARK: It is appropriate. Yeah, that's --  
19 that's where I'm coming from.

20 DISTRICT ATTORNEY HERRERA: So -- so your argument is:  
21 This letter is important. And this is why I think it's  
22 important.

23 COMMISSIONER CLARK: Yes.

24 DISTRICT ATTORNEY HERRERA: So that would be available for  
25 discussion.

26 COMMISSIONER CLARK: You understand?

27 VICE CHAIRWOMAN WAITS: I absolutely understand, but -- but  
28 the point you're bringing up is such a critical concern to all  
29 of us with the local Argenta ranchers that I think if truly we  
30 want to discuss this again in depth, I think that should be on a  
31 separate agenda. That's all. But I appreciate you bringing it  
32 up, and I think that's all part.

33 But the Resource Management Plan won't be done for months  
34 and months and months. Even if they started meeting with us  
35 today, there's so many chapters involved.

36 So I guess my feeling is yours is critical, but I think  
37 it's critical enough to have its own agenda if --

38 COMMISSIONER CLARK: And --

39 VICE CHAIRWOMAN WAITS: -- if that's --

40 COMMISSIONER CLARK: And that's fine and we --

1 VICE CHAIRWOMAN WAITS: -- if we --  
2 COMMISSIONER CLARK: -- can do that --  
3 VICE CHAIRWOMAN WAITS: -- if you'd like -- yeah.  
4 COMMISSIONER CLARK: We can do that, but I want to speak to  
5 the specific issue --  
6 VICE CHAIRWOMAN WAITS: Thank you.  
7 COMMISSIONER CLARK: -- today.  
8 VICE CHAIRWOMAN WAITS: Okay. Thank you.  
9 COMMISSIONER CLARK: The specific issue revolves around six  
10 acres that the BLM will not allow the ranchers to fence off. If  
11 these areas aren't fenced off, if the cattle walk onto these  
12 areas, they will be cited for trespass.  
13 It'd be very simple, the ranchers could go out there, fence  
14 them off, and the ripar- -- the critical riparian areas are  
15 safe. The way it is right now, if the ranchers let their cattle  
16 go on Sunday, March 1<sup>st</sup>, these cattle walk onto these critical  
17 riparian areas, they're going to get fined.  
18 The bigger problem is that we have 600 horses from Antelope  
19 Valley to Harry Canyon on the east side of 305. And these  
20 critical riparian areas aren't being protected from the horses.  
21 So that's my concern related to this letter. And I agree  
22 that we need to bring this up in every agenda that we can, to  
23 discuss this -- this situation. This -- we're not only talking  
24 about BLM land; we're talking about private property. So that's  
25 my concern.  
26 And the -- the national riparian team came in. And they  
27 spoke to this two times. But we still don't have any  
28 resolution. And the ranchers are at the critical point.  
29 So I mention this in relationship to this letter.  
30 VICE CHAIRWOMAN WAITS: Thank you. Eddyann, you had some  
31 public comment for us? Do you want to come on up?  
32 EDDYANN FILIPPINI: I do. My name is Eddyann Filippini.  
33 And my husband and I are permittees in the Argenta allotment,  
34 Sherrera Ranch. We've had range consultants go out and look at  
35 all this, privately paid.  
36 Argenta consists of -- the numbers here. The whole Argenta  
37 allotment consists of 352,137 acres. And one tenth of one  
38 percent of that is these heartburn conflict areas. And it's  
39 shutting down over 200,000 acres. It's shutting down our  
40 mountain.

1           And Dan and I, we could turn out on the west flat in Harry  
2 Canyon. There's no fences. Mill Creek is closed. There's over  
3 9,000 acres in Mill Creek. No fences. There's over -- there's  
4 North Fork, 4900 acres. Trout Creek, 7,700 acres.

5           If our cows -- we turn our cows out, they're going to --  
6 first thing they're going to go is they're going to go after the  
7 residual feed and follow the green grass and we will be  
8 trespassing. So we can't even put in a grazing application  
9 March 1 because we would be set up to fail.

10           Now, the riparian team has come in. And they have talked to  
11 175 people from northern Nevada, permittees. They were instructed  
12 to go and talk to all five districts.

13           And Argenta is the template for the state of Nevada right  
14 now. So whatever happens over here, they could shut down the  
15 grazing in the whole state of Nevada. And you think I'm crying  
16 wolf. It's what's happening right now.

17           Because last year there was over 500,000 non-use AUMs in  
18 the state of Nevada. And if you don't think that that is an  
19 economic hit, better put the pencil to it.

20           And I happen to be one of them. Because over here on this  
21 two -- this mountain, my beautiful Battle Mountain, there's  
22 8,000 AUMs that haven't been used for three years, closed by  
23 full force and effect. But it's okay, I guess, for let it burn.

24           The BLM in Lander County is mismanaging our resources. And  
25 that is a big issue for this resource management plan. It's  
26 resource: grass, water.

27           And I have fear that we're going to burn up Argenta and  
28 North Buffalo and Copper Canyon.

29           Now that is a waste of resource. It employs a lot of  
30 firemen, but it's a waste of resource.

31           This team is going to be here next week. We'll -- we're  
32 going to go out on Monday. There'll be a discussion at the BLM  
33 office to get the Batt- -- to get the BLM's data, which we're all  
34 going to be there to see if that happens because we've been  
35 requesting it and it hasn't come forth yet. We've all got freedom  
36 of information forms filled out requesting that. And it -- we  
37 haven't seen it yet.

38           The week of April 6<sup>th</sup>, they will be back. And they are going  
39 to -- I would -- what I would like to see -- there will be a  
40 technical rev- -- review. It'll be like a one- or two-day

1 discussion. And I would like to have this commission agendicize  
2 that or how- -- or whatever word you use -- so that you can all  
3 sit in and listen to this.

4 VICE CHAIRWOMAN WAITS: Would you clarify for me, the team  
5 you're referring to, that's the riparian team again; is that --

6 EDDYANN FILIPPINI: Yes, --

7 VICE CHAIRWOMAN WAITS: -- right?

8 EDDYANN FILIPPINI: -- they'll come back with a report on  
9 the Argenta -- what they -- they'll be here all next week  
10 looking at the whole allotment.

11 VICE CHAIRWOMAN WAITS: You know, as -- as we mentioned  
12 before, this is such a critical thing. And it's certainly  
13 affecting, like you said, all our Argenta people right here.  
14 And that is affecting Nevada.

15 Unfortunately, this Resource Management Plan that is not  
16 completed isn't going to help any of these emergency things that  
17 we're talking about. So we -- we need to look at that to see  
18 what we can do in the area that you brought up for us with our  
19 time frame. So thank you.

20 EDDYANN FILIPPINI: Well, I would hope that -- that --

21 COMMISSIONER BAKKER: Eddyann -- this is going to be all  
22 next week? What about the following week?

23 EDDYANN FILIPPINI: No. They'll be done. And the -- the  
24 permittees that there's three from the national level that are  
25 going to be here and our two range consultants are the on- --  
26 and I believe Richard Smith, from the Te-moak. That's another  
27 thing is the Te-moak Tribe has got -- they're afraid for their  
28 sacred animals and their medicinal plants. But they're -- we're  
29 the ones that will go out with them. They want to keep it small  
30 numbers.

31 But the week of the 6<sup>th</sup>, it will be -- if you want to learn  
32 what's going on, you -- that would be a really good opportunity  
33 to have that.

34 VICE CHAIRWOMAN WAITS: That's --

35 EDDYANN FILIPPINI: Thank you.

36 VICE CHAIRWOMAN WAITS: -- April 6<sup>th</sup>?

37 COMMISSIONER CLARK: Yeah.

38 EDDYANN FILIPPINI: Yes.

39 VICE CHAIRWOMAN WAITS: Right.

40 PAULA TOMERA: I believe that they already have the room at

1 the civic center reserved for that, so I'll give you the dates  
2 and times --

3 VICE CHAIRWOMAN WAITS: Would you identify yourself for me  
4 Paula?

5 PAULA TOMERA: Paula Tomera with the Battle Mountain civic  
6 center.

7 So they just contacted me last week reserving the room, the  
8 BLM did, for this meeting. So I'll give you the times and dates  
9 that they have available at the civic center for that.

10 VICE CHAIRWOMAN WAITS: Thank you, Paula. Eddyann, are you  
11 going to be here a little bit afterwards, like when we take a  
12 break so some of our commissioners can speak with you?

13 EDDYANN FILIPPINI: Yes.

14 VICE CHAIRWOMAN WAITS: Thank you.

15 LYNN TOMERA: I'm Lynn Tomera. My family also ranches in  
16 the area. And we run our cattle on the Argenta allotment. In  
17 fact, we have the majority of the AUMs in the allotment.

18 And Eddyann touched on almost everything. But there's one  
19 thing I want to make sure that you understand. The BLM keeps  
20 saying, well, there's 18 areas, and we've only closed with the  
21 full force and effect, forever and ever, nine areas. And you  
22 still have 11 areas.

23 But what -- what they don't explain is the fact that most --  
24 it's a huge, unfenced area.

25 Like Eddyann said, we turn our cattle in on the flat. Some  
26 of it we fenced last year at our own expense. We put a 16 -- 16  
27 miles of fence so we can use the flat for a short while, but --  
28 then we're out of feed, and we need the mountain for our summer  
29 grazing.

30 And -- but if we put -- so they kind of cherry pick areas.  
31 Well, you can maybe put some cattle here. Like they told -- told  
32 us we could use the Slaven area. If we put cattle in the Slaven  
33 area, in a very, very short time, they're scattered all over the  
34 rest of the -- the summer range. And we are in trespass. And we  
35 have to have gather the cattle off.

36 And lest you herd them like sheep, you're not going to keep  
37 them in the area that they want us -- that they want us to.  
38 Like they told Dan and Eddyann to turn cattle down at the south  
39 end. When they turn cattle down on the south end, in six hours  
40 they're in trespass. They're -- they go where the cattle

1 naturally go. And that's -- they gravitate to the mountains and  
2 up the canyons.

3 So like Eddyann said, we're set up for failure. They --  
4 they know it. That's -- but it sounds good.

5 And they keep saying that the allotment areas is in a  
6 degraded condition and that for the last five years they have  
7 noticed this degraded condition. And they have documentation to  
8 prove it. But they won't come up with the documentation. They  
9 won't -- because of five years ago, they had come to us and  
10 said, you know, these areas are starting to go downhill.  
11 There's something -- if we work together, we can -- we can take  
12 care of it; we can make it better. But no, they wait until  
13 it -- what they consider critical, and they shut the allotment  
14 down. And when they do that, we're all out of business.

15 And ev- -- when the riparian team said when they met with the  
16 people all over state, their major concern was, what's going to  
17 happen to the Argenta allotment? Because they know with the perc-  
18 -- it's 56 percent privately-owned land. But all the -- between  
19 the permittees, we own all of the water. We have private property  
20 rights on that mountain. And yet they can tell us what to do and  
21 where to go.

22 And if they can do that to this allotment and to the Copper  
23 Canyon allotment, which is -- and North Buffalo allotment, which  
24 are the same -- same thing with them, -- there's a lot of  
25 private land. They own the water. If they can do that with  
26 these three allotments, it's just a short matter of time when  
27 Nevada -- you can't run cattle there anymore.

28 And we -- we need your help. We need anything that you can  
29 do to hurry their RMP along and word it strongly that you  
30 support the grazing, that you will -- and help us all you can.  
31 That's what we need. And I thank you.

32 COMMISSIONER BAKKER: Thank you.

33 COMMISSIONER MILLS: Thank you.

34 COMMISSIONER CLARK: Thanks.

35 Do we have enough time to agendize this August the 6<sup>th</sup>  
36 meeting so that all the commissioners could be there?

37 KEITH WESTENGARD: April the 6<sup>th</sup>.

38 COMMISSIONER CLARK: April 6<sup>th</sup>.

39 KEITH WESTENGARD: Yeah, absolutely.

40 COMMISSIONER CLARK: Enough time? Because if -- if we

1 agendize it and we all show up, then we'll be okay; right?  
2 DISTRICT ATTORNEY HERRERA: You'll have to agendize it as a  
3 special meeting, which it can --  
4 COMMISSIONER CLARK: Right.  
5 DISTRICT ATTORNEY HERRERA: -- be done.  
6 KEITH WESTENGARD: It's at the civic center?  
7 PAULA TOMERA: Yes, I'll give you the dates and times.  
8 KEITH WESTENGARD: Yeah, for sure.  
9 COMMISSIONER CLARK: Okay.  
10 UNIDENTIFIED PARTICIPANT: Thank you.  
11 PAULA TOMERA: Thank you.  
12 VICE CHAIRWOMAN WAITS: Ready for a motion, gentlemen?  
13 COMMISSIONER BAKKER: I'll make a motion to ratify the  
14 letter to Congressman Amodei regarding the Resource Management  
15 Plan.  
16 COMMISSIONER CLARK: And to agendize the --  
17 VICE CHAIRWOMAN WAITS: No, no. That's separate.  
18 COMMISSIONER BAKKER: No, they'll --  
19 VICE CHAIRWOMAN WAITS: That's --  
20 COMMISSIONER BAKKER: -- do that.  
21 COMMISSIONER CLARK: Okay.  
22 COMMISSIONER MILLS: I'll second.  
23 COMMISSIONER CLARK: These --  
24 VICE CHAIRWOMAN WAITS: Thank you.  
25 COMMISSIONER MILLS: I'll second the motion.  
26 COMMISSIONER CLARK: Okay.  
27 VICE CHAIRWOMAN WAITS: Moved by Commissioner Bakker and  
28 seconded by Commissioner Mills. Any other further discussion  
29 here?  
30 COMMISSIONER CLARK: I agree with the ranchers. We need to  
31 do everything that we can as commissioners to get this  
32 straightened out because there's private property issues here  
33 that could extend far and wide.  
34 VICE CHAIRWOMAN WAITS: Thank you. I will also mention on  
35 the regional -- or on the Resource Management Plan, we have  
36 completed the three chapters with our comments. And they are in  
37 -- in depth and in full support of -- of all of the ranching in  
38 Lander County. It's been extreme.  
39 Unfortunately, when -- when it comes back, and we take a  
40 look at some of this, we know the special interest groups

1 certainly have a bigger input. And that's one of our concerns  
2 is we haven't been at the table as much as we should be. So  
3 that's what the encouraging part is.

4 So ladies, we sincerely appreciate your public comment  
5 today. Is there any other public comment on this?

6 JOHN LAWRENCE: Just a quick question.

7 VICE CHAIRWOMAN WAITS: Would you identify yourself for me?

8 JOHN LAWRENCE: John Lawrence, community member, business  
9 owner. How --

10 VICE CHAIRWOMAN WAITS: Come on up to the speaker --

11 COMMISSIONER CLARK: Come on up.

12 VICE CHAIRWOMAN WAITS: -- a little.

13 JOHN LAWRENCE: Quick question. How many --

14 VICE CHAIRWOMAN WAITS: Yes.

15 JOHN LAWRENCE: -- chapters are in your RMP?

16 VICE CHAIRWOMAN WAITS: I'm not sure. We haven't completed  
17 them. We just -- we go chapter by chapter. So I don't know how  
18 many totally we will end up with yet.

19 JOHN LAWRENCE: And this RMP hasn't been updated since  
20 1986?

21 VICE CHAIRWOMAN WAITS: 1986.

22 JOHN LAWRENCE: All right. Copy of it available online?

23 VICE CHAIRWOMAN WAITS: It will be when -- when we complete  
24 everything.

25 The four different counties are meeting with the BLM. And  
26 we were meeting regularly up until, as I mentioned, a -- a year  
27 ago last December. We were meeting a couple times a month. And  
28 all of a sudden it stopped.

29 And so, with that, I know the sage grouse entered into it.  
30 And they were looking for things on decisions to be made and  
31 such. But we need to go forward with this. And then when we  
32 complete all the chapters, it will go for -- out to the public  
33 for their comment at that time with everything. Will it be  
34 online? Yes.

35 JOHN LAWRENCE: Thank you.

36 COUNTY CLERK SULLIVAN: Can I verify? Did you say John  
37 Lawrence?

38 JOHN LAWRENCE: Yes.

39 COUNTY CLERK SULLIVAN: Okay. Thank you.

40 VICE CHAIRWOMAN WAITS: Thank you. We have a motion on the

1 floor and a second. All those in favor?

2 COMMISSIONER MILLS: Aye.

3 COMMISSIONER BAKKER: Aye.

4 COMMISSIONER CLARK: Aye.

5 VICE CHAIRWOMAN WAITS: Aye.

6 Thank you. Unanimous.

7 Jan, did you have anything further on that for us?

8 JAN MORRISON: No, I don't. Thank you very much.

9 VICE CHAIRWOMAN WAITS: Okay. Thank you.

10

11 5) Discussion for possible action regarding Resolution No.  
12 2015-04, a resolution providing for the addition of Lander  
13 County as a member of the Northeastern Nevada Regional  
14 Development Authority (NNRDA), and other matters properly  
15 related thereto.

16

17 VICE CHAIRWOMAN WAITS: Number five on the agenda,  
18 discussion for possible action regarding Resolution Number  
19 2015-04, a resolution providing for the addition of Lander  
20 County as a member of the Northeastern Nevada Regional  
21 Development Authority, known as NNRDA, and other matters  
22 properly related thereto.

23 JAN MORRISON: Jan Morrison, community services officer and  
24 liaison to LEDA, Lander County Economic Development Authority.

25 I'm going to ask that the item be tabled today. And I'm  
26 sorry, Commissioner Mills, I didn't have a chance to talk to  
27 you. I just -- just before the meeting I talked to the district  
28 attorney. We're going to bring it back to you at the next  
29 meeting as a more complete package.

30 So it's a phenomenal move. It's great news for Lander  
31 County. We're -- we're missing a piece of the puzzle we need to  
32 bring it back to you. So I'll be working with our DA to get  
33 that to you. And it will come back the next meeting.

34 VICE CHAIRWOMAN WAITS: Thank you.

35 COMMISSIONER BAKKER: Okay. Thanks, Jan.

36

37

38

39

40

1 NEVADA HEALTH CARE CENTERS

- 2
- 3 6) Discussion for possible action regarding request for a  
4 partial re-allocation of the fiscal year '14/'15 grant money  
5 awarded by Lander County to the Nevada Health Care Centers,  
6 Incorporated, for the purchase of an ADA exam table, and  
7 other matters properly related thereto.
- 8

9 VICE CHAIRWOMAN WAITS: Agenda item number six, discussion  
10 for possible action regarding request for a partial  
11 re-allocation of fiscal year '14/'15 grant moneys awarded by  
12 Lander County to the Nevada Health Care Centers, Incorporated,  
13 for the purchase of an ADA exam table, and other matters  
14 properly related thereto.

15 KEITH WESTENGARD: (Indiscernible.)

16 VICE CHAIRWOMAN WAITS: For the background on this, the --  
17 the commissioners do -- do pay --

18 COUNTY CLERK SULLIVAN: Patsy, we need to make a phone  
19 call, please.

20 VICE CHAIRWOMAN WAITS: We need to make a phone call?

21 COUNTY CLERK SULLIVAN: Yes, please, for --

22 VICE CHAIRWOMAN WAITS: Sure.

23 COUNTY CLERK SULLIVAN: -- this item.

24 VICE CHAIRWOMAN WAITS: Thank you. Who are we calling?  
25 Nevada Health Centers?

26 COUNTY CLERK SULLIVAN: Cheryl.

27 Mm-hm.

28 VICE CHAIRWOMAN WAITS: Okay.

29 They operate the Austin clinic. And this is all regarding  
30 the Austin clinic and what we gave them last year.

31 So we'll --

32 KEITH WESTENGARD: We budgeted some money for a purchase of  
33 a new piece of equipment. And they found out that it can be  
34 repaired. The full amount was given for the purchase of the new  
35 piece of equipment. They found out it could be repaired so it  
36 was repaired. There's money left over. And now they'd like the  
37 commission's approval to re-allocate that money toward the  
38 purchase of the ADA exam table, which is for wheelchair people,  
39 wheelchair patients. And she'll be on the phone here shortly.  
40 But that's the gist of it.

1 COMMISSIONER MILLS: Okay.  
2 COUNTY CLERK SULLIVAN: It's voice mail.  
3 KEITH WESTENGARD: Voice mail? Okay. It should be laid  
4 out pretty good within your packets there.  
5 Commissioner Waits has a very good grasp on what -- what it's  
6 all about as well.  
7 So unless you have any questions, that's what it's about.  
8 COMMISSIONER BAKKER: I guess I'll make a motion.  
9 VICE CHAIRWOMAN WAITS: Excuse me. Did we -- are we  
10 waiting for Cheryl?  
11 KEITH WESTENGARD: Oh, I'm sorry. It went right into voice  
12 mail. Went to voice mail.  
13 COUNTY CLERK SULLIVAN: Voice mail.  
14 COMMISSIONER BAKKER: Went to voice mail.  
15 KEITH WESTENGARD: Yeah.  
16 VICE CHAIRWOMAN WAITS: Oh. Nobody sa- --  
17 KEITH WESTENGARD: Sorry. I thought you heard that.  
18 VICE CHAIRWOMAN WAITS: Thank you, Sean.  
19 COUNTY CLERK SULLIVAN: I said it out loud. Sorry.  
20 VICE CHAIRWOMAN WAITS: I was somewhere else, --  
21 COMMISSIONER MILLS: I was still waiting.  
22 VICE CHAIRWOMAN WAITS: -- I guess. Thank you.  
23 COMMISSIONER BAKKER: I couldn't figure out what you guys  
24 were waiting for.  
25 VICE CHAIRWOMAN WAITS: I was still waiting for Cheryl.  
26 COMMISSIONER MILLS: Yeah. All right.  
27 COMMISSIONER BAKKER: Okay. I'll make a motion to  
28 redistribute the remaining funds of \$2400 to use to help offset  
29 the cost of purchase an ADA exam table for the Austin medical  
30 clinic.  
31 COMMISSIONER MILLS: I'll second that.  
32 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner  
33 Bakker and seconded by Commissioner Mills. Any other further  
34 discussion?  
35 (No comment.)  
36 VICE CHAIRWOMAN WAITS: Any public comment?  
37 (No comment.)  
38 VICE CHAIRWOMAN WAITS: All those in favor?  
39 COMMISSIONER MILLS: Aye.  
40 COMMISSIONER BAKKER: Aye.

1 COMMISSIONER CLARK: Aye.  
2 VICE CHAIRWOMAN WAITS: Aye. Thank you. Unanimously  
3 passed.  
4  
5

6 **COMMISSIONERS**  
7

8 7) **Discussion for possible action to accept the resignation of**  
9 **Amy Rogers, vice chair, Lander County Convention and Tourism**  
10 **Authority, and other matters properly related thereto.**  
11

12 VICE CHAIRWOMAN WAITS: Agenda item number seven,  
13 discussion and possible action to accept the resignation of Amy  
14 Rogers, vice chair, Lander County Convention and Tourism  
15 Authority, and other matters properly related thereto.

16 KEITH WESTENGARD: We did receive a letter of resignation  
17 from Amy Rogers, vice chair. Just need to have you accept that.  
18 And then we'll move forward with filling the seat as per our  
19 last meeting.

20 COMMISSIONER MILLS: I'll make a motion we accept the  
21 resignation letter of Amy Rogers, the vice chair to the county  
22 convention, tourism authority.

23 COMMISSIONER BAKKER: Second.

24 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner  
25 Mills, seconded by Commissioner Bakker. Any other discussion?  
26 (No comment.)

27 VICE CHAIRWOMAN WAITS: Any public comment?

28 (No comment.)

29 VICE CHAIRWOMAN WAITS: All those in favor?

30 COMMISSIONER MILLS: Aye.

31 COMMISSIONER BAKKER: Aye.

32 COMMISSIONER CLARK: Aye.

33 VICE CHAIRWOMAN WAITS: Aye.

34 Thank you. Unanimously passed.

35 We're going to cut right now for a ten-minute recess. And  
36 then we'll come back to agenda item number eight.

37

38 (Break taken from 9:51 a.m. to 10:03 a.m.)  
39

40

VICE CHAIRWOMAN WAITS: We're calling the meeting back to

1 order.

2 Austin, are you with us?

3 MITESHELL LANHAM: Yes.

4 VICE CHAIRWOMAN WAITS: Thank you.

5

6 8) Discussion for possible action regarding clarification of the  
7 part-time court clerk position in Austin, and other matters  
8 properly related thereto.

9

10 VICE CHAIRWOMAN WAITS: Agenda item number eight,  
11 discussion for possible action regarding clarification of the  
12 part-time court clerk position in Austin, and other matters  
13 properly related thereto.

14 And our district attorney wanted to give us some  
15 information, Ted?

16 DISTRICT ATTORNEY HERRERA: Thank you, Commissioner Waits.  
17 As far as legal and background, I'm going to read you what I've  
18 put together in going back over the years, the last seven or  
19 eight years.

20 The finance department's position is that the Austin justice  
21 of the peace court clerk is a part-time position and therefore  
22 should not go over 1,039 hours per fiscal year. Thus the two  
23 part-time employees are both filling one authorized part-time  
24 position, then the combination of both employees' hours cannot  
25 exceed 1,039 hours per fiscal year.

26 The finance department has in its records one authorized  
27 part-time position of deputy clerk in Austin with one relief  
28 employee to both fill -- to both fill one authorized position.

29 On -- now that was their position in 2007. And that was  
30 their position now, today.

31 In 2007, ironically, the agenda item was almost word for  
32 word. And this came before the commission then.

33 June -- on June 28<sup>th</sup>, 2007, this exact agenda item came  
34 before the then sitting board for same the reasons. HR director,  
35 at the time, Joy Sweeney, addressed the board and advised that her  
36 only concern with two authorized part-time employees -- which  
37 would be the solution to this whole problem rather than one  
38 authorized employee -- that her concern with two authorized  
39 part-time employees would be the state may think we are avoiding  
40 paying benefits, and that's PERS.

1           The matter was deferred to later in the day so Ms. Sweeney  
2 would contact PERS and seek clarification immediately. Ms.  
3 Sweeney came back later on the record and noted the following.  
4 And this is in your notes.

5           I spoke with our representatives in the PERS office. And he  
6 advised us that they do not have an issue with two part-time  
7 employees. They are not into judging staffing. All they worry  
8 about is to keep it below the amount of hours for a half-time  
9 person, which is 1,039 hours.

10          No action was taken on that because it was no action item for  
11 discussion, but they started following that procedure.

12          And we know that. When I say that procedure, I mean two  
13 part-time employees.

14          A special meeting on March 18<sup>th</sup>, 2010, during the budget  
15 hearing, this issue came up again by way of Austin justice asking  
16 for raises. This is where the issue usually comes up over the  
17 years. Austin justice is asking for a dollar raise or a  
18 two-dollar raise per employee per hour. And this issue always  
19 comes back up.

20          Well, is there one or two authorized positions?

21          And it says on the 2010 March meeting in -- and this is very  
22 important. And this is what they put down. They're putting down  
23 this every year after 2007.

24          In prior years, there was only one part-time employee with  
25 one additional person to fill in when the part-time employee was  
26 out of the office with the hours worked between the two never to  
27 exceed 39 hours biweekly.

28          UNIDENTIFIED PARTICIPANT: (Indiscernible).

29          DISTRICT ATTORNEY HERRERA: No. Thirty-nine hours  
30 biweekly.

31          On June 28<sup>th</sup>, -- and I'm reading from the minutes. They  
32 didn't have minutes like we now have minutes. They had  
33 informational notes. Those were the minutes. That's the only  
34 record.

35          On June 28<sup>th</sup>, 2007, it was decided that the main -- the main  
36 part-time employee could not work over 39 hours biweekly, and the  
37 alternate part-time employee could only work 20 hours biweekly  
38 effective fiscal year '07/'08 budget year. These are both  
39 part-time positions with no benefits.

40          So the commission changed it from one part-time --

1 authorized part-time to two. And that's the evidence of it.

2 In the special meeting of March 16<sup>th</sup>, 2011, Austin justice  
3 was again asking for raises for his two part-time positions. Now,  
4 I believe that they were denied the raises the year before, so  
5 they came back and asked for another raise.

6 They used the same language in the information notes. And  
7 this issue has been cited by prior boards, but never changed in HR  
8 and Finance. That's the issue in front of us.

9 So we need a motion to authorize two part-time positions in  
10 Austin justice court and to instruct both HR and Finance to show  
11 this change, which was made on June 2007, but never shown in the  
12 records in HR and Finance. That's why it keeps on coming up for  
13 Nan in Finance because her records indicate one thing and the  
14 records of the county commissioners' meeting indicate another. So  
15 we need to resolve this finally after eight years and put this to  
16 bed.

17 And as further evidence, in the years between 2007/'08 and  
18 2014 -- I've only got evidence of three or four of those years --  
19 but it shows that -- that in 2010, the total hours worked for two  
20 part-time people were 1382, went beyond 1309; 2011, it was 1368,  
21 went beyond the 1309; 2014 is 1621. So it -- and I wasn't able to  
22 find the other years. I didn't have the time to do that. But it  
23 seems to me that -- that the record is pretty clear that it was  
24 kind of informally authorized that Austin justice court can have  
25 two part-time positions, but it was never entered into -- into HR  
26 and the Finance.

27 We need to -- we need to stop this. The Finance is having a  
28 hard time going along with this. And we need to be on the same  
29 page. So that's the legal and the background.

30 VICE CHAIRWOMAN WAITS: I guess one of my concerns is if  
31 we're in two part-time, how do we differentiate from the pay?

32 Before it was part-time and relief. And relief never got the  
33 pay that the part-time did because they were the main clerk.

34 So if we clarify this to -- if indeed that's -- that's what  
35 the intention was, and I truly don't know whether the intention  
36 was two part-time or relief because we didn't get all that  
37 information that you're picking up now.

38 So what came out in writing and what was their intent,  
39 I'm -- I'm not sure. But if we don't have an equivalency or at  
40 least a step up for the pay, do we need to go back and -- and do

1 something with that?

2 And does the part-time reflect at all what they are bringing  
3 in to us, why they need more hours now if they're not bringing in  
4 as much as they were before?

5 So we've added a lot more hours, but we haven't added a lot  
6 more income.

7 DISTRICT ATTORNEY HERRERA: We've added -- we've added a  
8 lot more hours eight years ago. And we've accepted that each  
9 and every year. And then Nan looks at it -- we can't do this  
10 and rightfully so. Her records indicate that there's only one  
11 authorized part-time position.

12 VICE CHAIRWOMAN WAITS: Okay.

13 DISTRICT ATTORNEY HERRERA: Justice Schaeffer is here --  
14 Justice of the Peace Schaeffer is here to answer your questions,  
15 Patsy, about the hours.

16 VICE CHAIRWOMAN WAITS: Thank you. And we'd love to have  
17 you come forward, Judge, if you'd like to come up for us, if you  
18 have any input at all on --

19 DISTRICT ATTORNEY HERRERA: But it's important that we --

20 VICE CHAIRWOMAN WAITS: -- what you'd like to do.

21 DISTRICT ATTORNEY HERRERA: -- we fix the book wrecking  
22 part -- bookkeeping part of this in the HR and the finance  
23 department. Otherwise, we'll see this every year.

24 VICE CHAIRWOMAN WAITS: Thank you.

25 JUDGE SCHAEFFER: So what's your question?

26 COUNTY CLERK SULLIVAN: Can you have him state his name,  
27 please.

28 VICE CHAIRWOMAN WAITS: Would you identify yourself for us,  
29 please.

30 JUDGE SCHAEFFER: William Shaeffer, justice of the peace,  
31 Austin Township, for the record.

32 VICE CHAIRWOMAN WAITS: Thank you. One of my questions is:  
33 If -- if we clarify this to do two part-time people, are you  
34 expecting them both to do more hours than -- than what we've  
35 been paying? Or what -- what are your --

36 JUDGE SCHAEFFER: Not more than what I've been doing here.  
37 I've increased their hours without going over budget in the  
38 past. And the reason is to get more service to the people of  
39 Austin.

40 Court, as you know, is -- the hours have increased. We now

1 open -- we were open before four different days, but only a small  
2 portion of two of the four days. Now we're open basically all day  
3 for -- for four days.

4 We close at 4:00. But we're basically open from 8:00 to  
5 4:00 with time off for lunch.

6 And I've done that, like I said, without increasing the  
7 budget or even asking for an increase.

8 Might have to cut back on hours a little bit to meet the  
9 budget at the moment. We're -- we've been running just slightly  
10 ahead.

11 But I anticipate that that's not going to be problem. We're  
12 still, you know, quite a few months out from the end of the fiscal  
13 year.

14 I don't want -- well, --

15 DISTRICT ATTORNEY HERRERA: Let me interject something for  
16 a minute. Keith mentioned something to me on this side.

17 I want the commissioners to understand with two authorized  
18 part-time employees, each one of them can go up to 1,039 hours.

19 JUDGE SCHAEFFER: Right.

20 DISTRICT ATTORNEY HERRERA: That will handle the problem.

21 COMMISSIONER CLARK: Right.

22 DISTRICT ATTORNEY HERRERA: Clearly handle it. And then  
23 it's just a budgetary matter with the justice of the peace and  
24 the finance department and the commission.

25 But -- but for our purposes today, I'm asking that -- and  
26 that's why I asked it to be put on the agenda -- that you to  
27 clarify this and -- and agree and make a motion that there will  
28 be two part-time author- -- two authorized part-time employees  
29 in Austin justice court.

30 JUDGE SCHAEFFER: Just to speak to that, to tie it in, it  
31 probably would be better to deal with how many hours are going  
32 to be authorized as a part of the salaries, as a part of the  
33 regular budget process, which this isn't.

34 So -- but I'm here if you have questions on -- I can tell  
35 you that they -- one thing Commissioner Waits brought up is how  
36 you differentiate. Currently, first off, I've got different  
37 duties for the different clerks. And that is just the same as  
38 they have upstairs. The clerks upstairs get paid at different  
39 rates depending on their duties. And I anticipate and have so  
40 far paid differently depending on the duties of my clerks.

1           So -- I mean, I don't know what you guys want to know.  
2 I'm -- the record is -- I don't know. I -- I like -- I would  
3 submit that we're not doing anything different than Joe Doherty  
4 did. So that's my understanding. That was my intention.

5           And I don't want to necessarily agree with everything in  
6 the record because I haven't had a chance to go over absolutely  
7 everything. And I don't want to get mouse-trapped somewhere  
8 down the road. But -- but I don't have a problem with anything  
9 for overall that -- that we're trying to do here.

10          COMMISSIONER BAKKER: Hold on.

11          JUDGE SCHAEFFER: Sure.

12          COMMISSIONER BAKKER: I'm going to make a motion. I make a  
13 motion that we authorize two part-time employees for the Austin  
14 justice of the peace.

15          COMMISSIONER MILLS: Can I -- can I make a comment on that  
16 first? Or maybe an addition? That when we -- when we make the  
17 two part-time employees that we give them their ea- -- because  
18 you said each has their own job description?

19          JUDGE SCHAEFFER: Yes.

20          COMMISSIONER MILLS: Make sure that is defined with each of  
21 the part-time employees that they each have their own job  
22 description?

23          JUDGE SCHAEFFER: Yeah --

24          COMMISSIONER MILLS: So that's way there's no problem with  
25 PERS.

26          VICE CHAIRWOMAN WAITS: There's no PERS. There's no  
27 benefits.

28          COMMISSIONER CLARK: There's no benefits.

29          COMMISSIONER MILLS: Right, --

30          JUDGE SCHAEFFER: Yeah.

31          COMMISSIONER MILLS: -- but there's some concern that PERS  
32 may look at the two part-time employees and say, why don't you  
33 have one full time employee?

34          DISTRICT ATTORNEY HERRERA: No, they're not --

35          COMMISSIONER MILLS: -- a whole bunch of stuff.

36          COMMISSIONER CLARK: No.

37          COMMISSIONER MILLS: But if they -- but if they have  
38 separate job descriptions, that should eliminate any problems  
39 with PERS that PERS might have. And they already have separate  
40 job descriptions, so if we just --

1 DISTRICT ATTORNEY HERRERA: So are you asking Sean to amend  
2 his option?  
3 COMMISSIONER MILLS: Right.  
4 COMMISSIONER BAKKER: Okay, what you do want me to amend it  
5 to?  
6 COMMISSIONER MILLS: That we have two -- that we authorize  
7 two part-time employees --  
8 DISTRICT ATTORNEY HERRERA: With separate --  
9 COMMISSIONER MILLS: -- each --  
10 DISTRICT ATTORNEY HERRERA: -- job descriptions.  
11 COMMISSIONER MILLS: -- each with separate job  
12 descriptions.  
13 COMMISSIONER BAKKER: Okay. I make a motion to authorize  
14 two part-time employees with separate job descriptions.  
15 COMMISSIONER MILLS: I'll second that.  
16 VICE CHAIRWOMAN WAITS: Thank you. It's been moved and  
17 seconded. Any other discussion?  
18 (No comment.)  
19 Any public comment?  
20 (No comment.)  
21 JUDGE MAX BUNCH: I'd like to make a public comment. When  
22 you look at two different job descriptions, --  
23 VICE CHAIRWOMAN WAITS: Would you identify yourself for us,  
24 Judge?  
25 JUDGE MAX BUNCH: Max Bunch for the record. When you're  
26 looking at two descriptions, you have somebody that could be  
27 sick and somebody else is going to have to assume that other job  
28 that will be part of it.  
29 So you almost have comparable job descriptions that they  
30 have to be able to do that duty. So when you say, two  
31 separate -- when you're working in the court, they cover  
32 everything: civil, criminal, and traffic. And so you've got  
33 all those areas that you have to work with. So by saying you  
34 have to have -- this one can only do criminal; and this one can  
35 only do traffic; and this one -- and this one gets to do half of  
36 civil and the other one gets to do the other half of the civil.  
37 That means that you've got a criminal person trying to do a  
38 traffic, and it's not part of their job description.  
39 DISTRICT ATTORNEY HERRERA: You can have two job  
40 descriptions with overlap. You can certainly do that.

1 JUDGE MAX BUNCH: Well, that's what I'm suggesting that --  
2 DISTRICT ATTORNEY HERRERA: Yes.  
3 JUDGE MAX BUNCH: -- has to happen.  
4 COMMISSIONER BAKKER: So that needs to be amended to the --  
5 JUDGE MAX BUNCH: So what you --  
6 COMMISSIONER BAKKER: -- motion?  
7 JUDGE MAX BUNCH: -- but if you want two --  
8 JUDGE SCHAEFFER: No.  
9 JUDGE MAX BUNCH: -- separate ones --  
10 JUDGE SCHAEFFER: We'll -- we'll put that as part of the  
11 job description.  
12 DISTRICT ATTORNEY HERRERA: Right. That there's an  
13 overlap.  
14 JUDGE SCHAEFFER: And there's not going to be a problem.  
15 COMMISSIONER MILLS: We'll solve that with job description.  
16 It's just how --  
17 JUDGE SCHAEFFER: Yeah.  
18 COMMISSIONER MILLS: -- they're written.  
19 JUDGE SCHAEFFER: Because you fill in.  
20 COMMISSIONER BAKKER: Okay.  
21 DISTRICT ATTORNEY HERRERA: And you probably should put  
22 neither one to go over -- neither one to go over 1,039 hours per  
23 year.  
24 COMMISSIONER CLARK: Right.  
25 JUDGE SCHAEFFER: We'll just make sure that that happens.  
26 DISTRICT ATTORNEY HERRERA: No, --  
27 JUDGE SCHAEFFER: I don't want --  
28 COMMISSIONER BAKKER: I'll make -- I want to amend my  
29 motion --  
30 JUDGE SCHAEFFER: Okay.  
31 COMMISSIONER BAKKER: -- to include that neither part-time  
32 employee will go over 1,039 hours.  
33 VICE CHAIRWOMAN WAITS: Need to amend the second.  
34 COMMISSIONER MILLS: I'll amend my second and second again.  
35 JUDGE SCHAEFFER: Yeah.  
36 VICE CHAIRWOMAN WAITS: Yes. Any other public comment?  
37 (No comment.)  
38 VICE CHAIRWOMAN WAITS: All those in favor?  
39 COMMISSIONER BAKKER: Aye.  
40 COMMISSIONER MILLS: Aye.

1 COMMISSIONER CLARK: Aye.  
2 VICE CHAIRWOMAN WAITS: Aye.  
3 Thank you. None opposed. Passes unanimously.  
4 Thank you, Judge.  
5 JUDGE SCHAEFFER: Thank you, very much.  
6 COMMISSIONER BAKKER: Thank you.  
7 COMMISSIONER MILLS: Thanks.  
8 VICE CHAIRWOMAN WAITS: And we can direct HR to catch up  
9 with us on that, if you would, Becky?  
10 Thank you.  
11

12 9) Discussion for possible action regarding the proposal from  
13 Washoe Legal Services to provide free legal services in  
14 Lander County to abused and neglected children involving NRS  
15 12 and indigent persons over the age of 60 who have  
16 specialized needs with the yearly funding in an amount not to  
17 exceed \$15,000, and all matters properly related thereto.  
18

19 VICE CHAIRWOMAN WAITS: Number nine, discussion for  
20 possible action regarding the proposal from Washoe Legal  
21 Services to provide free legal services in Lander County to  
22 abused, neglected children involving NRS 432B matters and  
23 indigent persons over the age of 60 who have specialized needs  
24 with the yearly funding in an amount not to exceed \$15,000, and  
25 all matters properly related thereto.

26 And we do have some guests with us today. Paul Elcano from  
27 Washoe Legal Services.

28 PAUL ELCANO: Good morning.

29 COMMISSIONER MILLS: Good morning.

30 VICE CHAIRWOMAN WAITS: And we have Debra Amens, who has  
31 been working with Washoe Legal for representing Lander County  
32 and our seniors.

33 DEBRA AMENS: Good morning.

34 VICE CHAIRWOMAN WAITS: Good morning.

35 COMMISSIONER MILLS: Morning.

36 PAUL ELCANO: I'm Paul Elcano, the executive director of  
37 Washoe Legal Services.

38 Sometime in -- well, through the years -- I've been there 11  
39 years -- through the years, we have recognized in the state of  
40 Nevada that there's a significant need for legal services in the

1 rural counties and that they've been underserved.

2 And through various mechanisms and discussions and so  
3 forth, Washoe Legal Services made a grant application in late  
4 2013 for funding in 2014 to start a project, which we call the  
5 I-80 corridor project, to provide legal services from Lyon  
6 County through and including Elko County. And we did not know  
7 if this would be funded.

8 In early January of 2014, we got the notice that we  
9 received \$62,500 to put together this project.

10 And with the budget process and the various commissions in  
11 the various counties, it was very difficult, obviously, to get it  
12 up and running by July 1<sup>st</sup>, although we did this successfully.

13 We appeared before county commissions in Lyon County,  
14 didn't have to go to Elko, and we came here. We went to  
15 Pershing County, and we went to Humboldt County and made  
16 presentations.

17 At the time we came here, we had the conception we were  
18 going to have one lawyer handle Humboldt, Pershing, and Lander.  
19 And we came here and we had a discussion and discussed various  
20 things. And when we finished with the discussion here and  
21 having done all the traveling, it came -- we came to the  
22 conclusion that that was not a realistic way of doing it.

23 And secondly, it would take a lot of money from Humboldt to  
24 fund it. So as a result, we amended our initial plan, went to  
25 Humboldt County, went basically a half-time position concept and  
26 completed our whole project, but did not end up with a contract in  
27 Lyon County because of the revision.

28 And so for the year 2014, we ran with contracts in Lyon  
29 County, where we had a hundred thousand dollars pitched in by  
30 Lyon, and we contributed 20,000 of our 62,5-, which was our  
31 original grant. And we got 100,000 from Elko and put in 20,000.  
32 We had 5,000 from Pershing and put in 2500. And we got 35,000  
33 in Humboldt. And I think we put in, like, 12,5- there. And we  
34 opened up the project.

35 But we did not want to neglect Lander County because there  
36 was terrific need here for seniors and legal services to people  
37 over 60, indigent seniors, people who couldn't afford it. And so  
38 that was still on our radar screen.

39 So we implemented the project. And as we did all that, we  
40 left it to the counties to determine exactly how they wanted

1 those services directed within their contractual responsibility.

2 The money we had had to go either to children or to  
3 seniors. But the counties could direct their money however they  
4 wanted. So in Lyon County, they basically limited all their  
5 money to children, did the same thing in Elko. In Humboldt and  
6 Pershing, they redirected it to seniors primarily, not entirely,  
7 but to seniors and kids.

8 After doing some more assessment and so on, we determined  
9 that there was some significant need with -- for seniors in  
10 Lander County. We kept in contact with Commissioner Waits.

11 And as you probably can understand, too, one of the  
12 difficulties is finding the right person to handle the work in  
13 the rural counties. There aren't just a bunch of lawyers to  
14 choose from. And so Mrs. Amens came to our attention. We  
15 started talking with her. And so we decided to go ahead and  
16 start provision of service to seniors in Lander County.

17 And so we basically used some of the grant money -- used up  
18 the grant money, used some of our own money from reserves and  
19 other places, and paid her \$1715 -- -50 dollars a month to start  
20 a project here whereby she would begin to go to the senior  
21 centers in Austin and in Battle Mountain, meet the people, talk  
22 to them, and start to grow a project. And she very successfully  
23 has done that.

24 And I've gotten a letter from Sandy Smith from the Lander  
25 County senior services center office. And she's basically  
26 complimented Patsy. And I'll leave this with you. She  
27 complimented -- excuse me -- complimented Debra on her handling  
28 of all the seniors. She's been doing work in the areas of  
29 bankruptcy, estate planning, medical authorizations, powers of  
30 attorney, and some other things and has grown this project, and  
31 I think is going to continue to grow it, probably, I'm guessing,  
32 it will double over the next six months, and is going to go  
33 forward from there.

34 And what we would like to do is to have participation by  
35 Lander County in this with a contract on a yearly basis, renewable  
36 yearly basis to provide us with \$15,000. We'll put in 6,- and  
37 continue with this project and continue to provide services to the  
38 seniors.

39 In the budget item, it talked about children and representing  
40 children. And my understanding of the situation is that you

1 already pay the district court to represent kids. And if she was  
2 to represent kids, that would have to come through the court  
3 process and the court budget. But this has just been part of the  
4 language we have used, generally, with each county so they  
5 understand they have the choice of directing her services.

6 So if this contract with us was for \$15,000 and you wanted  
7 to include some other area in it, you're free to do that. This  
8 is not us telling you how you have to spend your money in your  
9 county. It's just us trying to partner with Lander County in  
10 order to provide these services and help these people.

11 I fully believe, but I can't promise, because it's part of an  
12 ongoing grant process, but I think the funding for this I-80  
13 corridor project is going to grow. And I believe the need not  
14 only is there but is going to grow. That's the first thing.

15 The second thing is Washoe Legal Services looks at these  
16 contractual relationships as partnerships with the counties in  
17 order to provide services that are going to benefit the counties  
18 and benefit them over the long term. So this is something that  
19 we would envision would be successful, would be an ongoing  
20 long-term project where we would partner and continue to provide  
21 these services. It's not our goal to run in, do something for a  
22 year, and get lost.

23 Now for some reason, the county doesn't think it's getting  
24 its money's worth, that's a different matter.

25 And -- and sometimes funding is an issue on both ends, our  
26 end and yours and so those things can change.

27 But this is not a one-time grant. It's not a one-time  
28 thing. This is not something that we have a casual commitment  
29 to.

30 And so I think you'll probably see from our project, we  
31 started with 60,000 and raised 240,000 in a short time. And that  
32 took work and commitment to do that. And -- and we do bring that  
33 to the table.

34 And as a partnership, we listen. If there's something you  
35 don't like, we need to know.

36 I was in business before I did this. And I know about  
37 customer service and -- and I'm concerned about it. And I'm  
38 concerned about our reputation.

39 And so -- and I think Debra's done a really good job,  
40 especially starting from scratch, you know. You have to go to the

1 senior center. The first time you go, you realize nobody can hear  
2 you. You think you're going to talk to a group. And I'm a  
3 significant senior, and I'm starting to lose some hearing. I  
4 understand that.

5 And so she had to start meeting with people individually.  
6 And there's a -- a hesitancy in the beginning whether or not you  
7 can trust this person. And so you have to build those trust  
8 relationships. And she's done that. And her numbers are going up  
9 steadily with the people she's helping. And that's just exactly  
10 what we thought would happen and hoped to see.

11 From Sandy's letter, it looks like their relationship at  
12 the centers is really good and she's welcomed and she's working  
13 well with people.

14 And so we would just like a little help from the county to  
15 pursue this on a partnership kind of a basis.

16 I know that you may have concern about the dough. I'm not a  
17 haggler. If it's -- you want to work a couple thousand dollars  
18 either way, we'll find the money to continue to do it. So that's  
19 entirely up to you. It would be nice if we could get the 15,000  
20 and keep going and grow it. But that's -- you know your budget  
21 better than I do and where and how you want to start. So that's  
22 basically what we'd like to do.

23 DISTRICT ATTORNEY HERRERA: For clarification purposes, I  
24 need to point out that Commissioner Waits is -- has --  
25 introduced the attorney as someone who's been representing  
26 Lander County for the last -- she has not been representing  
27 Lander County. She's been representing the Washoe Legal  
28 Services.

29 PAUL ELCANO: Washoe Legal Services.

30 DISTRICT ATTORNEY HERRERA: This is important to understand  
31 that -- that if you go along with this, you're going to make a  
32 contract with Washoe Legal Services for what will be repr- --  
33 for what -- so they will be doing the services and not as a  
34 representative of Lander County and in partnership with Washoe  
35 Legal Services. So you need to understand that in your mind.

36 PAUL ELCANO: Right. And we're a 5- -- I didn't discuss  
37 this -- we're a 501C(3) nonprofit organization. And our annual  
38 budget is about \$2 million. We have about 26 or 27 employees  
39 now, including our rural project.

40 And this project was authorized, at least in concept, by

1 our supreme court of the state of Nevada, through a commission  
2 they have called the Access to Justice Commission. So this was  
3 a product of ongoing discussions with members of the supreme  
4 court and other statewide entities providing services and  
5 statewide lawyers on how we should target this and where the  
6 need was and so on and so forth. So that's kind of how we got  
7 here.

8 VICE CHAIRWOMAN WAITS: Thank you. And Ted, thank you for  
9 the clarification. I didn't realize I said that because she  
10 certainly isn't. But she has been doing the work in Lander  
11 County so thank you for the clarification. I'm sorry I  
12 misspoke.

13 As many of you know, I also sit on the State Division for  
14 Aging Board. And -- and legal advice for our seniors in the rural  
15 area has been very, very difficult.

16 We've -- we know that's one of our major concerns when we  
17 finished all of our surveys last year. It was way up there in the  
18 top five because we don't have the access we should have for some  
19 of these folks that are definitely needy.

20 Now, I have a couple concerns, I guess. And one is because  
21 I'm told we have to use the word "indigent." However, when I  
22 say, this is for indigent seniors, I think of destitute. And  
23 basically, sometimes that's what indigent means, that they are  
24 homeless and such. And that isn't all, but we most certainly  
25 are addressing that's not our focus here.

26 And so I -- I wondered if -- if Debra could share a little  
27 bit with us, Counselor, on maybe a couple of your extreme things  
28 that you have done that might be quite important to seniors and  
29 how you're helping. But you could you also clarify for me what  
30 you need to do, like, what the income level is or something to  
31 qualify for this.

32 PAUL ELCANO: Sure. I'd be happy to do that. And I didn't  
33 bring it with me, but basically we use 200 percent of the  
34 federal poverty guidelines. The reason we use the 200 -- and  
35 all the organizations use somewhere between 180 and 200 percent.  
36 And the reason we use the higher number is because of cost of  
37 living factors in Nevada that may not apply in Appalachia and  
38 Maine and places like that.

39 And so ballpark, you are looking at a single person with  
40 less than \$25,000, \$26,000 a year, a family of five with less

1 than \$45,000 a year.

2 So these are people who -- we're trying to help people who  
3 may not be homeless, but they're having a -- they're not going  
4 to be able to pay 200 bucks an hour and go see a lawyer for five  
5 or six hours just to get some advice, which may or may not be  
6 critical to them, but they don't know. They're sitting there  
7 wondering and stewing, do I need a trust, when they may not need  
8 a trust. And they're not going to want to go to a lawyer and  
9 front the dough, when they're on 1800 bucks a month social  
10 security. And Debra can talk to them in two minutes and say,  
11 No, you don't need a trust. What you need is medical  
12 authorization. We can do that in a few minutes.

13 And then you can answer her question about some of the  
14 incidents.

15 DEBRA AMENS: Yes, Commissioners. For the record, my name  
16 is Debra Amens. And I have really enjoyed doing this work for  
17 the last six months. It started in September, knew a number of  
18 the folks in Austin because that's where I'm from. But getting  
19 to know the Battle Mountain seniors through the Battle Mountain  
20 senior center has been an interesting experience.

21 And it's taken a while, as Paul was saying, that, you know,  
22 initially, I thought maybe I could go in and do some training on,  
23 you know, what constitutes a valid will and quickly realized that  
24 I probably was only heard by a third of the folks there. So I  
25 have kind of addressed my approach more on an individual basis.

26 Some of the -- the issues about income, when I'm at the  
27 senior center, for the most part I'm talking with them, so there  
28 is not an issue in terms of whether they would qualify on an  
29 income basis. And a lot of times, I'll get legal questions  
30 there that, you know, we kind of talk about what is a valid  
31 will, what is, you know, a contract, legal-contract-type thing.  
32 When I make an appointment with them, whether I do it at the  
33 senior center, if that's more convenient for them or they come  
34 into one of my offices -- I have an office in Austin as well as  
35 in Battle Mountain. At that point, on my intake form, I do  
36 capture what their income is. And there is a discussion. I  
37 have had actually just one client come in who really was outside  
38 of the range. And we talked about it and kind of changed the  
39 approach. It didn't go through Washoe Legal Services.

40 But I've done -- about half of what I've been doing is

1 estate planning work, power of attorneys, those kind of things.  
2 And there's a lot of misconception on what a valid will is. So  
3 I've been able to kind of review what they have and then kind of  
4 move that into, you know, something that the courts are going to  
5 recognize and so forth.

6 I've also gotten involved with benefit issues, including some  
7 court cases on spousal support and things like that that have been  
8 beneficial to the clients, as well as some bankruptcy issues, and  
9 looking at deeds and making sure that real estate transactions are  
10 going right and contracts and so forth. So it's been a varied  
11 body of work, basically, that's come in. But I think it's been  
12 very beneficial. And, you know, these are questions they don't  
13 know where to go with, and it would just be sitting on their desk  
14 really if someone wasn't kind of, like, looking -- looking into it  
15 for them.

16 VICE CHAIRWOMAN WAITS: Thank you. Besides the wills and  
17 guardianships and such, I know we also are concerned with people  
18 that have rental issues in the senior system and folks that are  
19 actually being abused financially or taken advantage of. So the  
20 Division for Aging has been really paramount in trying to  
21 support our Washoe Legal Services in -- in different counties.

22 And last time when it came up, we did not do anything on  
23 this. So my concern is if we -- if we do do this for any amount  
24 of money, to continue and support, it's great to have a history  
25 already. So that's -- that's exciting to know that we've already  
26 been out there helping our seniors -- population.

27 When actually would this be effective?

28 PAUL ELCANO: I think that if your budget process runs like  
29 everybody else, the contract would run from July 1<sup>st</sup> to  
30 June 30<sup>th</sup> of 2016, so it would go through your upcoming budget  
31 process.

32 VICE CHAIRWOMAN WAITS: So you can --

33 PAUL ELCANO: And --

34 VICE CHAIRWOMAN WAITS: -- continue --

35 PAUL ELCANO: -- we'll carr- -- we'll carry --

36 VICE CHAIRWOMAN WAITS: -- and we're looking at --

37 PAUL ELCANO: -- we'll carry --

38 VICE CHAIRWOMAN WAITS: -- this under --

39 PAUL ELCANO: -- Debra until the --

40 VICE CHAIRWOMAN WAITS: -- the new budget?

1 PAUL ELCANO: We'll carry Debra until the contract starts.  
2 VICE CHAIRWOMAN WAITS: If we approve this.  
3 COMMISSIONER BAKKER: So the 7500 you put up and say we put  
4 the 15,000 up, in June or whenever our budget comes, you're not  
5 going to put up 7500 again?  
6 PAUL ELCANO: No, we'll keep doing it.  
7 COMMISSIONER BAKKER: You're going to keep doing it?  
8 PAUL ELCANO: Yeah.  
9 COMMISSIONER BAKKER: So that's 22,500?  
10 PAUL ELCANO: Actually, it's 21-. The proposal I made is  
11 21-.  
12 COMMISSIONER BAKKER: Twenty-one?  
13 PAUL ELCANO: You pay 1750 a month. And if for some n- --  
14 reason the need grows over the year, --  
15 COMMISSIONER BAKKER: Think there's that --  
16 PAUL ELCANO: -- she can't --  
17 COMMISSIONER BAKKER: -- much money --  
18 PAUL ELCANO: -- handle it, --  
19 COMMISSIONER BAKKER: Do you think there's that much work  
20 here though?  
21 PAUL ELCANO: Yes.  
22 COMMISSIONER BAKKER: Or that amount of money?  
23 PAUL ELCANO: Yes. And if there's not, we won't bill you  
24 for it. We're not going to bill you for something we're not  
25 doing.  
26 And I think there's going to be more, actually. And I  
27 think it's going to grow. And in fact, in a couple of the  
28 counties because of the stagger where we've started, we haven't  
29 billed them for about half of their contract this year because we  
30 ended up starting later.  
31 Yes?  
32 COMMISSIONER CLARK: Okay.  
33 PAUL ELCANO: Commissioner Clark?  
34 COMMISSIONER CLARK: When Patsy mentioned that older folks  
35 were being taken advantage of, aren't we in the realm of  
36 criminal?  
37 DISTRICT ATTORNEY HERRERA: Yes.  
38 COMMISSIONER CLARK: Okay. Since we have both Hy and Ted  
39 here, I'm going to ask the question: If we had an indigent fund  
40 established for the DA's office, could we cover this locally?

1           And if we had indigent needs, you guys could hire a civil  
2 attorney so that we don't break up the criminal and the civil  
3 issues? And if we had -- and you could decide if it was civil or  
4 criminal and we could proceed that way.

5           DISTRICT ATTORNEY HERRERA: If you're asking if you can  
6 start a fund and provide the services that Washoe Legal Services  
7 is telling you that they will provide, of course you can.

8           This is just a conduit to get a problem.

9           They are in the business right now. They have a nonprofit  
10 organization established to do certain works along the I-80  
11 corridor.

12           If the question is: Can we put our money in a separate fund?  
13 I don't know if the DA's fund would be a good place for it. But  
14 if you asked if you can establish a fund and provide the same  
15 services as a county, well, absolutely.

16           COMMISSIONER CLARK: Okay.

17           DISTRICT ATTORNEY HERRERA: But -- because that's the  
18 question.

19           COMMISSIONER CLARK: Right.

20           DISTRICT ATTORNEY HERRERA: Where the funds are provided,  
21 you know, it's -- you know, don't be looking for -- I don't know  
22 if it's -- I don't know if there may be a conflict of interest  
23 to put it in the DA's fund. Maybe not. But yes, you can do  
24 that, to answer your question, absolutely. Because this is just  
25 one way to do it.

26           They provide the services. They're in business. And they're  
27 saying, do you want to share in this because I'm already do it --  
28 doing it in your county.

29           So the work she's doing is not on behalf of Lander County at  
30 all.

31           COMMISSIONER CLARK: Right. And that's where I want the --  
32 I want the --

33           DISTRICT ATTORNEY HERRERA: But if you want any -- if you  
34 -- if the county commission wants any -- any part of the  
35 process, you'd have to do it by the county, not --

36           COMMISSIONER CLARK: Yeah. I would want the recognition to  
37 come to Lander County for the tax dollars that we're spending on  
38 Lander County indigents. Do you see any problem with my  
39 concept, Mr. Forgeron?

40           DEPUTY DISTRICT ATTORNEY FORGERON: The -- for the record,

1 Hy Forgeron, Deputy District Attorney.

2 There are two very separate areas there, as you pointed  
3 out.

4 One would be the criminal area where a person, in this case,  
5 a senior, was being taken advantage of in some sort of -- usually  
6 some sort of financial fraud issue. But also our criminal law  
7 covers crimes com- -- other crimes committed against seniors. If  
8 those kinds of things were occurring and Ms. Amens in speaking to  
9 one of her clients discovered that, I would expect that she would  
10 refer that to the sheriff's office who would do their  
11 investigation, and then it would eventually come to us.

12 The other part that she does and that Washoe Legal Services  
13 does that the district attorney's office is usually not involved  
14 in, would be the advice that she's giving on estate planning and  
15 civil matters.

16 Oftentimes, the public comes into the DA's office, senior  
17 or not, with general legal questions that are not related to  
18 Lander County. We try to accommodate them if they are simple  
19 matters. We're not technically supposed to give legal advice to  
20 the general public. But as part of the service that we extend  
21 to the county, we try to accommodate them.

22 If it's a technical issue that it looks to us like is going  
23 to require, you know, further legal involvement or something  
24 like that, then, as part of the DA's office, we try to refer  
25 them to the appropriate agency or attorney that would handle  
26 that.

27 I would be uncomfortable expanding the district attorney's  
28 office to fulfill the role that Washoe Legal Services is doing  
29 here.

30 I think that you're rightly concerned that Lander County, if  
31 they participate in this, should, in fact, have that known to our  
32 public because they do want to watch their tax dollars.

33 But I think you could reach an accommodation, certainly with  
34 either Washoe Legal Services or some other service provider, for  
35 that kind of service and -- and make known the fact that it is --  
36 it is Lander County that's doing that.

37 For example, part of your -- if you decide to do an  
38 agreement with Washoe Legal Services, you could certainly ask  
39 them to include in the agreement that the client be advised that  
40 funding is provided in part or in large part by Lander County.

1 PAUL ELCANO: And we have no quarrel with any of that. The  
2 second thing, and something you may not be thinking of, but when  
3 fraud occurs and it's discovered, it's reported to the DA. Many  
4 of these people have fraud perpetrated on them and have no idea  
5 it's happening. And that's where we oftentimes get involved and  
6 refer the cases to them.

7 So when they come to see us about a will or a trust and we  
8 interview them, we find out about the fraud and report it to the  
9 DA's office. If we hadn't talked to them, it would never be  
10 discovered.

11 The second issue is that people oftentimes see us on the  
12 brink of having fraud occur. And we can advise them accordingly  
13 so no fraud occurs. And they don't even see it coming. They  
14 have a caretaker or something that's doing this, doing that.  
15 And all of a sudden you find out that there's a couple of checks  
16 going here and a couple of checks going there. And you start to  
17 get nervous. And so you can prevent these things. So we play  
18 an important role that's very hard for a district attorney's  
19 office to do. They get the crime after it's committed. We can  
20 prevent it and/or hopefully discover a lot of crimes that they  
21 may not --

22 COMMISSIONER CLARK: My other concern would be that this  
23 was brought forward before and there was no action on it so --

24 COMMISSIONER BAKKER: Give us the history behind that, Ted.

25 DISTRICT ATTORNEY HERRERA: It was -- it was brought before  
26 and I believe -- I believe, if memory serves me well, that --  
27 that there was another attorney involved separate from these  
28 services who -- who wanted to -- to be a service provider.

29 And I believe that the county commissioners just decided not  
30 to take any action on anything. That's my understanding.

31 PAUL ELCANO: I -- well, and that may have -- that happened  
32 after we made our presentation.

33 But the reason there was no action to start with, I  
34 believe, one is it was just out of the blue. We walked in to  
35 all these county commissions and said, we've got this money and  
36 this is our vision. Okay.

37 And -- and for various reasons, some people took the leap.  
38 In Elko County, they already had somebody hired. We're giving  
39 them more money; they loved it. In Lander Count- -- I mean, in  
40 Lyon County, they had a bunch of dough and wanted to provide the

1 service and so it was easier. Here, it was brand new. And I  
2 think that people, you know, just kind of looked askance at it.  
3 And I don't blame them, really.

4 Secondly, when we came here, we did not want to do a  
5 contract just with Lander County. We had wanted it to be a  
6 three-county deal with Pershing, Humboldt, and Lander and have  
7 one full-time lawyer. And so the financing was a little  
8 different and the concept was different.

9 So now that we've done all the other counties, we did not  
10 want to neglect you. We made our commitment to doing this.

11 And one other thing I didn't mention and maybe it's not  
12 critical, but we do all this work in Washoe County. So if Debra  
13 has an issue and she wants a medical authorization, a form, she  
14 just calls us up. She doesn't have to reinvent the wheel. We  
15 e-mail it to her. She's got it. If she wants to know what to  
16 do about this, that, and the other thing, she has resources  
17 there. And that can be very helpful in dealing with this. So  
18 yeah, that's sort of the -- the history of it.

19 JUDGE SCHAEFFER: If I may, I have a different memory of  
20 that. I was the attorney that opposed it last time.

21 VICE CHAIRWOMAN WAITS: Excuse me.

22 JUDGE SCHAEFFER: Bill Shaeffer, again, for the record.  
23 You already have me on the record though.

24 VICE CHAIRWOMAN WAITS: I know, but when -- when it's  
25 recorded and transcribed, we're not sure who's speaking, Judge;  
26 I'm sorry.

27 JUDGE SCHAEFFER: Okay. Anyway, I was very willing then  
28 and am very willing now to perform some -- back then, all of the  
29 same services.

30 And so I wanted the time to put in a competing thing, which I  
31 did put on the agenda. And they decided to not do it at all.

32 The other part of the reason was a major part at that time,  
33 as I recall, was the 432B because the money was coming out of  
34 432B money. And we already were making payments to 432Bs, as we  
35 indeed are now.

36 COMMISSIONER MILLS: Can you explain what that 432B is?

37 JUDGE SCHAEFFER: That's anything dealing with children.

38 COMMISSIONER MILLS: Okay.

39 JUDGE SCHAEFFER: Okay, that's not criminal.

40 Well, excuse me, it's never criminal. But it's not

1 delinquencies. So if it -- you know, any child in need of  
2 supervision or child in need of protection.

3 DISTRICT ATTORNEY HERRERA: If I may on that, what happens  
4 if children are removed from the home by the Division of Child  
5 and Family Services, what they'll -- what has to happen is  
6 within 72 hours a hearing has to be given to determine if  
7 there's probable cause to believe that the children were removed  
8 from the home pursuant to the statute, which is under NRS 432B.  
9 If the judge finds probable cause for the removal, then a  
10 petition -- the district attorney has the discretion to file a  
11 petition. And it's basically child in need of supervision or  
12 child in need of protection. At that time, it's just like a  
13 complaint. And then at the 72-hour hearing, the children are  
14 given an attorney. And usually the parents are told they have  
15 the right to an attorney. And the public defender's usually  
16 appointed to one of the parents. If it's a single parent, to  
17 the one parent. And if it's a -- if there's two parents and  
18 they're both alleged to have committed negligent acts or  
19 whatever they're accused of doing, then the district judge will  
20 appoint the public defender to one of the parents, appoint  
21 another private attorney pursuant to statute, which is a hundred  
22 dollars an hour to the other parent, and there's one or two  
23 attorneys that the district court chooses always to appoint to  
24 the children.

25 And that is budgeted in the Sixth Judicial District Court  
26 budget to allow for these appointments. It's been budgeted  
27 every year, and it's budgeted this year. So there is a budget  
28 for that. And that's what Paul pointed out. And that's what I  
29 pointed out. So that's the 432B.

30 COMMISSIONER MILLS: And all that activity is through the  
31 district court?

32 DISTRICT ATTORNEY HERRERA: Through the district court.

33 PAUL ELCANO: In the history of this project, see, we  
34 pioneered -- Washoe Legal pioneered 432B representation in this  
35 state really. We handle 400 kids in Washoe County that are  
36 taken out of their homes because they're abused and neglected.  
37 So we got this money initially to do the I-80 corridor, it was  
38 to allow for both, depending on county needs. And in this  
39 county, because they were already paying people and were happy  
40 with them, they didn't want us to do that too.

1 DISTRICT ATTORNEY HERRERA: So, see, Washoe County has  
2 Child Protective Services. By statute, they have their own --  
3 they don't use the Division of Child and Family Services, which  
4 is a state agency.

5 PAUL ELCANO: Right.

6 DISTRICT ATTORNEY HERRERA: Washoe County has Washoe County  
7 Child Protective Services. So Paul's absolutely correct. They  
8 pioneered that, Washoe Services, to do that work with Washoe  
9 County.

10 PAUL ELCANO: Right.

11 DISTRICT ATTORNEY HERRERA: Now they're expanding their  
12 role. So when you see 432B attached to this like it is, it's  
13 because that's how it originated.

14 PAUL ELCANO: Right.

15 DISTRICT ATTORNEY HERRERA: It doesn't mean that's how it  
16 --

17 PAUL ELCANO: This money's going to go.

18 DISTRICT ATTORNEY HERRERA: -- it needs to go through.  
19 Because we've already had -- we were already paying for that.  
20 Our county is already paying for that in the product.

21 COMMISSIONER MILLS: Right.

22 PAUL ELCANO: Yeah. So we're not asking you to pay for  
23 that twice. We want to do the seniors or anything else you  
24 need. If there's something else that pops up and you decide you  
25 need that, in addition, we'll do it.

26 DISTRICT ATTORNEY HERRERA: This is just a services  
27 contract.

28 COMMISSIONER MILLS: Right.

29 DISTRICT ATTORNEY HERRERA: They're asking for services.

30 JUDGE SCHAEFFER: If you're going to have 15,000 out there,  
31 I'd still like a chance at some of it, if not all of it. But  
32 you know, I am allowed a private practice and I can do anything  
33 in district court. Okay.

34 The only time I have any conflict is in justice court.  
35 That's very minimal in the case of the things you're talking about  
36 seniors. Because your wills, that's probate. That's -- that goes  
37 up to district court. Your bankruptcies are federal. I'm totally  
38 allowed that. I do bankruptcies. I've been in federal court many  
39 times.

40 You have all of those various things. And I'd rather see,

1 you, you know, set up a fund much like has been discussed by -- by  
2 Commissioner Clark. And then you can see what you can do with  
3 that.

4 You know, if you want to make it more than 15,000 and, you  
5 know, and somehow do that, I don't know. That's up to you. Or  
6 less or whatever.

7 But I can tell you, I -- you're going to be having -- one of  
8 my problems is I represent people all the time that don't have  
9 money and help them out or they run out of money and I keep on the  
10 case, you know. We call it pro bono. And I've done a lot of  
11 that. And I'd just as soon, if you're going to be trying to do  
12 more stuff and there's some money out there, it would be nice to  
13 get paid once in a while. Okay.

14 VICE CHAIRWOMAN WAITS: For clarification on this, we're  
15 looking at the contract with Washoe Legal Services. So if  
16 there's someone else that would like to apply for that position,  
17 they would be the ones contracting with the attorney  
18 representing the senior citizens for --

19 JUDGE SCHAEFFER: If --

20 VICE CHAIRWOMAN WAITS: -- them.

21 PAUL ELCANO: What Patsy's saying is that if he wants to  
22 apply with us, he can apply. Yeah.

23 JUDGE SCHAEFFER: Trust me, guys, --

24 COMMISSIONER MILLS: So is --

25 JUDGE SCHAEFFER: -- that isn't likely to happen. We've  
26 had a history already and it's not been very friendly.

27 COMMISSIONER MILLS: Okay, --

28 PAUL ELCANO: I wouldn't --

29 COMMISSIONER MILLS: -- is this 15,000 --

30 PAUL ELCANO: That may be his impression. It's not mine.

31 COMMISSIONER MILLS: Is this 15,000 just you get 15,000  
32 regardless of the work you do, or is it --

33 PAUL ELCANO: No.

34 COMMISSIONER MILLS: Is it -- are you billing us by the  
35 hour for those services?

36 PAUL ELCANO: We will justify it. We're not billing you by  
37 the hour. But we will justify it by the time. And if it's not  
38 used, we won't do it. In Lyon County, we had -- because of  
39 grant rollover, we didn't use about 60,000 of the 100,000 the  
40 first year so we didn't bill it. It depends on, you know, how

1 we use it and do it.

2 VICE CHAIRWOMAN WAITS: We have another public comment.

3 JENNIFER O'KANE: Jennifer O'Kane. I have -- am I allowed  
4 to ask a question?

5 Okay.

6 So if normal attorneys, they justify it by secretaries  
7 running a piece of paper, you know how they break down that -- the  
8 bill.

9 PAUL ELCANO: I don't know how they do it. I didn't do that  
10 but maybe some people do.

11 JENNIFER O'KANE: Okay, so when you rectify it, when you  
12 break it down, are we going to be able to ask where the money's  
13 going to? Why the money's going there? Or do we just take it  
14 as a grain of salt that an attorney, sorry, is breaking it down  
15 to benefit themselves?

16 PAUL ELCANO: Well, first of all, we're not paying  
17 secretaries or any of that. So we're just paying Debra for her  
18 time in going to the center and handling all these things. So  
19 if you wanted an hourly accounting, you'd be welcome to it.

20 JENNIFER O'KANE: Not that I'm saying it's bad. I'm saying  
21 --

22 PAUL ELCANO: No, no, no, no. Yeah, no.

23 JENNIFER O'KANE: -- that I -- you know you're saying  
24 you're going to rectify it.

25 PAUL ELCANO: Right.

26 JENNIFER O'KANE: And if there's money left over, do we get  
27 it back or does it go to a different --

28 PAUL ELCANO: You wouldn't --

29 JENNIFER O'KANE: -- area?

30 PAUL ELCANO: You wouldn't be --

31 DISTRICT ATTORNEY HERRERA: There's no money left over.

32 JENNIFER O'KANE: Okay.

33 PAUL ELCANO: You wouldn't be billed for it, if it wasn't  
34 used.

35 DISTRICT ATTORNEY HERRERA: There's \$1750 paid a month to  
36 Ms. Amens for -- to do this work. That's the contract.

37 So at the end of the year, if you tabulate 700 -- \$1750,  
38 you're going to find that the fund's exhausted for that -- that  
39 fiscal year.

40 PAUL ELCANO: And I'm going to tell you the normal lawyer

1 rate, --

2 JENNIFER O'KANE: Oh, I know what it is.

3 PAUL ELCANO: She's going to be -- she's going to do 40,000

4 or \$50,000 worth of work a year at a normal lawyer's rate.

5 JENNIFER O'KANE: You don't want to debate that with me.

6 PAUL ELCANO: Well, in Winnemucca they --

7 JENNIFER O'KANE: I've had enough attorneys that --

8 PAUL ELCANO: In Winnemucca, they're --

9 COMMISSIONER BAKKER: Okay.

10 COMMISSIONER CLARK: Come on, if we've got to do this, --

11 PAUL ELCANO: In Winnemucca, they're billing over --

12 COMMISSIONER CLARK: -- I've got to take a break.

13 PAUL ELCANO: -- \$200 an hour --

14 COMMISSIONER CLARK: I have this -- my kidney.

15 PAUL ELCANO: -- at \$200 an hour, this contract would cost

16 you 50- or \$60,000 a year.

17 JENNIFER O'KANE: I just asked a question.

18 PAUL ELCANO: Well, you're getting -- you're getting --

19 well, you don't know that, but you're getting a bargain in terms

20 of hourly rate.

21 VICE CHAIRWOMAN WAITS: Thank you. Are -- are we ready,

22 gentlemen?

23 COMMISSIONER BAKKER: I don't know.

24 PAUL ELCANO: Any more questions?

25 COMMISSIONER CLARK: I don't have a motion to make.

26 COMMISSIONER MILLS: I have one -- I have more question --

27 PAUL ELCANO: Sure.

28 COMMISSIONER MILLS: -- but just back to the basics and --

29 because I don't know. What's the appropriateness of having the

30 county pay for legal services for people?

31 VICE CHAIRWOMAN WAITS: It's a senior program.

32 COMMISSIONER MILLS: Yeah.

33 PAUL ELCANO: I can tell you.

34 COMMISSIONER MILLS: I mean, I know we pay -- there's

35 indigent services that the county funds. There's other ones.

36 But we do food and we do some other stuff.

37 DISTRICT ATTORNEY HERRERA: It's an indigent service. And

38 we're having -- we're having someone come in and say, we can

39 offer you this service. And you pay us \$15,000 a year or up to

40 \$15,000 a year because we're providing this service anyway.

1 And that's what Paul is saying. They've been providing  
2 this service for six months, has nothing to do with the county.

3 So a county provides indigent services in a number of ways.  
4 They -- they have an indigent service fund. We have --  
5 the sheriff's department does some things. The -- the public  
6 defender's an indigent service.

7 COMMISSIONER MILLS: Right.

8 DISTRICT ATTORNEY HERRERA: So there are tiers of indigent  
9 service. And they started in Washoe County providing a  
10 necessary and needed service. And they're trying to expand it  
11 because they see that -- that there's some people that may not  
12 be getting this service.

13 Can this -- can the county stand up and say, we're going to  
14 address this and do it on our own? Yes. But they're just asking  
15 that -- we can provide it. That's what they're saying, and that's  
16 what this is.

17 PAUL ELCANO: We're willing to fund a third of it.

18 COMMISSIONER BAKKER: You'd -- you'd put up the 7500.  
19 You've been in business six months and you're saying you did 11  
20 cases. Did those 11 cases equal that \$7500?

21 PAUL ELCANO: Yes, when you look up ramp-up costs, easily.

22 COMMISSIONER BAKKER: Okay. So --

23 PAUL ELCANO: I mean, she had to --

24 COMMISSIONER BAKKER: -- so that was six months, so --

25 PAUL ELCANO: -- go to centers.

26 COMMISSIONER BAKKER: -- you're talking a year. So if we  
27 matched that 7500, 7500, that's --

28 PAUL ELCANO: Sorry, I --

29 COMMISSIONER BAKKER: -- four years.

30 PAUL ELCANO: -- didn't hear the last thing you said.

31 COMMISSIONER BAKKER: Okay, you're saying in six months,  
32 you've done \$7500 worth of work.

33 PAUL ELCANO: If you look at ramp-up costs and going back  
34 and forth between the centers, easily.

35 COMMISSIONER BAKKER: So if the county matched that, that's  
36 a whole year's worth of work, if we put up 7500 and 7500?  
37 Right?

38 VICE CHAIRWOMAN WAITS: This has only been for six months.

39 COMMISSIONER BAKKER: Yeah, that's what I'm saying.  
40 They're putting up 7500. We put up 7500. That's a year's

1 worth -- they're saying they've done \$7500 in six months.  
2 PAUL ELCANO: No, you said if we've exhausted 7500? I  
3 said, easily. We've gone way beyond it.  
4 COMMISSIONER BAKKER: You've gone way beyond it?  
5 PAUL ELCANO: Yeah. If you look up her ramp-up costs --  
6 COMMISSIONER BAKKER: Well, I don't see numbers on here. I  
7 just see: obtained a will, obtained advice. I mean.  
8 PAUL ELCANO: How long does it take to travel from the  
9 Austin senior center to --  
10 COMMISSIONER CLARK: But we don't have that in writing.  
11 PAUL ELCANO: -- Battle Mountain.  
12 COMMISSIONER BAKKER: No, we don't have nothing.  
13 PAUL ELCANO: And of course, these are a few cases later.  
14 I mean, we're -- we're higher than those numbers now. Those  
15 numbers are older, but yeah.  
16 VICE CHAIRWOMAN WAITS: Whatever her travel time or travel  
17 costs are all absorbed with Washoe Legal. We're saying, do you  
18 want do this program for your seniors in Lander County? And  
19 this is what they're asking. You don't even have to do this  
20 amount, if you wanted to do something less, 12,000. I mean,  
21 it's totally up to the board of what they would like to do.  
22 COUNTY CLERK SULLIVAN: Also -- Sadie Sullivan for the  
23 record -- I've submitted my district court budget. It'd be  
24 something I would need to adjust and get with Nan so that way it  
25 could be properly done if it did come through the district court  
26 just --  
27 DISTRICT ATTORNEY HERRERA: It has nothing do with district  
28 court.  
29 COUNTY CLERK SULLIVAN: That was stated that it may come  
30 through district court, --  
31 COMMISSIONER MILLS: How would we fund it?  
32 COUNTY CLERK SULLIVAN: -- because you didn't have the  
33 money in yours. So I'm just saying --  
34 DISTRICT ATTORNEY HERRERA: No.  
35 COUNTY CLERK SULLIVAN: It wouldn't have to come through  
36 district court?  
37 DISTRICT ATTORNEY HERRERA: It has nothing to do -- this is  
38 a contract.  
39 COUNTY CLERK SULLIVAN: Okay. Thank you.  
40 VICE CHAIRWOMAN WAITS: Ms. Kane, you had another comment?

1 JENNIFER O'KANE: Yeah, first of all, I want to think -- I  
2 should have said it first. I think it's a great idea that we  
3 have that for our seniors and our kids. But I don't justify  
4 that large amount of money. It doesn't make logical sense if we  
5 have it broke down on a P & L, what exactly we're losing or  
6 gaining. You're gaining; we're losing. That would make more  
7 sense to me.

8 PAUL ELCANO: Well, first of all, you have to understand  
9 we're gaining nothing.

10 JENNIFER O'KANE: You're gaining a paycheck. Everybody has  
11 to gain something --

12 PAUL ELCANO: Well, Washoe --

13 JENNIFER O'KANE: Not to be disrespectful.

14 PAUL ELCANO: -- Legal is not gaining anything here.

15 JENNIFER O'KANE: Okay.

16 PAUL ELCANO: This is, I mean, --

17 COMMISSIONER BAKKER: Do we want to --

18 VICE CHAIRWOMAN WAITS: Excuse me. I've got some cross  
19 talk on here.

20 PAUL ELCANO: Oh, sorry. Yeah.

21 COMMISSIONER MILLS: I don't know enough about it to really  
22 make a --

23 PAUL ELCANO: It's got -- it's got -- this is not a gaining  
24 issue. This is about providing a service that we think your  
25 county needs and --

26 JENNIFER O'KANE: Absolutely. I think we do.

27 PAUL ELCANO: -- and it's going to cost to do it if you  
28 want to --

29 JENNIFER O'KANE: But what is the bottom line if -- this is  
30 somebody that pays for attorneys. If somebody's going to say  
31 it's going to cost me \$7500 for her or my -- any of my attorneys  
32 to drive from here. We get that. We have to pay for that.

33 COMMISSIONER CLARK: I've got to call for a break.

34 JENNIFER O'KANE: Okay.

35 COMMISSIONER CLARK: I got a --

36 JENNIFER O'KANE: We know the gas (indiscernible) --

37 COMMISSIONER CLARK: -- a kidney --

38 JENNIFER O'KANE: -- but the breakdown --

39 COMMISSIONER BAKKER: Tell Patsy.

40 JENNIFER O'KANE: -- of the \$7500 in --

1 COMMISSIONER CLARK: I --  
2 JENNIFER O'KANE: -- six months. That's the only thing I'm  
3 asking. That's a lot of money. That's --  
4 COMMISSIONER CLARK: I need a break, --  
5 JENNIFER O'KANE: -- \$2100, --  
6 COMMISSIONER CLARK: -- Patsy.  
7 JENNIFER O'KANE: -- \$21,000.  
8 VICE CHAIRWOMAN WAITS: I know. I'd like to get the  
9 motion.  
10 DEPUTY DISTRICT ATTORNEY FORGERON: That's 17-, 1750 a  
11 month. It's twenty-one --  
12 PAUL ELCANO: Twenty-one --  
13 DEPUTY DISTRICT ATTORNEY FORGERON: -- thousand --  
14 PAUL ELCANO: -- thousand --  
15 DEPUTY DISTRICT ATTORNEY FORGERON: -- a year .  
16 PAUL ELCANO: -- a year. You're right.  
17 JENNIFER O'KANE: And we're paying 15,000 of it.  
18 VICE CHAIRWOMAN WAITS: Excuse me.  
19 PAUL ELCANO: And we're paying 6-.  
20 VICE CHAIRWOMAN WAITS: We're going to --  
21 COMMISSIONER BAKKER: I don't feel like we know enough to  
22 make a motion on this. And I think that's the general consensus  
23 or there would have been one already.  
24 COMMISSIONER CLARK: I agree.  
25 JENNIFER O'KANE: Right.  
26 COMMISSIONER BAKKER: So that's what they're telling me.  
27 VICE CHAIRWOMAN WAITS: We're going to take a five-minute  
28 recess right now --  
29 COMMISSIONER CLARK: Thank you.  
30 COMMISSIONER BAKKER: Okay.  
31 VICE CHAIRWOMAN WAITS: -- for a break. And we will be  
32 right back.  
33  
34 (Break taken between 11:02 a.m. and 11:08 a.m.)  
35  
36 VICE CHAIRWOMAN WAITS: Okay, we've called the meeting back  
37 to order. And we have another public comment.  
38 JUDGE MAX BUNCH: Judge Bunch for the record.  
39 Paul, could you explain that if -- if there's some indigent  
40 people who may live in low-income apartments and they're getting

1 evicted, would this be something that it could also be utilized  
2 for? For the indigent -- not just the indigent seniors. And I  
3 understand your 200 percent. That 200 percent really comes from a  
4 ~~guideline from the supreme court of the state of Nevada because~~  
5 it's something that we use as judges in the state to determine  
6 indigency for a public defender.

7 So would -- would this include any indigents that are in --  
8 just in the community that meet that 200 percent guideline --

9 PAUL ELCANO: Yes, and --

10 JUDGE MAX BUNCH: -- for -- for services on evictions or  
11 anything like that?

12 VICE CHAIRWOMAN WAITS: Or is there any --

13 PAUL ELCANO: If I understand you --

14 VICE CHAIRWOMAN WAITS: -- age restriction; right?

15 PAUL ELCANO: If I understand you correctly, sometimes  
16 you're getting things in justice court where a bunch of boxes  
17 are checked and it's very difficult to help these needy people.  
18 And the answer to that question is that the county funds that  
19 you put up can be used for anything you want them to be used  
20 for. So if they're people in low-rent apartments, they're  
21 indigents that have other problems, these are problems we'd be  
22 happy to handle.

23 It's only the money we provide that's limited to seniors or  
24 children.

25 So if you -- if there are other needs you have in this  
26 community for needy people, we're happy to do that with them. And  
27 in fact, we have contracts, as I said, with all sorts of counties  
28 like this to provide services from Washoe all the way up to Elko.

29 VICE CHAIRWOMAN WAITS: So your age requirement is age 60.  
30 And as you said, we can always do what we want to. So we can  
31 change that a little bit.

32 PAUL ELCANO: Well, what His Honor is saying, well, no, I  
33 mean, we can -- if you want to use this money for people who are  
34 in apartments that are 25 years old and are indigent and need  
35 help, we can do that with your share of it. We can't do it with  
36 the money we're contributing, because the grant we have limits  
37 it to seniors and/or children.

38 But as much as work as she's pioneering with seniors, our  
39 money will be used up in a month.

40 VICE CHAIRWOMAN WAITS: Thank you.

1 PAUL ELCANO: So that's not a problem.  
2 VICE CHAIRWOMAN WAITS: Judge Schaeffer, you had a comment.  
3 JUDGE SCHAEFFER: With all due respect, you can't do that  
4 today because of the way it's worded. It says 432B matters and  
5 indigent persons over 60. It doesn't say indigent persons. So  
6 if you did that, you would have to do it at another meeting.  
7 PAUL ELCANO: Well, I don't know what your thing says.  
8 VICE CHAIRWOMAN WAITS: Well, if we -- even if we voted to  
9 do this, it still would have to be a contract, so we could  
10 include it --  
11 DISTRICT ATTORNEY HERRERA: You could negotiate the  
12 contract.  
13 VICE CHAIRWOMAN WAITS: We could negotiate the contract.  
14 DISTRICT ATTORNEY HERRERA: If you agreed -- if you agreed  
15 to -- to allow them to provide services for this county, you can  
16 say, yes, we agree that we're going to enter into a contract  
17 with them. And then the terms can be whatever the -- agreed to.  
18 But you --  
19 JUDGE SCHAEFFER: I don't disagree with that, but you need  
20 it -- an agenda item that reflects whatever the contract says.  
21 If you have a contract -- the agenda item approves one thing and  
22 the contract says something different, I think you're going to  
23 be in trouble.  
24 DISTRICT ATTORNEY HERRERA: No, you're not going to be in  
25 trouble. What you would do is make the contract, agendize the  
26 contract for approval.  
27 JUDGE SCHAEFFER: And that would be fine.  
28 DISTRICT ATTORNEY HERRERA: But the decision today is  
29 whether you -- you want to -- first you decide if these services  
30 are necessary, then if you want to have this provider do it.  
31 And if you -- if you want to table it and think about it and  
32 research it or have some other provider do it, because they're  
33 all -- all what's in front of us today.  
34 COMMISSIONER BAKKER: I say we table it. And there's  
35 apparently a couple of other lawyers that want to do it too. So  
36 why don't we have everybody submit a proposal on what it's going  
37 to cost us.  
38 DISTRICT ATTORNEY HERRERA: Do you want -- do you want to  
39 publish a --  
40 COMMISSIONER BAKKER: Yeah. Why not? Why not broadcast

1 it?

2 VICE CHAIRWOMAN WAITS: Well, one reason is because this  
3 one is -- is the nonprofit. These are ones that have the grant.  
4 That's the only one that has the grant. And I don't know  
5 whether anyone else even qualifies for this type of grant. Do  
6 they, Paul?

7 PAUL ELCANO: Well, it depends on what your definition of  
8 qualifying is. Anybody -- you can contract with anybody who's a  
9 member of the state bar to do any legal work --

10 VICE CHAIRWOMAN WAITS: Oh, that --

11 PAUL ELCANO: -- on it.

12 VICE CHAIRWOMAN WAITS: -- I understand. No, I'm -- I'm  
13 qualifying --

14 TRISHA BAUMAN: She's talking about having the --

15 VICE CHAIRWOMAN WAITS: -- where the grant money is --

16 TRISHA BAUMAN: -- (indiscernible) grant, the  
17 (indiscernible) grant.

18 VICE CHAIRWOMAN WAITS: -- coming from.

19 PAUL ELCANO: The grant.

20 VICE CHAIRWOMAN WAITS: You have to --

21 PAUL ELCANO: We're the -- we're the only ones that --

22 VICE CHAIRWOMAN WAITS: Right.

23 PAUL ELCANO: -- has the grant money to do this work in  
24 this county for seniors and/or 432B.

25 VICE CHAIRWOMAN WAITS: Thank you. Because they're the  
26 nonprofit. So if you just want to go out for bid with anyone  
27 who wants to provide these services, that's fine. That's  
28 totally up to you. But this is the only one that has nonprofit  
29 that has the grant already that has the program in place that's  
30 coming in to you. So it's your decision of --

31 PAUL ELCANO: And has --

32 VICE CHAIRWOMAN WAITS: -- this point of what you'd like  
33 to.

34 COUNTY CLERK SULLIVAN: And can we --

35 PAUL ELCANO: And has the money.

36 COUNTY CLERK SULLIVAN: May we get your name, ma'am?

37 TRISHA BAUMAN: Trisha Bauman, B-A-U-M-A-N.

38 COUNTY CLERK SULLIVAN: Okay. Thank you.

39 COMMISSIONER MILLS: I didn't hear her.

40 COMMISSIONER BAKKER: Yeah. Let's table it until --

1 apparently everybody's undecided.  
2 DISTRICT ATTORNEY HERRERA: Are you going to make a motion  
3 to table it?  
4 COMMISSIONER BAKKER: I make a motion --  
5 VICE CHAIRWOMAN WAITS: Make a motion to def- --  
6 COMMISSIONER BAKKER: -- to table it.  
7 COMMISSIONER CLARK: Second.  
8 VICE CHAIRWOMAN WAITS: Any particular time? Next agenda?  
9 Next month?  
10 COMMISSIONER BAKKER: Let's put it on --  
11 COMMISSIONER CLARK: After the budget hearing.  
12 VICE CHAIRWOMAN WAITS: That's a bad time after budget.  
13 That's -- this is the problem of why we want to do it now.  
14 COMMISSIONER CLARK: Okay.  
15 COMMISSIONER BAKKER: How long, Ted, do you think?  
16 DISTRICT ATTORNEY HERRERA: Well, it depends on -- if you  
17 guys want to put it out --  
18 COMMISSIONER BAKKER: It takes two weeks.  
19 DISTRICT ATTORNEY HERRERA: -- to bid. Yeah, that's -- it  
20 takes two weeks. You can -- you can re-agendize this.  
21 COMMISSIONER BAKKER: Okay, let's do that.  
22 DISTRICT ATTORNEY HERRERA: In two weeks, so probably --  
23 COMMISSIONER BAKKER: March 12<sup>th</sup>.  
24 DISTRICT ATTORNEY HERRERA: Twelfth. How long will it take  
25 you to get something out, Sadie, in the paper?  
26 KEITH WESTENGARD: We'd have to do it the 26<sup>th</sup>.  
27 COUNTY CLERK SULLIVAN: I'd have to get with you on --  
28 DISTRICT ATTORNEY HERRERA: That's (indiscernible) --  
29 COUNTY CLERK SULLIVAN: -- how to write it properly.  
30 KEITH WESTENGARD: The 26<sup>th</sup>.  
31 DISTRICT ATTORNEY HERRERA: The 26<sup>th</sup>.  
32 COMMISSIONER BAKKER: Okay.  
33 KEITH WESTENGARD: March 26.  
34 COMMISSIONER BAKKER: March 26. We'll --  
35 VICE CHAIRWOMAN WAITS: That is after our budget meetings.  
36 COMMISSIONER CLARK: We can always find \$15,000 --  
37 DISTRICT ATTORNEY HERRERA: In the budget --  
38 COMMISSIONER CLARK: -- in our budget.  
39 DISTRICT ATTORNEY HERRERA: In the budget meetings, you  
40 could also --

1 COMMISSIONER CLARK: Set it aside. Yeah.  
2 DISTRICT ATTORNEY HERRERA: In anticipation of providing  
3 the money for someone to -- to carry out these services, you can  
4 budget it.  
5 COMMISSIONER CLARK: Thank you, Ted.  
6 VICE CHAIRWOMAN WAITS: We have a motion on the floor to  
7 actually table this, defer it to --  
8 COMMISSIONER BAKKER: March 26<sup>th</sup>.  
9 VICE CHAIRWOMAN WAITS: -- march 26<sup>th</sup> meeting.  
10 And we had a second.  
11 Any other discussion?  
12 (No comment.)  
13 VICE CHAIRWOMAN WAITS: Any other public comment?  
14 (No comment.)  
15 VICE CHAIRWOMAN WAITS: All those in favor?  
16 COMMISSIONER MILLS: Aye.  
17 COMMISSIONER BAKKER: Aye.  
18 COMMISSIONER CLARK: Aye.  
19 VICE CHAIRWOMAN WAITS: Any opposed? Aye.  
20 Thank you. It passes.  
21 PAUL ELCANO: Thank you for your time.  
22 COMMISSIONER BAKKER: Thank you.  
23 COMMISSIONER CLARK: Thank you.  
24

25 **10) Update of the Lander County Courthouse/Administration**  
26 **Building Project, and other matters properly related thereto.**  
27

28 VICE CHAIRWOMAN WAITS: Number ten, update of the Lander  
29 County courthouse/administration building project, and all  
30 matters properly related thereto.  
31 Gentlemen.  
32 COMMISSIONER CLARK: Good morning, gentlemen.  
33 JUDGE MAX BUNCH: Good morning.  
34 CASEY GUNTHER: Good morning.  
35 COMMISSIONER BAKKER: Good morning.  
36 JUDGE MAX BUNCH: Max Bunch for the Lander County building  
37 committee for the record.  
38 CASEY GUNTHER: Casey Gunther, CORE Construction.  
39 JUDGE MAX BUNCH: Kind of an update. Our safety rating  
40 went up again. We're up to 98.8. So we expect that to maybe

1 fluctuate down a little bit. We're getting more people there.  
2 Exterior framing and sheeting will be completed today.  
3 The interior framing on the floor is ongoing.  
4 Layout for framing on the second floor is ongoing. The  
5 framing, second floor will begin next week.  
6 The lintel for all of the block veneer is being installed and  
7 should be completed today.  
8 Waterproofing and weatherproofing behind the block veneer  
9 should be completed next week.  
10 The floor grinding and polishing is ongoing on the second  
11 floor. Looks very nice on the first floor, if you haven't been  
12 over there.  
13 The first floor is -- is pretty much done. They'll come back  
14 in, and they'll do a touchup on that just prior to -- to coming --  
15 to getting everybody ready to go into the place.  
16 The mechanical, electrical, and plumbing in the walls on the  
17 first floor is ongoing.  
18 Some testing has already been completed and everything has  
19 passed on the testing that has been done.  
20 The overhead is still going on, on the second floor -- the  
21 mechanical, electrical, and plumbing on the second floor.  
22 The millwork, casework contractor was on site getting all  
23 their field dimensions for counters and different things that  
24 have to go in there.  
25 The air handler units will be installed next week. So  
26 there'll be a crane on site again, supposedly March 3<sup>rd</sup>;  
27 correct?  
28 CASEY GUNTHER: Third.  
29 JUDGE MAX BUNCH: March 3<sup>rd</sup>. And so we don't go, we're not  
30 allowed to kind of go in the building. They kind of keep  
31 everybody out when the crane's there so that we don't have any  
32 incidents.  
33 Surprisingly, today -- and -- in the concrete testing, we  
34 got the results back. Casey got me that information today. Our  
35 requirement for the concrete floor in the second floor was  
36 4,000 pounds per square inch. And we are at -- at a minimum of  
37 7,000 pounds per square inch on the whole entire floor. And it  
38 actually exceeds that in many areas.  
39 And in fact, it exceeds in the very front of the building  
40 where the district attorney's office, that area is. That is

1 probably the best or most strength on -- created on that end of  
2 the building. So -- just so that Mr. Herrera knows, in case we  
3 have to find a blue rug to throw down.  
4 DISTRICT ATTORNEY HERRERA: They won't give me a blue rug.  
5 JUDGE MAX BUNCH: And I'm going to let you talk about the  
6 --  
7 CASEY GUNTHER: Okay. Just a quick reminder, tonight  
8 is the community update --  
9 VICE CHAIRWOMAN WAITS: Would you identify yourself?  
10 CASEY GUNTHER: Oh, excuse me. Casey Gunther with CORE  
11 Construction. A quick reminder, the community update is at  
12 6:00 o'clock tonight at the civic center. Hope to see everybody  
13 out there, give a quick update and answer any questions that  
14 anybody has.  
15 JUDGE MAX BUNCH: And it's just not for the courthouse,  
16 it's for --  
17 CASEY GUNTHER: It's for --  
18 JUDGE MAX BUNCH: -- everything.  
19 CASEY GUNTHER: -- everything. Every single project that  
20 CORE has going on right now.  
21 JUDGE MAX BUNCH: So do you guys have any questions of us?  
22 COMMISSIONER CLARK: Doing a good job, Max. I tell you  
23 that every meeting.  
24 JUDGE MAX BUNCH: Well, thank you very much. I appreciate  
25 it.  
26 DISTRICT ATTORNEY HERRERA: And I join in on that.  
27 COMMISSIONER CLARK: We appreciate your time.  
28 JUDGE MAX BUNCH: Join in on what?  
29 DISTRICT ATTORNEY HERRERA: That you're doing a good job.  
30 JUDGE MAX BUNCH: Oh. (Indiscernible) the bus.  
31 DISTRICT ATTORNEY HERRERA: Above and beyond your job as a  
32 judge.  
33 JUDGE MAX BUNCH: And we're -- I had a -- I had a furniture  
34 meeting last week. I've got to have a couple more meetings with  
35 Mr. Herrera on piggyback contracts, U.S. Contracts -- U.S.  
36 (indiscernible) Contracts. And we're working on that to try to  
37 get something moving for the furniture portion of it.  
38 DISTRICT ATTORNEY HERRERA: It'll save the county hundreds  
39 of thousands of dollars. It's really --  
40 JUDGE MAX BUNCH: Hundreds or thousands, not hundreds of

1 thousands.

2 DISTRICT ATTORNEY HERRERA: Hundreds, thousands. A hundred  
3 thousand dollars is significant.

4 JUDGE MAX BUNCH: Yeah, it could be very significant that  
5 we're able to do that.

6 VICE CHAIRWOMAN WAITS: Thank you.

7 JUDGE MAX BUNCH: Okay.

8

9 **11) Correspondence/reports/potential upcoming agenda items.**

10

11 VICE CHAIRWOMAN WAITS: Number 11 --

12

COMMISSIONER BAKKER: Thanks, guys.

13

14 VICE CHAIRWOMAN WAITS: -- on the agenda. Correspondence,  
reports, potential upcoming agenda items.

15

16 (The following correspondence was received:

17

18 1. Division of Water Resources, notice of hearings and  
workshops.

19

20 2. Division of Water Resources, notice of public hearing  
process for proposed orders designating the Carico Lake Valley  
21 and Upper Reese River Valley hydrographic basins and further  
22 designating the Antelope Valley and Middle Reese River Valley  
23 hydrographic basins.

24

25 3. Division of Water Resources, copy of State Engineer's  
Order No. 1251 requiring the installation of totalizing meters  
26 for groundwater rights.

27

28 4. Nevada Division of Environmental Protection, response  
to NDEP Letter of Exemption request.

29

30 5. BLM to Interested Public, Bureau of Land Management,  
Winnemucca District, Humboldt River Field Office has issued a  
31 Decision Record (DR) and Finding of No Significant Impact  
32 (FONSI).

33

34 6. AT&T to Lessor, Fully Executed Option and LEase  
Agreement for Site NV02.

35

36 7. BLM to Reader, Decision Record and Finding of No  
Significant Impact for the Final Environmental Assessment for  
37 the Fish Creek Herd Management Area Gather.)

38

39 COMMISSIONER BAKKER: We'll have public comment in a  
40 minute.

1 COMMISSIONER CLARK: I don't have anything.  
2 COMMISSIONER BAKKER: Nope.  
3 VICE CHAIRWOMAN WAITS: You wanted something on the  
4 ranchers you said.  
5 COMMISSIONER BAKKER: Yeah, I talked to Keith. We got it  
6 on there.  
7 They're going to come before us on the 12<sup>th</sup> on all the  
8 Argenta allotments and everything else -- Eddyann will -- and  
9 give us an update and go from there.  
10 COMMISSIONER CLARK: And we're going agendize the April 6<sup>th</sup>  
11 meeting.  
12 VICE CHAIRWOMAN WAITS: Okay.  
13 KEITH WESTENGARD: We have -- agendize -- or I'll agendize  
14 and publish a special meeting on April 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> at the  
15 civic center regarding grazing issues in the community. That  
16 will allow you to attend -- more than three -- or three or more,  
17 I should say. And then --  
18 COMMISSIONER BAKKER: Well, allow -- because tonight we can  
19 all go.  
20 KEITH WESTENGARD: Don't congregate.  
21 COMMISSIONER BAKKER: Right, we just can't speak or make  
22 decisions.  
23 KEITH WESTENGARD: Right.  
24 COMMISSIONER BAKKER: Right.  
25 KEITH WESTENGARD: Speak about county issues.  
26 COMMISSIONER BAKKER: Yeah.  
27 COMMISSIONER MILLS: Yeah, about county issues.  
28 COMMISSIONER BAKKER: Yeah. Yeah.  
29 KEITH WESTENGARD: March the 12<sup>th</sup>, there'll be an update on  
30 the Argenta, North Buffalo, Copper Canyon allotments. And then  
31 after that, there will be a separate agenda item. They're going  
32 to ask that we put together a review -- the commission -- have  
33 two commissioners sit down, or you can discuss it there to --  
34 for a letter of support and that it can be sent to the  
35 appropriate entities.  
36 So -- so that will be discussed at that March 12<sup>th</sup> meeting,  
37 the next meeting. And that will be at 9:00 a.m.  
38 Okay.  
39 VICE CHAIRWOMAN WAITS: Thank you.  
40

1     **PUBLIC COMMENT**

2  
3           VICE CHAIRWOMAN WAITS: Okay, last on the agenda is our  
4 public comment for non-agendized items if any of the public has  
5 something you want to share. Yes?

6           JOHN LAWRENCE: John Lawrence, local business owner.

7           One, I want to say congratulations on all the new  
8 construction around town. But as a business owner -- and I  
9 wanted to make the comment actually earlier, but these guys got  
10 out.

11          As the business owner that has a business on the north side  
12 of town, I can't help but notice the lack of development on that  
13 side of -- on the north side of town.

14          Our primary business thoroughfare is the business 80 section  
15 of Front Street. And when you drive down Front Street, my  
16 personal opinion, perception of what I see is something from the  
17 1960s.

18          I see businesses and some development on the right-hand side  
19 of the road, traveling west to east. And when I look at the other  
20 side of the -- of the road, I see railroad tracks, the concrete  
21 plant, and -- and the -- and the poor side of town to put it  
22 bluntly, the indigent side of town.

23          And I feel that we need to increase our development on that  
24 side of town. We need to clean this part of town up, at least  
25 make it when -- when tourism comes into this town, when anybody  
26 comes off of 80, the -- they typically take the business loop 80  
27 exits, not the cen- -- not the middle exit. The middle exit is  
28 where all our development is going -- the middle section shows  
29 the growth that's going on in Battle Mountain.

30          Although, I am kind of concerned that it is primarily  
31 government buildings, it's -- I'd like to see more businesses come  
32 in here.

33          As county commissioners, I want to ask you to please look  
34 at that in terms of your decisions and when you're looking at  
35 stuff in our county. We have, as you guys have mentioned more  
36 than once today, we have multiple opportunities. We are in a --  
37 in a period of serious potential growth for our county.

38          And we are, as Mr. Clark was discussing with the ranchers and  
39 what have you.

40          I hope to see that type of concern, that -- that much

1 passion for development of businesses in our -- in Battle  
2 Mountain specifically.

3 We need this for our own -- for our own survival, for our own  
4 growth in order for Battle Mountain not to end up something like  
5 Imlay or Mill City which were once booming t- -- booming towns  
6 with large populations and everything else, which today are  
7 basically jus- -- basically just small dots in the road.

8 You have that opportunity. You have the -- you're sitting in  
9 a position today to help us make Battle Mountain into a model,  
10 whether it's dealing with BLM and our property rights and that of  
11 our ranchers, whether it's developing our town.

12 And I just really want to beseech you people to take -- take  
13 your positions and use them to help us grow this town. And as  
14 your positions and the authority is, be careful who you take your  
15 advice from, whether it be me, whether it be the executive  
16 director, or an attorney. If anybody gives you misinformation or  
17 doesn't give you the -- the proper information, remember that.  
18 They lied to me once, they'll lie to me twice.

19 VICE CHAIRWOMAN WAITS: Thank you, --

20 JOHN LAWRENCE: First time's --

21 VICE CHAIRWOMAN WAITS: -- Mr. Lawrence.

22 JOHN LAWRENCE: -- my fault, second time -- first time sha-  
23 -- shame on you the first time; shame on me the second.

24 VICE CHAIRWOMAN WAITS: Thank you, Mr. Lawrence.

25 JOHN LAWRENCE: Thank you for your time.

26 VICE CHAIRWOMAN WAITS: Thank you. Any other public  
27 comment?

28 (No comment.)  
29  
30

31 **ADJOURNMENT**

32  
33 COMMISSIONER BAKKER: I make a motion to adjourn.

34 COMMISSIONER CLARK: Second.

35 VICE CHAIRWOMAN WAITS: Any other public comment?

36 Call for the vote.

37 COMMISSIONER MILLS: Aye.

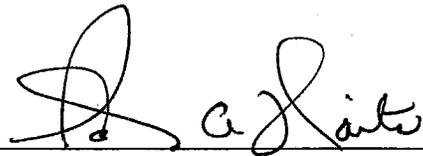
38 COMMISSIONER BAKKER: Aye.

39 COMMISSIONER CLARK: Aye.

40 VICE CHAIRWOMAN WAITS: Aye.

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Thank you.



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

**ATTEST:** Badi Sullivan  
**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.*