

The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on February 9, 2012 at 9:00 a.m.

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 RAY H. WILLIAMS, JR., COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 JAMES BARNES, DEPUTY DISTRICT ATTORNEY
 GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
 SOVIEDA ROBINSON, HUMAN RESOURCES
 ROGENE HILL, FINANCE DIRECTOR
 CATHY MYERS, DEPUTY CLERK

9:00 A.M.

Chairman Dean Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Williams led the Pledge of Allegiance.

Let the record reflect the presence of Austin via telephone conference.

APPROVAL OF AGENDA NOTICE

Executive Director, Gene Etcheverry informed the board there was a discrepancy between the public notice and the administrative notice. Item 10 is excluded from the packets and the administrative notice.

Commissioner Stienmetz moved to approve the agenda notice. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

January 26, 2012 – Regular Session

Commissioner Garner moved to approve the minutes of the January 26, 2012 regular session. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONER REPORTS

Commissioner Williams discussed doing a different kind of conference calling with Kingston and Austin for the Commissioner Meetings. Kingston has a hard time hearing the meetings and they bought new speaker phone, but it didn't help.

Commissioner Mason said he joined the NACO telecommunications conference, but the communication setup was bad and he couldn't hear. He said he is waiting for the minutes to report on that conference. He also reported on the Palo Verde Power Plant he toured on January 29th and 30th. Commissioner Mason also reported on the Republican Caucus that was held on February 4, 2012 at the High School, and the Planning Commission meeting that was held on February 8, 2012.

Commissioner Stienmetz reported he attended the Humboldt River Water Basin Authority meeting on January 27, 2012 and he also attended the Lincoln Day Luncheon on January 28th.

Commissioner Bullock reported he attended the Lincoln Day Luncheon on January 28th, and said he shared his concerns with Assemblyman Amodei.

STAFF REPORTS

Executive Director, Gene Etcheverry, reported on the Lincoln Day Lunch. He said February 29th and March 1st is the trip to Washington DC with Summit Engineering and the Ferman Group. He said Chairman Bullock will represent Lander County on the Levee Project there. He said on February 13, 2012 he will be attending a meeting with Chairman Bullock with NDOT in regards to the Levee. He said the Tax Commission Meeting will be March 9, 2012, and there he will present the County's petition to remain a guaranteed County under the CTX Distribution.

Commissioner Bullock reported that on March 28, 2012 at 10:00 is the Maverick Open House, and they have requested that the Commissioners attend if at all possible.

PAYMENT OF BILLS

CHASE CARD SERVICES

Commissioner Garner moved to ratify check #39508 in the amount of \$309.42 to Chase Card Services. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

COW COUNTY TITLE COMPANY

Commissioner Garner moved to ratify check #39474 in the amount of \$100.00 to Cow County Title Company. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

GUY ROCK

Commissioner Garner moved to ratify check #39527 in the amount of \$263.07 to Guy Rock. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

TINA MARIE BISIAUX

Commissioner Garner moved to ratify check #39507 in the amount of \$190.00 to Tina Marie Bisiaux. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

BANK OF AMERICA

Commissioner Garner moved to ratify check #39524 in the amount of \$1,618.22 to Bank of America. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve the submitted expenditures in the amount of \$120,742.08 from check #39529 thru #39626. Seconded by Commissioner Williams, the motion was voted and carried with Commissioner Mason abstaining from check #39575 and Commissioner Bullock abstaining from check #39537. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee change request for employee #430, Successful Completion of One Year in Position, Community Services Officer, \$1,889.46 bi-weekly, effective February 20, 2012.

Commissioner Garner moved to approve the change for employee #430. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

PUBLIC COMMENT

No public comment.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Finance Director, Rogene Hill, updated the Board on Ambulance accounts receivable. She also updated the Board on accounts sent to collections and accounts written off.

Accounts receivable for the month of January are as follows:

Water: \$8,890.00
Sewer: \$9,581.00
Water & Sewer Misc: \$2,035.00
Landfill: \$9,021.00
Ambulance: \$31,985.00
Total: \$61,512.00

Ms. Hill said the budgets were due on Monday, February 6, 2012 at 5:00 p.m. She said she didn't have the Sheriff's nor did she have the Senior Center's. She said she is reviewing the budgets and will be holding meetings with department heads regarding their budgets.

- 2) **Discussion For Possible Action Regarding Write-Off Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Relating Thereto:** Finance Director, Rogene Hill, presented the Board with four uncollectible Ambulance billings to be written off.
1. Run #2011872-DOS-06/14/2011-\$92.00–Medicare paid all but the remaining balance.
 2. Run #2008786–DOS 01/28/2011-\$92.00–Cannot Locate. No Current Address
 3. Run #2011880 – DOS - 07/03/2011 - \$92.00 – Cannot Locate. Mail Returned.
 4. Run #2077869 – DOS – 05/28/2011 - \$92.00 – Medicare paid their portion and Medicaid stated this claim is not eligible on date of service.
- Total amount to be written off is: \$368.00**

Commissioner Garner moved to approve the write-off of ambulance billings for Ambulance Run #2008872, Run #2008786, Run #2011880, and Run #2007869 as uncollectible in the amount of \$368.00. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

EXECUTIVE DIRECTOR

- 3) **Discussion For Possible Action Regarding Presentation by Debbie Erdody, Connect Nevada, On The Process To Address Broadband Initiatives For Lander County & Other Matters Properly Related Thereto:** Debbie Erdody, Community Technology Advisor for Connect Nevada, presented the Board with information about Connect Nevada and what Connect Nevada does. She provided information on the types of internet and speeds available in Lander County. Ms. Erdody showed maps that indicated coverage areas. She also explained the assessment they do and explained various programs available and various costs of internet services. Ms. Erdody said the County needs to get a Chairperson to get the project started and oversee the project with her help.

Megan Brown, from Congressman Amodei's office, said she has done some research on funds for internet services. She talked about the smaller communities voicing what they feel is important and stated other Governmental Departments need to become involved. **UPDATE ONLY-NO ACTION**

- 4) **Discussion For Possible Action Regarding Continuation Of External Auditor Relations With Drake Rose & Associates, LLC., Shelly L. Drake Engagement Partner, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said their audit team has separated from Kafoury Armstrong and have been petitioned by Drake Rose and Associates to enter into an engagement with them to provide external audit services and certified public accounting services.

Shelly Drake addressed the Board and explained the same team would be providing the same service as they have always provided for Lander County just under a different name.

Commissioner Mason moved for the Commission to continue the relationship to provide external audit and governmental accounting services to Lander County with the firm of Drake Rose and Associates for the fiscal year ending June 30, 2012 and authorize the Chairman to sign the agreement letter. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 5) **Discussion For Possible Action Regarding Termination Of External Auditor Relations With Kafoury Armstrong & Company Currently Under Agreement Approved During The Regular Commission Meeting Of November 30, 2010 For Remaining Years 2012, 2013, 2014 & 2015 & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said on November 10, 2010 the Board entered into a scope and cost agreement with the Winnemucca office of Kafoury Armstrong. He said the Board would need to terminate any relationships under that agreement to move ahead with Drake Rose.

Commissioner Williams moved for the Commission to terminate the external auditor relationship with Kafoury Armstrong and Company, currently under an agreement, for the remaining fiscal years of 2012, 2013, 2014, and 2015. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

- 6) **Discussion For Possible Action To Formally Request Transfer Of All Lander County's Files & Records From Kafoury Armstrong & Company To Shelly Drake & Andree Rose Of Drake Rose Associates & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said this is a formal request to Kafoury Armstrong to transfer Lander County records to Drake Rose and Associates. He also stated that Kafoury Armstrong had been notified and said they would honor the wishes of Lander County.

Commissioner Garner moved for the Commission to formally request the transfer of all Lander County's files and records from Kafoury Armstrong and Company to Shelly Drake and Andree Rose of Drake Rose and Associates and authorize the Chairman to sign the request letter. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

- 7) **Discussion For Possible Action Regarding A Request By Rita Rogers, Representing The Eleanor Lemaire School "Watch Dog" Program, To Auction Off Or Give A 2012 Seasonal Family Pool Pass To The "Watch Dog" Program & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry explained it has been a long-standing policy of the Board to not donate to any private cause.

Commissioner Mason moved for the Commission to uphold the long-standing practice of not contributing Lander County resources to any group or organization and not allow a 2012 seasonal family pool pass to be auctioned off or donated to the Eleanor Lemaire School "Watch Dog" program. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Garner opposing. **APPROVED**

COMMISSIONERS

- 8) **Discussion For Possible Action Regarding Proposal Of Ordinance No. 2012-01, An Ordinance Amending Section 15.24.030(D) Of The Lander County Code To Allow A Mobile Home Or Manufactured Home To Be Permanently Installed In Lander County If It Has Been Constructed Or Manufactured Not More Than Fifteen (15) Years Prior To The Date Of Application For A Building Or Moving Permit; & Other Related Matters:** Executive Director, Gene Etcheverry, said the Lander County Planning Commission met January 11, 2012 and recommended the Commission approve increasing the age of mobile homes or manufactured home from five to fifteen years. He said this was the

introduction of the ordinance. There was discussion on particular wording in certain sections of the ordinance. Mr. Etcheverry explained the wording couldn't be changed at this time, and this agenda item was just to approve or disapprove the introduction of the ordinance in regards to the age.

Commissioner Mason moved to defer. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioners Mason, Williams, and Stienmetz voting "AYE" and Commissioners Bullock and Garner voted "NAY". **DEFERRED**

- 9) **Discussion For Possible Action Regarding Recreation & Public Purposes (R&PP) Lease Renewal (N-19750-01) Between Lander County & The Bureau Of Land Management (BLM) For The Kingston Solid Waste Disposal Site, Including An \$80.00 Rental Fee, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the BLM had given another year extension on the R&PP Lease for the Kingston Transfer Bin Site.

Commissioner Garner moved for the Commission to accept and approve the Recreation and Public Purpose (R&PP) Lease N-19750-01 for the Kingston Solid Waste Disposal Transfer Bin Site and authorize payment of the annual rental fee of \$80.00. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

- 10) **Discussion For Possible Action Regarding Agreement Between Lander County & Keith Westengard To Perform An Evaluation Of The Effectiveness & Compliance Of Lander County's Emergency Medical Services (EMS), Public Safety Procedures & Radiological Response Capabilities & Provide A Plan For The Optimization Of These Services & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is covered under the Yucca Mountain Oversight and Impact Assessment Activities Plan that was approved October 13, 2011. The Emergency Management Review was budgeted in that Plan for \$40,000.00; this agreement with Mr. Westengard is \$34,078.40.

Keith Westengard addressed the Board regarding the plan he would be putting together during his evaluation with Emergency Services.

Commissioner Garner moved for the Commission to approve the Agreement between Lander County and Keith Westengard to perform an evaluation of the effectiveness and compliance of Lander County's emergency medical services (EMS), public safety procedures and radiological response capabilities and provide a plan for the optimization of these services at a total cost of \$34,078.40 to be paid from budgeted resources of the Lander County Yucca Mountain Oversight Program.

James Barnes, Deputy District Attorney, stated that some changes had been made to the contract by the District Attorney. He said the changes were small but the scope of work remained the same.

Commissioner Garner amended his motion to accept the provisional changes by the Deputy DA (District Attorney).

Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

APPROVED

- 11) **Discussion For Possible Action Regarding Agreement Between Lander County & Robin Gray To Provide Black Fly & Mosquito Abatement Services In Areas Located In Lander County & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said he was unsuccessful in contacting Mr. Gray in a time that would give him enough notice to attend the Commission meeting. He explained the changes that would be made to the contract as stated in the meeting where Mr. Gray's contract was renewed.

Commissioner Williams moved to defer until the Board can review the contract. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

DEFERRED

- 12) **Discussion For Possible Action Regarding Update On Gold Creek Infrastructure Project & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Foreman, addressed the Board to update them on why they haven't started this project and when they plan to start. He said they didn't want a repeat of the Wilson Project. **UPDATE**

ONLY-NO ACTION

COMMISSIONER BULLOCK RECESSED THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS & CONVENED THE MEETING OF THE LANDER COUNTY LIQUOR BOARD

- 13) **Discussion For Possible Action Regarding Issuance Of Liquor License To Scott D. Bullock For Bullock Management Services Located At 205 Fairway Drive, Battle Mountain, NV & Other Matters Properly Relating Thereto:** Commissioner Garner moved for the Lander County Liquor Board to approve the issuance of a Liquor License to Scott D. Bullock for Bullock Management Services located at 205 Fairway Drive, Battle Mountain, Nevada. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Bullock abstaining from the vote. **APPROVED**

COMMISSIONER GARNER MOVED TO ADJOURN THE MEETING OF THE LANDER COUNTY LIQUOR BOARD & CONVENE THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS. SECONDED BY COMMISSIONER STIENMETZ, THE MOTION WAS VOTED AND CARRIED UNANIMOUSLY. APPROVED

ROAD & BRIDGE NORTH

- 14) Discussion For Possible Action Regarding Right-Of-Way (ROW) Grant/Temporary Use Permit No. NVN-090659 Between The Bureau Of Land Management (BLM) & Lander County, Authorizing Construction Of A Road Located East Of Battle Mountain To Provide Suitable Access For Equipment & Haul Trucks To The Baker Hughes Drilling Fluids Project Known As Slaven Canyon, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this August 11, 2011 for Baker Hughes to submit this Right-of-Way Grant on behalf of Lander County. He said it is as it should be, Lander County's Right-of-Way Grant and it is for the access road to Slaven Canyon. There was discussion on the 30 years of the permit and that this does not impact any current Rights-of-Way.

Commissioner Garner moved for the Commission to accept and approve the Right-of-Way (ROW) Grant/Temporary Use Permit No. NVN-090659 between the Bureau of Land Management (BLM) and Lander County, authorizing construction of a road located east of Battle Mountain to provide suitable access for equipment and haul trucks to the Baker Hughes Drilling Fluids project known as Slaven Canyon and authorize the Chairman to sign the Right-of-Way (ROW) Grant/Temporary Use Permit and the Stipulations Declaration. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Stienmetz voted "NAY". **APPROVED**

COMMISSIONERS

15) Correspondence/Reports/Potential Upcoming Coming Agenda Items:

1. PHILIP WILLIAMS, CHAIRMAN, LANDER COUNTY PUBLIC LAND USE ADVISORY PLANNING COMMISSION, to Keith Whaley, Project Coordinator, Humboldt-Toiyabe National Forest, letter supporting Draft Environmental Impact Statement (DEIS) for geothermal leasing on the Humboldt-Tonopah National Forest.
2. RICHARD GANTT, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Christopher Hopf, Baker Hughes Drilling Fluids, letter regarding Baker Hughes Drilling Fluids, Slaven Canyon Mine Project-Reclamation Permit and Bond Determination (BMRR Reclamation Permit No. 0322).

3. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, BUREAU OF AIR QUALITY PLANNING, Notice to Public Comment Period beginning January 30, 2012 and possible public hearing on March 1, 2012.
4. KENNETH E. MAYER, NEVADA DEPARTMENT OF WILDLIFE, to David R. Mason, Lander County Commission, letter regarding sage grouse management issues.
5. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to ABC Fire Extinguisher Co., Inc., letter regarding Application Filing Number: 10-10006G; Project Name: Ormat McGinness Hills Project.
6. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Soil Tech, Inc., letter regarding Application Filing Number: 10-10006G; Project Name: Ormat McGinness Hills Project.
7. US NUCLEAR WASTE TECHNICAL REVIEW BOARD, February 1, 2012 Press Release, *DOE to Present Work on Generic Geologic Repository Criteria and Models at NWTRB March Meeting.*
8. JEFFREY ERWIN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Jason Benson, NV Energy, letter regarding Request for Release/Spill Information, Battle Mountain Substation, Battle Mountain, NV.
9. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Decision, Water Pollution Control Permit Number NEV0093109, Barrick Cortez, Inc., Pipeline Project.

Commissioner Mason commented on correspondence #4, a response to a letter he wrote to the Nevada Department of Wildlife.

Commissioner Garner asked about the water wells and if it needed to be put on the agenda because one of the pumps is down.

Commissioner Williams said he would like to see the letter from Mr. Wintle put on the agenda. He also asked about the approval made in November 2010 on the Pony Street lots.

Commissioner Garner also said he would like to have a different Insurance Company come in and present its plans. He said the County could get a better insurance plan for its employees and save money for the County as well. He said the insurance he uses for his Company doesn't make you go to your deductible before your co-pay kicks in. Mr. Etcheverry said an agenda item would be crafted to address this.

Mr. Etcheverry said he was puzzled why they deferred the introduction of the Ordinance proposal, and it would be back on the agenda for the next meeting. There was discussion on the wording of the Ordinance.

Donnie Negro said they needed to get going on the County Road maps again as well.

Commissioner Garner said they are looking into a new sign at the Civic Center and said it will be bigger so it could be seen from three blocks away.

PUBLIC COMMENT

Jake Edgar updated the Board on the well situation of the well going down and the issues with the pump that went bad. He also updated the Board on that action that has been taken.

ADJOURNMENT

There being no further business before the Board at this Commissioner Garner moved to adjourn the meeting of February 9, 2012. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **ADJOURNED**

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

ATTEST: _____
LANDER COUNTY CLERK

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