

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 January 24, 2013 at 9:00 a.m.

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 DAVID MASON, COMMISSIONER
 PATSY WAITS, COMMISSIONER
 SADIE SULLIVAN, CLERK
 NICOLE TING, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR
 SOVIEDA ROBINSON, HUMAN RESOURCES

ABSENT: **BRIAN GARNER, COMMISSIONER**

9:00 A.M.

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four Commissioners.

Commissioner Mason led the Pledge of Allegiance.

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

APPROVAL OF AGENDA NOTICE

The Notice of Posting was reviewed and found to be in order. Commissioner Stienmetz moved to approve the Notice of Posting. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

January 7, 2013 – SPECIAL SESSION

January 10, 2013 – REGULAR SESSION

Commissioner Stienmetz moved to approve the minutes of January 7, 2013 special session and January 10, 2013 regular session. Seconded by Commissioner Mason the motion was voted and carried. **APPROVED**

Lander County Board of Commissioners

Meeting of January 24, 2013

COMMISSIONER REPORTS

Commissioner Mason reported on a meeting he had with Summit Engineering regarding the continuation of the County Road map, the adjusting of lot lines in Austin, and moving ahead with the Levee Project without the Army Corp of Engineers.

Commissioner Waits reported on her attendance of the Regional Transportation Commission (RTC) meeting. They will be pursuing the pedestrian bridge that will cross over the Freeway from the soccer fields to the old bowling alley. This will be for the school kids to have a safer route to school, and in the event of an emergency where the overpass was to be closed due to an accident.

Commissioner Stienmetz reported on the interviews for the Architect. He will be attending the Humboldt River Water Authority Meeting on February 1, 2013 and a Hospital Board Meeting on January 31, 2013.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

BUSINESS CARD

Commissioner Stienmetz moved to approve check #43145 in the amount of \$1,864.83 to Business Card. Seconded by Commissioner Waits, the motion was voted and carried.

APPROVED

HUMBOLDT COUNTY TREASURE

Commissioner Stienmetz moved to approve check #43154 in the amount of \$168,241.79 to Humboldt County Treasurer. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

WELLS FARGO REMITTANCE

Commissioner Stienmetz moved to approve check #43177 in the amount of \$471.05 to Wells Fargo Remittance. Seconded by Commissioner Waits, the motion was voted and carried.

APPROVED

BATTLE MOUNTAIN POST MASTER

Commissioner Stienmetz moved to approve check #43181 in the amount of \$438.50 to Battle Mountain Post Master. Seconded by Commissioner Waits the motion was voted and carried.

APPROVED

CHASE CARD SERVICES

Commissioner Stienmetz moved to approve check #43184 in the amount of \$517.80 to Chase Card Services. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

H.E. HUNEWILL CONSTRUCTION

Commissioner Stienmetz moved to approve check #43189 in the amount of \$2,088.00 to H. E. Hunewill Construction. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

Commissioner Stienmetz moved to approve the submitted expenditures in the amount of \$195,679.05 from check #43201 thru #43291. Seconded by Commissioner Waits, the motion was voted and carried with Commissioner Waits abstaining from the vote on check #43289 and Commissioner Bullock abstaining from the vote on checks #43213 and #43214. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee change request for employee number 1399, Promotion, Court Clerk/Office Manager-Austin JP, \$14.03 per hour, effective January 1, 2013.
2. Employee change request for employee number 381, Successful Completion of Probation, Administrative Assistant, \$1,711.54 bi-weekly, effective January 9, 2013.
3. Employee Change Request for employee number 743, New Hire, Maintainer I, \$13.44 per hour, effective January 14, 2013.
4. Employee Change Request for employee number 1496, New Hire, Relief Communications Officer, \$15.71 per hour, effective January 28, 2013.
5. Employee Change Request for employee number 1540, New Hire, Relief Clerk-Austin JP, \$10.58 per hour, effective January 28, 2013.
6. Employee Change Request for employee number 2047, New Hire, Assistant Finance Director, \$2,307.69 bi-weekly, effective January 28, 2013.

Commissioner Waits moved to approve the payroll change requests as read. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

PUBLIC COMMENT

Brenda Keller, Community Health Office, addressed the Board on the flu epidemic. The Community Health Office has done about 1,150 flu vaccines in this community. They have

visited schools and business to give the vaccine. Ms. Keller has been in regular contact with Paula Green, the school nurse, and there hasn't been any increase in absences at the schools. There has not been an increase of flu like symptoms reported from the Hospital either. We are entering into the peak of flu season and it is expected to last through March. Ms. Keller suggests the best way to prevent the flu is to get vaccinated, wash your hand under running water when available, and if no running water is available use hand sanitizers.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director, updated the Board saying there was eight accounts, totaling \$3,900.00 that were moved to the over six month write off account, and \$440.00 was sent to collections leaving a total balance of \$20,508.00 at collections.

Ms. Hill was trying to get in touch with Dean Morton, from NDOT, on the Austin Loneliest Highway. She was trying to find out what we needed as far as direction for payments and for reimbursement of money spent. He did get in touch with Ms. Hill and they are in receipt of request #2 and he will try to find out the status on that. There is about another \$42,000.00 in bills that they can send in for reimbursement now that she has a contact person and knows what we need to do.

Budgets are due by February 4, 2013 by 5:00 p.m., W2s went out last week, and she had meeting to set the rates at the golf course.

Commissioner Mason asked Ms. Hill when, at the latest, she would need to know about big projects. Ms. Hill stated by the end of February so she could make a list of projects to be discussed at the Budget Workshop on Wednesday, March 14, 2013. **UPDATE**

- 2) **Discussion For Possible Action Regarding Approval Of The Assistant Finance Director Job Description & Other Matters Properly Related thereto:** Rogene Hill, Finance Director, presented the job description to the Board for approval. Joy Sweeney will be reporting to work on Monday, January 28, 2013.

There was discussion on the job description and employee evaluations.

Commissioner Stienmetz moved to approve the job description for the Assistant Finance Director. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

ROAD & BRIDGE SOUTH

- 3) Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto: Burt Ramos, Road and Bridge South, reported to the Board that it is business as usual in Austin and NV Energy has fixed all of the street lights. He also reported he should have his budget done and turned in to Ms. Hill on Monday, January 28, 2013. **UPDATE**

- 4) Discussion For Possible Action Regarding Approval/Disapproval For Converse Consulting To Perform A Limited Phase II Environmental Site Assessment (ESA), In An Amount Not To Exceed \$3,995.00, For The Maintenance Yard Located at 200 Main Street, Austin, & Other Matters Properly Related Thereto: Burt Ramos, Road and Bridge South, asked if they could defer this item because they cannot move forward. There is not contract. **DEFERRED**

- 5) Discussion For Possible Action Regarding Renewal & Completion Of The Bureau Of Land Management (BLM) Agreement For Right-Of-Way Grant/Temporary Use Permit N-091148 For Access Road Located At T21N. R43E, Section 5, Known As The Silver Creek Cut-Off & Other Matters Properly Related Thereto: Burt Ramos, Road and Bridge South, said this was discussed on November 30, 2010. Mr. Ramos had the minutes for that meeting and said this was deferred at that time. He doesn't know why they haven't signed the right-of-ways. Mr. Ramos thought the right-of-way had been taken care of because that is what he was told by Mr. Gene Etcheverry. They were sent back to Mr. Ramos after Mr. Etcheverry left his position in the County.

Mr. Ramos read the minutes from the November 30, 2010 Commission meeting regarding this item.

Commissioner Bullock said he recalls the issue on this was that the County already had the right-of-way. It was a County road not a BLM road.

Mr. Ramos handed the Right-Of-Way Agreements to Commissioner Mason. Commissioner Mason said he would give them to the Engineer working on our County Road Map.

Commissioner Bullock shared a concern that the letter said on April 19, 2012 an application was submitted. It was suggested to request a copy of the application.

Donnie Negro, Road and Bridge North, explained that the BLM doesn't consider RS2477 roads as County Roads. There are people putting up gates across some roads.

Commissioner Waits shared her concern that thirty years seems to be a very short term. She asked Mr. Ramos if they could go longer on a right-of-way. Mr. Ramos said he wasn't sure and any roads that are close to a main road are year to year.

Commissioner Bullock asked if they don't sign this Right-Of-Way if the BLM could shut the road down. It was stated that unless the County can prove this is a County road the BLM has control.

Nicole Ting, Deputy District Attorney, said while the County is doing their RS2477 research, they must go before a Federal Court to get that designation. It is not just a claim.

The County has been looking for a map that proves they had those roads before October 21, 1976. Commissioner Bullock said there was a map but it is not signed. Mr. Ramos stated there is one out there somewhere; just no one can find it.

Commissioner Stienmetz moved to defer item #5 until they have time to research it. Seconded by Commissioner Waits, the motion was voted and carried. **DEFERRED**

- 6) **Discussion For Possible Action Regarding Renewal & Completion Of The Bureau Of Land Management (BLM) Agreement For Right-Of-Way Grant/Temporary Use Permit N-091060 For The Access Road Located At T18N, R40E, Section 16, In Smith Creek Valley & Other Matters Properly Related Thereto:** Commissioner Stienmetz move to defer until further research. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

ROAD & BRIDGE NORTH

- 7) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, reported to the Board that it is business as usual. Mother Nature is not cooperating well on the joint effort of the Willow Creek Project. They are trying to stay ahead of the weather and where called out to sand on 8A. Mr. Negro said they have used more salt sand this year then they have in the last three years. They are also working on their budget. **UPDATE**

PUBLIC WORKS

- 8) Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto: Jake Edgar, Public Works Foreman, reported they are working a lot on water leaks, unthawing meter pits and putting new insulation in them for those that don't have good insulation. They have been taking samples and working at the sewer plant.

Jay Fisher, Reese River Hydraulic, updated the Board on the water wells #7 and #8. Well #7's work was completed before the holidays. The rental pump is installed and operating in well in the #7 well. The Contractors are on sight and ready to start the repairs, redevelopment, and testing work for well #8. It should be about two weeks to repair well #8, redevelop and try to improve the capacity of that well. A test pump will be installed to test the well and they will provide the well specifications to Floway Pump for the replacement pumps.

Mr. Fischer also updated the Board on the Test Hole Project. A driller is expected to be on site the first week in February. They will start collecting information from two locations that have been selected for potential drilling of a spare water well to augment the current system. The work is expected to be done before the end of February, and they should have the information needed to evaluate the two sites selected.

Mr. Edgar also informed the Board they are working on a full scale model and mapping. The Planning Commission asked for a new map. In accordance with that, they are working on a new hydraulic model for the town to evaluate some of the things that have been discussed in the past.

Mr. Edgar also reported all the light bases at the racetrack have been poured. They were waiting on the Power Company. Commissioner Bullock said they had showed up.

Mr. Edgar presented a proposal for Mr. Fisher regarding water rights to the Board. He said he spoke with Ms. Hill, Finance Director, and there is no contract with the current water rights person. It was on a pay as you go basis. This was taken off the agenda and he will try to have it put back on the next agenda.

Rogene Hill, Finance Director, explained, to the Board, that Angie Gonzalez had received a letter from the Power Company that, basically, stated they were going to have to start everything all over again if they didn't get their check in. She believed it was \$14,000.00 and something in order for them to proceed. Ms. Hill spoke to a lady in Winnemucca and the check will go out today. It will be overnighted because if it is even one day late the process will have to be started over. Ms. Hill asked about the other one, which will

be forth coming, but she doesn't know what kind of timeline they will be up against on that one as well. They will be doing what they can on their end so we don't have to start from scratch again. She believes that, last year, they had given them \$3,000.00 on each project.

Mr. Edgar explained you used to pay them after they came to look at our projects. Now you have to pay them up front to look at your project, and if you decide not to move forward on the project you are out the \$3,000.00.

Mr. Edgar also thanked Mr. Negro for moving the heist on Brent Drive. They had a mess with the water leaks, and Mr. Negro put his guys on it fairly quickly. **UPDATE**

CLERK

- 9) **Discussion For Possible Action Regarding The Lander County Jury List For 2013 & Other Matters Properly Related Thereto:** Sadie Sullivan, Lander County Clerk, presented the Jury List for 2013 pursuant to the provisions of Nevada Revised Statue (NRS) 6.050.

Commissioner Stienmetz moved to approve the Jury List for 2013 as presented. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

ASSESSOR

- 10) **Discussion For Possible Action Regarding Approval Of The Lander County Assessor's Office Job Description For The Network Computer Analyst Position & Other Matters Properly Related Thereto:** Commissioner Bullock asked if they knew what the salary rage would be on this job.

Rogene Hill, Finance Director, said they had worked up number last year, but she thinks it is based on experience. The top, she believes, was about \$75,000.00. Commissioner Bullock expressed his concern on approving this job description with no range in salary. Ms. Hill explained the funds would be transferred from the tech fund for this year, and it was \$155,000.00 but that would include benefits.

Commissioner Stienmetz stated this position would alleviate Ms. Duvall of a lot of this stuff. It is also, near to impossible, trying to get someone over here to help us out with stuff. There will be a savings because we will not have to pay someone to come from Winnemucca. Ms. Hill also added we pay a monthly fee for someone from ADS to come. Commissioner Stienmetz explained there is certain software that ADS must maintain. This person would just help with our computers to keep our stuff going, update the website, and help any department that needs them.

Commissioner Stienmetz moved to approve the Lander County Assessor's office job description for the Network Computer Analysis position. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

PUBLIC HEALTH NURSE

- 11) **Discussion For Possible Action To Set Policy And/Or A System For Reimbursement To The Nevada Health Division As It Relates To Nevada Revised Statutes (NRS) 439.4905, Assessment For Services Provided To The County, & Nevada Revised Statutes (NRS) Chapter 441A, Infectious Disease; Toxic Agents, & Other Matters Properly Related Thereto:** Brenda Keller, Community Health Office, stated due to the Nevada Legislature, two years ago, they had some pass through mandates. One of those pass through mandates was the County was to be billed for any infectious disease that they have come in their office. To this point the County hasn't actually received a bill. The reason is because the State was trying to figure out how they were going to do this. The State manages eighteen different Counties and some do not have Community Health Nurses in them. Because of this the State had to figure out a billing system and it is now in place. The Community Health Office receives a bill in their office and Rita Newgard will pass it on to the Finance Department. Ms. Keller explained the process taken when they receive a bill, at the State level, and the sliding scale fee in their office. She asked the Board if they would want to bill clients that are not paying by sending them to collections, small claims court, or by some other way. She did speak to the Attorney General's Office about turning a client's demographic information over to the County level so they could bill in the same way as the ambulance bills that aren't being paid.

Rogene Hill, Finance Director, explained the Community Health Office would send her the bills they cannot collect. She sat down and talked with Ms. Keller and Ms. Newgard and thought it would be in the best interest of the County for those bills to be turned over to the collection agency that is already in place.

Commissioner Waits moved that they pursue the same system used to collect for the County. Seconded by Commissioner Stienmetz, the motion was voted and carried.

APPROVED

AUSTIN ROPING CLUB

- 12) **Discussion For Possible Action Regarding Request From Dennis Ashby, Austin Roping Club, For Permission To Construct A Horse Shelter In Corral #4 At The Austin Roping Arena & Other Matters Properly Related Thereto:** Dennis Ashby, provided pictures of the shelter he would like to construct and the existing corrals to the Board. The pictures of the corrals were before and after he put some panels up.

Commissioner Mason asked Mr. Ashby about his lease and if this shelter would be personal or public property.

Mr. Ashby said it would be personal and he would take it with him when he left because it is portable.

Commissioner Mason stated this is a public corral and he thinks whatever is done there should be made available to the public. Mr. Ashby was in disagreement and stated that although the property is owned by the County and the Roping Club, whatever he puts up there is personally his. Commissioner Mason expressed his concern for the County facing a liability if Mr. Ashby was to put this up and its personal property.

Mr. Ashby explained when the Town of Austin wanted the animals out of town; they started building corrals at the Roping Club. You had to build your own corral because the Roping Club wasn't going to build one for you. If it was portable you could take it with you when you left, but if it was permanent it would have to stay.

Nicole Ting, Deputy District attorney, suggested going off record for a legal meeting.

Commissioner Bullock recessed for five minutes.

Ruben Gallegos, via telephone conference in Austin, reported on work he had done for the Roping Club. He also expressed concerns with how things are being handled by the Roping Club.

Commissioner Mason read #14 of the Terms and Conditions in the Austin Roping Club Lease Agreement which states"

"Improvements and Alterations: Austin Roping Club shall make no improvements or alterations to any building or the grounds unless prior approval is granted in writing by Lander County. All improvements and alterations shall remain the property of Lander County upon termination of this Agreement unless Austin Roping Club can remove them without causing damage to any building or the grounds. Austin Roping Club shall not receive any credit towards rent for any improvements or alterations"

Mr. Ashby stated it was his understanding he needed to come get permission from the Board to make any improvements. Commissioner Mason said the Roping Club is responsible and he should get something in writing from them.

Commissioner Stienmetz reminded Mr. Ashby that any improvements, because it is on County property, must have a building permit and be approved by the County Building Inspector.

Commissioner Bullock recessed again for five minutes.

Commissioner Stienmetz moved to refuse permission to construction of a horse shelter in corral #4 at the Austin Roping Arena and it needs to go through the proper channels. Seconded by Commissioner Mason, the motion was voted and carried. **NOT APPROVED**

LANDER COUNTY DEVELOPMENT AUTHORITY

- 13) **Discussion For Possible Action Regarding The "Agreement For Services For the Lander Economic Development Authority" & Other Matters Properly Related Thereto:** Paula Tomera, LEDA Treasurer, asked for deferment on this item. They need to have a meeting in February with all the financials.

Commissioner Stienmetz moved to approve the request by LEDA to defer this item. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

- 14) **Discussion For Possible Action Regarding Appointment Of An Individual To Serve On The Great Basin Regional Development Authority & Other Matters Properly Related Thereto:** Paula Tomera, LEDA Treasurer, asked for deferment on this item. They do not have their appointment for the Business at Large person yet.

Commissioner Stienmetz moved to defer item #4. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

PLANNING COMMISSION

- 15) **Discussion For Possible Action Regarding Approval/Disapproval Of A Parcel Map For Emerald Land Company, LLC, Located In A Portion Of The NW4, SW4, Section 19, T32N, R45E, APN 002-341-01, Splitting One (1) Parcel Into Three (3) Parcels Each & Other Matters Properly Related Thereto:** Gina Little, Community Service Officer, addressed the Board and stated the parcel map had been before the Planning Commission. It was approved and all signatures are present. She requested the Commissioners to approve the map as well.

Commissioner Mason stated he attended the Planning Commission and all conditions have been met satisfactorily.

Commissioner Mason moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the parcel map for Emerald Land Company, LLC, APN 003-341-01, splitting one (1) parcel into three (3) parcels as presented. Seconded by Commissioner Waits, the motion was voted and carried.

APPROVED

Commissioner Stienmetz amended Commissioner Mason's motion to include the signing of the mylar by the Chairman. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 16) **Discussion For Possible Action Regarding Approval/Disapproval Of A Tentative Subdivision Map For GV Homes, LLC, Located In A Portion Of The NW4, SE4, Section 18, T32N, R45E, APN 002-372-01, For Proposed Eight (8) Duplex Units & Other Matters Properly Related Thereto:** Gina Little, Community Services Officer, stated this proposal for a subdivision map has been brought before the Planning Commission, and has approved the tentative map. They are asking for the Commissioners to approve the tentative map as presented.

Commissioner Mason stated he attended the Planning Commission and all conditions have been met satisfactorily. There was a good deal of discussion on this subdivision and every point that was discussed was positive.

Commissioner Mason moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the tentative subdivision map for GV Homes, LLC, for proposed eight (8) duplex units as presented. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

SHERIFF

- 17) **Discussion For Possible Action Regarding The Hiring Of A Replacement Administrative Assistant For The Sheriff's Office Two Weeks Prior To The Current Administrative Assistant's Final Employment Date Of February 22, 2013, & Other Matters Properly Related Thereto:** Commissioner Mason said he read of the request and this is for a training period, and the Sheriff's Office has the money for this.

Undersheriff, Robert Quick, said that was correct.

Commissioner Waits moved for the Commission to authorize the Sheriff to hire a replacement employee two weeks prior to the current employee's termination date, and funding to be used from the existing Sheriff's Office budget. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

18) Discussion For Possible Action Regarding The Hiring Of A Temporary Part-Time Food Services Worker For The Sheriff's Office Through June 30, 2013 To Be Funded With Existing Budgetary Monies & Other Matters Properly Related Thereto:

Undersheriff, Robert Quick, explained this was on the last Commission meeting agenda and the Commission approved the hiring of two part-time employees. He has since received a letter from Operating Engineers 3 (OE3) denying that request to reduce the full-time position temporarily. He is back before the Commission, with the only other option, to hire a temporary part-time employee in addition to the full-time employee that he has to hire. He explained they are in a, current, financial difficulty with the position of a full-time food services worker. They have always used inmate work labor to supplement the full-time food service worker. They have run into the issue of not having those on a routine basis. He also has full-time, sworn, staff working in the kitchen,

Commissioner Mason moved for the Sheriff's Department to hire one temporary non-benefited food services position due to expire December 31, 2012 for the remainder of fiscal year 2012-2013, and to be funded through existing budgeted funds of the Sheriff's fiscal year 2012-2013 budget. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

COMMISSIONERS

19) Presentation By Jeff Fontaine & Jerry Tipton Regarding NACO (Nevada Association Of Counties) Updates:

Jeff Fontaine, Executive Director of Nevada Association of Counties, expressed his thanks to Lander County for being put on the agenda and for their support over the years. He informed the Board they have a new president this year and her name is Nancy Boland. Jerry Tipton is now the immediate past president. There will also be five new NACO Board members and across the State there are 22 new County Commissioner. He also welcomed Commissioner Waits to the NACO Board.

Mr. Fontaine updated the Board on some of the Federal issues NACO has been working on. First and foremost is the continuation for full funding for PILT. That has been a NACO priority for years, and they don't have the guarantee for full funding as they have had the previous five years. This is an important issue to Lander County and last time Mr. Fontaine checked it was \$933,000.00 in PILT payments in 2012. For all the Counties of Nevada it is about \$23 million. The continuations of rents, royalties, and lease payments for geothermal production on public lands are another priority. With the Geothermal Steam Act Counties are supposed to get 25% of those revenues on those projects in their County. In the last few years those revenues have been proposed to go back to the Federal Treasury. The Congressional delegation has taken very strong leadership in getting those revenues back to the Counties. Another important issue is the prevention

of any expansion of the Clean Water Act. The USEPA has been on again and off again with a proposal to expand the application of the Federal Clean Water Act by eliminating one word which is navigable. One other one is the collection of sales tax on remote sales, primarily internet sales. Local Governments and State are not receiving a good portion of sales tax revenues through internet sales. It is also not fair to the brick and mortar stores. There has been some agreement by some of the internet companies that something needs to be done.

NACO will be going to Washington in March to participate in the National Association of Counties Legislative Conference and they actually meet with our Nevada representative. Mr. Fontaine mentioned our States Association is very active in the Public Lands Arena. We have a Public Lands Committee that is chaired by Nye County Commissioner Lorinda Wichman, who is also the NACO Vice-President. They are very active and one area they have really taken a leadership role in is the management of wild horses and burros in the State of Nevada. The NACO Board has authorized the hiring of an Attorney out of Boise, Idaho, Mark Paulette, to represent them in this matter. Mr. Paulette wrote a letter to Secretary of the Interior Salazar stating he represents NACO and they have standing in this matter. Mr. Paulette also said in his letter, the Counties are being damaged in the mismanagement of wild horses in the State of Nevada, and we want to see that agency manage the wild horses and burros in accordance with the 1971 Wild Free Roaming Horse and Burro Act by keeping the wild horse numbers at the established AML. They did not get a response so Mr. Paulette sent another letter and asking for a response within ten days. The NACO Board will be considering taking action on the next step, which may or may not involve filing a lawsuit against the Federal Government.

Mr. Fontaine also said our State Association Committee of Public Lands has adopted a number of resolutions that have been taken up by the National Association of Counties through their Public Lands Committee. He likes to think Nevada has had a lot of input and influence on what happens at the National Association of Counties.

Mr. Fontaine reviewed what NACO has been doing and looking over the past year in preparation of the upcoming Legislative Session. They have been monitoring various State agency regulations that are being proposed, particularly with renewable energy tax abatements. They have also been working with the Counties and State agencies on the implementation of those cost shifts and services shifts that were enacted by Legislature in 2011. He talked about the Indigent Accident Fund that was generated in the 1970s, the impacts of the Affordable Care Act on Counties, the consolidated tax revenue, and Cooperative Extension.

Mr. Fontaine stated they have five bill draft requests. Those bill drafts are on Local Government Autonomy, to revise the process of granting tax abatements, to establish a dedicated funding source for indigent legal defense, a BDR for Counties to make their own appointments to SLUPAC, and to have Counties to receive 20% of the special fuels tax. He also talked about the bill draft to relinquishment of roads from NDOT to Local Governments and how NACO does not support it.

Mr. Fontaine mentioned they are establishing a very good relationship with the League of Cities, and they appreciate those who attended the Local Government Summit. They have been following up with the League of Cities Executive Committee on conference calls to see if they can establish joint position statements on a number of issues. He also invited the Board to attend the Legislative reception at the Governor's Mansion on February 13th. It will be sponsored by NACO and the League of Cities. On April 19th they will have a Local Government Day at the Legislature, co-hosted with the League of Cities, which gives an opportunity to meet with the Legislators. Nevada is a 100% State with the National Association of Counties. This gives us an additional member on the National Association of Counties Board of Directors, a second representative on the Western Interstate Region Board of Directors, and as a member County, an opportunity to participate on National Association of Counties steering. **NO ACTION**

20) Discussion For Possible Action Regarding Status Of & Action To Be Considered For The Austin Loneliest Highway Visitors Center Project & Other Matters Properly Related

Thereto: Let the record reflect the presence of Cynthia Albright, of Stantec, and Steve Brigman, of Shaw Engineering, via telephone conference.

Commissioner Bullock stated Ms. Albright and Mr. Brigman where on the line so now was the time to ask question and see where we are headed with this project. From the last meeting it was discovered there was no Project Manager. Stantec's responsibility ended with the bids and we cannot move forward without a Project Manager. Mr. Brigman has offered his services as the Project Manager so the project can move forward. Commissioner Bullock explained it is budgeted for \$30,000.00 in the project's fund for engineering cost.

Commissioner Waits asked if we were still in the time frame for the lowest bidder to maintain their bid. Commissioner Bullock said they haven't awarded the bid yet because they have to have a Project Manager.

Commissioner Bullock expressed his feelings that Mr. Brigman is familiar with the project and willing to go forward with it. They could incorporate Shaw Engineering and move forward. This project has been in the works since 2009.

Cynthia Albright, Stantec, outlined what she feels needs to happen. The contract between Stantec and Lander County was for the design and the bidding. The existing contract is to help facilitate the construction process to the extent of being available to answer questions that come up during construction and the like. The County needs somebody on board to send the successful candidate notice that they did in fact comply with all the requirements of the bid and with the NDOT documentation. A contract needs to be arranged with the County's legal department and MGM Construction to construct the project, as bid, in accordance with the plans. She feels Steve Brigman has plenty of experience in doing that and Shaw Engineering would be a perfect candidate to make that happen. Someone has to oversee the detail of the Federal process during construction.

Steve Brigman, Shaw Engineering, said he concurs with what Ms. Albright said. Last summer Shaw Engineering did prepare the Construction Management and Quality Assurance Plan for the project. He feels they should move forward with the plan they had before, with Shaw Engineering assisting in the construction management of this project and Stantec's construction support role. He is available and willing to help in way he can.

Donnie Negro, Road and Bridge North, said this is a project you just don't let go on its own. He thinks Shaw Engineering would be a viable choice because they have been in the project. Someone has to notify and go through the bid bonds, so you need someone who knows what they are doing.

Mr. Brigman said he can handle the paperwork on this project. He also stated they have already prepared the document that outlines all the paperwork, forms, and all the things that need to happen with this project. He said he could send a copy of the document to the Clerk's Office.

Commissioner Stienmetz moved for the Commission to accept Shaw Engineering to be the Project Manager for the Austin Loneliest Highway Visitor's Center. Seconded by Commissioner Mason

Commissioner Waits asked, for clarification, if the motion was to have Shaw Engineering do all the paper work and be the Engineer. She expressed she has a bit of a problem with Shaw Engineering and their relationship.

Rogene Hill, Finance Director, stated that since Shaw Engineering has been with this project from the ground floor, and the County is up against the wall, that this is the wisest route for the project.

Commissioner Mason told Mr. Brigman he wants Commissioner Stienmetz to be the point man and have all copies of the paperwork sent to him.

Commissioner Waits asked how often Shaw Engineering would be physically present on this project.

Mr. Brigman explained they could be out there a few days in a row during a week. There will be someone out there often and it would probably be once a week when the major construction is going on and less when construction starts to wind down. They will be there as often as they need to be. He also pointed out there is still a role for the Lander County Building Department. The budget was never put in for a full time Resident Project Representative.

Ms. Albright explained when the budget was initially prepared, by the Marshall Family, and what was funded by the State, it wasn't taken into consideration that it would be a Federally Funded project. The reporting requirements associated with receiving Federal Funding are significantly greater. She said she didn't think Gene Etcheverry ever worried about that because at the time there was staff available to assume that role. There will need to be onsite representation at critical junctures throughout the process. She said it is important that someone is making sure the County is delivered what they paid for. The Project Manager needs to be responsible for notifying Stantec where they are in the process of the project. The clock starts when the award for the bid is given.

Ms. Hill spoke with Dean Morton and was told that when the construction takes over, Randy Hesterlee will be the NDOT project manager and work hand in hand with Shaw Engineering.

The motion was voted and carried. **APPROVED**

Commissioner Bullock explained they cannot award a bid because it is not on the agenda.

Commissioner Bullock moved to item #24 at this time

- 21) Discussion For Possible Action Regarding Approval Of The County Engineer Job Description; Publication Of Position Announcement For County Engineer, & Other Matters Properly Related Thereto:** Commissioner Stienmetz wrote the job description based on what was given from POOL/PACT. It does need to be put in there that this is an at-will position. It also needs the paragraph added about this not being a contract. Those are the only corrections Commissioner Stienmetz thought it needed.

There was discussion on the ability to perform engineering calculations.

Commissioner Bullock also pointed out a typo that needs to be corrected.

Sovieda Robinson, Human Recourses, asked if this position was going to be a Department Head and if so they have to do an employment agreement.

Commissioner Bullock and Commissioner Stienmetz explained this is the just the job description. The job description does not constitute an employment agreement between the employer and the employee and that it is subject to change.

Jake Edgar, Public Works Foreman, stated what he would like added to the Knowledge, Skills and Qualifications section of the job description.

Commissioner Waits moved to approve the job description for the County Engineer with our correction and the publication of the position announcement. Seconded by Commissioner Stienmetz.

Sovieda Robinson said she would get it advertised on Monday, January 28, 2013.

The motion was voted and carried. **APPROVED**

Commissioner Bullock reopened this item after Correspondence/Reports/Potential Upcoming Agenda Items

Nicole Ting, Deputy District Attorney, asked for clarification. She said in the motion it was indicated they wanted to adopt the changes they made. She asked to clarify if those change,s requested by the Public Works Director, Jake Edgar, where included in that motion.

There was also discussion of a salary range depending on experience. They discussed what the range should be to draw people in.

Commissioner Stienmetz moved for the advertisement to set the salary range from \$75,000.00 to \$100,000.00 depending on experience. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

Soveida Robinson, Human Recourses, said the applications should be sent to her.

BOARD APPOINTMENTS

Lander County Board of Commissioners

Meeting of January 24, 2013

- 22) Discussion For Possible Action Regarding Appointment Of Louis Lani To The 2013-2014 Category 4 Humboldt River Basin Water Authority & Other Matters Properly Related Thereto: Commissioner Waits said this is just a re-appointment and she noticed in his other notes the Commission didn't get his information that he wanted to be on different Board either. Commissioner Bullock stated it is not available.

Commissioner Waits moved to appoint Mr. Louis Lani to serve on the 2013-2014 Category 4 Humboldt River Basin Water Authority. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 23) Discussion For Possible Action Regarding Appointment Of James (Trapper) Matheus To The 2013-2014 Category 2 Lander County Advisory Board To Manage Wildlife & Other Matters Properly Related Thereto: Commissioner Stienmetz moved to appoint James Matheus to the 2013-2014 Category 2 Lander County Advisory Board to manage wildlife. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSIONERS

- 24) Discussion For Possible Action Regarding Ratification Of Selection By The Lander County Courthouse/Administration Building Project Committee Of The Architect/Design Team & Other Matters Properly Related Thereto: Max Bunch, Justice of the Peace, and member of the Building Committee, held interviews , with the Building Committee, for the Architect on the Courthouse/Administration Building. The interviews where held on January 23, 2013. They interviewed five candidates and are recommending Collaborative Design Studios, from Reno, to the Commission for approval. Judge Bunch explained they had eight applicants. They were going to narrow it down to four, but there was a tie for fourth place so they interviewed five. He recommended the Vice-Chairman, Commissioner Stienmentz, to sign a letter of intent pursuant to negotiations because he sits on the Committee. Negotiations are a percentage of what their cost is for the job. If the recommendation is approved by the Commission, Judge Bunch will be asking them to submit a potential contract. Then it will be sent to the District Attorney's Office for review.

Commissioner Waits moved for the Commission to approve the Committee's selection for our Architect Design Team and it will be Collaborative Design Studios from Reno and we will give them a letter of intent. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 25) Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related

Thereto: Jim Miller, Director of Operations for CORE Construction, and the CMAR on the project, gave congratulations for now having an Architect on the project. The project will now start gaining a lot of momentum. They are currently working to schedule a Design Kick Off meeting with the Building Committee, the Contractor, and the Architect to lay down the ground rules and plans for moving forward. The Architect will start meeting with all the departments, start feeling out the departments programing, understanding the mass scene and how each department operates. They are going to start programing and developing a schematic design from what was started in preliminary drawings. Mr. Miller recommended staying with Judge Bunch as the head on the Building Committee.

Judge Bunch has been in contact with the Architect, and they would like to come next Thursday, January 31, 2013, to introduce themselves to the Assessor, DMV, and Treasurer to see what their work flows are like.

Commissioner Bullock stopped Judge Bunch and questioned why the Architect was already being put to work without a contract. Judge Bunch explained he was not putting them to work and this was just to get ahead of the game. He understands that if the Commission doesn't like the contract they will be going back, and he told them the earliest they could get a signed contract would be February 14, 2013.

Judge Bunch then said he has a commitment with Human Resources, Finance, Community Development, and the Building Department on Friday, February 1, 2013. On February 8th they wanted to meet with the Commissioners, but Judge Bunch told them they don't need to meet with the Commissioners to see what they do. The Clerk is going to meet with them and they will be taking a small tour of the Sheriff's Office to see how the inmates are transferred out so it can be incorporated into their programing.

They will be attempting to do a Kick Off meeting after the contract is signed the week of February 14th in Reno.

Commissioner Bullock informed Judge Bunch they need the contract by next week so they have time for the District Attorney to look over it before the next Commission meeting.

Judge Bunch updated the Board that he spoke with the previous Executive Director, Gene Etcheverry, regarding the Geo-Tech. He was supposed to have an answer from Mr. Etcheverry, by 1:00 today, if the approved Geo-Tech was still going to do the job. There is no contract with them at this time. Mr. Miller, previously, explained to Judge Bunch that they could help him get someone online and get a contract before the Commission for approval. This is about a six to eight week project to go out and test that area. Mr.

Miller recommended Loomis and Associates. They are part of Collaborative Design Team and provide Geo-Tech services. Commissioner Bullock stated they don't want to be waiting on a Geo-Tech so they can move forward. **UPDATE-DISCUSSION ONLY**

Commissioner Bullock went back to item #21

26) Correspondence/Reports/Potential Upcoming Agenda Items:

The Board reviewed the following correspondences that are retained in the Clerk's Office:

1. ROBERT K. STOKES, ELKO COUNTY MANAGER, to Lander County Chairman Dean Bullock, letter announcing Glen Guttry as Chair, Charlie Myers as Vice Chair, and Elko County Board of Commissioners 2013 regular meeting schedule.
2. EDWARD SEUM, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding Finding of No Significant Impact (FONSI) and Decision Record (DR) for the Environmental Assessment (EA) prepared for the Brady Hot Springs Well 15-12-Hydro-Stimulation project located north of the Hot Springs Mountains, approximately 50 miles northeast of Reno.
3. GENE SEIDLITZ, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding the creation of a more accurate mailing list for livestock grazing management on lands administered by Winnemucca District.
4. STEVE BRADHURST, CENTRAL NEVADA REGIONAL WATER AUTHORITY, to Lander County, e-mail regarding BLM Record Decision, Nevada Water Resources Association annual conference, and Central Nevada Regional Water Authority meeting.
5. MARK CARTER, ADVANCED DATA SYSTEMS, to Lander County Commissioners, letter regarding software support for County Commissioners.
6. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioners, e-mail regarding two (2) Salt Lake Tribune newspaper articles to the Wild Horse Burro program.

Donnie Negro recommended putting the Austin Visitor's Center on as a standing item to receive regular updates.

Commissioner Bullock reopened item #21

PUBLIC COMMENT

No Public Comment.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of January 24, 2013. Seconded by Commissioner Waits, 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.