

The Honorable Board of Lander County Commissioners met in special session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on January 7, 2013 at 1:15 p.m.

**PRESENT:**     **DEAN BULLOCK, COMMISSIONER**  
                  **STEVEN STIENMETZ, COMMISSIONER**  
                  **BRIAN GARNER, COMMISSIONER**  
                  **DAVID MASON, COMMISSIONER**  
                  **PATSY A. WAITS, COMMISSIONER**  
                  **SADIE SULLIVAN, CLERK**  
                  **ANGIE ELQUIST, DISTRICT ATTORNEY**  
                  **SOVIEDA ROBINSON, HUMAN RESOURCES**

**ABSENT:**     **RAY H. WILLIAMS JR., COMMISSIONER**

**1:15 P.M.**

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Bullock 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 Garner, the motion was voted and carried. **APPROVED**

**PAYMENT OF THE BILLS**

Jane Bianchi presented the Board with bills to be ratified.

**DELONG FORD MERCURY, INC.**

Commissioner Garner moved to ratify check #42937 in the amount of \$15.32 to Delong Ford Mercury. Seconded by Commissioner Stienmetz the motion was voted and carried. **APPROVED**

**BATTLE MOUNTAIN AUTO SUPPLY, INC.**

Commissioner Garner moved to ratify check #42979 in the amount of \$4,691.96 to Battle Mountain Auto Supply. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**TIRE FACTORY**

Commissioner Garner moved to ratify check #43008 in the amount of \$3,438.05 to the Tire Factory. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**LANDER COUNTY HOSPITAL DISTRICT**

Commissioner Garner moved to ratify check #43013 in the amount of \$23,486.99 to Lander County Hospital District. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**BATTLE MOUNTAIN POSTMASTER**

Commissioner Garner moved to ratify check #43012 in the amount of \$389.76 to the Battle Mountain Postmaster. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**BATTLE MOUNTAIN AUTO BODY**

Commissioner Garner moved to ratify check #42933 in the amount of \$195.00 to Battle Mountain Auto Body. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**SHAW ENGINEERING**

Commissioner Garner moved to ratify check #42957 in the amount of \$105.00 to Shaw Engineering. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**STATE OF NEVADA**

Commissioner Garner moved to ratify check #42960 in the amount of \$5,592.79 to the State of Nevada. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

**PUBLIC COMMENT**

No Public Comment.

- 1) **Swearing In Of Newly Elected Officials By The Honorable Richard A. Wagner, Sixth Judicial District Judge:** The Honorable Richard A. Wagner, Sixth Judicial District Judge, shared a few words on the purpose for being there. Judge Wagner said the greatest experiment, that ever happened, in history has to do with the Constitution of the United

States. It has been an experiment that has reached a point where there are trying times in our Country. Our Country has gone through wars and other things that have tried the Constitutional Provisions of this Country. Judge Wagner likes to think of the Declaration of Independence as what they call the "Promise of America". The "Promise of America" was to build a Nation built upon certain principals. The equality of people and that their rights cannot be taken by Government or anyone else. The great document we know as the Constitution was a miracle that this Country survived the war against England. The Great Commander and Chief George Washington's name is not on the Declaration of Independence. He was in New York making one of the greatest military blunders of his career thinking he could take on the British. The Constitution is what we call the contract of America and it started off on a little shaky ground. Two issues that concerned George Washington up until his death, that he was never able to resolve, were the issue on slavery and the treating of the Native American people. At Gettysburg there was a great shedding of blood that vindicated that contract and squared up the "Promise of America". Judge Wager said he thinks it is important for us to realize what part it is that we play in this great democracy. One of the great secrets in the Constitution was the breaking up of power, and one thing people learned is you cannot trust too much power in the hands of anyone person or group. The Constitution divides power vertically through the three branches of Government and horizontally. The most important part of the Constitution reserves the rights to the people and is a limitation on power, and those who are in Governmental Office must always remember who they work for. They work for the hardest employer there is to work for, which are the people. They will demand things and require service to be provided to them.

Judge Wagner explained that when you are taking a sacred oath, to go into office, you need to take seriously the duties you enter into. We are living in a time when the State is no longer going to come in and save you as they have in the past ten to twenty years. We must rely on ourselves and the principle of self-reliance of Local Government. He has spent sixteen years as a District Attorney, twenty-two years as a Judge and will be finishing up his term in two years. He will then be retiring. Judge Wagner stated he intends to work every day of the next two years to make sure he fulfills the oath of his office. He asked those becoming County Commissioners or entering into positions on various Boards, which are important to the local people, to do their jobs. No one else can do the duties or fulfill the obligations of those sworn into that office, and it is important to those in that office to leave it intact when they leave. Judge Wagner is amazed at how badly the Government is operating and in any business these people would be fired if they were to do the kinds of things they are doing.

Judge Wagner commented that Lander County is a great County with people he has high regard for. The great trait we have is that we have the ability to take on our own problems and solve them. There is great dignity and power in the ability to solve our problem here on the local level. He encouraged the County to continue with that

because we have shown we have the ability to be self-governing, and there are very few governments where the people are capable of self-governing.

Judge Wagner explained as we take the oath of office we raise our right hand with our fingers pointed heavenwards. The point of this is to say unto deity that I am taking this oath in a very serious way and if I do not fulfill my obligations you can take my life. Some people don't believe in oaths so the law provides to have an affirmation. You enter your office by oath or affirmation. Both carry the same weight and that is it's a serious duty and a serious business that you are called to do on behalf of other people. He reminded them that the least voting of people are the people who need the most protections, the children, the elderly, and the people who are unable to provide for themselves.

Judge Wagner administered the oath of office for all those taking office except for the Justices of the Peace.

Judge Wagner said most of the traditions, in the legal field, often come from biblical history over a period of hundreds of thousands of years. When it comes to Judges the tradition of wearing black robes comes from the book of Second Kings. There was a great prophet named Elijah who was going to die and in a whirlwind he was taken, in a chariot of fire, into heaven. As that occurred there was a younger man who was to take his place by the name of Elisha. The Biblical account says that the mantle of Elijah fell on the shoulders of Elisha signifying to the people the mantle of authority. So it is with Judges that, symbolically, there is mantle of authority with which they are cloaked and sets them apart in doing their jobs. When they walk into the Court with their robes on it is in an official capacity. From the words of Shakespeare the charge is to do justice and fear not. No matter what, their job is to see justice is accomplished above everything else. As Judges, they lose many of their first amendment rights due to the canon of ethics. There have been Judges removed from office and disciplined for failure to abide by the canon of ethics and it is a very strict canon. It is important to learn one lesson when it comes to the great power of the Judicial. You must be humble in the use of any power and power not used is greater than the power of having to use that power.

Judge Wagner placed a robe on the shoulders of William E. Schaeffer as a mantle of authority that he may work in the position of a Judge and carry out all the duties and all of the powers of authority that go with that. He then placed a robe on the shoulders of Judge Max Bunch as a mantle of authority symbolic of the great power and authority that he has as a Judicial Officer.

Judge Wagner administered the oath of office to William E. Schaeffer as Austin Justice of the Peace and Max W. Bunch as Argenta Justice of the Peace.

**COMMISSIONERS**

2) **Discussion For Possible Action To Elect A Chairman & Vice-Chairman Of The Lander County Board Of Highway Commissioners & Other Matters Properly Related Thereto:**

Commissioner Stienmetz nominated Commissioner Bullock for Chairman Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

Commissioner Mason nominated Commissioner Stienmetz for Vice-Chairman. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

**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 7, 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.*