

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 March 12, 2015, at
4 9:00 a.m. Transcript produced by Tiffany Elkington, C.C.R.
5 #930.

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

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

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

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

23
24 [Meeting commenced on March 12, 2015, at 9:00 a.m.]

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

29 There he is.

30 Commissioner Mills, would you honor us with leading us to a
31 salute to our flag?

32
33 (Pledge of Allegiance.)

34
35 VICE CHAIRWOMAN WAITS: Thank you.

36 We will now have a 30-second moment of silence, if you will
37 respect us with that, please.

38
39 (Moment of silence.)
40

1 VICE CHAIRWOMAN WAITS: Thank you.
2 Well, good morning to my fellow commissioners.

3 COMMISSIONER MILLS: Good morning.

4 COMMISSIONER BAKKER: Good morning.

5 VICE CHAIRWOMAN WAITS: And welcome to our administration
6 staff and our elected officials and our visitors and the general
7 public. We're glad you could join us this morning.

8 We're going to just hit one moment of housekeeping here. If
9 some of you had a chance to go through the minutes, you know,
10 we -- we often have them a little bit staggered in between with
11 the simultaneous conversations that we have.

12 And we have some heavy discussion items that are on the
13 agenda today. So if we'd all just be a little more respectful,
14 waiting that extra second until somebody finishes so we won't have
15 the interruptions with their thoughts as it goes through. That
16 might be something we can work on a little bit today that would
17 help considerably in reading through them a bit later.

18

19

20 **APPROVAL OF AGENDA NOTICE**

21

22 VICE CHAIRWOMAN WAITS: First order of business would be
23 discussion for possible action regarding approval of the agenda
24 notice for our March 12th, 2015, meeting.

25 COMMISSIONER BAKKER: I make a motion to accept the agenda
26 notice.

27 COMMISSIONER MILLS: Second.

28 VICE CHAIRWOMAN WAITS: Thank you. So moved by
29 Commissioner Bakker, seconded by Commissioner Mills.

30 All those in favor?

31 COMMISSIONER MILLS: Aye.

32 COMMISSIONER BAKKER: Aye.

33 COMMISSIONER CLARK: Aye.

34 VICE CHAIRWOMAN WAITS: Aye.

35 Thank you. That passes.

36

37

38 **APPROVAL & ACCEPTANCE OF MINUTES**

39

40 VICE CHAIRWOMAN WAITS: Discussion for possible action

1 regarding approval and acceptance of the minutes of
2 February 26th, 2015.

3 COMMISSIONER BAKKER: I'll make a motion to accept the
4 minutes of February 26.

5 COMMISSIONER MILLS: I'll second.

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

8 Any other discussion on the minutes?

9 (No comment.)

10 VICE CHAIRWOMAN WAITS: All those in favor?

11 COMMISSIONER MILLS: Aye.

12 COMMISSIONER BAKKER: Aye.

13 COMMISSIONER CLARK: Aye.

14 VICE CHAIRWOMAN WAITS: Aye.

15 Thank you. That passes.
16
17

18 COMMISSIONER REPORTS

19
20 VICE CHAIRWOMAN WAITS: We now are on commissioner reports
21 on meetings, conferences, and seminars attended.

22 And I'll start with you, Commissioner.

23 COMMISSIONER CLARK: I had a Public Lands Advisory
24 Committee meeting. And I'll address a request through a motion
25 later in the meeting. I'll give you the information that we --
26 we talked about.

27 I also attended a planning committee meeting last night.
28 I'm not going to make any comments about that at this time.

29 VICE CHAIRWOMAN WAITS: Thank you, Commissioner Clark.
30 Commissioner Bakker?

31 COMMISSIONER BAKKER: On March 6th, I attended a Central
32 Nevada Regional Water Authority in Carson. We discussed drought
33 monitoring. I found it interesting that if one county is in an
34 extreme drought, all neighboring counties touching it are
35 considered in a drought. Senator Goicoechea was there. We
36 discussed some legislature. All in all, it was very
37 informative.

38 VICE CHAIRWOMAN WAITS: Thank you. Commissioner Mills?

39 COMMISSIONER MILLS: I attended a Humboldt River Basin
40 Water Authority meeting. And there were a couple of interesting

1 points that came out of that. One was that they're trying to
2 prevent the Humboldt River from being considered a waterway of
3 the United States. And what that does is keeps the Humboldt
4 River under Nevada state control and keeps the EPA out of --
5 mainly, the EPA -- out of any controls in what happens with
6 those waters. It keeps out a layer of government in what we do
7 with those waters. Very interesting.

8 Part of the reason we can do that is that this river starts
9 and ends within the state of Nevada. It's wholly within the --
10 our state. And it prevents us from having interstate commerce
11 dealings with the river and a whole bunch of things. So that
12 was kind of interesting.

13 Another thing that the -- the water authority is looking at
14 is water permits for open pits. There's a lot of open pits,
15 especially along the Humboldt River, that they think do not have
16 any water permits to evaporate that water off. So those water
17 pits are capturing water that belongs to somebody else. And
18 it's getting evaporated off. So they're looking to investigate
19 a lot of those open pits and making sure there are water right
20 permits granted to them so that that water is accounted for.

21 COMMISSIONER CLARK: I have a question, Doug. So the
22 Humboldt begins and ends in the state; so we have control of
23 that river?

24 COMMISSIONER MILLS: Right.

25 COMMISSIONER CLARK: What about the Reese River? Same
26 thing? We have control over that?

27 COMMISSIONER MILLS: I think they're considering the Reese
28 River to be a tributary of the Humboldt.

29 COMMISSIONER CLARK: Even though it flows from south to,
30 north?

31 COMMISSIONER MILLS: That's right.

32 COMMISSIONER CLARK: Yeah? Okay. Well, that's good news.

33 COMMISSIONER MILLS: Also there were a couple of water
34 permits that Newmont applied for that -- that were contested by
35 the water authority.

36 We had a special meeting to discuss that. And those
37 protests were withdrawn so that Newmont can proceed with those
38 water permits.

39 And part of what that water permitting was about was to
40 actually rescind a lot of their water permits as they closed

1 Lone Tree -- as they go through the process of closing Lone
2 Tree. So they can shut down a lot of the wells that they've
3 drilled and no longer have to have water permits. And they're
4 rescinding about 66- or 67,000-acre feet of water back to the
5 state.

6 So it was -- that was kind of interesting to listen in on
7 those things.

8 And I think that's about it.

9 VICE CHAIRWOMAN WAITS: Thank you.

10 On February 27th, I attended a NACO meeting in Carson City.
11 They're giving us a real good representation -- our NACO
12 representatives are, of course, at the legislature.

13 They gave us some overviews of the progress of the NACO
14 bills. And they've been on top of most of that with information
15 and e-mailing us back if -- if we have any comments and -- and
16 our positions on the county of how certain regulations will
17 affect us. So they're -- they're doing a great job on that.

18 Also coming up is in April -- is actually the -- see if I
19 wrote it down and the exact amount here. It says, legislative --
20 our government legislative month for April. I don't know what
21 that means, necessarily, since we don't do a proclamation of
22 anything, but they brought that to our attention; so I'm passing
23 it on.

24 Also, we have a local government legislative reception that
25 is set, if any of the commissioners or somebody would like to
26 attend. It will be Monday, March 30th, and that's at the
27 governor's mansion from 6:00 to 8:00.

28 On March 6th, I attended the Central Nevada Water Authority
29 meeting in Carson City with Commissioner Bakker. And they also
30 gave us a -- an update on the lawsuit that White Pine and Great
31 Basin Water Authority and some of the others have actually filed
32 that's going on. And that's with the Southern Nevada Water
33 Authority and their ground water project and where they were.

34 And interestingly enough, it's gone back to the state water
35 engineer. But the judge that's looking everything over really
36 thinks that there's going to be too much of a depletion of the
37 water level, and they're not following the current water laws.
38 So that's all still in progress and, of course, will be for some
39 time on that.

40 On the ground water monitoring that we do with many areas in

1 our northern part here, we have also added -- and I reported this
2 the last summer when we added it -- was they're looking at the
3 geothermal areas too. And they're working, actually, with BLM on
4 some of their technical advice to take a look at that. And Reese
5 River Valley will also be -- they're looking at -- to watch the
6 water depletion there too and the monitoring.

7 On March 3rd, Ray Williams from the airport advisory board
8 in Austin and myself met with Sandy Saindon. And that's
9 S-A-I-N-D-O-N. He is with the fire crew with BLM. And they came
10 out to look at the airport and review everything again. We did
11 have a contract with them for the fire crew. And that was a
12 three-year contract; so that's coming up for renewal. And they
13 wanted to check everything out. And they're very pleased with the
14 pilot lounge. That was a nice surprise for them. So that will be
15 coming up to have a -- another look at for contracting with three
16 years with them. So it will be nice to have them close again for
17 our fire season.

18 And the best news of all is with the Nevada Tax Commission.
19 And we actually were in Carson City Monday for that with Rex
20 Massey, who did a wonderful presentation. And we were successful.
21 They have granted the Lander County a waiver from the removal of
22 the -- of the guaranteed status of -- under the supplemental
23 city-county relief tax distribution formula.

24 And I think we were close to -- what? -- 145,000 a month was
25 what --

26 DISTRICT ATTORNEY HERRERA: \$145,506.

27 VICE CHAIRWOMAN WAITS: -- a month on that. So that is --

28 COMMISSIONER MILLS: That's good.

29 VICE CHAIRWOMAN WAITS: -- fabulous news. And that's my
30 report. Thank you.

31 COMMISSIONER MILLS: I've got just one more item.

32 VICE CHAIRWOMAN WAITS: Yes.

33 COMMISSIONER MILLS: I talked with Bennie Hodges, who's
34 part of the Pershing County Water District, and we had that land
35 transfer with them some months ago that was voted on by the
36 previous commission. And he's telling me that that should be
37 finalized by late summer. And we'll get title to those lands
38 probably at that time.

39 VICE CHAIRWOMAN WAITS: Thank you.

40 COMMISSIONER MILLS: So that's still -- I thought that was

1 done, but that's still in process. But we should get title of
2 that land later this year.

3 VICE CHAIRWOMAN WAITS: It does take an amount of time for
4 many of the things that we do here. Absolutely.

5
6
7 **STAFF REPORTS**

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9 VICE CHAIRWOMAN WAITS: We now move on to staff reports.
10 So our executive director, Keith?

11 KEITH WESTENGARD: Good morning. First I want to remind
12 everybody that our -- our next commission meeting, which is two
13 weeks from today, does start at 1:00 o'clock in the afternoon.
14 Okay.

15 I met with Phil Hanna last week to discuss the EMS contract
16 that's coming due in -- it is June 30th.

17 And I'm going to attend the hospital board meeting on the
18 25th at 4:30. My intent is to renegotiate the contract with the
19 hospital for EMS services in the county.

20 On the EMS note, they did run their first EMS run out of
21 southern Lander County on March 3rd. And it was a incident out
22 at Gillman Springs. So they did have an ambulance in Austin that
23 was staffed. And they did run their first official southern
24 Lander EMS call.

25 I did attend the livestock meeting. And we have some things
26 that we're working through with the livestock and the rodeo
27 grounds and so forth. That will be on a future agenda as well.

28 Our LEPC committee is applying for a CERT grant for
29 shelter-in-place equipment. We've submitted it last week. And
30 hopefully we'll know in the next six weeks if we get it or not.
31 So we continue with that.

32 One of the things that we did -- and I know Commissioner
33 Waits and -- Steve's not here -- we've been working on this for a
34 little over two years. It's our tri-county hazardous materials --
35 or hazardous mitigation plan. That finally made it through the
36 federal system, and we have conditional approval on it. So that
37 was a long process. And that would open us up to federal grants
38 in the event of a natural- or man-caused disasters.

39 We did have an inspection with SCATS, which is an OSHA-type
40 inspection, the safety consultation and training section, last

1 week as well. They went through our Road and Bridge and Public
2 Works. They're going to go through Road and Bridge South, the
3 courthouse, sheriff's department. They're going to go through the
4 entire county, let us know where we're may be lacking and where we
5 need to come up with improvement for our OSHA stuff.

6 We continue to work with our insurance representative. And
7 I have drafted up a letter that the DA has looked over to
8 terminate that contract. And once that's done, if the
9 commission wants to look at another contract or renegotiate a
10 contract, then that will be the time to do it.

11 They're getting ready to do the Austin Airport apron
12 expansion. It's supposed to start sometime in May. And there
13 are provisions in there in the event there is a wildland fire
14 where they have air tankers flying in and out that the areas
15 will be clear for the aircraft to go in and out.

16 In your packets -- in your binders, you did get written
17 updates from the department heads. I can read them to you
18 individually, if you'd like, or go through them one page at time
19 or you can just review them as you wish. It's up to you. It's
20 about four pages worth of an update. Starts with the Building
21 Department, goes to Road and Bridge North and South, and then
22 Public Works.

23 COMMISSIONER CLARK: I have a question, Keith. How --
24 how's the remodeling going down there in Austin for the EMS?

25 KEITH WESTENGARD: Well, we had to put it off. The
26 contractor that we had lined up to do it, Desi Skeath, he's on
27 his annual vacation to --

28 COMMISSIONER CLARK: Okay.

29 KEITH WESTENGARD: -- Ireland. He'll be back, I believe,
30 in about six weeks.

31 COMMISSIONER CLARK: Okay.

32 KEITH WESTENGARD: So as soon as he gets back, we'll have
33 him start on that.

34 That's all I have.

35 VICE CHAIRWOMAN WAITS: Thank you.

36 Counselor, did you have anything that wasn't on the agenda
37 that you wanted to share with us this morning?

38 DISTRICT ATTORNEY HERRERA: Well, there are a number of
39 issues in the Nevada legislature. I'll be attending tomorrow.

40 One has to do with justice court. The legislature may be

1 changing the procedures at preliminary hearings. But from what
2 I can see right now, it's a -- it's a revenue or cost neutral
3 bill.

4 There -- there may be another bill going up that has to do
5 with counties and districts or changing the districts. And I
6 haven't been able to get enough information to -- to tell the
7 commission at this point. But I'll be checking on that
8 tomorrow.

9 I -- I believe that would be a -- that wouldn't be a cost
10 neutral. But I don't have enough information. I haven't read the
11 bill yet. But at the next me- -- commission meeting, or before
12 that, I'll be able to tell the commissioners about that.

13 VICE CHAIRWOMAN WAITS: Thank you.

14
15
16 **PAYMENT OF THE BILLS**

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18 VICE CHAIRWOMAN WAITS: Next, we have discussion for
19 possible action regarding our payment of the bills.

20 Good morning, Robin.

21 ROBIN SMITH: Good morning.

22 COMMISSIONER BAKKER: Good morning.

23 ROBIN SMITH: Robin with Finance.

24 Today I have expenditures in the amount of \$178,849.21
25 beginning check 51152 through 51236.

26 I also have four checks that need to be ratified: check
27 #51109 for Tammy Dimitroff in the amount of \$1,035.30; check
28 #51111 for Deonilla Fuller in the amount of \$228; check #51130 for
29 CORE Construction in the amount of \$796,714.12; and check #51132
30 for DMG in the amount of \$318,941 -- did I say that right? -- 98
31 cents.

32 VICE CHAIRWOMAN WAITS: Thank you. I will be abstaining
33 from check #51253 for travel expenses.

34 COMMISSIONER CLARK: You want me to ratify this?

35 VICE CHAIRWOMAN WAITS: It's approved.

36
37 **Submitted Expenditures**

38
39 COMMISSIONER CLARK: I make a motion to approve submitted
40 expenditures in the amount of \$178,849.21, check #51152 through

1 51236.
2 COMMISSIONER BAKKER: Second.
3 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
4 Commissioner Clark, seconded by Commissioner Bakker.
5 Any other further discussion?
6 (No comment.)
7 VICE CHAIRWOMAN WAITS: All those in favor?
8 COMMISSIONER MILLS: Aye.
9 COMMISSIONER CLARK: Aye.
10 COMMISSIONER BAKKER: Aye.
11 VICE CHAIRWOMAN WAITS: Aye.
12 Thank you.
13 COMMISSIONER BAKKER: You ratify those.
14 COMMISSIONER CLARK: Yeah. I've got to read these.
15
16 **Tammy Dimitroff**
17
18 COMMISSIONER CLARK: Make a motion to ratify check #051109
19 to Tammy Dimitroff for the amount of \$1,035.30.
20 COMMISSIONER BAKKER: Second.
21 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
22 Clark, seconded by Commissioner Bakker.
23 Any other further discussion?
24 (No comment.)
25 VICE CHAIRWOMAN WAITS: All in favor?
26 COMMISSIONER MILLS: Aye.
27 COMMISSIONER BAKKER: Aye.
28 VICE CHAIRWOMAN WAITS: Commissioner?
29 COMMISSIONER CLARK: Aye.
30 VICE CHAIRWOMAN WAITS: Aye. Thank you.
31 COMMISSIONER CLARK: I made the motion. I have to vote for
32 it.
33
34 **Deonilla R. Fuller**
35
36 COMMISSIONER CLARK: Make a motion to ratify check #051111
37 to Deonilla R. Fuller for \$228.
38 That's an easy number for me to read.
39 COMMISSIONER BAKKER: Second.
40 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner

1 Clark, seconded by Commissioner Bakker.
2 Any other further discussion?
3 (No comment.)
4 VICE CHAIRWOMAN WAITS: All those in favor?
5 COMMISSIONER MILLS: Aye.
6 COMMISSIONER BAKKER: Aye.
7 COMMISSIONER CLARK: Aye.
8 VICE CHAIRWOMAN WAITS: Aye. Thank you.

9

10 **CORE Construction**

11

12 COMMISSIONER CLARK: A motion to ratify check #051130 in
13 the amount of \$796,714.12 to CORE Construction.
14 COMMISSIONER BAKKER: Second.
15 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
16 Clark, seconded by Commissioner Bakker.
17 Any other further discussion?
18 (No comment.)
19 VICE CHAIRWOMAN WAITS: All in favor?
20 COMMISSIONER MILLS: Aye.
21 COMMISSIONER BAKKER: Aye.
22 VICE CHAIRWOMAN WAITS: Commissioner?
23 COMMISSIONER BAKKER: Aye.
24 VICE CHAIRWOMAN WAITS: I need your vote.
25 COMMISSIONER CLARK: I said, aye.
26 VICE CHAIRWOMAN WAITS: Aye. Thank you.

27

28 **DMG Reno, Inc.**

29

30 ~~VICE CHAIRWOMAN WAITS: Make a motion to ratify check~~
31 ~~#051132 to DMG Reno, Inc., the amount of \$318,941.98. What --~~
32 ~~what is DMG?~~
33 NAN ANCHO: They're working on our building for the
34 ductwork for (indiscernible) --
35 COMMISSIONER CLARK: Okay.
36 NAN ANCHO: Nan Ancho, Finance.
37 COMMISSIONER BAKKER: Second.
38 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
39 Clark, seconded by Commissioner Bakker.
40 Any other further discussion?

1 (No comment.)
2 VICE CHAIRWOMAN WAITS: All in favor?
3 COMMISSIONER MILLS: Aye.
4 COMMISSIONER BAKKER: Aye.
5 COMMISSIONER CLARK: Aye.
6 VICE CHAIRWOMAN WAITS: Aye. Thank you.
7 All the bills have been approved and ratified. Thank you,
8 Robin.
9 ROBIN SMITH: Thank you.
10 COMMISSIONER BAKKER: Thank you.
11 ROBIN SMITH: Thanks.
12 COMMISSIONER CLARK: There goes a million-plus bucks.

13
14
15 **PUBLIC COMMENT**

16
17 VICE CHAIRWOMAN WAITS: This is the time that we set aside
18 for our public comment. And these are for non-agendized items
19 that we will not be discussing later.

20 So if some of you would like to step forward and share
21 something with our commission this morning?

22 (No comment.)

23 VICE CHAIRWOMAN WAITS: Hearing none, we'll move in to our
24 agenda item number one, community development. Update on
25 operations and projects for the community services planning
26 department, and other matters properly related thereto.

27 COUNTY CLERK SULLIVAN: I think we --

28 COMMISSIONER MILLS: I think we skipped one.

29 COMMISSIONER BAKKER: Oh, yeah.

30 VICE CHAIRWOMAN WAITS: What?

31 COMMISSIONER BAKKER: Finance.

32 KEITH WESTENGARD: You skipped number one.

33 VICE CHAIRWOMAN WAITS: Oh, number one.

34 NAN ANCHO: That's okay.

35 VICE CHAIRWOMAN WAITS: Finance.

36 NAN ANCHO: You can move on if you want.

37 VICE CHAIRWOMAN WAITS: Oh. Well, I was waiting for Nan to
38 come up too. And then I went right on.

39 NAN ANCHO: Good morning.

40 VICE CHAIRWOMAN WAITS: Excuse me. Thank you. Let me read

1 that.

2
3
4 **FINANCE**

5
6 1) **Discussion for possible action regarding budget review,**
7 **contracts, financial update and other matters properly**
8 **relating thereto.**
9

10 VICE CHAIRWOMAN WAITS: Update on budget review, contracts,
11 financial update, and other matters properly relating thereto.

12 NAN ANCHO: Good morning. Nan Ancho, Finance.

13 I've been neck deep in budget, working hard. I got your
14 binders all together. But every day there's a change so we'll
15 try to get everything as current as we can for next Wednesday,
16 the budget workshop.

17 I'm waiting on some decision -- decision at legislature
18 too. There's a bill there for the minimum wage. And depending
19 on the outcome will depend on adjustments that we need to make
20 too. So that's going to have a huge impact if that goes
21 through. It's adjusting the minimum wage from 8.50 to \$15 an
22 hour.

23 COMMISSIONER CLARK: From 8.50?

24 NAN ANCHO: To \$15 an hour.

25 COMMISSIONER CLARK: To \$15 an hour would be minimum?

26 NAN ANCHO: That's what they're -- what -- that's what the
27 bill is at legislature right now.

28 COMMISSIONER MILLS: Put me on (indiscernible).

29 COMMISSIONER BAKKER: Yeah.

30 NAN ANCHO: And, like I said, the budget workshop is next
31 week. And that's about all I have for my update.

32 COMMISSIONER BAKKER: Thanks, Nan.

33 COMMISSIONER CLARK: I have -- I have a question.

34 DISTRICT ATTORNEY HERRERA: Tri-county has been canceled.

35 NAN ANCHO: Yes, I did receive an e-mail that the
36 tri-county budget meeting has been canceled for Monday.

37 COMMISSIONER CLARK: I have a question, Nan. Somebody
38 brought to my attention that they read somewhere that the county
39 paid a construction company \$192,000 and the company never did
40 the work or something?

1 I told them I would check into it. I didn't think that it
2 was --

3 NAN ANCHO: I haven't heard of --

4 COMMISSIONER CLARK: Okay.

5 NAN ANCHO: -- such an item.

6 COMMISSIONER CLARK: I just wanted to check that.

7 NAN ANCHO: Yeah. Have you?

8 DISTRICT ATTORNEY HERRERA: No.

9 NAN ANCHO: No?

10 DISTRICT ATTORNEY HERRERA: Not yet.

11 NAN ANCHO: I haven't heard of anything. Yeah. Yeah. All
12 right. That's all I have.

13 VICE CHAIRWOMAN WAITS: Thank you, Nan.

14
15
16 **COMMUNITY DEVELOPMENT**

17
18 2) **Update on operations and projects for the Community**
19 **Services/Planning Department, and other matters properly**
20 **related thereto.**

21
22 VICE CHAIRWOMAN WAITS: Once again, agenda number two,
23 community development. Update on operations and projects for
24 the community services/planning department, and other matters
25 properly related thereto.

26 Good morning, Jan.

27 JAN MORRISON: Good morning, Jan Morrison, community
28 services officer for Lander County.

29 Just real briefly, again, we've been pretty busy in the
30 office. Been working greatly with our DA -- thank you very
31 much -- on some code things. You may see something coming up to
32 you in the future concerning some vacation and/or abandonment of
33 right-of-ways and easements.

34 And in the past there -- for an example, I've got one in a
35 rural area where a hundred feet have been set back, set aside
36 for a roadway that will never happen. And it keeps the property
37 owners from being able to fence in their property.

38 So we're looking at cleaning those up. And this first one
39 that comes may be real interesting because it combines
40 everything. But hopefully it'll solve some issues for property

1 owners, especially in the rural areas down the road. We're
2 working on that. That will come to you, hopefully, in the next
3 month or so.

4 Other than that, we -- of course, we have LEDA on the
5 agenda coming up so I won't go on that. But one of the things
6 with LEDA and with great assistance from GOED, Governor's Office
7 on Economic Development, and NNRDA, Northern Nevada Regional
8 Development Authority, we're bringing in Michelle Reeves. And
9 she is a consultant on downtown revitalization. She's down to
10 earth; she's not pie in the sky. Small changes make a big
11 difference. And she's going to come in and meet with individual
12 business owners and members of staff and the community and give
13 a presentation. So this is pretty exciting.

14 And I have fliers here for anybody who wants to see it.
15 The chamber has been advertising this. And we want to get the
16 word out and use her. And it's great.

17 Just as a point of information GOED's office through NNRDA
18 has given us a \$3,000 grant for her. So it's great.

19 And that's the report --

20 VICE CHAIRWOMAN WAITS: Thank you.

21 JAN MORRISON: -- for the first item.

22
23 **3) Discussion for possible action regarding a letter terminating**
24 **Lander County's membership in the Great Basin Economic**
25 **Development Authority (GBRDA), and other matters properly**
26 **related thereto.**

27
28 VICE CHAIRWOMAN WAITS: Agenda item number three.
29 Discussion for possible action regarding a letter terminating
30 Lander County's membership in the Great Basin Economic
31 Development Authority (GBRDA), and other matters properly
32 related thereto.

33 JAN MORRISON: The -- part of this item, actually, number
34 four, was brought to you last the last meeting and with our DA.
35 We brought the other part of it, which basically NNRDA has --
36 and you've got a full backup packet. And actually we have
37 several people speak to you on that.

38 The Lander Economic Development Authority has voted to
39 leave the Great Basin Regional Development Authority for quite a
40 few reasons. That would be effective June 1, which -- excuse

1 me -- June 30th, which is actually the extent of their
2 obligation to them right now.

3 But they wanted, of course, to notify them and put them on
4 notice. And then the item four follows suit, which would be a
5 resolution to join with the Northern Nevada Regional Development
6 Authority.

7 So we have two people speak. But particularly on item
8 number three, we'll have Don Vetter come up. Don Vetter is the
9 consultant for the county and for Lander Economic Development
10 Authority. He can answer questions.

11 And because item four is part of that too, we have also
12 have Pam Boorda from the Northern Nevada Regional Development
13 Authority. So...

14 RICHARD SMITH: Who's that name, again, you said -- you
15 mentioned?

16 JAN MORRISON: Pardon me?

17 RICHARD SMITH: What name did you mention --

18 VICE CHAIRWOMAN WAITS: Excuse me.

19 RICHARD SMITH: -- a little while ago.

20 VICE CHAIRWOMAN WAITS: Excuse me? Would you identify
21 yourself?

22 RICHARD SMITH: My name's Richard Smith. I'm from the
23 Battle Mountain tribe.

24 JAN MORRISON: Great. So Lander Economic Development
25 Authority. Yes.

26 RICHARD SMITH: Yes. Who is that person?

27 JAN MORRISON: That is a advisory board to the county
28 commissioners. And I would be the county contact. We have a
29 chairman. I can give you all information on it. It's -- it's a
30 terrific organization that works on economic development for
31 Lander County, which is the main focus is on improving our local
32 community, making our businesses strong.

33 RICHARD SMITH: Okay. Well, I would like to speak to you.

34 JAN MORRISON: Great.

35 RICHARD SMITH: I'd like an appointment so I can --

36 JAN MORRISON: I'll look forward to that. Great. And I'll
37 give you my card before we leave.

38 RICHARD SMITH: Okay.

39 JAN MORRISON: Thank you.

40 RICHARD SMITH: Thank you.

1 JAN MORRISON: And with that, I'll -- with your leave, I'll
2 ask Don Vetter to come up.

3 VICE CHAIRWOMAN WAITS: Good morning, Mr. Vetter.

4 DON VETTER: Thank you, Madam Chairman. For the record, my
5 name is Don Vetter, Vetter PR, Inc. I've been working with LEDA
6 for the past five years on a variety of capacities, mostly
7 marketing outreach and communications, telling the business
8 story of Lander County.

9 Also between August of -- August of 2013 and August of 2014,
10 I was the acting executive director of the Great Basin Regional
11 Development Authority. I was the author of the grant application
12 with the Governor's Office of Economic Development to a) establish
13 a funding mechanism for the Great Basin RDA, as well as try to set
14 some strategic direction, which was rather difficult as the
15 board had -- that GRBDA board had only met once before we had to
16 make our application to the state.

17 Basically, last -- last August, the Great Basin Regional
18 Development Authority changed its direction and policies.
19 Basically, it changed from a -- trying to address region-wide
20 issues, including mining supply chain and manufacturing, clean and
21 sustainable energy, outdoor recreation and tourism capacity,
22 agriculture and logistics about agriculture, and then also
23 recruiting new businesses using our FIND study, which is a --
24 which was a Lander-generated initiative. And it was hoped that
25 what Lander County could take the lead on that kind of thing and
26 share that through the counties.

27 Well, it basically in August of last year that direction
28 changed to a -- to try to get grants to fund the organization,
29 mindful that the state supplies about \$110,000 a year to the
30 GRBDA to fulfill these regional activities. And that's what we
31 applied for, and that's what the contract with the state was
32 based upon.

33 That change in direction did raise some concerns with the
34 Lander County members of the GBRDA. And in the vote to change
35 that direction, two of the three Lander members -- one of them was
36 a LEDA member -- said, No, we don't want to go that -- that way.

37 The grant moneys being sought by GRBDA are to try to find
38 more grant moneys to write what is known as a CEDS or a
39 Community Economic Development Strategy. Lander County has this
40 document. It's -- it's the basis of a lot of the activity, if

1 not all the activity, of LEDA. It is -- it is focused on small,
2 incremental growth that's focused on trying to kind of raise
3 everyone up in - and as you heard from Jan Morrison, that
4 includes building blocks of better downtown and revitalization.

5 That se- -- In 2011, LEDA did a retail sector analysis.
6 And there was 60 percent of those who were polled in that
7 quantitative and qualitative study -- some of which was done by
8 the Battle Mountain business high school class over there --
9 found there was an appetite for better -- a better downtown, try
10 to build up in order to -- well, overall to try to beat back
11 what is known as boom and bust. We're in a mining community.
12 So you have to diversify. You have to try to flatten those
13 valleys and peaks out so that you can maintain a quality of
14 life, so that you can keep people here, keep the people here who
15 make up that quality of life: the doctors, the volunteers, the
16 church goers, things like that. So it all kind of works
17 together.

18 The LEDA members have found that the GBRDA direction at
19 this point doesn't meet that CEDS document or all the other
20 goals and operations that LEDA is trying to accomplish. And I
21 know there's some other LEDA board members here who -- who are
22 -- who would speak to that.

23 One of my concerns in the change of direction -- and it was
24 reflected to me in conversations with Peter Wallish, who is our
25 representative with the Governor's Office of Economic Development,
26 which is a cabinet-level operation. It's -- it was taken over by
27 Governor Sandoval about four years ago from the lieutenant
28 governor -- is basically, that change in direction, could put that
29 grant funding in jeopardy because GRBDA is not abiding by the
30 things they told the state they would do on a regional basis.
31 That would -- that would qual- -- if that funding does not come
32 through GRBDA -- LEDA receives \$30,000 a year from that grant
33 source.

34 The other concern from LEDA members is that if there is a
35 regional CEDS and we have our CEDS and we apply for grants
36 through that, are we fishing out of the same bucket? Could we
37 be canceling each other out? In other words, cannibalizing each
38 other a bit in pursuing grants? And that grants that were being
39 pursued by GRBDA, there was no direct connection with what LEDA
40 was trying to do.

1 So that change of direction could a) affect dollars. But
2 there's also kind of the protocol and process. Two-and-a-half
3 years ago when we tried to create GBRDA, there was -- it was
4 drawn through LEDA. LEDA was the lead agent in trying to make
5 that decision. And one of the concerns LEDA had at the time is
6 that we had a choice. Do we go with Elko? Or do we kind of
7 create this new -- new organization?

8 Well, the fear was is -- was that -- that somehow Elko would
9 kind of run roughshod over Lander County. Well, in my experience
10 in working with Elko on issues such as retail development and
11 outreach, housing, and mining supply chain, it's been very
12 cooperative. You know, we've had success.

13 I mean, we -- we cosponsored an outreach to the Reno area
14 about three years ago. And we had over 300 people show up and go,
15 "What's going on out in mining county?" And Lander was part of
16 that story.

17 And that's what my job is, to help tell your story to the
18 right people at the right time. My fear and I think LEDA's fear
19 is that GBRDA is not going to facilitate that. It's not going
20 to be the right fit, nor is it going in the right direction.

21 That's -- you know, why change now?

22 I think we're in a two-year grant cycle coming up with the
23 state. We don't want to leave anybody out, kind of -- leave them
24 hanging. So this is a good -- a good -- a good time.

25 There's clear direction from LEDA since December that they're
26 not meshing with the GRBDA. In other words, there's no real
27 synergy. NNRDA has extended an invitation to Lander and has
28 accepted us if you -- if we choose to go there.

29 And from a marketing standpoint, I have greater
30 opportunities to tell your story through NNRDA. It begins with
31 us hitchhiking on their marketing. It includes a greater web
32 presence. It includes printed materials. It also includes a
33 video production to help tell our story. I think it's a better
34 train that we'd be on.

35 And the other thing here is it's a strong network. The board
36 of NNRDA consists of more than 30 private companies who work in
37 this region. Just having access to them on a regular basis is
38 very, very valuable because in communication and marketing, it's
39 still that face to face, "Hey, did you hear about? Hey, I have
40 something for you. You know we have a piece of land over there.

1 Oh, you know, someone wants to put a bakery in somewhere. Hey,
2 have you thought of Battle Mountain?" Those are kind of network
3 connections that NNRDA brings to the table that we weren't getting
4 from GBRDA.

5 We were barely even getting quorums. And I think a lot of
6 that is logistics, just the way the counties are spread out and
7 the way the transportation network.

8 I'll stop there. I could go on, but I won't. But if you
9 have any questions, there are LEDA members here on this -- on
10 this topic.

11 COMMISSIONER CLARK: Yeah, I have some questions.

12 FRANK WHITMAN: A question from Austin?

13 VICE CHAIRWOMAN WAITS: Just a minute, Austin. Thank you.

14 COMMISSIONER CLARK: How many years has this -- your group
15 been in existence?

16 DON VETTER: GBRDA, two years.

17 COMMISSIONER CLARK: Two years.

18 DON VETTER: About tow -- two years and a few months. But
19 I would say two years, because that's kind of when the funding
20 kicked -- kicked in from the state, when you could actually try
21 to accomplish some things and move forward.

22 COMMISSIONER CLARK: Okay, what's -- what's the population
23 of Elko County?

24 DON VETTER: I'm not the demographer. Help me.

25 JUDGE SCHAEFFER: 50,000.

26 PAM BOORDA: 53,000.

27 DON VETTER: Okay. Okay.

28 COMMISSIONER CLARK: How much?

29 COMMISSIONER BAKKER: 53,000.

30 PAM BOORDA: 53,000.

31 DON VETTER: 53,000.

32 VICE CHAIRWOMAN WAITS: Would you identify yourself for the
33 record, please.

34 PAM BOORDA: Pam Boorda, NNRDA.

35 COMMISSIONER CLARK: And it's 23,000?

36 JUDGE SCHAEFFER: 53,- .

37 DON VETTER: 53,- .

38 COMMISSIONER CLARK: 53,- ? Okay. You mentioned bringing
39 in companies that would assist the mines with mining supply?

40 DON VETTER: Mining supply chain, mining manufacturing.

1 And these -- these range from -- from two- or three-employee
2 companies, which is what we seem to be attracting here to -- to
3 the larger ones: the Longyears, the -- and the Joy folk --
4 those kind of folks -- Cashman.

5 COMMISSIONER CLARK: Okay, well, I see a downside to that
6 for the local people. I see bringing in, even a small -- a
7 small base for a large company, they have better prices. The
8 mines are going to go with them instead of going with NAPA or
9 Ace Hardware. I think that that's -- that that's an issue.

10 I've been here since early 1980. And I can tell you that
11 since that time, we've had rise and fall. But we have never
12 gone back to the amount of business that we had in the early
13 '80s and the population that we had during that time. We've
14 lost businesses, especially downtown, because we have the on
15 ramp and the off ramp.

16 And as far as rebuilding downtown, I -- I just think you're
17 spinning your wheels there because it's condensed. It's moved
18 south. It's moved to Broyles Ranch Road. It's moved to that
19 area. We have a new colony casino that's west and south.

20 We had at one time in Battle Mountain three blackjack
21 tables, poker, roulette, and craps. We don't have one live game
22 in Battle Mountain. Do you have any in Austin?

23 VICE CHAIRWOMAN WAITS: No, we do not.

24 COMMISSIONER CLARK: No live gaming.

25 The reason that Battle Mountain flourished was because of
26 barite and gold. Barite is stagnant right now. It's not good.
27 Gold's on the down trend.

28 The way I'm looking at this is -- and also we have a thousand
29 students, and the work force is very limited.

30 Great Basin is more in size to Lander County with their
31 population. And I think that they share more similar problems.
32 So I think that -- and you expressed my concern that we would get
33 swallowed up by a bigger group coming out of Elko. And I have
34 that -- I have that -- that fear.

35 I'm also on the public lands advisory committee. And it
36 was unanimous. Even the people in the audience said they wanted
37 to stay with Great Basin. So those are the things I have to
38 say.

39 VICE CHAIRWOMAN WAITS: Excuse me, Commissioner. Could I
40 clarify that, please? Are you saying this was on the agenda for

1 the Public Lands Use Advisory?
2 COMMISSIONER CLARK: What I'm saying is during public
3 comment there was comment about staying with the Great Basin.
4 And you received e-mails from Ray Williams; right?
5 VICE CHAIRWOMAN WAITS: No, not regarding this.
6 COMMISSIONER CLARK: Okay.
7 VICE CHAIRWOMAN WAITS: Thank you. Austin, you had a
8 question?
9 FRANK WHITMAN: I do have one question. And I was
10 wondering if anybody --
11 VICE CHAIRWOMAN WAITS: Excuse me. Would you identify
12 yourself?
13 FRANK WHITMAN: I'm sorry. Frank Whitman, Austin.
14 And I was wondering if anybody from the Great Basin
15 Economic Development Authority had been invited to defend their
16 position and what they've done with Lander County in the last
17 two years, three years? Was that invitation put out?
18 JAN MORRISON: Yes, it was.
19 DON VETTER: Yes, it was.
20 FRANK WHITMAN: And it was declined; is that correct?
21 VICE CHAIRWOMAN WAITS: No one is here, apparently, from
22 there.
23 FRANK WHITMAN: Okay. Thank you.
24 That was Jan Morrison and Don Vetter that --
25 JAN MORRISON: Yeah. I'm sorry. Yes, he was --
26 VICE CHAIRWOMAN WAITS: -- that answered your question.
27 JAN MORRISON: -- at this meeting. And he was invited to
28 both of them.
29 DON VETTER: Madam Commissioner, through you to Mr. Clark,
30 I can respond to your gaming response.
31 I have more than 20 years in the gaming business in
32 marketing and advertising. What you're indicating there is not
33 indicative to Battle Mountain but to -- to gaming in general.
34 Smaller facilities are more game oriented with the
35 proliferation of more video game oriented. Plus it also helps
36 by not having live games which don't have as big a return of
37 investment. You have less employees, thus less overhead. So
38 the whole casino gaming industry is kind of shrinking in that
39 direction. So I don't think that's indicative of just Battle
40 Mountain, but you will see that in Las Vegas and Reno and other

1 communities as well.

2 COMMISSIONER CLARK: My point was that we had the
3 population to support those games. And the population came from
4 mining.

5 And right now, barite's not doing good. You know that.
6 You know two barite mines between here and Dunphy have been shut
7 down. And the third one's in a skeleton crew. Oil being at \$50
8 a barrel pretty much stagnated the barite industry.

9 And gold's on its way down. That's history.

10 You want me to name the all the businesses that we've lost
11 in town since the '80s? There's been quite a few.

12 COUNTY CLERK SULLIVAN: Patsy?

13 VICE CHAIRWOMAN WAITS: I think --

14 COUNTY CLERK SULLIVAN: Maybe get the name, again, of the
15 gal from the audience, just for clarification. That's for --

16 PAM BOORDA: Pam Boorda.

17 COUNTY CLERK SULLIVAN: Pam what?

18 VICE CHAIRWOMAN WAITS: Pam Boorda.

19 COUNTY CLERK SULLIVAN: Boorda?

20 VICE CHAIRWOMAN WAITS: B-O-O-R-D-A?

21 COUNTY CLERK SULLIVAN: Okay, thank you.

22 JAN MORRISON: We can let Pam --

23 DON VETTER: Okay.

24 PAM BOORDA: I'll share a seat with you, Don.

25 Thank you. For the record, Pam Boorda, the executive of
26 NNRDA. And I would just like to quickly address your concerns
27 as well.

28 And I understand your frustrations, but really if we get
29 back to the issue at hand, I don't -- I don't think that any of
30 those issues are specific to which RDA you're affiliated with.

31 I do think that Lander County does have some obvious and
32 serious issues for revitalization and population and all of
33 that, as we do throughout Elko County. I think that there are a
34 lot of synergy and a lot of things where we're already working
35 collectively to try and address some of those issues.

36 One thing that I would like to throw out to you is that if
37 you look just at the two different RDAs, because I'm certainly
38 not going to stand in judgment of GBRDA, but it's my
39 understanding that you actually lost money when you joined Great
40 Basin RDA, that you went from 50,000 in GOED funds to 30,000 a

1 year.

2 And I, for one, still fail to understand why that happened
3 to you. And at the same time that at least one other county got
4 funds that had never, ever before received funds because they've
5 never, ever been involved in economic development.

6 And so, you know, I mean, just from that standpoint alone
7 financially, I think that you guys will be far better off and
8 that you will get a lot more for your money in terms of the
9 things that Don was just talking about, which is marketing and
10 website and all of those things.

11 I've already met with Jan and other members, one of your
12 commissioners, with Keith, and talked about all of the things
13 that we would need to do to get you on level playing field with
14 all of the other members of our organization.

15 And we've already said we would totally foot the bill for
16 that as just part of your -- your membership like everybody
17 else.

18 So, I mean, you would be looking at getting an entire
19 resource guide on our website and a video of the county, a lot
20 of marketing material.

21 And as I look at two years of where you've been, you've
22 really not gotten any value for your money, and that would
23 concern me if I were you.

24 So it's not something where you're locked into any kind of
25 membership with anybody. I mean, all of these memberships are
26 made so that you can get in them and out of them as you see fit.
27 But certainly, when you're a member of an organization, you
28 expect to see some certain level of benefit. And it just
29 doesn't seem to me that you have received any level of benefit
30 up to this point.

31 ~~And I think -- because I know that I have worked with you~~
32 ~~for the past two years that I have done a number of things that~~
33 ~~we've collaborated on. Don talked about the summit in Reno. We~~
34 ~~did strategic planning. Lander participated in that. We~~
35 ~~brought consultants out here to Battle Mountain on several~~
36 ~~occasions. And we completely paid the bill for that. We did~~
37 ~~not ask Lander County to come up with one dime for that. We got~~
38 ~~a grant for it from GOED and made it happen.~~

39 And regardless of what you do today, as Jan just said,
40 we've secured a \$3,000 grant from GOED for you for Michelle

1 Reeves to come back out here. But when she came to Elko County,
2 we also invited you to attend that. And we had several members
3 that came up and joined in that process.

4 So regardless of what your decisions are, the message I
5 want all of you to have today is that we are the mining region.
6 And we are all going to need to work together, and we have
7 worked together in the past. And you have my commitment that I
8 will continue to work with you no matter what you do because
9 it's the right thing to do.

10 JAN MORRISON: Can you also -- I don't mean to -- can you
11 address the different members in Elko?

12 COMMISSIONER CLARK: Can you speak up, Jan?

13 JAN MORRISON: I'm asking Pam if she'll address your
14 concern. Although Elko County is large, NNRDA is made up of not
15 just the county but Wells has an equal vote. All the smaller
16 communities have equal vote. So if you --

17 PAM BOORDA: That's correct. We, as a regional
18 organization, we serve by membership. And so while Elko County
19 is a member. Wells is also a member. Carlin is a member. West
20 Wendover is a member. And the City of Elko are members as well
21 as a number of private companies.

22 But each of those entities are all paid based on a
23 population formula somebody came up with many years before me.
24 But they're served equally. I mean, the City of Wells pays us
25 \$1300 a year for their membership. But the City of Wells, right
26 now, we are helping go after \$270,000 in various different grant
27 funds and private funds to go through a redevelopment effort.

28 In West Wendover, we're working with them right now on some
29 housing with some developers. So I don't really care what
30 anybody pays in membership. Everybody gets equal treatment,
31 which is, we will do our level best to help make us all
32 successful.

33 But we have all have some of the same issues. We have
34 housing. We have redevelopment issues. We have the mining
35 supply chain where, you know, we're so dependent on that gold
36 mining. And we need to diversify that some. We need to be able
37 to -- and -- and Commissioner, you brought up barite. And
38 you're exactly right. One of our strategies is to be less
39 dependent on those things that would devastate any of us should
40 they go away. So one of the strategies is additional types of

1 mining. And I'm actually working with a company out of the
2 United Kingdom right now to bring a fluorspar mine to the area.
3 And I have to tell you, I'm not working on bringing it to Elko
4 County or any other members. It's actually -- I'm bringing it
5 to a county that's not a member and doesn't particularly work
6 well with us. But again, it's the right thing to do.

7 So for the region, they will benefit by having that
8 different that type of mine. So...

9 COMMISSIONER CLARK: So within --

10 PAM BOORDA: I apologize for the force in this, it's just
11 --

12 COMMISSIONER CLARK: No, I've been through that. I know
13 what it's like.

14 So within this organization, you have Wells, Elko, and
15 Carlin. They would have three votes and Lander would have one.
16 Within the other organization, you have Ely, Eureka, and Lander.
17 And you have three votes total.

18 PAM BOORDA: Actually, the way our organization works is
19 that every member has one vote. So it's -- Lander is a member;
20 they have a vote. Elko County is a member; they have a vote.
21 Wells is a member; they have a vote. So all of the entities --
22 local government entities that are a member have a vote.

23 So for example, if Battle Mountain also decided to join,
24 they would have a vote.

25 The -- the additional votes that exist on our executive
26 board are by way of the private membership. So we have, for
27 example, the mines are members because they support economic
28 development. We have banks and different institutions. We try
29 not to be a chamber because we don't want companies telling us
30 who can come to town and who can't.

31 But out of that private membership, they elect a chair and
32 a vice chair. So in other words, the chair and the vice chair
33 have to be from a private sector membership. They can't be part
34 of the government. And those two folks are part of the voting
35 membership of the executive board.

36 So -- so nobody can out vote anybody. Everybody has an
37 equal vote in terms of membership in the organization.

38 COMMISSIONER CLARK: Everybody has an equal vote, but Elko
39 will have more voting members? How does that work?

40 PAM BOORDA: I'm not following you.

1 COMMISSIONER MILLS: I don't think it's so much that Elko
2 has more voting members. It's a regional thing. It's not just
3 Elko. Remember, each of the entities, they may be in Elko
4 County --

5 COMMISSIONER CLARK: Right.

6 COMMISSIONER MILLS: -- because that's where Wells --

7 COMMISSIONER CLARK: Right, I --

8 COMMISSIONER MILLS: -- and West Wendover is.

9 COMMISSIONER CLARK: -- understand that. So...

10 COMMISSIONER MILLS: But each of those communities is
11 counted as an individual entity.

12 PAM BOORDA: Yes, and believe me, they are individual
13 entities. They all speak their own mind, as they should. So
14 they're -- but, you know, honestly, I have to tell you, I have
15 never, ever had a single issue in my five years in this position
16 with our board having any troubles on voting. Everybody
17 respects the Democratic process. Everybody respects the
18 majority rules. But I don't think we've ever had any real
19 conflicts because all the things that go before our board for
20 approval are associated with, you know, our overall direction
21 and our budget and policies and those things that would be
22 normal for any board, you know, all of you to vote on. So...

23 VICE CHAIRWOMAN WAITS: I do have a couple of comments.
24 One is I think over the last couple of years, I've really seen
25 where Elko has stepped up to mentor -- to mentor? -- to mentor
26 Lander County in so many areas. And Ms. Boorda is certainly
27 an example of that. And I know the history of where they have
28 been coming from in working with us. So I don't feel that they
29 are overpowering us in any way.

30 ~~They've been reaching out in our ramping community.~~
31 They've been right there in everything because -- the north has
32 so many similarities and our small areas. And so that's not my
33 main concern.

34 Also, as far as developing and administrating our marketing
35 efforts, we have kind of given that to LEDA, which is an advisory
36 board to us. And they have made their decision. They're the ones
37 that have been working with it. And I think we'd be very amiss if
38 we didn't at least listen very strongly to what a committee --
39 advisory committee is telling us. So appreciate that. Thank you.

40 COMMISSIONER BAKKER: If we switch, what -- how much of our

1 GOED funding would we get?

2 PAM BOORDA: Well, at this point, very honestly, the way
3 the process works is there will be an RFP coming out this month,
4 I believe, and we will submit a request.

5 So my position would be that I'm going to sit down with Jan
6 and LEDA and say, Okay, what -- what do you need? What do you
7 want?

8 And let's put in a request for what you need and want. We'll
9 no doubt put in a request for what we're used to in getting funds.

10 And then there's another thing that I'm going to surprise
11 you with and I'm sorry for that, but it's a conversation I had
12 last night, is that because we have so many of our entities that
13 are involved in revitalization or redevelopment, however you,
14 you know, term that, that I think we should be asking GOED for
15 some additional funding to potentially fund a position that can
16 help all of the entities on these redevelopment efforts because
17 they're huge and there's a lot of expertise required in that.

18 And, you know, I'm one person at NNRDA with an assistant.
19 And I don't want to fail by way of not having enough resources.
20 And I think GOED is somewhat receptive to trying to help find some
21 funds for that, if possible.

22 And I think that we have enough budget that we might be able
23 to fund a part of that as well.

24 So certainly we're going to go after every dime that we can
25 get. And the goal here, for me, is to make you at least whole
26 from what you've been in the past and better. Because there has
27 to be value added. There -- I mean, if we don't do our job, then
28 you shouldn't be a member. So I think that those are the
29 things you have to look back at the end of two years and say, did
30 we get our money's worth?

31 And I just challenge you right now to sit there and say,
32 okay, for the last two years, did we get our money's worth? And
33 it's really as simple as that.

34 We all have the ability to join and then, you know, quit.
35 When I came on board with -- with this organization before we
36 were a regional development authority, I had Wells who'd already
37 opted out of our organization. And I had two more of the
38 communities who were about to opt out.

39 And for the simple reason, they did not feel they were
40 getting the value that they deserved.

1 And I'm very happy to say that we turned that around
2 immediately and that no one has ever, you know, even thought about
3 leaving since. But, you know, those are choices you will always
4 have. You're not making any kind of decision that's permanent
5 here. So...

6 VICE CHAIRWOMAN WAITS: Thank you.

7 COMMISSIONER MILLS: I'd like to hear from Jon Sherve as
8 the chairman of the LEDA board, what your background on this is
9 and your opinions.

10 JON SHERVE: Good morning. My name is Jon Sherve. I've
11 been a LEDA board member since its inception in 2001. My belief
12 on where we're going right now is to -- is to form this
13 partnership -- formalize this partnership with Elko County.

14 A little more back story. Back when the economic
15 development office was transferred from the lieutenant governor
16 to the -- to the governor, we were our own entity. We were
17 Lander County. We were LEDA. And we functioned just fine in
18 that role. We were essentially forced to regionalize. And
19 we -- we struggled with that a little bit. We wanted to remain
20 independent, but we couldn't. So the best choice at the time
21 was to form this partnership with Eureka and White Pine County.
22 And since then it just has not been a very constructive
23 relationship.

24 So now we're at a point -- and again, we asked the GOED
25 office, because of this relationship, we asked GOED if we could be
26 independent. And the answer again was "no."

27 So we have to form a partnership with another county. We
28 needed to stay in a regionalized -- in a regionalized form. And
29 this is what we're going after. We're essentially formalizing
30 what's already -- partnership we already have with Elko County.

31 There's no doubt in all of our minds that we -- it's a much
32 better alignment with the goals that we have. And the goals that
33 we have are not to make Lander County or Battle Mountain another
34 Elko.

35 We're fine the way we are. We just want to plan for the boom
36 and busts, provide some more sustainability with the community and
37 work with the existing businesses.

38 VICE CHAIRWOMAN WAITS: Thank you.

39 JAN MORRISON: I'd like to throw out two really quick
40 things. We have a lean staff in many parts of the county. And

1 I, myself: planning, zoning, economic development, LEDA,
2 planning commission, a few other things. And the ability to
3 have -- to go on the coattails of someone who's done most of
4 these things and maximize what I can do is pretty phenomenal. I
5 would not be able to pull these programs together and put the
6 time needed in for revitalization and those types of things.

7 And some are very simple. Small things make a big
8 difference on your healthy business economy. And being able to
9 be with a group that goes forward on that is very advantageous.

10 The other thing is GOED has hired -- there will be a public
11 announcement pretty soon -- has hired a expert for the mining
12 supply chain specialist. And that is going to be housed under
13 the NNRDA in Elko. And this is really important, I believe, to
14 Lander County because I've been to the -- I'll be going, again,
15 to the mining expo in Elko in June. And I had great contacts
16 last year talking about business along 80 down through 305.
17 Three-oh-five is our -- is probably the best route down to the
18 south area for mining and agriculture and Highway 50.

19 And I had talked to several of them about satellite offices
20 in Austin, for example, where a small office, even if it's only
21 used three days a week could make a difference.

22 And so we're really working on that. So that mining supply
23 chain can be a lot of things. It could be logistically our
24 trucks routing down here -- there. It could be something as
25 simple as a card lock facility. That's what we're working on.
26 And I would be very excited to be able to be -- bring that to
27 Lander County.

28 VICE CHAIRWOMAN WAITS: Thank you.

29 JON SHERVE: You also have to recognize that when we face
30 an issue that -- with a formal partnership with Elko -- that
31 they do have more political clout. And I think one thing that
32 could fit into that is our floodplain issue. LEDA's been
33 working for years to deal with floodplain issue in downtown,
34 which -- which does hamper some revitalization in downtown.

35 I mean, there's -- there's -- that provides another option
36 to, you know, for Elko County to push some -- some of these issues
37 along at a different level. So, I mean, that's something to
38 consider too.

39 COMMISSIONER CLARK: Well, I'd just like to make mention of
40 a couple more things. Loop plant, prison, the fire academy,

1 Diamond Plastics, all looked at Lander County. And they
2 didn't come here. Do you know why?

3 JON SHERVE: No.

4 COMMISSIONER CLARK: We have the highest tax rate. How are
5 you going to convince businesses to come here when we have the
6 highest tax rate?

7 JON SHERVE: Well, that's something certainly that we --
8 LEDA could address. I mean, we take direction from the
9 commission. If that's something that -- if that's an issue that
10 we can look at, there's certainly -- we've got the consultants
11 out there that can -- we can research it and make a
12 recommendation on -- on the appropriate way to go?

13 VICE CHAIRWOMAN WAITS: But that's an issue we would have
14 regarding which one we belong to. So that's -- that's a
15 separate item that we might want to tackle. So...
16 We have some more public that wanted to speak?

17 JENNIFER O'KANE: Hi, Jennifer O'Kane. I don't know if
18 this is the right comment or not because I came in a little bit
19 while it was going. But as a business owner, several businesses
20 here in town, I think it's phenomenal, and I -- I -- to bring
21 more businesses into this town. We are realizing that gold and
22 all that is dropping, just like Michael said at the last
23 meeting. Plain and simple, we have to bring businesses into
24 this town. So if it means going to another company to see if we
25 get our benefit of our money, I think it's a great idea.

26 VICE CHAIRWOMAN WAITS: Thank you, Jennifer.

27 COMMISSIONER CLARK: Well, it's pretty obvious where I
28 stand.

29 COMMISSIONER MILLS: Well, I would make a motion then that
30 --

31 COMMISSIONER BAKKER: I would like --

32 FRANK WHITMAN: One more question from Austin.

33 VICE CHAIRWOMAN WAITS: Go ahead, Austin.

34 FRANK WHITMAN: Just what was the quick list of the comp-
35 -- of the mining companies that were contacted to open a
36 satellite office in Austin? Just a quick -- just a quick list,
37 real quickly.

38 JAN MORRISON: I'll address that. It wasn't a list. It
39 was mining supply chains. It was suppliers. So it would be
40 everybody from logistically, transportation, down to some of the

1 support services, such as surveying, geotechnical services,
2 those type of things.

3 FRANK WHITMAN: Did I misunderstand? I thought you said
4 those companies had been contacted about starting a satellite
5 office. But if the plan is to contact them not that -- not that
6 anything's been done on it; correct?

7 JAN MORRISON: Well, actually both, Mr. Whitman. The -- it
8 was both conversations with those, and it would --

9 FRANK WHITMAN: And when you say "those," which were the
10 companies?

11 JAN MORRISON: You know, I -- if -- you're welcome to call
12 me up, I will be able to give you a list of the contacts I have.
13 That was last June at the Elko Mining Exposition.

14 FRANK WHITMAN: Oh, okay. I understand. I thought this
15 was -- it was just talk about convention not -- not a reasoned
16 approach of what we could offer them. Okay. Thank you.

17 JAN MORRISON: Mm-hm.

18 COUNTY CLERK SULLIVAN: Patsy, there's another gentleman.

19 VICE CHAIRWOMAN WAITS: Yes, sir?

20 JOHN FULLER: Is this still public comment?

21 VICE CHAIRWOMAN WAITS: Yes. Would you identify yourself
22 for us?

23 JOHN FULLER: Yes. My name is John Fuller. I'm a business
24 owner here in this community.

25 I've been in commercial real estate since 1992. And as such,
26 I've dealt with Economic Development Authority. I was part of
27 EDAWN, which was the Economic Development Authority of Western
28 Nevada. And I was a business builder there. And I have my
29 certificate for five years of service there in that field.

30 And one of the things that LEDA tried to do is to generate
31 leads. I was a part of the FIND group at the time when they
32 came up -- Great Basin came up -- it was on a spur of a moment
33 thing. And I was against that at the initial set, and I still
34 am.

35 If you take every town from Wendover to Fernley, we all have
36 the same thing. We have an airport. We have the railroad. We
37 have the interstate. You could take every town here and just put
38 a name, switch them all around, they're all the same.

39 Now, when you have a community as Elko, because of its size,
40 if you do get a good lead to come in, one of the things -- they

1 have everything right there. They have a motel for their people
2 initially. They have the housing there. They have the
3 supermarkets.

4 I'm in an industry where when the wife comes down here and
5 the family comes here to Battle Mountain, they look at what the
6 town has to offer and they say, "Get on the bus, Gus, because
7 you're going to ride the bus to the mines. And we're either going
8 to live in Winnemucca or Elko." And this has happened.

9 Now, one of the things is, we have to separate ourselves
10 from everybody else. Because if we're all part of the same
11 unit, when the leads come in to the unit, you don't have
12 anything.

13 One of the things that Northern Nevada Rural Development
14 Authority, since they're tied with the state, when a business
15 wants to come in here, one of the things that happens, they can do
16 what is called modeling. What are our expenses going to be? They
17 have everything -- the program, it's set by the state, and it's a
18 wonderful program to use.

19 So when you do have a possibility of a lead coming in, you
20 take and you can do the modeling for them and show them what their
21 expenses are going to be.

22 One of the things that this community has a deficit to
23 bringing in businesses is your tax rate base.

24 If you take a look, why did Valmy go the way it did? Why did
25 Argenta go the way it did?

26 They're -- the reload area out here, if you'll look, you can
27 tell where the county line's at, because the industry starts on
28 the outside of this county.

29 Now, there's a difference between businesses and industry and
30 manufacturing.

31 That is where NNRDA is mainly focused. It's not on little
32 businesses competing, again, within the community. That is not
33 what I see as a thing that they're looking for.

34 It is for, like, the plastics plant over there in Golconda.
35 It's a different industry from your mining. And that's where, to
36 me, should be focused. How many leads have been generated? How
37 many businesses have come in over the years? It's pretty dismal.

38 And if you have any questions, I'd be more than happy to
39 answer.

40 But I can tell you that one year there for EDawn, we

1 brought in \$431 million worth of new business to the Reno area,
2 their MSA. So...

3 VICE CHAIRWOMAN WAITS: Thank you. Commissioner, were you
4 ready for a motion?

5 JON SHERVE: I'd like -- sorry -- I'd like to add one more
6 thing for the commission to consider.

7 Now we've -- we're -- LEDA has -- we're the boots on the
8 ground. We're the one forging relationships. We're the one
9 working one on one with various folks from different counties.

10 Our recommendation, what we feel best, and where we think
11 the most success is going to be in the future, this is our
12 recommendation to the commission is to go toward a functional
13 organization, to a functional regional organization, that will
14 help us, however we see fit, that'll help us achieve our goals.
15 And one of those would be to revitalize downtown Battle
16 Mountain.

17 VICE CHAIRWOMAN WAITS: Thank you.

18 COMMISSIONER BAKKER: Hey, Ted, how long are we going to be
19 locked into this contract?

20 DISTRICT ATTORNEY HERRERA: Well, we'd be locked into it
21 until we get out of it, basically.

22 COMMISSIONER BAKKER: Could be a year?

23 JON SHERVE: Oh, we could -- we could do the same thing
24 we're doing now with --

25 PAM BOORDA: Yeah.

26 JON SHERVE: -- Elko, if we needed to.

27 DISTRICT ATTORNEY HERRERA: Yeah, and to --

28 JON SHERVE: Any -- at any --

29 DISTRICT ATTORNEY HERRERA: We could them 30-days' notice
30 and get out of it.

31 COMMISSIONER BAKKER: Okay.

32 DISTRICT ATTORNEY HERRERA: That's what we're doing here
33 today, in fact. We're giving -- we're giving GBRDA -- or
34 they're asking to give GBRDA --

35 COMMISSIONER BAKKER: So if down the road, we don't feel
36 it's a good fit, we can always give them notice and switch back?

37 PAM BOORDA: Yeah.

38 JON SHERVE: Absolutely.

39 DISTRICT ATTORNEY HERRERA: Yes.

40 COMMISSIONER BAKKER: At any time?

1 DISTRICT ATTORNEY HERRERA: Yes.
2 JON SHERVE: Yep.
3 JAN MORRISON: Mm-hm. Absolutely.
4 COMMISSIONER CLARK: Well, I can tell what you're going to
5 hear. You're going to hear it's a good deal.
6 COMMISSIONER BAKKER: So...
7 COMMISSIONER CLARK: I'm just speaking for the people that
8 talk to me.
9 COMMISSIONER MILLS: Okay. I'll make a motion that we
10 approve and sign a letter terminating Lander County's membership
11 in the Great Basin Economic Development Authority.
12 COMMISSIONER BAKKER: I'm going to second it.
13 VICE CHAIRWOMAN WAITS: And authorize the vice chair to
14 sign.
15 COMMISSIONER MILLS: And authorize the vice chair to sign.
16 COMMISSIONER BAKKER: Yeah, I'll second it.
17 VICE CHAIRWOMAN WAITS: Moved and seconded that we do send
18 a termination letter.
19 Is there any other further discussion?
20 (No comment.)
21 Any other further public comment?
22 (No comment.)
23 VICE CHAIRWOMAN WAITS: All in favor?
24 COMMISSIONER MILLS: Aye.
25 COMMISSIONER BAKKER: Aye.
26 COMMISSIONER CLARK: Nay.
27 VICE CHAIRWOMAN WAITS: Aye.
28 We have it passing with Commissioner Clark opposing.
29 Thank you, all.
30 JON SHERVE: Thank you.
31 VICE CHAIRWOMAN WAITS: And thank you to everyone that made
32 their comments known. We appreciate it very much.
33
34 4) Discussion for possible action regarding Resolution No.
35 2015-04, a resolution providing for the addition of Lander
36 County as a member of the Northeastern Nevada regional
37 Development Authority (NNRDA), and other matters properly
38 related thereto.
39
40 VICE CHAIRWOMAN WAITS: Agenda item number four.

1 Discussion for possible action regarding Resolution Number
2 2015-04, a resolution providing for the addition of Lander
3 County as a member of the Northeastern Nevada Regional
4 Development Authority (NNRDA), and other matters properly
5 related thereto.

6 COMMISSIONER MILLS: I don't imagine we need any more
7 discussion. So I would make a motion that we approve the
8 resolution providing for the addition of Lander County as a
9 member of the Northern Nevada Regional Development Authority.

10 COMMISSIONER BAKKER: I'll second it.

11 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
12 Mills, seconded by Commissioner Bakker.

13 Any other public comment?

14 (No comment.)

15 All those in favor?

16 (No comment.)

17 COMMISSIONER BAKKER: Aye.

18 COMMISSIONER MILLS: Aye.

19 COMMISSIONER CLARK: Nay.

20 VICE CHAIRWOMAN WAITS: Aye. Let the records reflect it
21 does pass with Commissioner Clark opposing.

22 Thank you.

23 With that, we're going to take a ten-minute break.

24 JAN MORRISON: Thank you. Commissioners, I would just
25 welcome all interaction considering this. And I would love to
26 be able to come back to you and Art, hopefully, do a really good
27 job for you. We really do want to. Thank you.

28
29 (Break taken between 10:16 a.m. and 10:26 a.m.)
30
31

32 COMMISSIONERS

- 33
34 5) Discussion for possible action regarding approval/disapproval
35 of contract between Lander County and Nevada Department of
36 Transportation for pedestrian bridge, and other matters
37 properly related thereto.
38

39 VICE CHAIRWOMAN WAITS: We're starting off with agenda item
40 number five, discussion for possible action regarding

1 approval/disapproval of contract between Lander County and
2 Nevada Department of Transportation for the pedestrian bridge,
3 and other matters properly related thereto.

4 KEITH WESTENGARD: Okay. This is a contract, that -- for
5 what you said, for the pedestrian bridge.

6 So with -- with that -- and it's in your books -- you have a
7 primary member of the -- our regional transportation committee,
8 Judie Allan, that's going to come up and speak on behalf of that
9 contract.

10 JUDIE ALLAN: Good morning.

11 COMMISSIONER BAKKER: Good morning.

12 VICE CHAIRWOMAN WAITS: Thank you.

13 COMMISSIONER CLARK: Good morning, Judie.

14 VICE CHAIRWOMAN WAITS: Hi, Judie.

15 JUDIE ALLAN: Okay. Judie Allan.

16 So our bridge, we've been working on -- the RTC commission
17 has been working on this for a couple of years.

18 A little background. We've been approved for a grant,
19 basically, from the state through transportation alternatives
20 program. So we do have some funding available from the state that
21 will go towards engineering.

22 Because of that, it gives us the option to turn this
23 project over to a state project. And that's where this contract
24 comes in is the state would incorporate this into their -- their
25 projects. They would design it, oversee everything, bid it,
26 what not. So that's where the contract comes in.

27 This bridge is, as I feel, a very important project. It
28 focuses mainly on children safety.

29 And Mr. Squibb is here from the school, if he'd like to
30 talk also. The older children, they're moving the grade six.
31 Jim?

32 JIM SQUIBB: This is my cue? Good morning, everybody.

33 COMMISSIONER BAKKER: Good morning.

34 JIM SQUIBB: Jim Squibb, Lander County school
35 superintendent.

36 JUDIE ALLAN: They're moving grades six through --

37 JIM SQUIBB: We are reconfiguring our schools right now.
38 So next year when school commences, the elementary school will
39 house grades K through five, which will be the existing junior
40 high building and what we're building on, the new elementary

1 edition, that will all be K-five. And so that reconfiguration's
2 going to get us down to three schools in Battle Mountain as
3 opposed to four currently.

4 And then the grade six, seventh, and eighth grade will be
5 moving out to Lemaire school. That will in effect become a
6 middle school, older students, and going to see that population
7 out there at Lemaire school grow to about 230, 250 students,
8 somewhere in that range.

9 Right now, if you look at the percentage of students who
10 ride buses, it's quite significantly higher for those K-5
11 students than it is for the existing junior high students.

12 It's not as cool in school to be dropped off by your parents
13 when you're in junior high. So a lot of those kids will choose to
14 walk. So we're going to see, probably, an increase, a significant
15 increase, in the number of students who are walking to school each
16 day when they attend at Lemaire school.

17 So in my position as a school superintendent with all the
18 changes going on and all the new building that's taking place,
19 we've met with a number of parents. We've met -- we've had
20 community nights. And before this thing ever got off the
21 ground, it was very clear that the number one priority for any
22 kind of changes we make in our schools is student safety.

23 We've done that in a number of ways. We are improving the
24 lighting. We are improving the traffic pattern. And please don't
25 go by the current situation when we talk about traffic pattern
26 because this is like remodeling your house. Things are mess. The
27 community here has been wonderful to work with as we've gone
28 through this transition. So it is far from ideal right now, but
29 when the new school opens, it's going to have a new traffic
30 pattern for parents in and out of that school, which will
31 alleviate the pileup that you currently see in the mornings and in
32 the afternoons, picking students up and dropping them off in the
33 morning.

34 So we are working very hard at the safety aspect. The
35 elementary school and Lemaire school have a single point of entry,
36 which means that anyone coming to that school will check into the
37 office. If necessary, if they're not identifiable, they'll have
38 to show ID and state their business before they're let into the
39 school.

40 Lander County school district -- I don't know if you know

1 this or not -- but we underwent a safety audit from all of our
2 schools. We now have a safety plan that's actually being held
3 up as the gold standard for the state of Nevada in schools. The
4 lady that organized that is our Lemaire principal, Susan Ortega.
5 She's being asked to speak at superintendents groups and NASB
6 about our safety plan.

7 Now, with that being said, are our schools impervious to
8 anything tragic happening? No, they are not. All that means is
9 that we have looked at everything possible to happen at a school
10 and gone through all the steps to ensure or minimize that from
11 occurring.

12 But like I told our board just last night at our meeting,
13 anybody who is intent on doing harm, unfortunately, would be
14 difficult to stop in any circumstance. And that's unfortunate,
15 but that's kind of the society we now find ourselves in.

16 But we do have safe schools. We want to maintain that. So
17 I'm here basically because I want to ensure that anything that's
18 possible to do to ensure a student's safety gets done. And that
19 means a safe path to school.

20 Now what I alluded to earlier with our older students now
21 attending at Lemaire school, we will see an increase in those foot
22 students, the ones that are walking to school.

23 The overpass I wouldn't consider a safe path to the school
24 necessarily. But certainly, I think with the older students you
25 will see more walking.

26 The traffic pattern, like I said, for those that do get
27 dropped off, will get improved at Lemaire school. We'll have a
28 better bus turn around. Parents will actually be able to turn in
29 and let their students off right at the front door of the school
30 once this construction's complete.

31 So I understand that there's only so much money in the
32 county. I get that. I deal with budgets every day in the school
33 district.

34 But like I told you, when we put these schools together,
35 our number one priority for our dollars was student safety. And
36 I know you've got to look out for other things as county
37 commissioners and I understand that as well.

38 But I would just urge you to consider those students will
39 be walking to school every day and ensuring a safe path for them
40 getting to and from school.

1 VICE CHAIRWOMAN WAITS: Thank you. Counselor, you've had a
2 chance to review this contract; right?

3 DISTRICT ATTORNEY HERRERA: Yes, Commissioner.

4 VICE CHAIRWOMAN WAITS: So everything's okay as far as the
5 contract, the cooperative agreement?

6 DISTRICT ATTORNEY HERRERA: Everything's all right. It
7 provides that within 30 calendar days after seeing department's
8 invoices, as was pointed out, the state -- it would be the
9 state. We would be giving the state -- we have a contract with
10 the state and the state would be in charge of everything.

11 And they send us an invoice. And we have to give them 4.9 --
12 \$4,910,000 within 30 days of the invoice.

13 JUDIE ALLAN: Could I comment on that?

14 That was based on an engineer's estimate. Final figures are
15 not -- we don't have a final figure yet. That's -- that's kind of
16 a lot more than -- than what the bridge actually will be.

17 I spoke to a contact at the state, Victor Peters. He's a
18 design coordinator. And I said, Okay, Victor, what -- what
19 exactly -- how much can you tell me this bridge is going to cost.
20 Because looking at that 4.9, it's scary. And it's very scary.
21 And he was using an example of a Boulder pedestrian bridge they
22 did down in Boulder City.

23 And the bridge itself, a little different than what we're
24 looking at, not quite as long. But that was just roughly a little
25 over \$2 million.

26 Now, that was a couple of years ago. So you do have
27 additional costs for, you know, things -- inflation. Plus, our
28 design will be different. Couple of other factors to take into
29 it.

30 ~~So to look at this four point million, that's very deceptive.~~
31 ~~That's not -- not the real figure of this bridge.~~

32 I can't say in reality what it would be. I -- you know, in
33 excess of three-and-a-half million dollars? Probably not. Maybe
34 close in that range.

35 But after we get this contract signed, then that's when the
36 state can come in and really start working on this project to come
37 out and say, here's our final costs. This is what it will be.
38 And this will be our timeline. Plus we do have, you know, design
39 issues that, you know, depending on how -- how elaborate we want
40 to go, how decorative, you know. One of the things that the RTC

1 board did talk about was making a nice entry into Battle Mountain
2 through the freeway. You go on, you know, you're driving down the
3 freeway and here's this bridge and you can, you know, have a nice
4 welcome to Battle Mountain or something to that effect. So that
5 affects the cost.

6 But I just want to reassure the commissioners that the
7 state's not going to be asking for a check for \$4.9 million.

8 DISTRICT ATTORNEY HERRERA: That being said, to continue on
9 the legal, what the contract does is that it could -- we would
10 be subject to 4-point, well, \$4,910,000, if that's what the
11 charges are, if that's what the costs are. We'll be obligated
12 to pay up to that amount. And it could be lower, absolutely.
13 And according -- under this contract, there could be lower
14 costs; it could be a little more. But this is an estimated
15 cost.

16 VICE CHAIRWOMAN WAITS: Thank you.

17 For the record, I also sit on the RTC board; so I came in a
18 couple of years ago knowing this is what we were really looking
19 forward for our RTC, which is our fuel tax, basically, funds
20 that's supposed to be used for safety. And when we came to the
21 commissioners and said, this is what we would like to do and laid
22 it out before, the commissioners did vote for the additional
23 funds.

24 We also had a grant that Judie went to for the Nevada
25 Department of Transportation, the transportation alternatives
26 program. And we did receive a grant from them at that time for
27 funding along with this.

28 So this isn't anything that's off the top off anybody's
29 head. This has been planned very carefully for some time.

30 The engineers we've met with several times. And so it's
31 just been a delay in getting our cooperative agreement. But
32 they've been working on it for some time too.

33 So now this is finally our contract in writing for us to
34 take a look at and see if we can continue on.

35 But the funds have already been identified and are in
36 there.

37 DISTRICT ATTORNEY HERRERA: \$4.2 million, I believe.

38 VICE CHAIRWOMAN WAITS: Yes, the 4.2.

39 JUDIE ALLAN: And I -- to continue with what Patsy's said
40 that, you know, this -- this has been in the works previous

1 commission. I -- I don't know if they unanimously approved
2 this.

3 DISTRICT ATTORNEY HERRERA: March 13th, 2013.

4 JUDIE ALLAN: Thank you, Ted.

5 We did get an initial contract last year, agreement from the
6 state. But it had to go through legal and then it went to state's
7 legal. And state does not put this as top priority in the respect
8 of documentation.

9 Once they get a contract signed, then it would get into --
10 go into the design stage. But, you know, we have been working
11 with the state for, you know, quite a few months trying to get
12 this contract because once it is signed, then it's a go.

13 Then the time that we've put into this, as a board, you
14 actually get to see the results happening. That's basically been
15 our hold up, at this point, was to get this agreement from the
16 state to get it signed by the commission. So once it's approved,
17 then you'll start seeing results.

18 COMMISSIONER CLARK: Well, I have a couple of things to
19 say. I agree safety is paramount.

20 This issue with student safety and a foot bridge started
21 maybe in '06, by '08 at least. And it came about because students
22 were going underneath the fence on the south side of the freeway,
23 running acrossed.

24 Jim, if -- if this is a safety issue, how come the board
25 didn't take this on years ago?

26 JIM SQUIBB: Our school board?

27 COMMISSIONER CLARK: Yeah.

28 JIM SQUIBB: Actually, I can't speak for the school board.
29 I've been here four years, but I know that this was brought up
30 at one of our community nights. I think Brian Garner spoke to
31 it. That's actually the first I'd heard about this thing being
32 planned.

33 But I will tell you, from that point on, I think the board
34 has been very supportive on the foot bridge, although they
35 haven't taken any kind of formal action like --

36 COMMISSIONER CLARK: And the --

37 JIM SQUIBB: -- you're suggesting.

38 COMMISSIONER CLARK: -- board could have contributed money
39 towards this; right?

40 JIM SQUIBB: We don't really see that as actually, you

1 know, I mean, I know you're talking about a loop road. We don't
2 see that as part of what the scope of the board is in funding
3 either, but --

4 COMMISSIONER CLARK: We did -- when I was on the board,
5 this was discussed that the board was -- was going to move
6 forward with this.

7 The foot bridge will work for a limited amount of people, but
8 the area that we're talking about is Echo Bay and the Eleanor
9 Lemaire area. So I've got some concerns about just using a foot
10 bridge for -- for evacuation on serious situations. I think
11 there's a better plan.

12 JUDIE ALLAN: Excuse me, Art.

13 One of -- one of the issues that we discussed with the RTC
14 was in events of evacuation, the kids, I think, they take them to
15 the Mormon church?

16 JIM SQUIBB: Yes. That's one of the --

17 JUDIE ALLAN: And the bridge would be just a block away.

18 It's addressing not only evacuation issues, but also to
19 keep the kids away from the Broyles Ranch 305 intersection.
20 It's the kids on the north side of town that need to get across
21 to Lemaire, to give them a safe route to school.

22 At this time, if there was an event to shut down the 305
23 overpass, there is no easy access.

24 COMMISSIONER CLARK: I know.

25 JUDIE ALLAN: Right. And you're aware of that. And I know
26 that's one of issues.

27 One of the other things we talked about with this bridge is
28 to make it accessible for emergency access. You could get, maybe,
29 a four wheeler with gurneys across. At this time, we have no
30 other routes. I know there is a discussion on possible other
31 routes.

32 But that still doesn't address kids walking from the north
33 side of town to Lemaire.

34 COMMISSIONER CLARK: How do they get across now?

35 JUDIE ALLAN: Well, they -- the -- the 305.

36 COMMISSIONER CLARK: They use --

37 JUDIE ALLAN: The use --

38 COMMISSIONER CLARK: -- 305 overpass.

39 JUDIE ALLAN: But it's -- that's our safety concern. That
40 is not a safe route.

1 COMMISSIONER CLARK: But it's the same thing. It's an
2 overpass.

3 JUDIE ALLAN: With traffic. This is a foot bridge. This
4 is not traffic.

5 COMMISSIONER CLARK: Have we had any incidences on 305 on
6 with students?

7 JUDIE ALLAN: There actually have been. I cannot recount.
8 And, you know, no fatalities, but there have been instances that
9 --

10 COMMISSIONER CLARK: Because the kids were walking on the
11 street and not on the other side of the concrete barrier.

12 JUDIE ALLAN: Well, and I'm sorry you just -- you -- you
13 know --

14 JIM SQUIBB: I would just say when we looked at
15 reconfiguring our schools, one of the reasons that we prefer to
16 have the older students out on the south end of town -- and I
17 don't know how many of you -- this is the thing that keeps me
18 awake at night thinking about, you know, the safety thing and in
19 the event of a tragedy, how would we ever overcome that as a
20 community?

21 But if you've been ever been at Broad Street at lunchtime
22 when the junior high is out, it is an accident waiting to
23 happen. And I hate to use that -- that saying. But I tell you
24 what, that's what, you know, makes some of my hair turn gray and
25 some of it turn loose is because I worry about that tragedy
26 occurring.

27 And I know that it's a spence- -- it's a spendy venture. But
28 I would tell you to have to go through something like that as a
29 community would be something I think you'd want to spend some
30 dollars on avoiding ever happening again.

31 Yeah, they would have to traverse over the overpass right
32 now. I just think that the foot bridge would provide a much
33 safer alternative to being exposed to a lane of traffic as the
34 main artery over connecting north and south parts of town.

35 COMMISSIONER CLARK: So you'll have a closed campus for the
36 junior high?

37 JIM SQUIBB: We will.

38 COMMISSIONER CLARK: And you're going to provide lunches
39 for them?

40 JIM SQUIBB: We will.

1 COMMISSIONER CLARK: And the students will not be allowed
2 to leave the campus at lunch?

3 JIM SQUIBB: Only within that neighborhood. They won't be
4 able to come to the other side of town. So it's going to have
5 to be -- there's going to be a zone, Art, in which they'll be
6 allowed to walk home at lunch time --

7 COMMISSIONER CLARK: Okay.

8 JIM SQUIBB: -- to try to keep them better contained on
9 campus.

10 VICE CHAIRWOMAN WAITS: We had another public comment.

11 JENNIFER O'KANE: Hi. This is Jennifer O'Kane.

12 I have a question. And I'll be over at --

13 VICE CHAIRWOMAN WAITS: Would you stand up and come a
14 little bit closer.

15 JENNIFER O'KANE: On the over- --

16 VICE CHAIRWOMAN WAITS: It's kind of hard on our recorder.

17 JENNIFER O'KANE: Sorry. On the over bridge, I understand.
18 I've driven there. And I can't put a price on a child's life.
19 And these kids run across there, yada, yada, yada, we all know
20 that.

21 But on the bridge, can you put something over to where they
22 don't cross over and maybe not do a bridge? Or look at the
23 bridge later? But I do see them actually walking on this side
24 of the barriers.

25 JUDIE ALLAN: Can I --
26 Brian?

27 That is a state road; so the county has no jurisdiction as
28 far as any kind of redesign.

29 It would have to be -- I mean, the county could go to the
30 state to request that.

31 But the other issue is you've got that intersection at
32 Broyles Ranch and 305.

33 The pedestrian bridge is not going to keep 100% of the
34 children out of that, but any percentage that keeps them away from
35 that intersection is better than nothing.

36 And that's one of the issues for this is to keep them off
37 that 305 bridge overpass and keep them away from the Broyles Ranch
38 305 intersection.

39 As Jim stated, you know, that's an accident waiting to
40 happen. And the more kids you can keep away from there, the

1 better.

2 VICE CHAIRWOMAN WAITS: Well, the other consideration,
3 certainly, was in case of an emergency. And we should have
4 something that closes that overpass. And that was one of the
5 big concerns about how in the world are we going to get these
6 children back and forth without going all the way down and we
7 don't have buses and stuff will be evacuating? We won't be
8 taking them, you know, somewhere else. We need to evacuate
9 them. And you mentioned the Mormon church, which is directly
10 over, which is the safe house, basically, --

11 JIM SQUIBB: Right.

12 VICE CHAIRWOMAN WAITS: -- if there were anything tragic,
13 such as a bomb threat or something, it would be now. It
14 wouldn't be them traipsing all the way around. That's if 305 is
15 open. And, like I said, one of the concerns was we would have
16 an emergency on 305 and close the overpass. So...

17 Yes, Mr. Garner?

18 BRIAN GARNER: Brian Garner, for the record. When this
19 started, obviously it's primarily kid's safety. All the kids in
20 that neighborhood have to cross over 305. They have to go
21 through that intersection of 305 and Broyles Ranch one way to
22 get to the opposing side of the freeway to then cross because
23 obviously the overpass only has one walkway. Once they do
24 cross, once again, they have to go acrossed traffic once more
25 time to get down Lemaire Road. So now you're having kids living
26 on this side of town, on the western side of town, going
27 acrossed the flow of 305 traffic in morning traffic two times
28 just to get to their school.

29 I don't know if you've seen that road or been on that road
30 between 7:00 o'clock and 9:00 o'clock in the morning, but
31 it's -- it's horrible. And the kids just dart out.

32 We have loaded tractor trailers coming over the top of the
33 overpass. You start getting four or five cars backed up. You
34 have nowhere to go on top of the overpass. Kids take the
35 right-of-way, immediately, always. So now you have people
36 backed up all the way to the other side of the overpass. And if
37 you ever sit there very long and look, sometimes you've actually
38 had traffic backed up all the way to the NHP office because
39 people on the north side of the freeway are stopped for kids
40 crossing, and they're stopped on the south side stopped for kids

1 crossing. It's just a huge malfunction junction. That's what
2 brought this whole bridge to its inception years ago and to the
3 safety of the kids is the primary goal.

4 There is another goal to it too is the side by side that's
5 for the ambulance is that there's accessible limits to the gates
6 to the functions of the bridge that would go from one side to
7 the other where if in a disaster, you could get the side by side
8 with the carriage thing on it to transport people back and
9 forth.

10 It was designed like that.

11 The other big poss- -- big possibility -- and I'll say
12 possibility, and I hate to say possibility -- I don't know if any
13 of you guys have seen the B.J. Cecil trucks in town?

14 COMMISSIONER CLARK: Seen what?

15 BRIAN GARNER: B.J. Cecil trucks? They say B.J. Cecil on
16 the door?

17 COMMISSIONER CLARK: Oh, the B.T.? Yeah.

18 BRIAN GARNER: No, B.J. Cecil.

19 DONALD NEGRO: The acid trucks.

20 BRIAN GARNER: Acid trucks. You know --

21 COMMISSIONER CLARK: Right.

22 BRIAN GARNER: -- how many of them come through a day? You
23 know how many of them come through a day?

24 COMMISSIONER CLARK: No.

25 BRIAN GARNER: Do you know what they're hauling?

26 COMMISSIONER CLARK: Caustic materials?

27 BRIAN GARNER: Ninety-eight percent.

28 COMMISSIONER CLARK: Okay.

29 BRIAN GARNER: Predominant wind goes that way. A caustic
30 percent of that is about two-and-a-half mile range of shutdown.

31 So if you have any accident of that nature on that bridge,
32 you're going to have a two mile -- two-and-a-half mile radius
33 with predominant winds 90- -- we did the math -- it was like 96
34 percent of the time the winds are predominantly going that
35 direction. The bridge would remain open, or you could still get
36 access to kids and stuff back and forth from one way or the
37 direction. Obviously, that's not going to do anything for
38 downwind, but there, again, the traffic pattern with the new
39 Maverick and everything going on in that intersection in the
40 morning is horrendous. There's no -- we -- we don't have

1 jurisdiction over it, I think. Or I would hope that the county
2 would push buttons to help alert that, you know, kids -- kids
3 are there to walk and, you know, that there's flashing lights or
4 something. We can't. We've looked into that. We can't do that
5 to help alert the traffic. So when you do come over that
6 overpass, it's -- it's fair game, morning and afternoon.
7 There's kids darting everywhere. You just --

8 COMMISSIONER CLARK: Okay.

9 BRIAN GARNER: It's to alleviate all those kinds darting.
10 And we can't control the kids, but we can control the traffic.

11 COMMISSIONER CLARK: In response to -- to your concern,
12 number one, the congestion will be cut down dramatically because
13 you won't have parents of elementary students going down
14 Lemaire. Okay. So that's going to cut down on the congestion.

15 And number two, if you have caustic materials coming
16 through this area and you're concerned about an accident and
17 this getting into the air, you can't put those kids on a foot
18 bridge. You got to contain them and turn the air conditioners
19 on; right?

20 BRIAN GARNER: No.

21 COMMISSIONER CLARK: And hope for the best? You want to
22 put the kids on the foot bridge and you have a possible
23 contaminant in the air?

24 BRIAN GARNER: The foot bridge would be up wind.

25 COMMISSIONER CLARK: Well, you don't know where it's going
26 to happen. And you don't know what the winds going to be that
27 day, Brian?

28 BRIAN GARNER: Well, all the traffic has to go down 305.

29 COMMISSIONER CLARK: Would there -- would there -- well,
30 how about if there was a bypass road?

31 JENNIFER O'KANE: Well, there isn't.

32 BRIAN GARNER: Well, there isn't a bypass road in this
33 facility or this town that you could effectively put an acid
34 tanker on.

35 An acid tanker has a strict direct route located and
36 registered with the state of Nevada that they have to stay on
37 and they -- and they cannot halter or hinder from that route one
38 bit. And it has to be state-maintained freeway.

39 COMMISSIONER CLARK: And that's for right now.

40 BRIAN GARNER: No, that's forever. Have you ever driven an

1 acid tanker? Do you know anything about them?
2 COMMISSIONER CLARK: No, I've never driven a semi, but
3 that's not the point.
4 BRIAN GARNER: They're very strict. Acid is like a -- what
5 they're hauling through here is very, very strict. There is a
6 certain route they can only go. They cannot go off that route.
7 COMMISSIONER CLARK: So if Lander County were to build a
8 bypass road, Department of Transportation would prohibit it from
9 using a bypass road?
10 BRIAN GARNER: I wouldn't want an acid tanker going down my
11 front yard.
12 COMMISSIONER CLARK: I didn't say your front road. I said
13 a bypass.
14 BRIAN GARNER: You'd have to get it okayed through the
15 state of Nevada.
16 DISTRICT ATTORNEY HERRERA: Right. They could then -- they
17 could designate a hazardous --
18 COMMISSIONER CLARK: Right.
19 JIM SQUIBB: As an emergency route.
20 DISTRICT ATTORNEY HERRERA: But you'd have to go through
21 the process.
22 BRIAN GARNER: Yeah.
23 COMMISSIONER MILLS: How many kids do you foresee using a
24 foot -- the foot bridge on a daily basis?
25 BRIAN GARNER: We had -- we had --
26 COMMISSIONER MILLS: Any idea how many --
27 BRIAN GARNER: We had --
28 COMMISSIONER MILLS: -- how many of those kids that live in
29 that community on that side of town?
30 BRIAN GARNER: There's 390, I think, was the -- at one
31 time. But now that's going to change because you have one
32 direction and the other direction, two directions a day.
33 COMMISSIONER MILLS: Oh, okay.
34 BRIAN GARNER: Two directions a day.
35 COMMISSIONER MILLS: So you can't -- okay.
36 JUDIE ALLAN: And I think --
37 DONALD NEGRO: Donald Negro, for the record, Road and
38 Bridge North. And I've been watching the overpass bridge. And
39 every day you see kids walking the rail.
40 COMMISSIONER MILLS: Right.

1 DONALD NEGRO: You know, it's an everyday occurrence. That
2 scares me.

3 COMMISSIONER BAKKER: Jim, has the school ever been
4 approached to maybe split the cost.

5 JIM SQUIBB: Not to my knowledge, Sean.

6 COMMISSIONER BAKKER: Would they be acceptable if we did
7 approach them with that?

8 JIM SQUIBB: You can come and ask. I can tell you our
9 budget's running on our building projects right now. So...

10 COMMISSIONER MILLS: Yeah.

11 JIM SQUIBB: You know, it would depend on the amount of
12 that. But you're welcome to come and approach the board.

13 JUDIE ALLAN: Sean, I -- I don't recall. Brian may recall
14 if we did discuss approaching the school. And there may have
15 been just a private conversation with the school that it was
16 determined that they wouldn't be able to help fund.

17 COMMISSIONER BAKKER: Okay.

18 JUDIE ALLAN: I'm not going say for certain, but I think it
19 was a discussion that we did talk to someone or --

20 JIM SQUIBB: Well, you know, my view is students are the
21 community's students. And there's other reasons for using that
22 bridge other than just getting back and forth to school. With
23 the ball fields out there in the summertime, there's going to be
24 kids walking that foot bridge to get back and forth from
25 practices, games, that type of thing. The football stadium is
26 going in out there as well as a track. And so that's going to
27 be utilized by our high school students -- will need access to
28 get back and forth.

29 And even in our -- our junior high, which will be out at the
30 new Lemaire school, they're -- that's going to introduce athletics
31 to the junior high out at the Lemaire school. And those kids will
32 be coming and going at different hours and rather than just before
33 school and after school. They'll be coming home a couple of hours
34 after the school day's over as well when it's going to be dark
35 most of the time.

36 COMMISSIONER CLARK: The majority of the traffic to that
37 athletic complex will be vehicles. It won't --

38 JIM SQUIBB: Correct.

39 COMMISSIONER CLARK: -- be foot traffic.

40 JIM SQUIBB: Right.

1 COMMISSIONER CLARK: And I've taken you out there --

2 JIM SQUIBB: Sure.

3 COMMISSIONER CLARK: -- and I showed you my concern.

4 JIM SQUIBB: Yep.

5 COMMISSIONER CLARK: I -- I believe that what we need is
6 some roads out there to eliminate the traffic issue and assist
7 with the evacuation issues and to have access from 305 to Allen
8 Road. I think that that's -- that's where -- where my mind is
9 right now.

10 JIM SQUIBB: And we have a number of our students going out
11 there currently for soccer practice, boys and girls soccer is
12 already out there, as well as the summer activities. So some of
13 them are driving. The high school kids, certainly, a lot of
14 them drive.

15 BRIAN GARNER: But the junior high does not drive.

16 JIM SQUIBB: The junior high is not driving. And that's an
17 everyday thing. We have 144 days of school. They need to get
18 to and from school all 144 days.

19 Yes, it's true, there's going to be events out there that's
20 going to congest those roads. But we're basically talking about
21 four home football games a year, maybe a track meet. And --

22 COMMISSIONER CLARK: Basketball game.

23 JIM SQUIBB: -- when -- when you look at -- when you look
24 at 144 days of school where you're transporting 300 kids 144
25 days, it kind of pales in comparison when you look at the big
26 events that are going on out there.

27 JUDIE ALLAN: Can I make another comment about the traffic?
28 It's something that hasn't been brought up yet. When the new
29 courthouse goes in, that's only going to intensify the vehicles
30 on 305 crossing over.

31 You can give them alternate routes, but most people take the
32 shortest route home. They're going to be going over the freeway,
33 the overpass.

34 And that's that much more. That's that many more options for
35 a child to get hit or injured or something.

36 And as Jim said, what's the price of the safety of one kid?
37 You have one incident.

38 You can't force these kids to use the bridge, the
39 pedestrian bridge. You can encourage their parents to talk with
40 them and what not. But it gives them an option. And you hope

1 and pray that they use it and a lot of them will.

2 A lot of people besides kids will be using it. Like Jim
3 said, you're going to have all sorts of different events. You've
4 got the soccer fields. You got, you know, basically the sports
5 complex. It's adults can use it too. It's giving a safer means
6 of transportation across the freeway, an option to stay off that
7 305 overpass.

8 COMMISSIONER CLARK: I have two comments to your -- to your
9 response there.

10 Number one, I would bet that 80 percent of the traffic is
11 parents bringing elementary-aged kids to Eleanor Lemaire. We're
12 going to have an increase in traffic because, yeah, people are
13 going to go out there to the county complex. But it's going to
14 flow and then turn in. It's not going to make that right-hand
15 turn. You're not going to have the in and out on Lemaire and
16 Carson. So I think that that's going to take care of that.

17 Nobody wants to see a tragedy in any length. But there's no
18 guarantees in life. You could build that bridge and still have
19 kids walking out in the street on the 305 because after school
20 they want to go to the Maverick and get a hot dog.

21 JUDIE ALLAN: I agree with you, Art. Like I said, you
22 can't force them to use it. You can't force them, you know, to
23 stay off the 305. But a lot of them will.

24 COMMISSIONER CLARK: I just think that there's a better way
25 we can go with this.

26 VICE CHAIRWOMAN WAITS: We had another public comment.

27 JENNIFER O'KANE: Jennifer O'Kane. I --

28 VICE CHAIRWOMAN WAITS: Could you stand up, Jennifer.

29 JENNIFER O'KANE: I --

30 COUNTY CLERK SULLIVAN: ~~You've got to come up to the mic~~
31 for the recording purposes, please. Thank you.

32 JENNIFER O'KANE: Hi, I'm Jennifer O'Kane.

33 I know that there's a lot of going back and forth in
34 regards to the kids. It shouldn't even, in my opinion, be an
35 issue. We have kids -- we have people in this town that are
36 blind, elders, they have dogs, people -- and going down that
37 street is horrendous. And if we're waiting for somebody, your
38 grandchild, your kid, your child to die then to react at that
39 point is horrendous.

40 The community is asking for something to this effect that is

1 until -- we can't get a stoplight out there. I've -- I've looked
2 into it. We can't prevent -- we can't do that. DOT won't allow
3 us because we don't have enough traffic. So those are things to
4 --
5 DISTRICT ATTORNEY HERRERA: We've got to stay on topic
6 here.
7 JENNIFER O'KANE: The bridge? It -- that is the br- --
8 that is the --
9 DISTRICT ATTORNEY HERRERA: The contract.
10 JENNIFER O'KANE: -- topic, sir.
11 DISTRICT ATTORNEY HERRERA: The contract.
12 JENNIFER O'KANE: The contract is what I am speaking about
13 to get approved.
14 COMMISSIONER BAKKER: Jim when's --
15 JENNIFER O'KANE: The contract.
16 COMMISSIONER BAKKER: Sorry. Sorry, Jennifer. Jim, when's
17 the -- when's the school doing their budgets?
18 JIM SQUIBB: We're due July 1st.
19 COMMISSIONER BAKKER: When's your budget hearings, though?
20 Don't you do like a --
21 JIM SQUIBB: We do a budget hearing in December.
22 COMMISSIONER BAKKER: Oh, wow.
23 JIM SQUIBB: And we do a budget hearing in May.
24 COMMISSIONER BAKKER: Okay.
25 JIM SQUIBB: And we need to finalize it in May and submit
26 it by July.
27 COMMISSIONER BAKKER: Could we propose to go to the school
28 to see if they can --
29 JIM SQUIBB: Absolutely.
30 ~~COMMISSIONER BAKKER: -- help pay for this bridge?~~
31 JIM SQUIBB: Absolutely, you could.
32 VICE CHAIRWOMAN WAITS: You could still do that even if you
33 approve the contract.
34 JIM SQUIBB: Yeah.
35 VICE CHAIRWOMAN WAITS: If you're looking for some --
36 JIM SQUIBB: You can do that --
37 VICE CHAIRWOMAN WAITS: -- additional --
38 JIM SQUIBB: -- at any point.
39 VICE CHAIRWOMAN WAITS: -- funding --
40 COMMISSIONER BAKKER: Okay.

1 VICE CHAIRWOMAN WAITS: -- to come on.

2 COMMISSIONER BAKKER: Go ahead, Brian.

3 BRIAN GARNER: I'd just like to remind the board that
4 this -- this is a -- RTC is a board that administers safety,
5 traffic. This money was net proceeds money. It is not coming
6 out of anybody's pocket but the mining.

7 The fuel tax money is collected by this -- the county. None
8 of this money -- that's why it was appropriated this way because
9 we felt that the mining, a lot of our people in this community are
10 mining people that do have kids go back and forth both directions.
11 We felt that the money was taken -- instead of taken out of the
12 General Fund for the people that we felt appropriate at that time
13 that the -- it would be -- only be smart to have the -- use the
14 tax dollars to pay for this so it wouldn't impact on any other
15 road or something that we needed to take out of a different fund.
16 So it was -- it was completely 100% -- it is 100% funded. And it
17 was 100% funded by mining tax dollars.

18 VICE CHAIRWOMAN WAITS: Gentlemen, you have the cooperative
19 agreement contract before -- oops. We have one other public
20 comment.

21 CODY BLACK: Cody Black, civil engineer. I have
22 experience, as some of you guys know, dealing with contracts
23 similar to this. And I glanced at this contract as well.

24 There's some clauses in these contracts with NDOT. I
25 actually was an NDOT employee for a little while too; so I've
26 been inside and out of these -- these types of contracts.

27 Just a fair warning, there's, like, a five-day clause in
28 this contract for the county to concur with the award. I'm sure
29 you guys have read that. If you don't respond and tell them no,
30 they're going to award that contract if it's a million dollars
31 over the price, if it's 500,000, if it's 300,000 under.

32 So I just -- you know, I don't know if you guys want to in
33 the future maybe before this thing gets ready to go close to
34 construction, but somebody's going to have to be ready to be
35 immediately responsive on behalf of the board to, you know, tell
36 these guys -- because you don't have a guaranteed say --

37 DISTRICT ATTORNEY HERRERA: No.

38 CODY BLACK: -- with the way the contract is on how much --

39 DISTRICT ATTORNEY HERRERA: No, you don't.

40 CODY BLACK: Q&D or A&K or whoever's going to get to build

1 this thing. So...

2 Just a fair -- we got hit with, like, a \$300,000 bill from
3 NDOT for a little bike path. And we got it like, you know, two
4 years after the path was done. They're like, Oh, wait a minute.
5 We see you owed this. So here. And we had to figure out a way
6 to cover it. So...

7 DISTRICT ATTORNEY HERRERA: That's quite true under the
8 contract.

9 CODY BLACK: Yeah. Now, I don't recommend trying to change
10 the contract either, because NDOT has about a six- to
11 seven-department process to go through on these things.

12 Although something that you could do is if you guys do want
13 to address something like that and I think there's a few ways,
14 like requiring a letter from the county to NDOT that would
15 reference maybe, like, their engineer -- their updated
16 engineer's estimate right before they go to bid. And then you
17 could have, like, a guaranteed say before it even goes to bid,
18 goes out on the street. And that could be done through an
19 amendment to this agreement sometime between now and when you go
20 to bid. Because this thing's not going to go to bid for
21 probably -- what? -- a year and a half at least.

22 So some, you know, some things to keep in mind in there.
23 And I just thought of the amendment idea right when I was
24 standing here. So that might be a great idea. Amendments
25 happen to these agreements all the time to extend the time and
26 alter the clauses, and definitely something I would encourage.
27 And then, you know, and that would also give you time to --
28 after they get halfway through design, they might reflect and
29 change their costs a little bit. Maybe you have an annual
30 agreement with the school district set up to assist. And so
31 ~~just a couple of things to keep in mind because these agreements~~
32 ~~can come back with some bad ramifications if they're not watched~~
33 ~~and somebody's not on them.~~

34 VICE CHAIRWOMAN WAITS: Thank you, Cody.

35 COMMISSIONER BAKKER: Thanks, Cody.

36 VICE CHAIRWOMAN WAITS: We appreciate your comments. And

37 RTC --

38 COMMISSIONER MILLS: Okay, I've got a --

39 VICE CHAIRWOMAN WAITS: -- needs to stay on top of that by
40 all means. And I'm sure they will. Yes?

1 COMMISSIONER MILLS: I've got a couple of comments. I'd
2 like to see some alternatives. Because based on the discussion
3 here today, and a lot of it is based on if there's an emergency,
4 we have a foot bridge as an alternate. I'd -- I'd like to see
5 where in an emergency I'd rather have an access road as an
6 alternate so that instead of arriving at the emergency with a
7 side by side, we show up with a fire truck, police vehicles, an
8 ambulance, rather than a side by side coming over a bridge. I
9 think alternate roads are an important aspect to consider.

10 I'm not really seeing what a foot bridge alleviates the
11 problem at Broyles Ranch Road and Broad Street. And I'd like to
12 know -- I'd like to see some information about what a stoplight
13 there would do rather than a foot bridge.

14 Same thing with the -- there was some discussion about
15 enclosing the walkway over 305 and maybe doing some things like
16 that.

17 I think there's some alternatives that might be better than
18 the foot bridge that would get more use overall than the foot
19 bridge would.

20 JUDIE ALLAN: Could I -- could I address that real quick?

21 VICE CHAIRWOMAN WAITS: Let me call on Mr. Garner first,
22 Judie.

23 JUDIE ALLAN: Okay.

24 BRIAN GARNER: RTC went through a lot of those options.
25 That's why RTC is a board that goes through those options and
26 brings this solution to the -- to the commissioners.

27 We went through a bunch of those options -- those options at
28 the time. There is not to date of loop road. We don't know if
29 there will be a loop road. We don't know if there could be a loop
30 road. We don't know if the loop road -- we don't anything about
31 the loop road. So we did this bridge as a guaranteed -- this is
32 something that would cut down on kids crossing 305 to get over
33 bridge to come back.

34 Because of the background, you cannot do anything through
35 the county or the state of Nevada to acquire a stoplight, to
36 acquire a crosswalk light. We went through all those options.
37 That is the state of Nevada's. And until, basically, something
38 bad happens, they don't -- they won't.

39 COMMISSIONER MILLS: So the state requires us to wait until
40 something bad happens before they'll --

1 BRIAN GARNER: That is correct.
2 COMMISSIONER MILLS: -- let us do something?
3 BRIAN GARNER: That is correct. And the RTC board looked
4 at all the options on this. This is why this is at the point it
5 is right now because all these options were exhausted in
6 previous years.
7 COMMISSIONER MILLS: There are some changes and one of
8 those is that the Indian colony, I understand, is planning to
9 building a casino, which would provide half of that loop road.
10 BRIAN GARNER: Can you guarantee that?
11 COMMISSIONER MILLS: That's my understanding. Is that --
12 that's going to happen. So...
13 KEITH WESTENGARD: That's an agenda item at the end of the
14 agenda that we will discuss.
15 COMMISSIONER MILLS: That's what --
16 VICE CHAIRWOMAN WAITS: Even --
17 COMMISSIONER MILLS: -- I was --
18 VICE CHAIRWOMAN WAITS: -- if --
19 COMMISSIONER MILLS: -- going to say. So we would only
20 have to now provide half of that loop road compared to the whole
21 thing.
22 BRIAN GARNER: Can you guarantee that? Can you guarantee
23 everybody will sell their property? Can you guarantee the
24 right-of-ways?
25 COMMISSIONER MILLS: No.
26 VICE CHAIRWOMAN WAITS: The other point of that, --
27 BRIAN GARNER: We can -- we can guarantee a bridge for our
28 kids' --
29 COMMISSIONER MILLS: Right.
30 BRIAN GARNER: -- safety.
31 One kid, if it was my kid, I'll guarantee you it's going to
32 cost more than 4.9 million. I'll just guarantee you that right
33 now. If my kid's hit right there and it has anything to do with
34 bad traffic patterns or congestion or something that the county
35 or the school district could have alleviated because of the
36 fruition of what we have now, I will guarantee you, it will cost
37 you more than -- more than \$4.9 million.
38 COMMISSIONER CLARK: And this is the first time you've
39 thought about this, Brian?
40 BRIAN GARNER: We've been working on this for years.

1 COMMISSIONER CLARK: Well, how come you didn't get it done?
2 I mean, you're -- you and Judie are laying this guilt trip on
3 us --

4 BRIAN GARNER: No. Absolutely not.

5 COMMISSIONER CLARK: -- that we're going to be responsible
6 if something were to happen, --

7 BRIAN GARNER: I will --

8 COMMISSIONER CLARK: But yet --

9 BRIAN GARNER: I will --

10 COMMISSIONER CLARK: -- you still set on --

11 BRIAN GARNER: I will --

12 COMMISSIONER CLARK: I'm -- I'm speaking. You still say
13 there's no guarantees. We're trying to utilize our resources
14 that are best.

15 Echo Bay, if something happens on 305 and the people in
16 Echo Bay are affected by it and cannot exit, it's criminal. And
17 it should have been taken care of a long, long time ago.

18 Now, we're faced with the responsibility and we're trying to
19 address it the best way for the community.

20 VICE CHAIRWOMAN WAITS: With all due --

21 BRIAN GARNER: Can I --

22 VICE CHAIRWOMAN WAITS: -- respect --

23 BRIAN GARNER: -- speak now?

24 VICE CHAIRWOMAN WAITS: -- to you, --

25 COMMISSIONER BAKKER: Yes, you may.

26 BRIAN GARNER: Okay, I'll exactly tell you why it was never
27 taken care of --

28 COMMISSIONER CLARK: You need to speak louder.

29 BRIAN GARNER: -- because our assistant -- our assistant
30 and district attorney at the time never took care of business
31 and never took care of the problems we have with the contract or
32 would have been in --

33 COMMISSIONER CLARK: Well --

34 BRIAN GARNER: -- the stages at this point.

35 COMMISSIONER CLARK: There's always an excuse; isn't there?

36 VICE CHAIRWOMAN WAITS: Gentlemen, I'm going to stop this
37 banter right now. Thank you.

38 But in a comment to, yes, access roads and such would be
39 wonderful. This doesn't preclude us from doing anything else for
40 safety.

1 This is before you today. And a contract has been worked on
2 for a long time, and we're asking what your pleasure is to do with
3 it.

4 Now, if you're really thinking that -- that this is not
5 going to be, then I would suggest perhaps we might think of a
6 public hearing for all of your input from the public if it
7 really is going to --

8 COMMISSIONER MILLS: Is --

9 VICE CHAIRWOMAN WAITS: -- not be --

10 COMMISSIONER MILLS: Is this contract --

11 VICE CHAIRWOMAN WAITS: -- approved.

12 COMMISSIONER MILLS: -- time sensitive?

13 VICE CHAIRWOMAN WAITS: -- today.

14 JUDIE ALLAN: No.

15 DISTRICT ATTORNEY HERRERA: No.

16 COUNTY CLERK SULLIVAN: Sadie Sullivan for the record, if I
17 may.

18 We do the meeting minutes for RTC. So if you need any
19 recordings, anything like that towards this, previous information,
20 it would be very beneficial because of new coming on to not have
21 that understanding.

22 Like they've stated, NDOT, they -- their hands are tied,
23 the RTC board, the county, because you have to follow NDOT.

24 So if you want anything, I can just put that out there that
25 I can get that information for you so you know what's been
26 approved, anything like that, discussed. Just to let you know.

27 VICE CHAIRWOMAN WAITS: Thank you.

28 DISTRICT ATTORNEY HERRERA: You can make a m- -- we need to
29 make a motion. You need to make a motion to approve the

30 ~~contract, a motion not to approve the contract, a motion to~~
31 ~~table this for later, a motion for a special meeting. But --~~
32 but we could be here all day. We need a motion on the contract.

33 COMMISSIONER MILLS: Well, I'll make a motion that we table
34 this to a later date until we can find -- learn more of the
35 background that's already been done. Because I think a lot of
36 us don't really know the background.

37 COMMISSIONER BAKKER: I'll second it.

38 VICE CHAIRWOMAN WAITS: It's been moved by Commissioner
39 Mills that we table this. It's been seconded by Commissioner
40 Bakker. Is there any other public comment?

1 JUDIE ALLAN: I guess I do have one further comment.
2 We talk about a loop road. We talk about safety. We talk
3 about evacuation.

4 You have to remember that -- that scenario of -- of something
5 happening, the freeway getting shut down. That is a likelihood.

6 You know, is it going to happen tomorrow? Is it going to
7 happen a hundred years from now? Who knows? It's a very, very
8 strong likelihood.

9 But one of the main focuses you have to consider about this
10 bridge is -- is not just evacuation route -- is day-to-day
11 safety of those kids that there may never, ever be an instance
12 that you need to evacuate those children and keep them off 305
13 and alternate routes. But you can do your loop road, whatever.
14 Is this is the day-to-day safety of kids. This is every single
15 day that they're going to school. They're going in the
16 summertime to go visit friends, to go play at the soccer fields.
17 This is something every single day, an option to keep them safe.

18 VICE CHAIRWOMAN WAITS: Any other public comment?

19 JOHN FULLER: If you vote for this, is the -- now, when
20 does the money have to come forward? I thought somebody here
21 said --

22 COMMISSIONER CLARK: Thirty days.

23 JOHN FULLER: -- 30 days the money has to be put forward.

24 DISTRICT ATTORNEY HERRERA: No, if they approve the
25 contract, when -- the contract -- then the state has until 2019
26 to even do something, technically, under the contract.

27 It's not to be done tomorrow.

28 They won't even put out the bid probably for a year and a
29 half to two years. We have to understand that under this
30 contract, they have until 2019 to do their job because -- because
31 the county is giving the state under this contract the right, the
32 duty, and the obligation to do everything.

33 So once the 4.9 million, \$4,910,000, that could be due is
34 within 30 days after they send us the invoice.

35 So there's \$4.2 million that a prior commission had put --
36 put aside in two separate -- into -- one was three and, I think,
37 one was 1.2 million.

38 JUDIE ALLAN: Can I -- Ted, actually, 3 million came from
39 net proceeds. The rest of the money that -- that is to go to
40 this comes out of the RTC budget. So that's -- that's --

1 DISTRICT ATTORNEY HERRERA: Prior commission in 2013 has
2 put \$4.2 million, whatever the source is, to be made available
3 for this project is all I'm saying. I'm not making any -- I'm
4 not trying to make policy. I'm not -- I'm just saying legally,
5 that's what happened in 2013.

6 VICE CHAIRWOMAN WAITS: The motion on the floor is that we
7 table this for another discussion. And so the contract will not
8 be signed today.

9 Any other public comment?

10 (No comment.)

11 VICE CHAIRWOMAN WAITS: All in favor?

12 COMMISSIONER MILLS: Aye.

13 COMMISSIONER BAKKER: Aye.

14 COMMISSIONER CLARK: Aye.

15 VICE CHAIRWOMAN WAITS: And I am opposed. Let the records
16 reflect the other three commissioners have voted to table.

17 Thank you.

18 JUDIE ALLAN: Thank you.

19 VICE CHAIRWOMAN WAITS: I thank you, all, for your public
20 comment and for coming in. We appreciate that.

21
22 6) Discussion/non action item from Henry Filippini, Eddyann
23 Filippini, Lynn Tomera, and Angie Mariluch regarding the
24 Argenta, North Buffalo, and Copper Canyon allotments, and
25 other matters properly related thereto.

26
27 VICE CHAIRWOMAN WAITS: Number six, discussion. It's a non
28 action item. And it's from Henry Filippini, Eddyann Filippini,
29 Lynn Tomera, and Angie Mariluch regarding the Argenta, North
30 Buffalo, and Copper Canyon allotments, and other matters
31 properly related thereto.

32 Thank you, all, for your patience.

33 And we're ready to have you on the record for your update.

34 COMMISSIONER BAKKER: Hey, Shawn.

35 SHAWN MARILUCH: Hm?

36 COMMISSIONER BAKKER: Make it quick. I'm just playing.

37 SHAWN MARILUCH: I can do that.

38 VICE CHAIRWOMAN WAITS: I said Angie. It should have been
39 John; right?

40 LYNN TOMERA: Angie can come up if she wants.

1 EDDYANN FILIPPINI: Good morning.
2 COMMISSIONER BAKKER: Good morning.
3 COMMISSIONER CLARK: Good morning.
4 EDDYANN FILIPPINI: Thank you for having us.
5 My name is Eddyann Filippini. And on behalf of a \$500
6 million plus industry in Nevada, we greatly appreciate your
7 attention to this issue.
8 As -- I'm going to give you a little bit of background
9 because we do have three new members. And we've been battling
10 this for a couple of years.
11 As you know, BLM has a multi-use, science-based statute.
12 Unfortunately, they're not following that. We seek your
13 assistance in addressing this.
14 We welcome BLM as a partner. However a partnership only
15 works if there's trust and transparency.
16 Dan, myself, and our children are third and fourth
17 generations, from Lander County, on the Badger and Sherrera
18 ranches.
19 We ranch on three allotments consisting of BLM and unfenced,
20 intermingled private land and owning the water rights. We share
21 these allotments with several other permittees, cattle and sheep
22 ranchers.
23 In 2013, BLM issued a grazing authorization for Copper
24 Canyon, and North Battle Mountain, North Buffalo allotments, known
25 as the Battle Mountain Complex or BMC for grazing through
26 February 2014.
27 We agreed to run reduced numbers and prefer grazing in the
28 mountain areas.
29 On May 13th of 2013, BLM issued a full-force-and-effect
30 decision that closed the Battle Mountain Complex to livestock
31 grazing indefinitely. The decision specified that the closure
32 would remain in effect for the remainder of the drought plus one
33 growing season. This decision was based on the Battle Mountain
34 drought EA; however, the decision authorizing the EA remains
35 unsigned. Battle Mountain BLM has enforced the drought management
36 plan based on the drought EA. This is a clear violation of NEPA.
37 BLM has enforced the punitive portions of the drought
38 management plan without using -- without use of the mitigation
39 portions of the plan.
40 Furthermore, BLM has failed to follow the drought management

1 plan and how it will be used.

2 In 2014, BLM used the same tactic to close the majority of
3 the Argenta allotment, this time affecting four permittees. The
4 Argenta allotment consists of 800 -- 6 -- 186,173 acres of private
5 land, 56 percent private. It has a 141,690 acres of BLM land,
6 which is 43 percent. And then there's 365 -- 3,657 acres of
7 Bureau of Reclamation land, one percent.

8 BLM has not documented the process for determining when the
9 drought starts or end. We have been shut down on our grazing
10 land and our private water rights indefinitely based on an
11 illegal management plan.

12 Our proper- -- our private property and our livelihoods are
13 being threatened by BLM, particularly by BLM actions that are
14 illegal. BLM is not adhering to multiple-use statutes. The BLM
15 is not making science-based decisions.

16 That's kind of to bring you up to speed where we are right
17 now in 2015.

18 We brought before you a -- we met. There was a national
19 riparian service team that came out. They spent -- Laura and Mike
20 Lunns [sic] -- Laura Van Riper and Mike Lunns went around to the
21 five districts in Nevada and talked to people in the districts.
22 They spent a lot of time in northern Nevada.

23 And the -- the feedback that they got from the permittees
24 and some of the -- the BLM workers was -- that what is the
25 template for Nevada will be Argenta.

26 And if that is the case, a \$5 million industry will not be
27 here anymore. They will shut down livestock grazing in the state
28 of Nevada.

29 Because if the BLM is to determine when the drought is over
30 and when grazing season, this is the high desert of northern
31 Nevada. And when it rains, we have grass. And when it doesn't,
32 we don't.

33 So we're before you, we've -- I called Eureka County and I
34 talked to Jake Tibbitts. He sent me the resolution that they have
35 had on the books for several years. And they send that in to the
36 BLM yearly. And it's got some pretty good teeth in it. I talked
37 to Commissioner Mills about it. And he had kind of a problem with
38 it being kind of hard -- hard hearted and heavy handed.

39 But when we've had a federal agency that is -- that is
40 implementing regulations and there's no representation and no

1 feedback -- they've had their foot in the back of our neck for
2 several years.

3 So it might be heavy handed, but they don't have dirt in
4 their mouth. We do. And we're not going to be in business much
5 longer if this continues.

6 And I have vowed as a citizen of this county and a citizen
7 of the United States of America to shake every cage I have to in
8 order for this to stop and bring recognition. Because it not
9 only affects us, it affects everybody in this room. If you're a
10 consumer, you have skin in the game, whether you have a private
11 land right, private water rights, you want to farm, you want to
12 fish, you want to hunt, you want to drive your four wheeler out.

13 So I'm here to --

14 But the national riparian team, they came the week of
15 March 2nd. They had a meeting with us that day. And then on
16 the following 6th, they met with us. They went out on the
17 ground for three-and-a-half days. I wasn't able to participate,
18 but Lynn went with them every day, Sean and Angie.

19 And I think that their feedback is -- is something that we
20 can work with.

21 Doug Furtado has met with us all and said that he wants to
22 replace closures with management. Well, if that's case, then
23 let's see them opened up and then we can put plans on paper on
24 how we're going to manage these areas. As it stands right now,
25 North Buffalo, Copper Canyon have not had cattle on it for
26 two-and-a-half years. There's grass. And it's going to burn.

27 Argenta, the nine closed areas that they have identified as
28 their sensitive areas is closing down the mountain.

29 Dan and I cannot turn out because we will be in trespass
30 the first day. Sean and Angie and Filippini Ranching have
31 worked out a plan. And Tomera Ranching can use their private
32 land until May 15th. But if they can't go the mountain, they'll
33 have the sell their cows.

34 So if that is the commitment from BLM management instead of
35 closures, then what we're asking is that they open these areas
36 and let us -- help us manage them.

37 COMMISSIONER CLARK: So -- and to break this down to the
38 common denominator, again, we're talking basically about six
39 acres of critical riparian area that BLM refuses to allow the
40 ranchers to fence off so that they can turn their cattle out

1 without being in trespass?
2 Isn't that one of the --
3 EDDYANN FILIPPINI: It's closing down the mountain.
4 COMMISSIONER CLARK: Okay.
5 EDDYANN FILIPPINI: And Mill --
6 COMMISSIONER CLARK: And it's --
7 EDDYANN FILIPPINI: -- Creek is all -- I'll just say
8 this -- Mill Creek is a very long drainage --
9 COMMISSIONER CLARK: Right.
10 EDDYANN FILIPPINI: -- as you all -- there is one sensitive
11 areas that is less than an acre that we could fence off. The
12 national riparian team has prioritized it as a sensitive area
13 that could -- an exclosure could give immediate relief to that.
14 And then when I asked at the meeting, okay, we'll put in
15 the exclosure, we'll put out the -- put out some water troughs,
16 get them off the creek. So is that going to open up that --
17 that 10,000 acres? No.
18 The closure starts above the mill, above the campground and
19 goes up clear up the drainage.
20 COMMISSIONER CLARK: From above the campground to where?
21 SHAWN MARILUCH: All the way up.
22 EDDYANN FILIPPINI: Clear up to the top of the mountain.
23 UNIDENTIFIED PARTICIPANT: Up to gray stone.
24 COMMISSIONER CLARK: That's where the grass is.
25 LYNN TOMERA: Yes, sir.
26 RICHARD SMITH: Well, that's where -- I'm Richard Smith
27 from the --
28 VICE CHAIRWOMAN WAITS: I'm sorry, would you identify
29 yourself again for the record?
30 ~~RICHARD SMITH: Yeah. Richard Smith from Battle Mountain~~
31 ~~tribe.~~
32 VICE CHAIRWOMAN WAITS: Thank you.
33 RICHARD SMITH: This is where the American Indian Freedom
34 Act comes in. We are here -- the cattlemens are here to protect
35 my plants, which are called sacred plants. It was passed in
36 1978 by Jimmy Carter. This is where we come in with the
37 ranchers.
38 And they're closing down all -- just because of riparian act.
39 My plants are up high. And that's what I told the BLM. I want
40 them cattle up high. I don't know what they said to that. That's

1 where I come in with them.

2 VICE CHAIRWOMAN WAITS: Thank you.

3 EDDYANN FILIPPINI: Rich- -- the -- the Te-Moak tribe --
4 the tribe is our partner in this.

5 And we've been consulting and coordinating and cooperating
6 with Richard as a representative from the tribe.

7 And he's got just as much skin in this game as we do.

8 VICE CHAIRWOMAN WAITS: Thank you.

9 Do you have any more that you want to give us on an update
10 before we go to the resolution?

11 EDDYANN FILIPPINI: Lynn?

12 LYNN TOMERA: Lynn Tomera. I went this past week with the
13 national riparian service team. They're a team -- they're based
14 in Pineville, Oregon. But the Washington, D.C., BLM office sent
15 them on this fact-finding mission.

16 And I -- I really am hopeful that with -- they said over
17 and over again, "We don't make decisions, but we make
18 recommendations." And believe me, people listen to their
19 recommendations.

20 The three fellows that went with us are very experienced in
21 not only riparian management, but livestock -- using livestock
22 as a tool to take care of the fire danger to weed -- weed
23 control. They're very experienced. They're very -- they
24 listened to what we had to say in a common sense manner. They
25 didn't -- you know, they didn't just blow us off and think they
26 knew best what was best for us. They were -- I think they are
27 kind of our last best hope.

28 They -- they gave us some different tools that maybe some are
29 a little foreign to us: managing the cattle, putting out
30 low-moisture supplement blocks to keep the cattle off of the
31 riparian areas. They're going to have a stockmanship seminar the
32 23rd and 24th of this month that shows ways to keep the cattle
33 off of the riparian areas.

34 And I just think that this is maybe a step in the right
35 direction.

36 Like I said, they're our last and best hope.

37 EDDYANN FILIPPINI: Well, until the closures are opened,
38 the mountain's shut down. And the recommendations are coming
39 back. The riparian team will be back the 6th of April. It's
40 scheduled for April 7th and 8th at the civic center.

1 Everyone's in- -- you're all invited to attend.
2 And they will -- they will give us their recommendations.
3 COMMISSIONER CLARK: Okay, so I've known you for quite a
4 while, Shawn. I've never seen this -- this look on your face.
5 You're worried.
6 SHAWN MARILUCH: I am worried. And there's -- I think the
7 reason we're here, I mean, this morning we've heard a lot of
8 talk about economic development. Let's talk about economic
9 stability of what's here. And that's what's going on. And
10 that's why -- why we're here. I mean, we need help to sustain
11 our viability in this community.
12 COMMISSIONER CLARK: So -- and this is scary.
13 SHAWN MARILUCH: It is.
14 COMMISSIONER CLARK: The next step is -- okay, they have
15 this much control, then there's no hunting above? There's no
16 four wheeling above? There's no access above the campground?
17 You can't go and hike in and hunt? You can't take your four
18 wheeler up on those -- on those two tracks and hunt anymore?
19 That's where this is headed.
20 EDDYANN FILIPPINI: We're not crying wolf, Art. Yes, it
21 is.
22 COMMISSIONER CLARK: Absolutely.
23 EDDYANN FILIPPINI: It's out and out tyranny. And
24 everybody thinks that, well, it's just the poor, little pitiful
25 ranchers crying to the moon. Well, it's not.
26 COMMISSIONER CLARK: No, it's not. We've -- we've --
27 EDDYANN FILIPPINI: And we didn't come here from a --
28 nobody gave us a grant to show up here --
29 COMMISSIONER CLARK: Right.
30 EDDYANN FILIPPINI: -- to make our businesses here. We've
31 been here for generations.
32 We didn't just show up out of the turnip truck.
33 COMMISSIONER CLARK: And you're not going to shoot yourself
34 in the foot by overgrazing and by the destroying the areas you
35 depend on for your livelihood.
36 EDDYANN FILIPPINI: I'd love to have a grant. Believe me,
37 we could use it right now.
38 COMMISSIONER CLARK: Well, maybe we can work on that later
39 in the meeting.
40 LYNN TOMERA: And another thing -- I think Eddyann said

1 this, but I want to say it again -- the Argenta allotment is
2 kind of the poster child right now. But the entire state of
3 Nevada is just -- the ranching industry are just kind of sitting
4 back on their hands waiting to see what happens to the Argenta
5 allotment. But I guarantee you, what happens to us, good, bad,
6 or indifferent, is going to happen to the entire industry
7 because if they can shut down allotments that are the majority
8 is private ground, the -- the permittees hold the water rights,
9 we have all this going for us. And if they can take our private
10 property, disregard the fact that we've got private property,
11 and shut us down, put us out of business, everybody else is
12 easy. The others out of the railroad corridor, they're --
13 EDDYANN FILIPPINI: They're --
14 LYNN TOMERA: -- gone.
15 EDDYANN FILIPPINI: -- done. They already they have an --
16 LYNN TOMERA: They're gone.
17 EDDYANN FILIPPINI: -- eraser through their name. They're
18 done.
19 COMMISSIONER CLARK: Right.
20 LYNN TOMERA: And -- and it's not just going to -- like you
21 said, Art -- it doesn't just affect the -- the ranchers, the
22 federal land permittees. Anybody that hunts, anybody that
23 enjoys going out and looking at it, and if you don't think it's
24 going to affect the miners --
25 COMMISSIONER CLARK: Absolutely.
26 LYNN TOMERA: -- think again.
27 COMMISSIONER CLARK: Yeah, I --
28 COMMISSIONER MILLS: Okay. I have a couple of questions.
29 It seems that there's a lot of riding on this riparian team and
30 their recommendations. So I'm kind of curious about what the
31 cattle ranchers' trust level is in the riparian team and their
32 abilities and their -- what their recommendations might be, and
33 how much you're foreseeing you might follow their
34 recommendations.
35 SHAWN MARILUCH: Speaking for myself, I have a lot more
36 trust in the riparian team than I do the office that we deal
37 with.
38 COMMISSIONER MILLS: Okay.
39 How much --
40 EDDYANN FILIPPINI: Right -- right now we have a rogue

1 agency in the Battle Mountain district and some employees that
2 choose not to -- they're part of the problem instead of part of
3 the solution. And until that changes, there's going to be a lot
4 more rift.

5 COMMISSIONER MILLS: Okay. Well, that kind of leads to my
6 next question is: On the other hand, how much -- how much trust
7 does BLM put in what the riparian team is going to say, and how
8 much is the likelihood they will follow some of their
9 recommendations?

10 EDDYANN FILIPPINI: I don't think they have a choice.

11 SHAWN MARILUCH: Couldn't answer that for him really.

12 EDDYANN FILIPPINI: No.

13 LYNN TOMERA: No. But I think -- I think when it all comes
14 down -- because this isn't just -- the Battle Mountain district
15 didn't request these people's assistance. This came from --
16 from Washington, D.C.

17 SHAWN MARILUCH: And from us pressuring them.

18 LYNN TOMERA: Well, yes, exactly.

19 COMMISSIONER MILLS: Right.

20 LYNN TOMERA: Exactly.

21 EDDYANN FILIPPINI: And Amodei with his threat of the
22 congressional hearing, --

23 LYNN TOMERA: Which I hope is more than a threat.

24 EDDYANN FILIPPINI: -- which I hope it's not a threat. I
25 hope it happens.

26 SHAWN MARILUCH: But I think the main reason we're here is
27 the national riparian team with will be gone next year.

28 LYNN TOMERA: That's right.

29 SHAWN MARILUCH: And these issues aren't going away.

30 COMMISSIONER MILLS: Right.

31 COMMISSIONER CLARK: And the office here does not have to
32 follow their recommendations.

33 SHAWN MARILUCH: No, they do not.

34 EDDYANN FILIPPINI: No, they don't.

35 SHAWN MARILUCH: And if they do this year to make
36 themselves look good, that doesn't mean they go away.

37 COMMISSIONER CLARK: That's a good point.

38 SHAWN MARILUCH: We still have to go and deal with them
39 again next year --

40 COMMISSIONER CLARK: Year after year.

1 SHAWN MARILUCH: -- and the year after and the year after.

2 COMMISSIONER CLARK: And the --

3 EDDYANN FILIPPINI: This year we had an agreement with
4 them, Art. But the sunset of it was they wanted to make it --
5 when they made us sign that agreement on May 23rd, the BLM,
6 they had this bunch of restrictions about what we could and
7 couldn't do. And we couldn't live with it so we came up with
8 some that still gave us heartburn, but we signed it.

9 And the sunset was -- it was over February, which is the
10 end of the grazing season, 28, of this year. It would not carry
11 into 2015.

12 But the same thing could happen this year. We could have
13 another little agreement with the BLM and then have a sunset,
14 say, okay, we'll work with the riparian team. And then
15 February 28th, 2016, we're screwed.

16 LYNN TOMERA: Again.

17 EDDYANN FILIPPINI: And you know what? The fight's going
18 to keep going. And we're going to fight for our livelihood,
19 whether we're in the business or out of the business because
20 when -- we have nothing to lose.

21 COMMISSIONER CLARK: And Lander County has everything to
22 gain by supporting you folks.

23 VICE CHAIRWOMAN WAITS: Yes.

24 COMMISSIONER CLARK: Because if we lose access to our
25 public lands, they're going to squeeze mining. They're just
26 going to force Battle Mountain out of Battle Mountain. That's
27 the way I see it.

28 EDDYANN FILIPPINI: Well, we've been here a long time.

29 COMMISSIONER CLARK: Yeah.

30 VICE CHAIRWOMAN WAITS: Well, economically it would almost,
31 I mean, kill us. I mean, we can't lose ranching.

32 EDDYANN FILIPPINI: It's not --

33 COMMISSIONER CLARK: No.

34 EDDYANN FILIPPINI: -- just here. It's just not here. Go
35 to Austin and look at what they've already done in the reduction
36 of numbers --

37 COMMISSIONER CLARK: And you're not --

38 EDDYANN FILIPPINI: -- and the change of season of use. It
39 is criminal what is happening to our state and to our county.

40 COMMISSIONER CLARK: And this is 2005 is when this document

1 was published?
2 EDDYANN FILIPPINI: Yeah.
3 COMMISSIONER CLARK: And I'm going to try to do something
4 to help get --
5 EDDYANN FILIPPINI: Can we --
6 COMMISSIONER CLARK: -- us up --
7 EDDYANN FILIPPINI: -- get copies --
8 COMMISSIONER CLARK: -- to date.
9 EDDYANN FILIPPINI: -- of that? Yes.
10 COMMISSIONER CLARK: Yeah.
11 Make them copies of that.
12 EDDYANN FILIPPINI: And we had another thing that we wanted
13 to bring up is Eureka County does have a resource consultant.
14 And we would like to bring it forth that maybe we could have
15 a part-time -- through -- through the university or something --
16 something, a --
17 SHAWN MARILUCH: Well, I think it's in the county's best
18 interest because it's not just agriculture. You know, your
19 resource, whether he be a full-time employee manager or whether
20 he be a consultant or whatever. I mean, our revenue is mining,
21 ranching, farming, --
22 EDDYANN FILIPPINI: Recreation.
23 LYNN TOMERA: Recreation.
24 SHAWN MARILUCH: -- recreation. All resource issues.
25 VICE CHAIRWOMAN WAITS: I think that's something we
26 certainly want to continue with and not lose, however they
27 decide to do that.
28 And I'd like to move on to our resolution next.
29 COMMISSIONER CLARK: Right.
30 VICE CHAIRWOMAN WAITS: And you still had a comment?
31 RICHARD SMITH: Yeah. Yeah, I had a --
32 VICE CHAIRWOMAN WAITS: Oh, a couple. Okay.
33 RICHARD SMITH: Now, when they made this up for the tour of
34 the riparian people and the ranchers and everybody, they came in
35 here, okay, they -- they did not mention no Indian to be allowed
36 in this. And that is racial, I say. And I'm writing up a paper
37 to send to them right here. And it's going to be sent to these
38 people in Washington. And it says here on this one here from
39 the President Obama, it says to consult with American Indians,
40 and they're not doing it at all.

1 VICE CHAIRWOMAN WAITS: Thank you.
2 RICHARD SMITH: So that's why we're going after the BLM
3 too. I thank you guys.
4 COMMISSIONER BAKKER: Thank you.
5 VICE CHAIRWOMAN WAITS: Thank you. Yes.
6 JOHN FULLER: John Fuller.
7 You have before you what the issues are here. You're getting
8 ready to sign a contract for the BLM fire fighting, their tanker
9 service. What happens if you don't sign and say, get off of our
10 airport?
11 VICE CHAIRWOMAN WAITS: W- -- we --
12 DISTRICT ATTORNEY HERRERA: We -- we can't address that.
13 VICE CHAIRWOMAN WAITS: That's -- that's -- yeah.
14 DISTRICT ATTORNEY HERRERA: You can't address that on the
15 --
16 COMMISSIONER CLARK: Yeah. that's not on the agenda.
17 JOHN FULLER: If the county did that --
18 VICE CHAIRWOMAN WAITS: Yeah, we're --
19 JOHN FULLER: I'm just saying.
20 VICE CHAIRWOMAN WAITS: -- just on an update.
21 UNIDENTIFIED PARTICIPANT: I think we better --
22 VICE CHAIRWOMAN WAITS: Yeah.
23 COMMISSIONER MILLS: I don't know that that helps anybody.
24 VICE CHAIRWOMAN WAITS: Thank you, John.
25

26 7) Discussion and possible action regarding Resolution No.
27 2015-05, supporting the ranching and livestock industry, and
28 all other matters properly related thereto.
29

30 VICE CHAIRWOMAN WAITS: --Okay. --With that, let's move to
31 agenda number seven. Discussion and possible action regarding
32 Resolution Number 2015-05, supporting the ranching and livestock
33 industry, and all other matters properly related thereto.
34 And gentleman, you do have the resolution in front of you; so
35 we can discuss that to see what your comments are.
36 Mrs. Tomera pointed out it's pretty well set with -- close
37 to what Eureka has done on their resolution.
38 EDDYANN FILIPPINI: We've -- we've looked at the
39 resolution, and I submitted it to Keith.
40 And in there, it doesn't address the wild horses. And it

1 doesn't address the Native Americans' issues for their specific --
2 their sacred animals and medicinal plants.

3 I think that that needs to be wording that needs to be in
4 there because in southern Lander County we do have problems
5 with -- with the wild horses.

6 VICE CHAIRWOMAN WAITS: If you're okay with the time frame
7 then, perhaps we can take a look at that and bring it back on
8 our agenda for the next -- the very next one.

9 DISTRICT ATTORNEY HERRERA: That may not be a bad idea
10 because there's one part in here -- and I asked Keith to get
11 some background on this -- on the number of the sixth "whereas,"
12 it says that "the monitoring data and background information
13 going into making these restrictive decisions is often based on
14 flawed and/or objective subjective observations and is not based
15 on current rangeland science."

16 Now, I personally agree with that, but as an attorney, I'd
17 like to see some background for that before I can advise the
18 commission to -- to include that part.

19 So if they -- if they table this, not only can you work on
20 the other two provisions, but if you can provide some background
21 for that so I can advise the commission to adopt that as well.

22 VICE CHAIRWOMAN WAITS: We need to legally prove that
23 that's what they're doing?

24 EDDYANN FILIPPINI: We could have one of our range
25 consultants come in and testify to that.

26 DISTRICT ATTORNEY HERRERA: Or just give me some --

27 EDDYANN FILIPPINI: Or send --

28 DISTRICT ATTORNEY HERRERA: Or just give me some --

29 EDDYANN FILIPPINI: Send you some information.

30 DISTRICT ATTORNEY HERRERA: -- paperwork. Just give us
31 some background.

32 EDDYANN FILIPPINI: You got it.

33 SHAWN MARILUCH: Well, that's the thing. That's the thing.
34 They closed North Buffalo and Copper Canyon with- -- without any
35 monitoring. There was no scientific background to what they
36 were doing other than he was citing the drought?

37 EDDYANN FILIPPINI: It was drought triggered.

38 DISTRICT ATTORNEY HERRERA: Then we have to change the
39 words here so not make it a fact. We think that that's what
40 they're doing.

1 SHAWN MARILUCH: No, we know.
2 EDDYANN FILIPPINI: We know what they're doing.
3 DISTRICT ATTORNEY HERRERA: Then you need to provide me
4 with --
5 SHAWN MARILUCH: What can I provide you with? They don't
6 have information.
7 EDDYANN FILIPPINI: They don't have data.
8 SHAWN MARILUCH: We've freedom of information act all their
9 monitoring and data and --
10 DISTRICT ATTORNEY HERRERA: They're not --
11 SHAWN MARILUCH: -- there is --
12 DISTRICT ATTORNEY HERRERA: -- they're not providing
13 anything?
14 SHAWN MARILUCH: There's nothing.
15 COMMISSIONER BAKKER: There's, like, a lack of.
16 SHAWN MARILUCH: There's nothing to provide.
17 EDDYANN FILIPPINI: They don't have the inf- -- they don't
18 have the data, Ted.
19 DISTRICT ATTORNEY HERRERA: Well, yeah, obviously.
20 SHAWN MARILUCH: So -- so that's the --
21 EDDYANN FILIPPINI: So --
22 SHAWN MARILUCH: -- that's the reason that's in there.
23 DISTRICT ATTORNEY HERRERA: So I'm just rewording it.
24 EDDYANN FILIPPINI: So what you --
25 DISTRICT ATTORNEY HERRERA: Okay.
26 EDDYANN FILIPPINI: This drought EA that was written in the
27 Battle Mountain office by the Battle Mountain office in 2012 is
28 what shut down Copper Canyon and North Buffalo in 2013. And
29 it's not a -- it's not a signed document.
30 DISTRICT ATTORNEY HERRERA: So they haven't been able to
31 provide you with any -- with any current rangeland science to
32 back up their decisions?
33 EDDYANN FILIPPINI: That's correct.
34 DISTRICT ATTORNEY HERRERA: That's what I'm saying.
35 EDDYANN FILIPPINI: That is correct. And you're hearing it
36 from the horse's mouth.
37 DISTRICT ATTORNEY HERRERA: No. No. I believe you. Like
38 I said, personally, I believe that 100%. But as an attorney, I
39 just needed to ask those questions. So...
40 COMMISSIONER CLARK: So what's your recommendation, Ted?

1 DISTRICT ATTORNEY HERRERA: That we table --
2 COMMISSIONER BAKKER: Table it.
3 DISTRICT ATTORNEY HERRERA: -- today. Because the other
4 provisions with the Indians and the horses are very important --
5 important part of this resolutions --
6 COMMISSIONER BAKKER: Yeah.
7 DISTRICT ATTORNEY HERRERA: -- and this needs to be
8 reworded just slightly --
9 COMMISSIONER CLARK: Okay.
10 DISTRICT ATTORNEY HERRERA: And that we --
11 COMMISSIONER CLARK: So can I make a motion to table it and
12 then add something to it?
13 DISTRICT ATTORNEY HERRERA: What -- you certainly may. You
14 certainly may. We are considering having a special meeting
15 April...
16 SHAWN MARILUCH: Sixth.
17 DISTRICT ATTORNEY HERRERA: The week of April 7th and 8th.
18 COMMISSIONER CLARK: Okay.
19 DISTRICT ATTORNEY HERRERA: I think it might be wise to --
20 to table this and wait for that, listen to that, and then bring
21 it up after April 8th.
22 COMMISSIONER CLARK: Okay. I'd like to make a motion to
23 table the resolution until the results of April 6th and 7th?
24 Those are the two dates?
25 DISTRICT ATTORNEY HERRERA: Seventh and eighth.
26 EDDYANN FILIPPINI: Seventh and eighth.
27 COMMISSIONER CLARK: Seventh and eighth.
28 COMMISSIONER BAKKER: Are you guys okay with that?
29 LYNN TOMERA: Yeah, I'd rather --
30 DISTRICT ATTORNEY HERRERA: You can --
31 LYNN TOMERA: -- have it --
32 DISTRICT ATTORNEY HERRERA: have it --
33 LYNN TOMERA: -- done --
34 DISTRICT ATTORNEY HERRERA: -- then.
35 LYNN TOMERA: -- right.
36 COMMISSIONER CLARK: Okay.
37 (Simultaneous conversations.)
38 SHAWN MARILUCH: Yeah.
39 DISTRICT ATTORNEY HERRERA: We can have a --
40 EDDYANN FILIPPINI: Yeah, we --

1 LYNN TOMERA: Right.

2 EDDYANN FILIPPINI: Yeah, we need to be, like, -- we need
3 to be transparent and have -- You need to have the information
4 that's going to be provided to you and listen.

5 COMMISSIONER CLARK: Okay. My motion would be to table
6 this resolution until the results of the national riparian team
7 are known, and to direct --

8 DISTRICT ATTORNEY HERRERA: No, Art. Sorry. Excuse me.
9 We may never know the results of the riparian team until after
10 the riparian team meeting of April 7th and 8th.

11 COMMISSIONER CLARK: Right. Okay.

12 DISTRICT ATTORNEY HERRERA: But not the results, because
13 the problem is --

14 COMMISSIONER CLARK: Okay.

15 DISTRICT ATTORNEY HERRERA: -- they're not giving us --

16 COMMISSIONER CLARK: The report.

17 EDDYANN FILIPPINI: No. It's just recommendations.

18 DISTRICT ATTORNEY HERRERA: Yeah.

19 COMMISSIONER CLARK: The recom- -- okay. My motion will be
20 to table this until we get the report?

21 VICE CHAIRWOMAN WAITS: No. Until the meeting.

22 DISTRICT ATTORNEY HERRERA: Until the meeting.

23 COMMISSIONER CLARK: Okay.

24 COMMISSIONER MILLS: Until the meeting.

25 COMMISSIONER CLARK: Until the meeting?

26 DISTRICT ATTORNEY HERRERA: Until after the special
27 meeting.

28 COMMISSIONER CLARK: But, okay, I thought the report was
29 going to be disclosed at that time?

30 SHAWN MARILUCH: ~~It is supposed to. But if it does -- if~~
31 ~~it isn't --~~

32 COMMISSIONER CLARK: Okay.

33 EDDYANN FILIPPINI: Well, I think --

34 COMMISSIONER MILLS: Part is --

35 EDDYANN FILIPPINI: -- that the --

36

37 (Simultaneous conversations.)

38

39 COMMISSIONER MILLS: -- still just a recommendation.

40 COMMISSIONER CLARK: Okay.

1 EDDYANN FILIPPINI: May 15th is the date that they set for
2 the -- for the condensed report; right?
3 SHAWN MARILUCH: Right.
4 EDDYANN FILIPPINI: Is that -- does that make it the --
5 SHAWN MARILUCH: From Laura.
6 EDDYANN FILIPPINI: Right. From Laura Van Riper.
7 SHAWN MARILUCH: Mm-hm.
8 EDDYANN FILIPPINI: It's sticking in my head.
9 SHAWN MARILUCH: But the -- not -- but not -- not all of
10 her stuff with the three --
11 EDDYANN FILIPPINI: That's right.
12 SHAWN MARILUCH: -- riparian specialists --
13 EDDYANN FILIPPINI: Yes.
14 SHAWN MARILUCH: -- and stuff.
15 EDDYANN FILIPPINI: So but the riparian specialists that
16 were here from the national riparian service team will give
17 their recommendations the 7th and 8th of April.
18 UNIDENTIFIED PARTICIPANT: Okay, that's --
19 COMMISSIONER CLARK: Okay. Table -- I'd like to table this
20 resolution until April 8th. We'll have a meeting at that time.
21 Pending some further information. No. Okay.
22 COMMISSIONER BAKKER: Second.
23 EDDYANN FILIPPINI: Now --
24 COMMISSIONER CLARK: Four times.
25 Let's try the fourth time. Table this until April the 8th.
26 And at that time we'll bring it to vote.
27 VICE CHAIRWOMAN WAITS: Ex- --
28 COMMISSIONER CLARK: And direct Executive Director Keith
29 Westengard to start the process to find a natural resource
30 person for Lander County.
31 VICE CHAIRWOMAN WAITS: I --
32 DISTRICT ATTORNEY HERRERA: You need --
33 VICE CHAIRWOMAN WAITS: Yeah.
34 DISTRICT ATTORNEY HERRERA: -- two motions.
35 VICE CHAIRWOMAN WAITS: We -- we --
36 COMMISSIONER MILLS: We need --
37 VICE CHAIRWOMAN WAITS: -- two --
38 COMMISSIONER MILLS: -- two.
39 VICE CHAIRWOMAN WAITS: -- motions on that. But let's just
40 go back because --

1 COMMISSIONER MILLS: We just need to table this until after
2 the riparian meeting.
3 VICE CHAIRWOMAN WAITS: Right.
4 DISTRICT ATTORNEY HERRERA: Yes.
5 VICE CHAIRWOMAN WAITS: Just table it until after the
6 riparian meeting.
7 COMMISSIONER BAKKER: Well, table the --
8 SHAWN MARILUCH: That's one motion.
9 COMMISSIONER CLARK: My motion will be to table the
10 resolution until after the --
11 COMMISSIONER BAKKER: Riparian meeting.
12 VICE CHAIRWOMAN WAITS: Ripar- --
13 COMMISSIONER CLARK: -- riparian meeting. Okay.
14 COMMISSIONER BAKKER: Second.
15 COMMISSIONER CLARK: Let's vote on that.
16 COMMISSIONER BAKKER: Second.
17 VICE CHAIRWOMAN WAITS: Thank you. Okay, we have a motion
18 on the floor to table this until after the riparian meeting.
19 And it's been seconded by Commissioner Bakker.
20 Any other discussion?
21 (No comment.)
22 VICE CHAIRWOMAN WAITS: All those in favor?
23 UNIDENTIFIED PARTICIPANT: Patsy.
24 (No comment.)
25 COMMISSIONER CLARK: Aye.
26 COMMISSIONER BAKKER: Aye.
27 COMMISSIONER MILLS: Aye.
28 VICE CHAIRWOMAN WAITS: Aye.
29 Okay. That motion passes and now the --
30 COMMISSIONER CLARK: Now, --
31 VICE CHAIRWOMAN WAITS: -- next.
32 COMMISSIONER CLARK: I can make another motion --
33 DISTRICT ATTORNEY HERRERA: You can make --
34 COMMISSIONER CLARK: -- thereto?
35 DISTRICT ATTORNEY HERRERA: -- another motion. You can
36 make another --
37 COMMISSIONER CLARK: Okay. I would like to make a motion
38 to direct Keith Westengard to start the process of looking for a
39 natural resource officer for Lander County to assist with the
40 present problems and possible future problems facing Lander

1 County.

2 VICE CHAIRWOMAN WAITS: Excuse me, Counselor. But why
3 wouldn't that be on a separate agenda? That needs to be
4 discussed --

5 DISTRICT ATTORNEY HERRERA: Yeah.

6 VICE CHAIRWOMAN WAITS: -- in full, not just --

7 COMMISSIONER MILLS: That --

8 VICE CHAIRWOMAN WAITS: -- a motion here.

9 COMMISSIONER MILLS: We just --

10 VICE CHAIRWOMAN WAITS: Yeah.

11 COMMISSIONER MILLS: -- can't make a motion --

12 DISTRICT ATTORNEY HERRERA: Yeah, we can't do that.

13 COMMISSIONER MILLS: -- today to do it.

14 VICE CHAIRWOMAN WAITS: Okay.

15 COMMISSIONER CLARK: Okay.

16 DISTRICT ATTORNEY HERRERA: I had to hear the motion,
17 Patsy, before I could --

18 VICE CHAIRWOMAN WAITS: I see. Thank you.

19 Okay. We're moving on to agenda item number --

20 EDDYANN FILIPPINI: You guys just like seeing us; don't
21 you?

22 COMMISSIONER BAKKER: Yeah.

23 VICE CHAIRWOMAN WAITS: Well, no, stick around for eight.
24 We're almost done. Yeah.

25 EDDYANN FILIPPINI: We are?

26 SHAWN MARILUCH: We are?

27

28 8) Discussion for possible action regarding a special meeting
29 the week of April 6, 2015, at the Battle Mountain Civic
30 center to hear input from the National Riparian Committee on
31 grazing issues in Lander County, and other matters properly
32 related thereto.

33

34 VICE CHAIRWOMAN WAITS: Yeah. Discussion for possible
35 action regarding a special meeting of the week of April 6th,
36 2015, at the Battle Mountain civic center to hear input from the
37 National Riparian Committee on grazing issues in Lander County,
38 and other matters properly related thereto.

39 So if do a special meeting, are we talking about both days
40 a special meeting; is that --

1 KEITH WESTENGARD: The way I -- the way I worded it, the
2 week of April 6th, gives you the ability to go every day if you
3 want to, all day or one day. So it's -- you're able to go --
4 SHAWN MARILUCH: So it's --
5 KEITH WESTENGARD: -- all at the --
6 SHAWN MARILUCH: -- agendized?
7 KEITH WESTENGARD: -- same time.
8 EDDYANN FILIPPINI: It's agendized --
9
10 (Simultaneous cross talk.)
11
12 VICE CHAIRWOMAN WAITS: So it's agendized for the whole
13 week.
14 KEITH WESTENGARD: Yep.
15 EDDYANN FILIPPINI: Right. So if it goes --
16 VICE CHAIRWOMAN WAITS: But don't we have to call a meeting
17 each time when we agendize? I mean, it isn't like we just show
18 up.
19 KEITH WESTENGARD: No, but --
20 VICE CHAIRWOMAN WAITS: We have to call the meeting to --
21 So we need to know now do we not the set this --
22 KEITH WESTENGARD: Right.
23 VICE CHAIRWOMAN WAITS: So we need to know now; do we not?
24 To set this?
25 DISTRICT ATTORNEY HERRERA: Well, what -- I think what
26 Keith was saying there is that the way he worded the request
27 action item is to give you the opportunity and the choice to set
28 it on either the 7th or the 8th --
29 KEITH WESTENGARD: Or both days.
30 DISTRICT ATTORNEY HERRERA: -- or both days.
31 VICE CHAIRWOMAN WAITS: Right. That I understand.
32 DISTRICT ATTORNEY HERRERA: That's what he --
33 KEITH WESTENGARD: Correct.
34 VICE CHAIRWOMAN WAITS: But I'm asking now: Do you want us
35 to set one for the 7th and set one for the 8th?
36 DISTRICT ATTORNEY HERRERA: That's up --
37 VICE CHAIRWOMAN WAITS: Is it --
38 DISTRICT ATTORNEY HERRERA: -- to you.
39 VICE CHAIRWOMAN WAITS: -- all day?
40 DISTRICT ATTORNEY HERRERA: That's the issue --

1 VICE CHAIRWOMAN WAITS: Yeah.
2 DISTRICT ATTORNEY HERRERA: -- that's in front of you.
3 VICE CHAIRWOMAN WAITS: And -- yes -- and that's what I'm
4 asking.
5 COMMISSIONER CLARK: So that --
6 VICE CHAIRWOMAN WAITS: What I'm --
7 COMMISSIONER CLARK: -- we --
8 VICE CHAIRWOMAN WAITS: -- asking --
9 COMMISSIONER CLARK: -- can ratify --
10 VICE CHAIRWOMAN WAITS: -- then, --
11 COMMISSIONER CLARK: -- a resolution.
12 VICE CHAIRWOMAN WAITS: -- because are they going to be
13 there all day? -- would we have to be at the special meeting
14 from 8:00 in the morning until 5:00 in the evening?
15 LYNN TOMERA: Possibly.
16 EDDYANN FILIPPINI: Possibly. We are.
17 SHAWN MARILUCH: We just -- we just.
18 EDDYANN FILIPPINI: You're going to -- if we're going to
19 suffer, you are too.
20 SHAWN MARILUCH: We want to --
21 VICE CHAIRWOMAN WAITS: This is the -- this isn't we don't
22 want to suffer with this. I'm concerned about -- I mean,
23 doesn't mean we aren't going to show up, by all means, but I'm
24 saying to put -- to put on a special agenda means we need to do
25 different things. That's all.
26 EDDYANN FILIPPINI: Yeah. I get it. I was just being --
27 VICE CHAIRWOMAN WAITS: We're going to suffer with you or
28 not. Believe me.
29 KEITH WESTENGARD: That's what you're here to discuss. If
30 you want both days agendized, if you just want one-day. If you
31 want --
32 DISTRICT ATTORNEY HERRERA: -- or half of both days. It --
33 you --
34 KEITH WESTENGARD: -- or half.
35 DISTRICT ATTORNEY HERRERA: This is the decision that needs
36 to be made.
37 KEITH WESTENGARD: Or you can go the 6th -- or the 7th and
38 the 8th and then you want to do a special commission meeting the
39 9th. That's why the whole week is involved.
40 VICE CHAIRWOMAN WAITS: The 9th is our commissioners'

1 meeting.

2 KEITH WESTENGARD: You're right. I'm sorry. Right.

3 COMMISSIONER BAKKER: Can we do both days, and then if some
4 of them need to leave, we can just adjourn it and then two can
5 stay?

6 DISTRICT ATTORNEY HERRERA: You can always adjourn it.

7 COMMISSIONER BAKKER: Yeah. Just do both days.

8 COMMISSIONER CLARK: But I understand what Patsy's saying.
9 We need to come together at some point at the end to --

10 DISTRICT ATTORNEY HERRERA: At the beginning too.

11 COMMISSIONER BAKKER: And the beginning. Yeah.

12 DISTRICT ATTORNEY HERRERA: At the beginning too, Art.

13 COMMISSIONER CLARK: Okay. And -- but to ratify the
14 resolution.

15 DISTRICT ATTORNEY HERRERA: Well the resolution won't be
16 ready then.

17 COMMISSIONER BAKKER: And we're just talking about the
18 meeting.

19 DISTRICT ATTORNEY HERRERA: It's my understanding that
20 we're -- that your motion that you've presented will give the
21 commissioners the opportunity to listen to the --

22 COMMISSIONER CLARK: Okay.

23 DISTRICT ATTORNEY HERRERA: -- riparian people and then
24 to -- to then decide what type of resolution that --

25 COMMISSIONER CLARK: Okay.

26 DISTRICT ATTORNEY HERRERA: -- we need to sign.

27 COMMISSIONER CLARK: Well, I'm eager to get this resolution
28 passed.

29 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record. If
30 we could make sure in your motion to make it specific because
31 I'd have to have somebody there recording. If it's a special
32 and we have court both Tuesday and Wednesday, so I just need to
33 make sure I have the proper staffing, please.

34 COMMISSIONER BAKKER: So what are we doing here?

35 DISTRICT ATTORNEY HERRERA: So you're deciding -- you need
36 to discuss and decide if you want to go both days or one day.

37 COMMISSIONER BAKKER: I'd say both. That's just me.

38 DISTRICT ATTORNEY HERRERA: Okay, then make a motion.

39 COMMISSIONER MILLS: Then we need to give order.

40 COMMISSIONER BAKKER: What do you guys think?

1 COMMISSIONER CLARK: We don't all have to be all be here.
2 I mean, as long as we formalize it in the --
3 COMMISSIONER BAKKER: We have to have a quorum.
4 COMMISSIONER CLARK: -- beginning and --
5 COMMISSIONER MILLS: How much --
6 COMMISSIONER CLARK: -- formalize --
7 COMMISSIONER MILLS: -- time is --
8 COMMISSIONER CLARK: -- it at --
9 COMMISSIONER MILLS: -- the riparian --
10 COMMISSIONER CLARK: -- the end.
11 COMMISSIONER MILLS: -- team's going to need?
12 VICE CHAIRWOMAN WAITS: Wait just a minute. We've got some
13 double talk here.
14 Go ahead with your question, Commissioner Mills.
15 SHAWN MARILUCH: Well, --
16 COMMISSIONER MILLS: I was just wondering how much -- how
17 much time is the riparian team going to need?
18 SHAWN MARILUCH: I mean, it's --
19 COMMISSIONER MILLS: Any ideas?
20 SHAWN MARILUCH: -- it's going to be a lot of information.
21 COMMISSIONER MILLS: Because I want to give them the time
22 they need.
23 EDDYANN FILIPPINI: Just so that in case they needed it?
24 And it's not the --
25 VICE CHAIRWOMAN WAITS: The other consideration is this --
26 this is a special meeting. So we're going to be recording. And
27 we're going to have every single thing on those minutes for two
28 solid days. Now, I think we should be there. But do you want
29 us to just do an agenda for -- for one particular time?
30 DISTRICT ATTORNEY HERRERA: What kind of (indiscernible) --
31 VICE CHAIRWOMAN WAITS: I mean, I think we're really
32 overkill if -- if we've got two full days of --
33 COMMISSIONER MILLS: Of meeting?
34 VICE CHAIRWOMAN WAITS: -- of agenda meetings.
35 COMMISSIONER CLARK: Yeah.
36 COMMISSIONER MILLS: Well, that's true. I don't want to
37 two full days and just have them fill it up just because we made
38 it available. I want -- want to make it meaningful.
39 BERNARD WEHINGER: Ma'am.
40 VICE CHAIRWOMAN WAITS: Yes, sir.

1 BERNARD WEHINGER: Bernard Wehinger. I don't believe they
2 know when the riparian team is going to be available. So I
3 think you need to schedule it for two days. You can always have
4 it just one. But it's up to what the riparian team decides when
5 they're going to come to Battle Mountain.
6 SHAWN MARILUCH: I think they're scheduled to come --
7 EDDYANN FILIPPINI: They're scheduled, 7th --
8 SHAWN MARILUCH: Seventh and --
9 EDDYANN FILIPPINI: -- and 8th.
10 SHAWN MARILUCH: -- eighth. And they put the 8th on there
11 in case everything wasn't resolved, basically.
12 COMMISSIONER MILLS: Seventh and eighth.
13 BERNARD WEHINGER: But if you just --
14 SHAWN MARILUCH: And then --
15 BERNARD WEHINGER: -- schedule it for two days, you don't
16 have to have it for two days, but those days are open.
17 VICE CHAIRWOMAN WAITS: Thank you. I understand what
18 you're saying. My concern is that we have two full days of our
19 meeting so to speak. And they are talking. Now, we can
20 actually all -- all be there at the meeting. We just can't make
21 any decisions.
22 Help me with this, Counselor.
23 If -- if we don't put it on the agenda and we just agendize
24 it for the 9th, we can discuss anything else we need to on the
25 9th; right?
26 DISTRICT ATTORNEY HERRERA: But you can't -- but you can't
27 go two -- more than two of you can't --
28 SHAWN MARILUCH: That's --
29 DISTRICT ATTORNEY HERRERA: -- go there.
30 SHAWN MARILUCH: That's why --
31 COMMISSIONER MILLS: Yeah, we're --
32 SHAWN MARILUCH: -- we were --
33 COMMISSIONER MILLS: -- we're planning --
34 SHAWN MARILUCH: -- agendizing --
35 COMMISSIONER MILLS: -- this so --
36 SHAWN MARILUCH: -- this.
37 COMMISSIONER MILLS: -- all the commissioners could attend.
38 DISTRICT ATTORNEY HERRERA: But the only --
39 COMMISSIONER CLARK: Right.
40 DISTRICT ATTORNEY HERRERA: -- reason -- my understanding

1 is why you wanted to have a special meeting on the -- on the --
2 COMMISSIONER BAKKER: So that we all can discuss --
3 VICE CHAIRWOMAN WAITS: Right.
4 COMMISSIONER BAKKER: -- this.
5 VICE CHAIRWOMAN WAITS: But -- but I understood it was
6 going to be -- I'm sorry -- for sure --
7 DISTRICT ATTORNEY HERRERA: So all five of you can listen
8 to it.
9 EDDYANN FILIPPINI: That's right.
10 JUDGE SCHAEFFER: May I? I have a --
11 VICE CHAIRWOMAN WAITS: Judge Schaeffer.
12 JUDGE SCHAEFFER: -- little experience in this. Judge
13 William Schaeffer, for the record.
14 I believe that all you really need to do is, like you said,
15 just have it for two days. And it's not discussion for
16 decision; it's just discussion.
17 Okay.
18 EDDYANN FILIPPINI: Information.
19 JUDGE SCHAEFFER: You do your decision on the 9th or
20 whenever your regular meeting is. And they -- the beauty of it
21 is that allows you to not be constrained by the open meeting
22 law.
23 You can discuss among yourselves anything and somebody isn't
24 going to come from Carson City and the AG's office saying, hey,
25 you guys are colluding outside of the public and, you know, we've
26 got a problem.
27 That's where -- going way back in time -- but that's where
28 Dick Carver got into some trouble way back in the '90s, prior to
29 the USD, Nye County case. And that kind of thing has happened
30 to boards over and over.
31 So your DA is correct. You just need to get this -- I mean,
32 it doesn't have to be that complicated. But you need to get it
33 set for the two days, period. And it -- and you don't have to
34 have it for decision.
35 COMMISSIONER BAKKER: Ted, I'm going to make a motion. I
36 make a motion we do a special agendized meeting for April 7th
37 and 8th --
38 DISTRICT ATTORNEY HERRERA: For information and discussion.
39 COMMISSIONER BAKKER: -- at the Battle Mountain civic
40 center. Huh?

1 DISTRICT ATTORNEY HERRERA: For information and discussion.
2 COMMISSIONER BAKKER: For information and discussion only.
3 COUNTY CLERK SULLIVAN: And you'll let us know a start
4 time?
5 COMMISSIONER BAKKER: Yep. 7:30.
6 COUNTY CLERK SULLIVAN: 7:30?
7 RAY WILLIAMS: Could we have some public comment on that
8 item, please?
9 VICE CHAIRWOMAN WAITS: Did I get a second?
10 COMMISSIONER MILLS: I'll second.
11 VICE CHAIRWOMAN WAITS: Thank you. We have a motion by
12 Commissioner Bakker, a second by Commissioner Mills. Go ahead,
13 Austin.
14 RAY WILLIAMS: Yes. This is Ray Williams, chairman of the
15 PuLAC. And at our last meeting we discussed whether or not the
16 board would be attending the meeting. If all the members decide
17 to attend that meeting on Monday the 6th, then we could just
18 have our secretary just agendize it. We'd be there for
19 information. That would be the only item we'd have on the
20 full --
21 EDDYANN FILIPPINI: Seventh and eighth.
22 RAY WILLIAMS: -- agenda.
23 VICE CHAIRWOMAN WAITS: To clarify --
24 RAY WILLIAMS: (Indiscernible) we wouldn't have to have a
25 meeting on the 7th.
26 VICE CHAIRWOMAN WAITS: To clarify that for you,
27 Mr. Williams, it's the week of the 6th, but it's not on the 6th.
28 Your PuLAC meeting is the 6th. And the riparian meeting now has
29 been the 7th and 8th.
30 RAY WILLIAMS: Oh. Okay, I didn't -- I misunderstood. I
31 didn't hear that part. (Indiscernible, phone ringing.) We'll
32 work with an agenda so that it works with the meeting so all of
33 us can attend.
34 VICE CHAIRWOMAN WAITS: Okay, we have a motion on the floor
35 that we are going to agendize for the 7th and 8th riparian
36 meeting. Is there any other 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.
3 Okay.
4 SHAWN MARILUCH: Thank you.
5 VICE CHAIRWOMAN WAITS: That one passes --
6 COMMISSIONER BAKKER: Thank you, guys.
7 VICE CHAIRWOMAN WAITS: -- unanimously. Thank you, all.
8 EDDYANN FILIPPINI: Thank you.
9 COMMISSIONER MILLS: Do we need to agendize the meeting
10 to -- to take action on that --
11 VICE CHAIRWOMAN WAITS: Do you need a quick break?
12 COMMISSIONER CLARK: Yeah.
13 COMMISSIONER MILLS: -- resolution in favor.
14 DISTRICT ATTORNEY HERRERA: We can do that on the 9th, on
15 the 9th.
16 COMMISSIONER MILLS: That's the --
17 DISTRICT ATTORNEY HERRERA: We can do the --
18 COMMISSIONER MILLS: Okay. So that is a meeting anyway.
19 DISTRICT ATTORNEY HERRERA: So we'll agendize --
20 COMMISSIONER MILLS: All right.
21 DISTRICT ATTORNEY HERRERA: -- it to take action on the
22 resolution, because we --
23 SHAWN MARILUCH: Thanks for your time.
24 VICE CHAIRWOMAN WAITS: Excuse me. We're going to take a
25 quick five-minute break.
26 Austin, we're going to put you on mute.
27
28 (Break taken between 11:57 a.m. and 12:07 a.m.)
29

30 9) Discussion for possible action to approve the executive
31 director's job description, and other matters properly
32 related thereto.
33

34 VICE CHAIRWOMAN WAITS: Discussion for possible action to
35 approve the executive director's job direction, and other
36 matters properly related thereto.

37 KEITH WESTENGARD: Based on the meeting I had with
38 Commissioner Mills and Commissioner Clark and input from you,
39 Commissioner Waits and Commissioner Bakker, we came up with a
40 job description. And it's in your books.

1 DISTRICT ATTORNEY HERRERA: Legally -- from a legal -- I --
2 I noticed that by ordinance there's a job description for the
3 executive director.

4 So, if you accept this, at some point in time, we are going
5 to have to reconcile the fact that you're okaying a job
6 description here and there's one that's present by ordinance.

7 So I haven't done a comparison or a contrast or anything
8 else; so I can't advise today, if one counterdicts the other one.
9 And the ordinance would take precedent over this, unless this is
10 made an ordinance. So that's something else to consider, that
11 there is an ordinance with the executive director's job
12 description. I just saw that.

13 COMMISSIONER BAKKER: Well, --

14 COMMISSIONER MILLS: Okay.

15 VICE CHAIRWOMAN WAITS: We just haven't been using it,
16 apparently, since our executive director has not signed it. Is
17 that it?

18 DISTRICT ATTORNEY HERRERA: Well, no, there's an ordinance.
19 And he doesn't have to sign that. We don't have a policy and
20 procedure in effect in the county; so we have to -- we have to
21 reconcile these things at some point in time.

22 If you want to table just that part of this --

23 COMMISSIONER CLARK: Yeah.

24 DISTRICT ATTORNEY HERRERA: -- until I can reconcile the
25 ordinance with this, and then -- then what would be in front of
26 the commission is to either amend the ordinance, replace the
27 ordinance, or it could be almost identical. It could just be a
28 simple amendment, but --

29 JUDGE SCHAEFFER: Or how about --

30 DISTRICT ATTORNEY HERRERA: -- I --

31 JUDGE SCHAEFFER: -- repeal the ordinance? --

32 DISTRICT ATTORNEY HERRERA: -- have not yet. Huh?

33 JUDGE SCHAEFFER: You might repeal the ordinance too.

34 DISTRICT ATTORNEY HERRERA: You might repeal the ordinance
35 or replace it with this one. But I just haven't had the
36 opportunity or the time to --

37 COMMISSIONER CLARK: Now, there's -- there's something
38 about, it's better to have a process than a contract?

39 DISTRICT ATTORNEY HERRERA: Well, he's an at-will employee.
40 You don't want a contract.

1 COMMISSIONER CLARK: Okay.

2 VICE CHAIRWOMAN WAITS: For right now, I am going to add
3 that that was Judge Schaeffer that made the comment about
4 repealing. Thank you, Judge Schaeffer.

5 DISTRICT ATTORNEY HERRERA: So -- but there is an
6 ordinance. I guess what I'm saying is there is an ordinance.

7 VICE CHAIRWOMAN WAITS: Thank you.

8 DISTRICT ATTORNEY HERRERA: I've read -- I've read this.
9 And I have no problems with this. This is -- this is very well
10 done. But I haven't been able to reconcile it with the
11 ordinance; so I can't advise you whether or not it changes the
12 ordinance.

13 VICE CHAIRWOMAN WAITS: We got it. Thank you. Gentlemen?

14 COMMISSIONER BAKKER: Let's make a motion to table it until
15 you --

16 COMMISSIONER MILLS: Yeah, let's reconcile those.

17 COMMISSIONER BAKKER: Yeah.

18 COMMISSIONER MILLS: Let's do this --

19 COMMISSIONER CLARK: Yeah.

20 COMMISSIONER MILLS: -- once.

21 COMMISSIONER BAKKER: Yeah.

22 COMMISSIONER CLARK: Yeah.

23 VICE CHAIRWOMAN WAITS: Well, that was different. All
24 three of you were on that motion. Do you want to start over,
25 please?

26 COMMISSIONER BAKKER: I make a motion to table this until
27 Ted can reconcile the two job descriptions.

28 DISTRICT ATTORNEY HERRERA: The ordinance with this job.

29 COMMISSIONER BAKKER: The ordinance with this job
30 description.

31 COMMISSIONER MILLS: I second.

32 VICE CHAIRWOMAN WAITS: Thank you. Made by Commissioner
33 Bakker and seconded by Commissioner Mills.

34 All, -- any other public comment?

35 (No comment.)

36 VICE CHAIRWOMAN WAITS: All those in favor?

37 COMMISSIONER BAKKER: Aye.

38 COMMISSIONER MILLS: Aye.

39 COMMISSIONER CLARK: Aye.

40 VICE CHAIRWOMAN WAITS: Aye. Thank you. That passes.

1 10) Discussion for possible action for evaluation of the
2 executive director, to remove him from probation, and to
3 provide for a \$5000.00 pay increase effective immediately,
4 and other matters properly related thereto.
5

6 VICE CHAIRWOMAN WAITS: And we move on to the agenda number
7 ten. Discussion for possible action for evaluation of the
8 executive director, to remove him from probation, and to provide
9 for a \$5,000 pay increase, effective immediately, and other
10 matters properly related thereto.

11 My first question is on the evaluations. I know we were
12 looking at the job description. And apparently, we didn't have
13 a good evaluation tool for the accountability and -- and where
14 you were on it. So are we still working on the evaluation or --

15 KEITH WESTENGARD: Yes. We were going to discuss the
16 evaluation, the procedure -- procedures that we talked about or
17 that -- that were discussed.

18 So I need to know what -- what you want as far as
19 procedures.

20 I know Commissioner Clark and I had talked about
21 evaluations every six months. We talked about in the event of
22 --

23 DISTRICT ATTORNEY HERRERA: That's in the ordinance.
24 Since there's an ordinance, I don't know if we should make --
25 take action on that part of this evaluation, if there's an
26 evaluation process in the ordinance.

27 KEITH WESTENGARD: Okay.

28 DISTRICT ATTORNEY HERRERA: You know what I'm saying?

29 KEITH WESTENGARD: Right. Okay.

30 DISTRICT ATTORNEY HERRERA: I'm more -- Ted Herrera, for
31 the record.

32 What I'm telling Keith is that now that we know an
33 ordinance is in place covering executive director -- and I
34 haven't been able to thoroughly read that -- there may be a
35 provision in there for evaluation. There may not be.

36 And -- and if there isn't, you may want to throw in an
37 evaluation process. But I can't tell you at this time if you're
38 doing -- doing the job twice.

39 COMMISSIONER CLARK: Right.

40 VICE CHAIRWOMAN WAITS: I understand.

1 DISTRICT ATTORNEY HERRERA: Okay.
2 VICE CHAIRWOMAN WAITS: I did think our motion last time
3 was for the job description and evaluation. That's why I was
4 asking, --
5 DISTRICT ATTORNEY HERRERA: So --
6 VICE CHAIRWOMAN WAITS: -- but apparently we don't have
7 that.
8 DISTRICT ATTORNEY HERRERA: So that should be tabled with
9 the -- with the job description.
10 COMMISSIONER MILLS: I -- Patsy, with that information that
11 you gave me before Art --
12 COMMISSIONER CLARK: We included --
13 COMMISSIONER MILLS: -- met with --
14 COMMISSIONER CLARK: -- it all.
15 COMMISSIONER MILLS: -- Keith, that was part of that, that
16 you gave me --
17 COMMISSIONER CLARK: Yeah.
18 COMMISSIONER MILLS: -- to turn in at the same time. So I
19 think, wasn't that also done? The evaluation and the job --
20 DISTRICT ATTORNEY HERRERA: Right. So they --
21 COMMISSIONER MILLS: -- description --
22 DISTRICT ATTORNEY HERRERA: -- should be --
23 COMMISSIONER CLARK: Description.
24 COMMISSIONER MILLS: -- were given to you both at --
25 DISTRICT ATTORNEY HERRERA: It should be one thing.
26 COMMISSIONER MILLS: -- the same time. So -- yeah, we --
27 that was there. And that was part of what we discussed at that
28 last meeting.
29 VICE CHAIRWOMAN WAITS: I guess what I was looking for is
30 an evaluation form --
31 COMMISSIONER MILLS: Right.
32 VICE CHAIRWOMAN WAITS: -- where we can say, Has he done
33 this?
34 COMMISSIONER MILLS: Right.
35 VICE CHAIRWOMAN WAITS: Or has the executive director
36 performed -- or how have they performed on this? So you can
37 mark and put percentages and maybe we'll have to go with some of
38 the other counties. Somebody's going to have some evaluation
39 forms.
40 DISTRICT ATTORNEY HERRERA: Well, I think -- I think HR --

1 I would suggest that -- that you have HR do a search of other
2 counties to see if they have and applicable evaluation sheet
3 that you can follow for -- for all your employees in the
4 legislative branch.

5 VICE CHAIRWOMAN WAITS: And how does the commission feel
6 about that?

7 COMMISSIONER MILLS: I think it's a good idea. But
8 aren't -- aren't you working on some of that, Keith?

9 KEITH WESTENGARD: Yes.

10 COMMISSIONER MILLS: Okay.

11 KEITH WESTENGARD: Yeah.

12 COMMISSIONER MILLS: So that's --

13 KEITH WESTENGARD: We are working --

14 COMMISSIONER MILLS: the only reason -- I think that's
15 already --

16 KEITH WESTENGARD: Actively working.

17 COMMISSIONER MILLS: -- in process.

18 VICE CHAIRWOMAN WAITS: And I assume then that you are also
19 working with HR on that? So -- okay. Done deal. We'll just
20 wait on that one. Okay.

21 COMMISSIONER CLARK: So this is --

22 VICE CHAIRWOMAN WAITS: Now --

23 COMMISSIONER CLARK: -- a simple straight up or down
24 process right now?

25 We -- because of the -- the interfacing of the job
26 description and the ordinance.

27 KEITH WESTENGARD: Right.

28 COMMISSIONER CLARK: Okay.

29 DISTRICT ATTORNEY HERRERA: I have what's suggested here.
30 And I have the ordinance in my office.

31 And I will reconcile them and see if -- and bring to
32 commission's attention any differences or conflicts or contrasts.

33 COMMISSIONER CLARK: Okay. And then we can take an
34 evaluation form from another district and put that together with
35 --

36 DISTRICT ATTORNEY HERRERA: On the same --

37 COMMISSIONER CLARK: -- our unique needs.

38 DISTRICT ATTORNEY HERRERA: In the same meeting.

39 COMMISSIONER CLARK: Right.

40 VICE CHAIRWOMAN WAITS: Okay. So on agenda item number

1 ten, we're not discussing the evaluation, since we have to wait
2 for that, but we can still go ahead and discuss the \$5,000 pay
3 increase; is that correct?

4 DISTRICT ATTORNEY HERRERA: That's correct.

5 KEITH WESTENGARD: And probation too.

6 COMMISSIONER MILLS: And probation.

7 DISTRICT ATTORNEY HERRERA: And probation.

8 COMMISSIONER CLARK: And probation.

9 KEITH WESTENGARD: And probation.

10 COMMISSIONER CLARK: Take him off of probation.

11 KEITH WESTENGARD: Right.

12 DISTRICT ATTORNEY HERRERA: Since probation and the pay
13 increase is not part of the evaluation, they're separate things.

14 VICE CHAIRWOMAN WAITS: I, personally, think it should be.
15 I don't know how I can do a pay increase if I don't see an
16 evaluation. But that's a different matter.

17 DISTRICT ATTORNEY HERRERA: That's a different matter.

18 VICE CHAIRWOMAN WAITS: But as far as the probation that
19 was put on, gentlemen, when we -- we combined the safety
20 director's job description with the executive director's.

21 And because of that, we gave him quite a nice, healthy
22 increase because we were combining the two.

23 With that, the motion was made that it be a probationary
24 period for six months. That's why. And that might be a little
25 bit unusual because it wasn't necessarily our executive director
26 who was on probation. It was the position that was more on
27 probation to see if the two would work.

28 But we have already actually taken those two positions and
29 separated them.

30 COMMISSIONER MILLS: That's -- that's right.

31 COMMISSIONER CLARK: And that's what the minutes reflect
32 when Keith was taken from one position and put to the executive
33 director that it was to be separated in the future.

34 And so he jumped in as executive director. And he was paid
35 out of the executive director funds at the executive director
36 rate.

37 And the way I understand it now, we need to vote whether or
38 not Keith is off probation.

39 DISTRICT ATTORNEY HERRERA: From what?

40 COMMISSIONER CLARK: The 5,000-dollar increase.

1 DISTRICT ATTORNEY HERRERA: That's two.
2 We need to separate these.
3 COMMISSIONER BAKKER: Two motions.
4 DISTRICT ATTORNEY HERRERA: Two motions.
5 VICE CHAIRWOMAN WAITS: Mm-hm.
6 DISTRICT ATTORNEY HERRERA: You have to decide first --
7 first by independent separate motion, whether or not you, as a
8 board, want to take him off probation.
9 COMMISSIONER CLARK: Okay.
10 DISTRICT ATTORNEY HERRERA: Once that's settled.
11 Obviously, if you continue on probation, then, you know, you
12 wouldn't really want to contemplate a salary increase while
13 somebody is on probation.
14 COMMISSIONER CLARK: Be when you get off probation, don't
15 you automatically -- isn't there an automatic increase past
16 precedence?
17 VICE CHAIRWOMAN WAITS: No.
18 DISTRICT ATTORNEY HERRERA: You guys decide that by issue.
19 But it's today. You agendized both issues.
20 COMMISSIONER BAKKER: I want to make a motion that we take
21 Keith Westengard off of probation as the executive director.
22 DISTRICT ATTORNEY HERRERA: Immediately?
23 COMMISSIONER BAKKER: Immediately.
24 COMMISSIONER MILLS: I second that motion.
25 COMMISSIONER BAKKER: Okay.
26 VICE CHAIRWOMAN WAITS: Thank you. Motion on the floor by
27 Commissioner Bakker and seconded by Commissioner Mills. Is
28 there any other discussion?
29 (No comment.)
30 VICE CHAIRWOMAN WAITS: Any public comment?
31 (No comment.)
32 VICE CHAIRWOMAN WAITS: All in favor?
33 COMMISSIONER MILLS: Aye.
34 COMMISSIONER BAKKER: Aye.
35 COMMISSIONER CLARK: Aye.
36 VICE CHAIRWOMAN WAITS: Aye.
37 Thank you.
38 Okay, now we move on to the request for the \$5,000 pay
39 increase.
40 COMMISSIONER CLARK: I'll make a motion that we -- anybody

1 want to talk?

2 VICE CHAIRWOMAN WAITS: I certainly want to discuss it.

3 COMMISSIONER CLARK: Well, go ahead.

4 VICE CHAIRWOMAN WAITS: But I can discuss it after your
5 motion too. That's fine. Okay. I have a couple of things on
6 this.

7 Number one, as I mentioned before, we actually gave Keith
8 quite a nice increase to take over two positions.

9 And then the one position was dropped. So he actually is, I
10 think, making a very nice sum as our executive director.

11 If we automatically give him this \$5,000-dollar increase, he
12 will not only be the highest paid county personnel, but my problem
13 isn't that so much as it is the experience.

14 I am pleased to have Keith as our executive director. I
15 can't even tell you how excited I am that he stepped into that
16 position and grabbed ahold of it with both horns, and he's doing a
17 wonderful job.

18 But I can't begin to compare it with someone else that sits
19 in this position for other counties that have actually come in
20 with a lot more experience.

21 If we would have taken this amount of money that he will be
22 getting and we would advertise for an executive director, I know
23 we would have people with many, many years' experience coming in
24 for us. And I don't mean management experience. He certainly
25 has -- has that. That's why he has this position.

26 But as far as the county experience, we have many counties
27 where people have moved up from -- they were comptrollers for many
28 years. They were commissioners for many years, whatever, and they
29 had backgrounds and sometimes 10, 15 years, and then stepped into
30 the position.

31 ~~The people that -- that we actually had apply for this~~
32 ~~position when we hired Jim Olsen were many qualified~~
33 ~~individuals. I think our problem was we didn't act swiftly~~
34 ~~enough and those applications sat there. And we did not~~
35 ~~interview quickly. And when we got ready to interview, we lost~~
36 ~~a couple really good people. And that was for a lot lower~~
37 ~~salary.~~

38 So I know that if we had this kind of a salary that we were
39 offering that we could get someone with a lot of years'
40 experience.

1 Now, not to say that they would be any better than what we
2 have, but I want us to compare apples to apples on what we're
3 doing.

4 Our county is a very small county. It is not a lot of
5 people that we actually have. And based on that, our wages are
6 very, very good.

7 Keith also would be getting the raise that we automatically
8 give our employees in July. So if we do that and that comes in at
9 four percent this year, that's almost a 10,000-dollar raise. And
10 he hasn't been through an evaluation. And he hasn't even been
11 here a year. So I'm having a real problem with an automatic
12 increase of \$5,000. I would like him to settle for wonderful
13 kudos from all of us.

14 That's my opinion. Thank you.

15 COMMISSIONER CLARK: Okay.

16 I've been working in public agencies since 1975. And I have
17 worked with some of the best administrators at that the state ever
18 produced, the pillars of the educational community that fought for
19 kids and did all the right things.

20 And I've also worked for the worst. So I have a good tape
21 measure there.

22 I think that Keith has all the qualities needed to fit the
23 category of being a good administrator. Okay.

24 He's been here for six months. He hasn't been evaluated.
25 But it's been a baptism by fire for Keith. And he's weathered the
26 storm.

27 The way Lander County school district survived was to attract
28 and retain and keep good people. And they did that with salary.

29 So anybody else have anything to say? I'm ready to make a
30 motion.

31 VICE-CHAIRWOMAN WAITS: We had a public comment.

32 JENNIFER O'KANE: Hi, Jennifer O'Kane. I have had
33 wonderful dealings with Keith, whether he has the past years'
34 experience or not.

35 Sorry.

36 I would, if I could, I'd pay this man \$300,000 a year for
37 what he has come into. So...

38 COMMISSIONER CLARK: I wouldn't pay him that much.

39 VICE-CHAIRWOMAN WAITS: Thank you, Jennifer.

40 JENNIFER O'KANE: For what he has come in and done in a

1 very short time, it -- I'll be the first person to complain.
2 He's -- he's stepped up to the plate to where a lot of people
3 wouldn't step up to the plate for our community.
4 VICE CHAIRWOMAN WAITS: That's what he gets the big bucks
5 for. Thank you.
6 COMMISSIONER BAKKER: I just want it known for Keith to get
7 this raise, after this year, you will forego all automatic
8 raises.
9 KEITH WESTENGARD: That will be in the --
10 COMMISSIONER BAKKER: And Ted, you'll write that up?
11 KEITH WESTENGARD: -- procedures.
12 DISTRICT ATTORNEY HERRERA: If you guys vote on that,
13 absolutely.
14 COMMISSIONER CLARK: Yeah.
15 COMMISSIONER BAKKER: And then it'll be by commission only.
16 KEITH WESTENGARD: Yeah, it'll be annually by the
17 commission whether there is a salary adjustment or not. That's
18 up to you guys --
19 COMMISSIONER CLARK: Okay.
20 KEITH WESTENGARD: -- after that.
21 DISTRICT ATTORNEY HERRERA: We can write that that -- if
22 you advise me to do that, we can write it up in -- in his --
23 COMMISSIONER BAKKER: Policy.
24 DISTRICT ATTORNEY HERRERA: -- job description.
25 COMMISSIONER BAKKER: Yeah.
26 COMMISSIONER CLARK: Okay.
27 DISTRICT ATTORNEY HERRERA: Make it part of the -- we can
28 make it part of the ordinance, if you want. You advise me how
29 to do it, and I'll do it.
30 COMMISSIONER CLARK: I make a motion that we give the
31 executive director his \$5,000 annual salary increase.
32 KEITH WESTENGARD: No.
33 VICE CHAIRWOMAN WAITS: No. No.
34 DISTRICT ATTORNEY HERRERA: No.
35 COMMISSIONER MILLS: Not annual.
36 VICE CHAIRWOMAN WAITS: Not annual.
37 DISTRICT ATTORNEY HERRERA: That's kind of going --
38 COMMISSIONER BAKKER: One time.
39 COMMISSIONER CLARK: Oh, okay.
40 The one time --

1 DISTRICT ATTORNEY HERRERA: He's reading off of this.
2 COMMISSIONER CLARK: Hold on a second.
3 DISTRICT ATTORNEY HERRERA: He's reading off of this.
4 COMMISSIONER CLARK: Ready? Make a motion to give
5 executive director, Keith Westengard, a one-time, \$5,000 salary
6 increase that starts now.

7 COMMISSIONER MILLS: I'll second.

8 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
9 Commissioner Clark and seconded by Commissioner Mills that we
10 give the 5,000-dollar pay increase immediately. Any other
11 public comment?

12 (No comment.)

13 VICE CHAIRWOMAN WAITS: All those in favor?

14 COMMISSIONER MILLS: Aye.

15 COMMISSIONER BAKKER: Aye.

16 COMMISSIONER CLARK: Aye.

17 VICE CHAIRWOMAN WAITS: Thank you. For the record, I am
18 opposed.

19 Thank you so much.

20 And thank you, Keith.

21 KEITH WESTENGARD: Thank you.

22 VICE CHAIRWOMAN WAITS: Moving on to agenda item number
23 12 -- oh, excuse me -- 11.

24 DISTRICT ATTORNEY HERRERA: Eleven.

25 VICE CHAIRWOMAN WAITS: Time is short.

26
27 11) Discussion for possible action to approve/disapprove a
28 contract between Lander County and Elko County Library Board
29 of Trustees for FY 2015-2016 in the amount of \$107,126.00 for
30 the operation of the Battle Mountain library, and other
31 matters properly related thereto.
32

33 VICE CHAIRWOMAN WAITS: Number 11, discussion for possible
34 action to approve or disapprove a contract between Lander County
35 and the Elko County Library Board of Trustees for fiscal year
36 2015-2016 in the amount of \$107,126 for the operation of the
37 Battle Mountain library, and other matters properly related
38 thereto.

39 KEITH WESTENGARD: This is our annual contract. I received
40 it about five weeks ago. I've given it to the district attorney

1 to look over. And he's looked it over. And it is just an
2 annual renewal.

3 DISTRICT ATTORNEY HERRERA: This -- this is in looking and
4 comparing the contract with last year's contract, Elko County is
5 providing a valuable resource for this county by this contract.
6 And this year's contract is -- is \$4,292 more than it was last
7 year. I just have to bring that up. They -- they -- they put
8 down at the end of the contract -- and it's in your -- it's in
9 your paperwork -- where that money goes to.

10 And it's all legitimate. I -- this -- this increase is based
11 on inflation, if nothing else, because these are all legitimate
12 expenses.

13 COMMISSIONER CLARK: A 4,000-dollar increase? Did you --

14 DISTRICT ATTORNEY HERRERA: Yes.

15 VICE CHAIRWOMAN WAITS: \$4,292.

16 COMMISSIONER CLARK: Okay.

17 VICE CHAIRWOMAN WAITS: Yes.

18 DISTRICT ATTORNEY HERRERA: Yes. Over last year.

19 COMMISSIONER CLARK: Does this cover Austin library?

20 DISTRICT ATTORNEY HERRERA: Yes, it --

21 VICE CHAIRWOMAN WAITS: Absolutely.

22 DISTRICT ATTORNEY HERRERA: -- does.

23 COMMISSIONER CLARK: Okay.

24 VICE CHAIRWOMAN WAITS: Three days a week. Not full days,
25 but 19 hours?

26 KEITH WESTENGARD: Yes, per week.

27 COMMISSIONER CLARK: The only concern, that I have heard
28 about the library, is that the computers lack -- are lacking.
29 So that's -- that's my only concern. Do we take care of the IT
30 over there?

31 KEITH WESTENGARD: At the library?

32 COMMISSIONER CLARK: Yeah.

33 VICE CHAIRWOMAN WAITS: That's their cost.

34 DISTRICT ATTORNEY HERRERA: It's their cost.

35 VICE CHAIRWOMAN WAITS: The Internet is their cost. Most
36 of it is ours, if you look at what's in your paperwork.

37 COMMISSIONER CLARK: Who supplies the computers?

38 VICE CHAIRWOMAN WAITS: The actual computers would be
39 theirs too, I believe; isn't it?

40 KEITH WESTENGARD: I believe we supply them, but they

1 maintain them.

2 DISTRICT ATTORNEY HERRERA: They maintain them.

3 KEITH WESTENGARD: I can double check on that.

4 COMMISSIONER CLARK: Okay. That's the only concern that
5 I've had about -- that's come my way is that the computers don't
6 work sometimes or a lot of the time. But that's my only
7 concern.

8 VICE CHAIRWOMAN WAITS: Just the computers, not the
9 internet; right?

10 DISTRICT ATTORNEY HERRERA: There's --

11 COMMISSIONER CLARK: Well, --

12 DISTRICT ATTORNEY HERRERA: You asked about Austin.
13 There's 1,500 volumes in Austin. There's 4,200 volumes in
14 Battle Mountain. And then the computers --

15 COMMISSIONER CLARK: Well, Keith will check into that.

16 KEITH WESTENGARD: I'll check into that.

17 VICE CHAIRWOMAN WAITS: Gentlemen?

18 COMMISSIONER MILLS: Okay, I make a motion that we approve
19 the contract between Lander County and Elko County Library Board
20 of Trustees for the fiscal year 2015-2016 in the amount of
21 \$107,126 for the operation of the Battle Mountain library.

22 COMMISSIONER BAKKER: Second.

23 VICE CHAIRWOMAN WAITS: No, no. No, no. It's not -- it's
24 the operation of Lander County libraries, or Battle Mountain and
25 Austin, however you want to do that.

26 COMMISSIONER MILLS: Okay, let me change this.

27 For the operation of the Lander County libraries.

28 COMMISSIONER BAKKER: Second.

29 VICE CHAIRWOMAN WAITS: Thank you.

30 Moved and seconded.

31 Any other further discussion?

32 (No comment.)

33 VICE CHAIRWOMAN WAITS: Any public comment?

34 (No comment.)

35 VICE CHAIRWOMAN WAITS: Okay, motion was made by
36 Commissioner Mills, seconded by Commissioner Bakker.

37 All those in favor?

38 COMMISSIONER BAKKER: Aye.

39 COMMISSIONER MILLS: Aye.

40 VICE CHAIRWOMAN WAITS: Commissioner?

1 COMMISSIONER CLARK: Aye.
2 VICE CHAIRWOMAN WAITS: And aye. That passes unanimously.
3 Thank you so much.
4

5 **12) Discussion for possible action regarding a letter of support**
6 **regarding a BLM land transfer to Battle Mountain Band and**
7 **authorization for the executive director to sign, and other**
8 **matters properly related thereto.**
9

10 VICE CHAIRWOMAN WAITS: We are on agenda item number 12.
11 Discussion for possible action regarding letter of support
12 regarded a BLM land transfer to Battle Mountain Band and
13 authorization for the executive director to sign, and other
14 matters properly related thereto.

15 KEITH WESTENGARD: I lost my train of thought.

16 DISTRICT ATTORNEY HERRERA: This is a letter of support --

17 KEITH WESTENGARD: Thanks.

18 DISTRICT ATTORNEY HERRERA: -- of what's already going on.
19 It's already happening.

20 So the county is -- by making -- taking action and agreeing
21 to send a letter of support regarding a transfer the BLM is
22 already doing to the Indian colony, that's what this is.

23 KEITH WESTENGARD: We met -- Jan and I met with Joseph
24 Holly, the chairman of the Battle Mountain Band council, Dennis
25 Vlog he's the engineer of record, the contractor of record. As
26 everybody's aware, they're building a casino out by the water
27 tower. It's on Indian land. It's going to be a casino. It's
28 going to be a hotel, as well as a restaurant.

29 They're going to -- this project is starting this week or
30 next week.

31 It's -- it's already in the works.

32 It's on Indian land. They don't even come -- they don't even
33 have to come to the county for anything. They can just do it.

34 This is land. I have a map here if you'd like to see it.

35 It's two quarter parcels that they want to have transferred.

36 They're already in the works of transferring it from BLM. It's
37 disposable land. BLM is going to transfer it to the Battle
38 Mountain Band.

39 With our support, our letter of support, all it does is speed
40 up the process for them to get that land transferred.

1 Like I say, I have map here I can give you copies of it, if
2 you'd like.

3 What this helps us out with is they are going to build a
4 road from the -- what is that? -- 231? The west exit? The 231.

5 RICHARD SMITH: 229.

6 KEITH WESTENGARD: 229. It will go from the 229 to the
7 casino, which is right next to that water tower there, which is
8 about almost halfway of the road that we're talking about
9 putting in to make a connecting road to the 305.

10 So that's what the letter is about. They're doing to do it
11 regardless of whether we support it or not, but --

12 COMMISSIONER CLARK: The conversation about the fire
13 company that you told me about?

14 DISTRICT ATTORNEY HERRERA: I don't know if we should make
15 that a part of public record because -- because we don't have
16 anything on paper to verify that.

17 KEITH WESTENGARD: Okay.

18 VICE CHAIRWOMAN WAITS: Gentlemen, when you're talking like
19 amongst yourselves, it's still picked up on the recorder and it
20 comes off so --

21 KEITH WESTENGARD: Okay. I'm sorry.

22 VICE CHAIRWOMAN WAITS: I know it's difficult.

23 DISTRICT ATTORNEY HERRERA: I know. That's fine. That
24 wasn't. So do you want me to handle that?

25 KEITH WESTENGARD: Presently, there is discussion.

26 COMMISSIONER CLARK: Okay.

27 KEITH WESTENGARD: I want to say, it's only discussion,
28 there's nothing in writing. One of the things that the fire --
29 or that the contractor discussed was a four-story hotel.

30 My concern there was we do not have -- our fire department
31 cannot access four stories. Two would be about max for them.
32 They have no aerial apparatus. So one of the suggestions I made
33 in our meeting, in our discussion, was that in the event they
34 actually do a four-story hotel that they provide a piece of aerial
35 apparatus, most likely a 45-foot telesquirt, something along those
36 lines, to the Battle Mountain volunteer fire department in case of
37 emergency at the facility.

38 But I need to be -- I need you to understand it was -- it's
39 very -- it's discussion.

40 COMMISSIONER CLARK: Right.

1 KEITH WESTENGARD: Nothing's on paper. But --
2 VICE CHAIRWOMAN WAITS: Thank you. Regarding the letter, I
3 did look that over, and I had a couple of questions on it.
4 I do think that somewhere we should reference the actual
5 bill, the HR 2455.
6 And I -- somewhere on the top part. And also, I do think if
7 we move respectfully up a couple of spaces there, we'll have room
8 for your title below it. Now, I know your title is on the main
9 page, but I still like your title --
10 KEITH WESTENGARD: Okay.
11 VICE CHAIRWOMAN WAITS: -- underneath your name, Keith.
12 KEITH WESTENGARD: This was a draft, and it was for --
13 VICE CHAIRWOMAN WAITS: I understand.
14 KEITH WESTENGARD: -- additions or subtractions. So --
15 okay.
16 DISTRICT ATTORNEY HERRERA: The bill is not bill 2445. The
17 bill 2445 is a -- is an exemplar. It's an example of a bill
18 that was passed concerning the Elko Band.
19 VICE CHAIRWOMAN WAITS: Okay, whatever we have to
20 reference, we don't want to ref- -- we reference the act 2455 or
21 the actual bill number, but something should be rather than just
22 general going in, whatever we need to do.
23 KEITH WESTENGARD: All right.
24 COMMISSIONER BAKKER: I'll make a motion to approve the
25 authorization for executive director to sign a letter of support
26 regarding the BLM land transfer to the Battle Mountain Band.
27 That's about it.
28 COMMISSIONER MILLS: Do we need --
29 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
30 COMMISSIONER MILLS: -- to address those changes you want
31 to make?
32 Okay, I'll second.
33 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
34 Commissioner Bakker and seconded by Commissioner Mills that we
35 send the letter of support and our executive director to handle
36 that. Any other discussion?
37 (No comment.)
38 Any public comment?
39 (No comment.)
40 COMMISSIONER CLARK: Yeah, I just want to make one point.

1 This was going to happen whether we approved this or not;
2 right?

3 KEITH WESTENGARD: Yes. The bill -- or I'm sorry -- the
4 letter of support will just speed the process up along for them
5 with the county support.

6 They -- they feel -- Mr. Holly, the chairman, feels that it
7 would help move the process along to get the land transferred from
8 BLM to the Band.

9 VICE CHAIRWOMAN WAITS: Shows our partnership too.

10 COMMISSIONER CLARK: Yep.

11 VICE CHAIRWOMAN WAITS: Thank you. All in favor?

12 COMMISSIONER MILLS: Aye.

13 COMMISSIONER BAKKER: Aye.

14 COMMISSIONER CLARK: Aye.

15 VICE CHAIRWOMAN WAITS: Aye. Thank you. That passes
16 unanimately. We are now getting to the fun part.

17

18 **13) Update regarding status of the Lander County**
19 **Courthouse/Administration building project and other matters**
20 **properly related thereto.**

21

22 VICE CHAIRWOMAN WAITS: Agenda item number 13, update
23 regarding status of Lander County courthouse/administration
24 building project, and other matters properly related thereto.

25 Gentlemen.

26 JUDGE MAX BUNCH: Max Bunch, for the record, along with
27 Casey Gunther. Kind of give you a quick update.

28 I've been working on, with the district attorney, to look
29 at piggybacking on the -- a company so that we can get our
30 furniture. I provided that information to the district
31 attorney. He's went through it. He's went through the
32 appropriate NRSs that were attached to it so to show that as a
33 government agency, we can piggyback on a company.

34 And they sent me some information and I put in Lander
35 County's information. I didn't realize I was actually signing
36 up Lander County for -- to be able to piggyback on this. So --
37 so on behalf of the courts, I have -- I have signed Lander
38 County up with the U.S. Communities, which is a government
39 purchasing alliance.

40 VICE CHAIRWOMAN WAITS: I thought we were already a member

1 of that. Donnie?

2 DONALD NEGRO: I don't know if it's the same one. We are
3 members of two of them, NJP, National Joint Purchasing.

4 JUDGE MAX BUNCH: Does that look like that?

5 DISTRICT ATTORNEY HERRERA: They're all interlocal
6 agreements.

7 DONALD NEGRO: No, that's not it.

8 DISTRICT ATTORNEY HERRERA: This is just from a
9 different -- different source. We piggyback on somebody else.

10 JUDGE MAX BUNCH: Right. And so -- and so -- so we are
11 signed up. We are piggybacking. Just it's Lander County. But
12 I signed us up unknowingly. And -- and Mr. Herrera brought that
13 to my attention when -- when I sent him the paperwork and he
14 said, You already signed us up. And I said, Well, I'm sorry. I
15 didn't mean to do that. But in order for us to move forward, we
16 needed to have something. So...

17 DISTRICT ATTORNEY HERRERA: Signing up by Judge Bunch did
18 not obligate us to anything --

19 JUDGE MAX BUNCH: Right.

20 DISTRICT ATTORNEY HERRERA: -- financially.

21 VICE CHAIRWOMAN WAITS: No, I -- it's a purchasing power is
22 where it is. And I know that we have used it in many of our
23 departments, so...

24 COMMISSIONER MILLS: Do we need to make any kind of motion
25 to approve that?

26 VICE CHAIRWOMAN WAITS: No.

27 COMMISSIONER MILLS: Or can we just let it go?

28 DISTRICT ATTORNEY HERRERA: No, he's just -- he's just
29 letting you know --

30 COMMISSIONER MILLS: Okay.

31 DISTRICT ATTORNEY HERRERA: --- that we have this
32 opportunity. And it's -- it's a cost benefit to the -- to the
33 county.

34 COMMISSIONER MILLS: Right.

35 JUDGE MAX BUNCH: Right.

36 DISTRICT ATTORNEY HERRERA: It's a huge --

37 COMMISSIONER MILLS: right.

38 DISTRICT ATTORNEY HERRERA: I better put in, a huge cost
39 benefit.

40 JUDGE MAX BUNCH: And as kind of the lead of the building

1 committee for the commission, I've kind of been given that
2 authority to move forward with -- instead of having to come
3 back, wait for two weeks --

4 COMMISSIONER MILLS: Each of those. Okay.

5 JUDGE MAX BUNCH: -- to come back for something, --

6 COMMISSIONER MILLS: Yeah.

7 JUDGE MAX BUNCH: -- we're able to make little decisions
8 and get --

9 COMMISSIONER MILLS: I'm fine with it. If we have to make
10 any kind of approvals to --

11 JUDGE MAX BUNCH: I know what --

12 COMMISSIONER MILLS: -- make it --

13 JUDGE MAX BUNCH: -- you're --

14 COMMISSIONER MILLS: -- okay, --

15 JUDGE MAX BUNCH: -- it's just --

16 COMMISSIONER MILLS: -- we can do that.

17 JUDGE MAX BUNCH: I wanted to let you know what I did --

18 COMMISSIONER MILLS: Okay.

19 JUDGE MAX BUNCH: -- so if we have to, we can always come
20 back and do it. But I did keep a copy of this for the clerk so
21 she could put it in the record of minutes --

22 COUNTY CLERK SULLIVAN: Okay.

23 JUDGE MAX BUNCH: -- so that's it's there, the information.

24 And so that's one of the -- one of the things that we've
25 dealt with, I wanted to let you know.

26 The veneer started yesterday. I don't know if you noticed
27 that it had wood on there. And if you went back yesterday
28 afternoon, you noticed that all the block was there. And then
29 the block on -- on the bottom was finished, I think, just before
30 the noon today.

31 ~~Yeah. It should have been finished just before noon today.~~

32 So the front of the building is pretty close to being done.

33 The first floor is being one sided with drywall and is
34 approximately 90 percent complete with one side of the wall
35 being drywalled.

36 The insulators are going to be back -- the people who put
37 in the insulation -- will be back on Monday, and then they'll be
38 able to put the second side of the walls on the first floor.

39 So framing is nearing completion on the second floor. We had
40 a meeting with the framer, and things moved very fast thereafter.

1 The overhead people -- is getting everything completed.
2 We're towards completion. Because we had a -- we had a meeting at
3 5:00 o'clock last night over at the site with CORE construction
4 and myself going over all the mechanical, electrical, and plumbing
5 issues in the whole building. And so we -- there was some things
6 that happened today as far as some people being removed from the
7 job site and some other people being brought in. So mechanical,
8 electrical, and plumbing will move forward very fast now, I
9 believe.

10 The rooftop units were set last week, last Tuesday. They had
11 a crane in, put in all the rooftop units. So those are up. I
12 think they're just -- they've got, like, white plastic on them
13 right now?

14 CASEY GUNTHER: Yes.

15 JUDGE MAX BUNCH: Yeah, like, white plastic on them now
16 when you look at the building, you'll see that. Those are to be
17 the HVAC units for air-conditioning.

18 We did J-Mold and lathe for the stucco is being installed at
19 this point in time. So J-Mold is a frame kind of on the outside
20 of the window. And then we're going to move the stucco as soon as
21 we can get 40 degrees and rising consistently before they start
22 putting on the stucco.

23 The roofers will be out next week to complete the phase two
24 of the roofing. So when they come out, since everything's set,
25 they'll be able to come in and seal the membrane on the roof and
26 be able to have that all sealed and done.

27 The safety people will be on site today. I've been giving
28 you updates of our score. I can tell you our score is going to go
29 down as it's relayed to me. I wasn't happy about it. But as it
30 was relayed to me, the more people you have there, the -- the
31 walls, the drywall being put up, there's pieces of dust all over
32 the floor so it evidently knocks us down in our ratings.

33 So -- and then Casey's got something to come up to you
34 with.

35 CASEY GUNTHER: Yep. Casey Gunther, for the record. I
36 just want to thank those of you who came out last Thursday to
37 our community update. It went well. It was a good meeting. So
38 I just wanted to thank those who did come. And the rest of you,
39 I'm sorry you missed it.

40 COMMISSIONER BAKKER: Thank you, guys.

1 JUDGE MAX BUNCH: Any questions?

2 No?

3 Okay.

4 COMMISSIONER CLARK: Doing a good job, Max.

5 JUDGE MAX BUNCH: We need to -- we need to set up a meeting
6 so that you guys can get over there, a time for you to get over
7 there. You know, I think -- I think people will be really
8 amazed on the inside. You've been looking at this outside just
9 standing still, but there's a lots of stuff getting done on the
10 inside.

11 VICE CHAIRWOMAN WAITS: Thank you.

12 JUDGE MAX BUNCH: So...

13 Thank you.

14 COMMISSIONER BAKKER: Thanks, guys.

15

16 **14) Correspondence/reports/potential agenda items.**

17

18 VICE CHAIRWOMAN WAITS: Agenda number 14. Correspondence,
19 reports, potential upcoming agenda items.

20

21 (The following correspondence was received:

22 1. Nevada State Grazing Board, District N-6 to
23 Commissioners, letter regarding BLM.

24 2. Bureau of Land Management, Elko Echo Bulletin.

25 3. Bureau of Land Management to Interested Public, public
26 consultation for Grass Valley and Simpson Park allotments,
27 proposed drought response actions, Mount Lewis Field Office.

28 4. Division of Water Resources, Amended Notice of Hearings
29 and Workshops.)

30

31 ~~COMMISSIONER CLARK: I'd like to have an agenda item~~
32 ~~concerning the search for and the hiring of a natural resource~~
33 ~~person -- now that we have a permanent executive director.~~

34 VICE CHAIRWOMAN WAITS: Anything you want to share with us
35 on the agenda that you -- something we missed that we need to
36 put on? Okay.

37 Okay.

38

39

40

1 **PUBLIC COMMENT**

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VICE CHAIRWOMAN WAITS: In that case, we go to public comment for non-agendized items only.

Any public comment from the public?
(No comment.)

VICE CHAIRWOMAN WAITS: Okay, hearing none.

10 **ADJOURNMENT**

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COMMISSIONER BAKKER: I make a motion to adjourn.

COMMISSIONER MILLS: Second.

COMMISSIONER CLARK: Second.

VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner Bakker, seconded by Commissioner Mills, and thirded by Commissioner Clark.

All in favor?

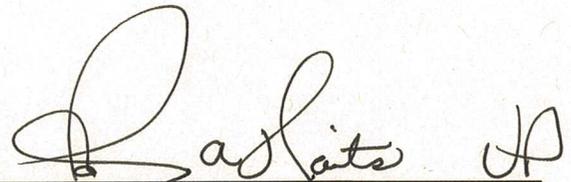
COMMISSIONER BAKKER: Aye.

COMMISSIONER CLARK: Aye.

VICE CHAIRWOMAN WAITS: Aye.

Thank you, all.

COMMISSIONER BAKKER: Thank you.



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

ATTEST:


LANDER COUNTY CLERK

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