

The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on March 28, 2013 at 9:00 a.m.

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 PATSY WAITS, COMMISSIONER
 SADIE SULLIVAN, CLERK
 NICOLE TING, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR
 CATHY MYERS, DEPUTY CLERK

9:00 A.M.

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Waits led the Pledge of Allegiance.

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

APPROVAL OF AGENDA NOTICE

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

APPROVAL & ACCEPTANCE OF MINUTES

FEBRUARY 28, 2013 - SPECIAL SESSION

Commissioner Waits moved to approve the minutes for the special session, February 28, 2013. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

MARCH 13, 2013 – BUDGET WORKSHOP

MARCH 14, 2013 – REGULAR SESSION

MARCH 25, 2013 – SPECIAL SESSION

Lander County Board of Commissioners

Meeting of March 28, 2013

The minutes of March 13, 2013 Budget Workshop, March 14, 2013 Regular Session, and March 25, 2013 Special Session were not ready for review.

COMMISSIONER REPORTS

Commissioner Mason reported on his attendance of the public meeting on March 22, 2013 at the Civic Center with Congressman Mark Amodei. The topics of discussion were sheep grazing, immigration, potato farming, 2.5% Federal budget cut, sage grouse, water development, and wilderness areas. He also attended the Tri-County meeting in Winnemucca on March 26, 2013.

Commissioner Waits reported on her attendance of the Central Nevada Regional Water Authority meeting on March 15, 2013. She provided an update on the legal proceeding associated with the Southern Nevada Water Authority applications to obtain ground water from rural Nevada. On March 18, 2013 Commissioner Waits attended the Kingston Town Board meeting. Kingston wants to construct a heli-port at their airport. She also attended a meeting on March 21, 2013 with Division on Aging. March 22, 2013 was a NACO meeting. Commissioner Waits explained that 50% of our sales in Nevada are based on services. They are looking to put a tax on services. One other thing they are looking to do is a "Kick-Off" program. This will be in 13 rural Counties, Lander being one of them, and they will put \$50 into a savings account for higher education. This will be for students starting school this fall and can be added to by parents and students. The funds for this program will come from fees and penalties the State Treasurer's Office has. Corporation sponsors are looking at being able to match the funds, up to \$300.00 a year, for families whose income is less than \$75,000.00 a year. Commissioner Waits also talked about the Federal National Mortgage Association and the Federal Home Loan Corporation not paying any real property transfer tax. The AB329 bill will allow Counties to keep money from renewable energy abatements. She also attended the Tri-County meeting in Winnemucca.

Commissioner Garner reported not much is going on with Convention and Tourism, and the RTC meeting, on the pedestrian bridge, is today (March 14, 2013) at 3:00.

Commissioner Stienmetz reported on his attendance of the Central Nevada Regional Water Authority meeting on March 15, 2013. He also went to Sparks to meet with the County Attorney, a POOL/PACT representative, Sheriff Unger, and Undersheriff Quick, on March 15, 2013, regarding a suit that had been filed against the Sheriff's office. On March 22, 2013 he also met with Congressman Amodei, and he attended the Tri-County meeting in Winnemucca. On March 23, 2013 he met with Matthew Furedy, State of Nevada Department of Transportation Airport Inspector, at the airport. There is a problem with the Battle Mountain fuel system, but they are working on getting it taken care of.

Commissioner Bullock reported on his attendance of the Tri-County meeting in Winnemucca. There is a push from Pershing County to re-evaluate the structure of how the percentage is

distributed between the Court system. As it stands Humboldt County is staying where they are, at 60%, and Lander and Pershing are tabled for the time being.

PAYMENT OF THE BILLS

Jane Bianchi, Finance, presented bills for ratification to the Board.

AUSTIN CLOSE-UP

Commissioner Garner moved to ratify check #43955 in the amount of \$5,776.00 to Austin Close-Up. Seconded by Commissioner Waits, the motion was voted and carried unanimously.

APPROVED

BOARD OF REGENTS

Commissioner Garner moved to ratify check #43789 in the amount of \$260.00 to the Board of Regents. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

BUREAU OF LAND MANAGEMENT

Commissioner Garner moved to ratify check #43957 in the amount of \$2,506.67 to the Bureau of Land Management. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

IRON MOUNTAIN

Commissioner Garner moved to ratify check #43795 in the amount of \$609.09 to Iron Mountain. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

IDONNA TREVINO-ASSESSORS ASSOCIATION OF NEVADA

Commissioner Garner moved to ratify check #43954 to Idonna Trevino for the Assessors Association for \$25.00. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

IDONNA TREVINO

Commissioner Garner moved to ratify check #43978 in the amount of \$342.98 to Idonna Trevino. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

APPROVED

WELLS FARGO REMITTANCE

Commissioner Garner moved to ratify check #43809 in the amount of \$2,018.20 to Wells Fargo Remittance. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner asked Ms. Bianchi whose account was 001-013-53740.

Ms. Bianchi answered it was the Jail.

Commissioner Garner asked why the County is buying a sewing machine and it accessories.

Ms. Bianchi's reply was she believed they are mending their own inmate clothing, but Undersheriff Quick would be the one to ask.

BUSINESS CARD

Commissioner Garner moved to ratify check #43788 in the amount of \$3,741.78 to Business Card. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

APPROVED

Commissioner Garner moved to submitted expenditures in the amount of \$217,870.62 from check #43823 through #43952. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Waits abstaining from the vote on check #43946, Commissioner Stienmetz abstaining from the vote on checks #43924 and #43925, and Commissioner Bullock abstaining from the vote on check #43834. **APPROVED**

PAYROLL CHANGE REQUEST

1. Employee Change Request for employee number 593, Level Change, Deputy Sheriff/Corporal, \$27.21 per hour, effective April 8, 2013.
2. Employee Change Request for employee number 1127, Filling of Vacation position, Maintainer III, \$16.35 per hour, effective March 18, 2013.
3. Employee Change Request for employee number 1151, Successful Completion of 6 Month Probationary Period, \$3,041.69 bi-weekly, effective April 1, 2013.
4. Employee Change Request for employee number 796, Working out of Classification, \$18.18 per hour, effective January 7, 2013.

Commissioner Waits moved to approve the employee payroll change request for employee #593, employee number 1127, employee number 1151, and employee number 796. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

PUBLIC COMMENT

Ray H. Williams, Jr. sent public comment in writing to the Commissioners regarding a Hearing with the State of Nevada Senate Legislative Committee on Government Affairs on Senate Bill 342.

Lander County's bill request was to provide relief from portions of the provisions of NRS 278.480 set forth in subsection 1-7. The Legislative Counsel suggested amendment the request as provided in subsections 11 and 12 of Section 1 for the Bill. Mr. Williams remarked, in the hearing, on the long standing issues resulting in numerous vacant parcels that cannot be sold due to the conflicts with street encroachments or property boundaries that can result in clouds the Title companies and lenders shy away from. The plan identifies 97 parcels that now sit vacant because of such conflict.

FINANCE

- (1) Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Joy Sweeney, Assistant Finance Director, updated the Board on accounts receivable for the month of February are as follows:

Water - \$8,601
Sewer - \$11, 178
Water & Sewer Misc. - \$4,415
Landfill - \$7,737
Ambulance - \$2,992
Collections- \$19,889
TOTAL: \$54, 812

The second reimbursement for the Austin Loneliest Highway NDOT Grant in the amount of \$54,786.25 has been received. The third reimbursements request has been submitted in the amount of \$39,598.28. The third reimbursement will bring us up to date.

They have been working on negotiations as well as budget. They have also received an invoice from Delong Ford in the amount of \$16,583.45 and one from Atlas Towing in the amount of \$373.75. These invoices cover Ambulance Rescue #1. The invoice for Delong Ford will be taken out of account 001-035-53971, the emergency line item. The towing bill will be charges to Ambulance R&M. **UPDATE**

- (2) Discussion For Possible Action Regarding Designation Of Drake Rose & Associates As Auditor And/Or Auditing Firm For Lander County For FY 2012-2013, Per Nevada Revised Statutes (NRS) 354.624(3); Authorization For The Chairman To Sign The FY 2012-2013 Designated Audit Agreement With Drake Rose & Associates; & Other Matters Properly Related Thereto:** Joy Sweeney, informed the Board this is a yearly

Lander County Board of Commissioners

Meeting of March 28, 2013

formality to designate the Auditors for the County's Fiscal Year financial statements for 2012-13. A memo will be issued to Susan Lewis at the State Department of Taxation designating Drake Rose & Associates as the auditors for the County in 2012-13.

Commissioner Stienmetz moved for the Commission to designate Drake Rose and Associates, LLC to audit the financial statements of Lander County for Fiscal Year 2012-13, and authorize the chair to sign. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

ROAD AND BRIDGE SOUTH

- (3) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto:** No Report.

ROAD AND BRIDGE NORTH

- (4) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, updated the Board business is as normal. They have been spraying weeds at the airport and patching road. They ran out of patching material and are waiting for more to be made. The screening plant went down on Willow Creek Project, but they are back up. The boat ramp is in, Newmont has been doing the dirt work, and the Road and bridge Department is making and hauling the material.

He was hoping to have the roads that were allocated for 2013-14 out to bid by April 1st, but he hit a glitch in mapping on what they have to do. Mr. Negro said they should be out to bid by the middle of April. They should be able to start July 1st on the paving. He would like to be done before school starts. **UPDATE**

PUBLIC WORKS

- (5) **Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, updated the Board they are putting new trash cans out on Main Street, and two over by McDonalds and Maverik. They have been working on the parks, from last year's projects, to get the horseshoe pits all lined out. They should be finished with Borealis today (March 14, 2013). They are also replacing toilets in a few of the bathrooms and working on water boxes. The greens at the golf course have been swept, and had some soil analyzation and temperatures done. It was recommended to wait a few more days before opening them to foot traffic. Mr. Edgar also sent the paperwork into the State, for the septic tank at the golf course. They should be breaking ground soon.

Commissioner Bullock asked about the gofers attacking the soccer field.

Mr. Edgar stated it is an ongoing battle. He said they are trying to trap them, because the poisons that are legal for them to use were not working. **UPDATE**

SAFETY

- (6) **Discussion For Possible Action Regarding Approval Of The Lander County Safety Manual & Other Matters Properly Related Thereto:** Keith Westengard, Safety Manager, presented the Safety Manual, as approved by POOL/PACT, for the approval of The Commissioners. He did explain there had been a few corrections and revisions from the one he presented to the Board a few months prior. It includes inserts of the OSHA Laws that need to be followed, and a better outline of the Safety Committee and Department Head's responsibilities.

Commissioner Stienmetz moved for the Commission to approve the 2013 Lander County Safety Manuel. Seconded by Commissioner Garner.

Commissioner Waits questioned the part on the contractors working for the County, and if it was part of Mr. Westengard's responsibility to go out and check that the contractors have received a copy of the insert on the OSHA Laws.

Mr. Westengard explained it is up to the department heads to provide that information, but he will follow up to make sure it was given.

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

PLANNING COMMISSION

- (7) **Discussion For Possible Action Regarding Approval Of A Zone Change Request For Lander County For A Portion Of The SE Of Section 12, T32N, R44E; Lot 20 In The S2SE4 Section 12, T32N, R44E, APNs 010-260-11 & 010-260-12, To Change From Five Acre Agricultural District (A-2) Zoning To General Commercial District (C-2) Zoning, & Other Matters Properly Related Thereto:** Gina Little, Community Services Officer, stated this has been an ongoing process with the Planning Department and the Assessor's Office to clean up the zoning map, and bring the zoning up to what is being currently used as. This has been approved through the Planning Commission and she is before the Commissioner for approval.

Commissioner Stienmetz moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the zone change request of

Lander County portion of the SE of section 12, T32N, R44E; lot 20 in the S2SE4 section 12, T32N, R44E, Battle Mountain APNS 010-260-11 & 010-260-12, to change from five acre Agricultural District (A-2) zoning to General Commercial District (C-2) zoning. Seconded by Commissioner Mason, the motion was voted and carried unanimously.

APPROVED

Commissioner Stienmetz also moved for Chair to sign the zone change. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- (8) Discussion For Possible Action Regarding Approval Of A Zone Change Request For Lander County For The N2NW4SW4, SW4NW4, Section 2, T32N, R44E; Parcel In NE4, Section 2, T32N, R44E; Parcel In SW4NE4, N2SE4, Section 2, T32N, R44E; Parcel In E2SW4, Section 2, T32N, R44E; Parcel In S2SE4, Section 2, T32N, R44E, APNs 010-260-02, 010-260-04, 010-260-05, 010-260-07 & 010-260-08, To Change From Commercial District (C-1)/Industrial District (M) Zoning To Farm And Ranch District (A-3) Zoning, & Other Matters Properly Related Thereto: Gina Little, Community Services Officer, explained this is the same as agenda item #7.

Commissioner Garner moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the zone change request for Lander County N2NW4SW4, SW4NW4, Section 2, T32N, R44E; parcel in NE4, Section 2, T32N, R44E; parcel in SW4NE4, N2SE4, section 2, T32N, R44E; parcel in E2SW4, section 2, T32N, R44E; parcel in S2SE4, section 2, T32N, R44E, APNs 010-260-02, 010-260-04, 010-260-05, 010-260-07 & 010-260-08, to change from Commercial District (C-1)/Industrial District (M) zoning to Farm and Ranch District (A-3) zoning. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner amended his motion to authorize the Chair to sign. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

- (9) Discussion For Possible Action Regarding Approval/Disapproval Of The Interlocal Contract Between Lander County & The Division Of Health Care Financing & Policy (DHCFP) Authorizing The Division Of Welfare & Supportive Services & DHCFP To Provide The Administrative Services Necessary To Implement The Program Of Medical Assistance To Individuals Who Meet Financial & Medical Eligibility Criteria & The County To Provide The Non-Federal Share To DHCFP For Medical, Administrative & Transaction Costs Incurred As A Result Of The Medical Assistance Program; & Other Matters Properly Related Thereto: Commissioner Waits stated this is a two year contract and she wondered, based on previous year, what the actual match is on this.

It was also question who would handle this item.

Commissioner Bullock said he would entertain a motion to defer until they have someone present who can explain what this item is about.

Commissioner Garner moved to defer. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **DEFERRED**

(10) Discussion For Possible Action Regarding The Proposed Merger Of Cooperative Extension & The College Of Agriculture, Biotechnology & Natural Resources (CABNR); Approval For The Chairman To Sign A Letter Of Support For Cooperative Extension Opposing The Proposed Merger; & Other Matters Properly Related Thereto:

Commissioner Waits stated she had this put on the agenda. This has been floating around about the change in the organizational structure between our Department of Agriculture and our Cooperative Extension. She did provide some background information to the Board. We use to have a line item for the Cooperative Extension then it went into the general budget. The money kept being depleted and we are really down on where we need to be financially. The NACO vote was to not support the change in the organizational structure.

Marc Johnson, President of the University of Nevada Reno, stated the agenda item states it is a merger of the Cooperative Extension and the College of Agriculture, and it is not truly a merger of these organizations. The organizations will stay separate. President Johnson explained they are proposing to do an administrative action of having a single leader for both the College of Agriculture and the Cooperative Extension. He said this is the prevalent procedure across the United States at Land Grant Universities.

President Johnson informed the Board on the budgetary context for making this change, and how they have done this in other units. He also was providing information on how the University of Nevada Reno is our University right here in Lander County with a number of programs serving here. President Johnson explained they have lost over 1/3 of their State budget over the last four years. They did quite a bit of administrative office cutting the first year. The second year they took out some academic programs that were not training a lot of students. In the third major budget cut they did some disproportionate cutting to their public service functions. When they went to cut the Cooperative Extension and the Nevada Bureau of Mines and Geology, they studied the Nevada Revised Statutes very carefully, and made sure they saved the core of the organization. They also made sure they met all the Nevada Revised Statutes responsibilities. When the budget cut target was given to Cooperative Extension, the recommendation was made to cut Rod Davis' position to an 80% position, rather than keep him at a 100% position. If the Governor's proposal goes through, to add another half million per year to the Extension budget, all of that money would go into an

extension, and Mr. Davis salary would be restored to 100%. President Johnson explained the Cooperative Extension would remain a separate organization with its own bylaws, as would the College of Agriculture. They would just have leadership combined at the top to enhance communication.

Rod Davis, Cooperative Extension, stated we all know that Nevada, as a whole, is facing financial difficulties. In a large part, the University's reduction, before this supplement that will be implemented July 1st, was pretty much a 30% deduction across the board. Mr. Davis thinks the Extensions objection was that they were cut 70% across the board. His requested an additional half-time position to maintain a full-time Youth Coordinator, and his request was denied. He expressed his concerns for the Extension staff. Mr. Davis did agree with President Johnson that there has not been the collaboration with the College of Agriculture, but they also recognize that Nevada is the most urban State in the Country, and more and more of our resources are being devoted to programs in Reno, Carson City, Clark County. He is seeing more collaboration with the College of Agriculture now than he has seen in the past ten years. He is not saying that everything President Johnson has said is not right on target, but he does think there are priorities they all have to make. Mr. Davis is not recommending anything either way, but he does think it is an issue that has the potential to affect the ability of the Cooperative Extension to do its job in Lander County.

Commissioner Waits commented on a correspondence from Tom Baker, Chair of the University of Nevada Cooperation Extension Advisory Committee, and that planning groups reached the consensus that this combination of the organizational structure would not be productive and would be costly. Commissioner Waits feels the missions are entirely different for the two colleges.

President Johnson stated this change is not going to affect the budget issues they have suffered. This is separate between the budget issues and the leadership issues. He also mentioned the Cattlemen's Association of Nevada and the Farm Bureau have endorsed this, but NACO did not. The Extension Advisory Council did not endorse this either and said there should be no change of any kind.

Kevin Melcher, Board of Regencies for the Nevada System of Higher Education, provided a brief background on the issues with higher education and when President Johnson took over. He said part of this budget decline is why people need to work better. He spoke with people who liked it better with the Cooperative Extension and Agriculture together, and others who like it the way it is, because they have their own little island. Mr. Melcher explained what President Johnson is doing, is to create a happy medium. You get to keep your organization, but you have leadership at the top to enhance the collaboration throughout both colleges and entities. The responsibility of the Dean of

these programs would be to use campus wide outreach to bring more services into rural Nevada.

Commissioner Waits stated Mr. Johnson's main concern would be his students and credits, and that is the Department of Agriculture. One does not major in Cooperative Extension. Commissioner Waits expressed her concern that there are two different missions because she doesn't see how they would get the same money wise. That one Dean would have the financial power, even if we are a line item.

President Johnson explained they have three missions, teaching, outreach responsibilities to all 17 Counties, and a research mission. He feels the budget is now stable and they keep the budgets separate for what they are budgeted for. There are Federal Regulations that state Extension money cannot be used for teaching or research programs.

Commissioner Bullock explained this is not up to the Commissioners; they can only give an opinion. He also shared his concern of Mr. Davis being fired if President Johnson didn't like the decision of the Commissioners.

Commissioner Garner said, to the respect of the University, Mr. Johnson was put there for a good reason. He feels they are doing a great job and understands they have to do what they have to do. He gave his support. **NO ACTION-DISCUSSION**

(11) Discussion For Possible Action Regarding Approval/Disapproval Of The Amended Agreement For The Lander County Assessor Survey Support, Austin Right-Of-Way Project, For Task 2A, In An Amount Not To Exceed \$200,000.00, & Other Matters Properly Related Thereto: Tom Gallagher, Summit Engineering Corporation, commented on Ray Williams, Jr.'s public comment. He said there were two amendments brought before the Legislation. NDOT's amendment basically said you cannot give Highway 50 to the International Hotel. NV Energy did not what this to apply to Counties with over a population of 100,000. He feels the Senate Bill can be used effectively.

Ryan Cook, Professional Land Surveyor of Summit Engineering, handed a reduced scale map of Austin to the Board. Mr. Cook provided some of the history of why this is a problem in Austin. The map was just for talking purposes and for the Board to have an example of the multiple components of problems. Mr. Cook also showed the Board the ideas for remedying these issues. There are many instances, throughout Austin, where private improvements are within public right-of-ways, and publicly traveled ways within private ground.

Commissioner Mason stated he had a meeting with Summit Engineering and Stuart Title. Summit Engineering suggested going to the streets, because the County is the largest owner of property, and re-survey the street.

Mr. Cook said that was correct, and their scope would relate to Lander County's right-of-ways.

Lura Duvall, Assessor, shared her concern that the County has an adopted a minimum road with that needs to be addressed. Her other concerns is the cost of correcting a road that has a 100 year old shed that is the only encroachment. It is not economically feasible or appropriate.

Mr. Gallagher explained they are using high accuracy aerial photograph. When they are done with the actual planimetry on the photogrammetry that they currently have, anything that appears to be a new encroachment will be field verified.

Mr. Cook feels the priority should be the traveled ways. There are two ways address these, through a dedication to the County or a public access easement. Mr. Cook also explained they will be working for Lander County, and they are not surveying between private parties. However, each block will be a case by case study, and there will be coordination with the Assessor and the County Surveyor.

Commissioner Bullock questioned why they are amending an agreement that was done four years ago instead of doing a new one.

Ms. Duvall recommended not start over with a new agreement. They would have to go back out to bid and start all over. She suggested going with the amended agreement.

It was discussed that task 2A, in the agreement, would be funded from funds Lura Duvall, Assessor, has allocated in her Tech Fund in the amount of \$200,000.00.

Commissioner Stienmetz moved to approve the amended agreement for the Lander County Assessor's Survey Support, Austin Right-of-Way Project for task 2A in an amount not to exceed \$200,000.00. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

(12) Discussion For Possible Action Regarding Approval/Disapproval Of The Racetrack Lease Agreement Between Lander County & The Battle Mountain Stock Car Racing Association For Lease Of The Stock Car Racing Facility Located Next To The Battle Mountain Airport & Other Matters Properly Related Thereto: There was no representation for the Battle Mountain Stock Car Racing Association, so no action was taken. **NO ACTION**

(13) Discussion For Possible Action Regarding Approval/Disapproval Of The Proposal From Stantec Consulting Services, Inc. For Rebid Of The Austin Loneliest Highway Visitors Center Project, In An Amount Not To Exceed \$10,000.00, & Other Matters Properly Related Thereto: Commissioner Bullock explained to Cynthia Albright the County is looking to use the services of Stantec to put the Austin Loneliest Highway Visitor's Center back out to bid, and to not exceed \$10,000.00. He asked if this would be a go, no problems, and no issues.

Cynthia Albright, Stantec, (via teleconference) stated she would love to say she is hopeful this time around and there wouldn't be any problems or issues. She thinks if this project is rebid, and there is collaboration with the County, once the bids come in, they may be able to shave off what stave off happened the last go around.

Commissioner Waits stated it was her understanding that Stantec will double check to make sure everyone is following the County's request for proposal.

Ms. Albright explained the misunderstanding the first time was she thought the previous Executive Director was going to check to make sure the bids were in order. Her impression, from the County, was everything looked to be good. She also stated her contract was to prepare the documents and put them out to bid, and to get the contractors everything they needed to respond to the addendum. She will be taking the responsibility this time to make sure everything is in order, and give NDOT what they need.

Commissioner Stienmetz moved for the Commission to approve the proposal from Stantec Consulting Service Inc. for rebid of the Austin Loneliest Highway Visitor's Center Project in an amount not to exceed \$10,000.00. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

Ms. Albright was directed to contact the County Clerk's Office regarding any advertisements, and anything else regarding the project should go through Steve Brigman of Shaw Engineering.

(14) Discussion For Possible Action Regarding Payment Of \$5,000.00 To Humboldt River Basin Water Authority (HRBWA) For Lander County's Share Of The Ruby Mountain Cloud Seeding Project Costs & Other Matters Properly Related Thereto: Commissioner Stienmetz stated this has been paid for by the University of Nevada. As part of their budget cuts, this is one thing they have taken out. The cost to do this annually is \$150,000.00. They want to put it back on the Counties. Eureka County would pay \$10,000.00, Lander \$5,000.00, Humboldt \$5,000.00, Elko \$40,000.00, Pershing

\$2,500.00, and the Pershing County Water District would be \$5,000.00 to help offset the cost.

Commissioner Waits asked what we use out of the Humboldt River.

It was stated the rancher use it for irrigation and water for the cattle.

Commissioner Bullock said he thinks this is a good idea.

Commissioner Wait moved for Lander County to approve this agreement for \$5,000.00 of our share of the Ruby Mountain Cloud Seeding Project cost for the Humboldt River Basin Water Authority. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

(15) Discussion For Possible Action To Establish A Procedure For Addressing Complaints Against Department Heads Who Serve At The Pleasure Of The Board Of Commissioners, Including Personnel Issues; & Other Matters Properly Related Thereto: Nicole Ting, Deputy District Attorney, asked the Commissioners if they would like to set up a complaint procedure, or Complaint Commission of two Commissioners to handle complaints.

There was discussion of how the agenda item was written, and this item addressing employee complaints against their department head not complaints from the public.

Sovieda Robinson, Human Resources, explained if someone has a complaint against an elected official it would go to the District Attorney's Office, but only elected officials.

Ms. Ting said if someone is complaining about the streets, they are complaining about the department head not doing anything about it. This is meant for any and all complaints, including personnel issues. She would not recommend sending complaints to another department head. She suggested a complaint box in the Administration Building.

There was discussion of complaints of personnel to go to the Human Resources Department, and complaints being sent to the Commissioners.

Commissioner Bullock explained he is not in favor of complaint box, and he feels the Commissioners have enough exposure that if someone has an issue they can all one of them.

It was decided that any complaints be directed to contact any and all Commissioners. If it is an issue that needs a Commission decision it can be put on the agenda to come before the Board. **DISCUSSION**

YUCCA MOUNTAIN REPOSITORY PROGRAM

(16) Discussion For Possible Action Regarding Review And Approval Of A Letter From Lander County Supporting Nye County's Review And Comment On The December 2012 Nevada Commission On Nuclear Projects Report & Recommendation & Other Matters Properly Related Thereto: Rex Massey explained there is a letter in the Commission packet prepared by Nye County along with two attachments. Nye County is requesting Lander County to support the letter and submit the same letter to our State Elected Representatives, and they have done the same. The content of the letter is a review and comment on the December 2012 Nevada Commission on Nuclear Projects Report and Recommendation on the Yucca Mountain Project. It is a rebuttal to a number of positions taken in the report by the Nevada Commission on Nuclear Projects. They are doing this because, upon review of the reports, there is a fair number of exaggerations in the report that need to be addressed with a more objective opinion, and a broader and fuller view of what is actually going on. The Nevada Commission on Nuclear Projects advises the Governor and Legislature on the Yucca Mountain Project. Mr. Massey said they felt it was important, as Counties and people involved in the Yucca Mountain Project, that the Legislature and the Governor have a more comprehensive and objective view on a number of issues that came out in the report. The report is largely anti-Yucca Mountain. Nye County volunteered to put the report together at took acceptations to a number of claims. Mr. Massey reviewed those claims. Mr. Massey mentioned, that in addition to Nye County, Lincoln County, White Pine, Esmeralda, and Churchill have all submitted the same letter to the State Elected Representatives.

Commissioner Waits asked if this would be used in any other way to anyone else. She stated this could go all the way to the President.

Commissioner Bullock suggested changing Nye County to Lander County on the back page.

Mr. Massey explained it is actually Nye County and he kept it as much Nye County as possible.

Commissioner Bullock said he understands that, but if they are going to sign the letter as Lander County it should say Lander County.

Mr. Massey said that change could be made.

Commissioner Waits moved to approve submission of the rebuttal letter and attachments to Senator Gustavson and Assemblyman Hansen and authorize the Chairman to sign the letter for Lander County. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

SHERIFF

(17) Discussion For Possible Action Regarding Approval/Disapproval Of A Memorandum Of Understanding (MOU) Between Lander County And The Lander County Law Enforcement Employees Association And Lander County Sheriff's Association For A Proposed Temporary Amendment To The Current Contract Language In Article 7, Involving Work Hours, & Other Matters Properly Related Thereto: Undersheriff, Robert Quick, explained the Memorandum of Understanding (MOU), before the Board, is to temporarily amend the contract for both the Sheriff's Association and the Employee's Association regarding dispatch and working hours. They have a temporary staff shortage in dispatch and allowing them to amend the contract temporarily to adjust from a 7 day 40 hour work period to a 14 day 80 hour work period allows for scheduling flexibility. This would also help reduce the stress on the employees and minimize some of the overtime it would entail. This has been submitted through the Union, and they have done this twice in the past.

Commissioner Waits moved to approve the Memorandum of Understanding (MOU) between Lander County and the Lander County Law Enforcement Employees Association and the Lander County Sheriff's Association for a proposed temporary amendment to the current contract language in article 7, involving work hours and this emergency staffing will be effective April 1, 2013 and expire September 30, 2013 unless extended by mutual consent of the parties. Seconded by Commissioner Stienmetz.

Commissioner Waits amended her motion to include authorizing the Chair to sign. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

APPROVED

COURTHOUSE/ADMINISTRATION BUILDING PROJECT

(18) Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto: Judge Max Bunch (via teleconference) updated the Board on the Phase 1 Environmental Site Assessment submitted by Pezonella. He received a Phase 1 Geotechnical Report stating the site is suitable for the intended use, and had provided maps from Lumos that provided the site elevations and overview from the sky of the property. He also received a proposed contract from the Architect that he sent to the District Attorney's Office for review.

Once the contract with the Architect is approved, they can do their contract with their sub-contractors. Judge Bunch also said he has been in contact with CORE Construction and they are just waiting for the actual report from Pezonella on the boring sites. Once that information is received, they can decide if they want to from a one story to a two story, a one story with a basement, or if they want a basement at all. They will also know how much of the site will have to be dug up and re-compacted. Judge Bunch said the dirt is viable that is there, over the old gravel pit that used to be there. It just may need to be compacted and whatever they do to in order to build a pad so the building can sit on it. He would like to move as fast as they can on the Architect stuff so they can make sure they get into this construction season in June or July. **UPDATE**

COMMISSIONERS

(19) Discussion For Possible Action Regarding Approval Of Proclamation No. 2013-01, A Proclamation In Support Of Nevada Wildfire Awareness Week May 4-11, 2013, & Other Matters Properly Related Thereto: Terah Malsam, Fire Mitigation Education Specialist for the BLM, stated it was Nevada Wildfire Awareness week. This year is the eighth annual Wildfire Awareness Week to be held May 4th through May 11th. This was set up to build awareness and encourage action to reduce wildfire threat to Nevada homes and communities. This year's message is "Reduce the Fuel, Reduce the Risk". This is a message aiming at home owners to start performing fuel reduction work around their home and properties in preparation for the fire season. Ms. Malsam touched on some of the activities they have planned leading up to the Wildfire Awareness Week and she is looking to set up some kind of event.

Commissioner Stienmetz moved for the Commission to approve Proclamation 2013-01 a Proclamation in support of the Nevada Wildlife Awareness Week May 4-11, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously.

APPROVED

(20) Discussion For Possible Action Regarding Public Land Issues Update By Ken Brown, Western Counties Alliance (WCA); Membership Renewal For FY 2013-2014 In The Amount Of \$3,500.00; & Other Matters Properly Related Thereto: Ken Brown, Western Counties Alliance Representative, addressed the Board and provided a comparison of PILT for Lander in 2011 and 2012. In 2012 Lander County received \$933,900.00, which is about an 8.7% increase over 2011. They are hoping to influence, those in authority, to use the 2012 number and not the 2011 number for the sequestration 5.1% decrease. The Census Bureau said the population in Lander County was 5000 on 2011 and 6000 in 2012. The population increase helped provide for additional revenue for Lander County.

Mr. Brown also discussed Secure Rural School (SRS), which is a Federal Funded program, where 50% of the revenue goes to County road maintenance. The other 50% goes to

public Education. Lander County received \$162, 069.00. Lander County favored much better than the majority of the Counties with SRS revenue. Lander County received about a 9.8% increase, where most Counties had a decrease. Mr. Brown figured the per capita income number probably went down. As that number goes the revenue increases. They do not know if the SRS is going to be authorized for the next year. This is an entitlement program and there are many in Congress who does not view entitlements very well. They would rather have that revenue go into the deficit.

Mr. Brown provided a chart to the Board for comparison of 2010, 2011, and 2012 Geothermal. Lander County received \$70,723.46. This is a decrease of 9.9% from 2011. He assumes the geothermal production in Lander County went down for that decrease in revenue. They are also trying to do Legislation through the Congress to change the distribution formula to make it 1/3 Federal, 1/3 State, and 1/3 County. They are so trying to have the money put on a permanent basis because the Feds took all the money in 2009. Another item they are looking to do is to have the Counties portion flow directly to the County.

Mr. Brown updated on the effort of the sage grouse issues. They are trying to coordinate with other States on the issues. He stated the biggest problem with grouse numbers are the predators. The numbers where better when there was predator control.

Mr. Brown said they are making some progress, although it is slow, on the Wild Horse Burro. Dr. Boyd Spratling for Deeth, Nevada, is the Chair of this Advisory Board now, and Mr. Brown said he is good and he keeps things moving and together. One area where progress has been made is there are nine Advisory Board numbers and seven of those are form the western states like it should be, even though it is a national program all of the impact is in the west. Nevada is the most impacted state in the west. He said they need to continue to use helicopters to assist in those roaming animals.

WCA took action to formally support the concept of Public Land Transfer. There might be a challenge to get the deed transferred.

There had been a proposed \$1 per AUM increase on the grazing fees is still on hold. A copy of the letter the WCA did in opposition of that proposed fee increase. Mr. Brown said it is not needed, and Public Rangeland Improvement Act (PRIA) has done a good job regulating that formula with respect to the economics of the industry. If the animal price goes up the fee goes up, and if the animal price goes down the fee goes down. From an economic stand point this is the fair way to do this. The 2013 grazing fee has been set at \$1.35 per AUM, and that is the same.

Mr. Brown touched on some other issues saying they are having good success with WCA memberships. Last year they had four new Counties, one in California, one in Colorado, and two in Utah. So far this year they have two more from Utah. The initial Lander County fee was \$4,000.00. It was reduced to \$3,500.00 because of the additional members expanding the revenue base. Mr. Brown recommended the Commissioners to budget \$3,500.00 for FY 2014. Mr. Brown explained how they came up with a membership fee range of \$3,000.00 to \$4,500.00, this allows the County governing body to have a say in what number they use for their budget. **UPDATE**

(21)Correspondence/Reports/Potential Upcoming Agenda Items:

1. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioner, e-mail regarding 5.1% reduction in PILT program funding.
2. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioner, e-mail regarding the federal grazing fee for the 2013 season.
3. TIMOTHY J. COWARD, BUREAU OF LAND MANAGEMENT, to Interested Public Letter regarding proposed implementation of drought management action, as outlined in the Battle Mountain Drought Management Environmental Assessment (EA), on Diamond Springs Allotment.
4. TOM BAKER, CHAIR, UNIVERSITY OF NEVADA COOPERATIVE EXTENSION ADVISORY COMMITTEE, to Lander County Commissioners & Supervisors, letter regarding proposed merger of the University of Nevada Cooperation Extension (UNCE) and the College of Agriculture, Biotechnology and Natural Resources (CABNR).
5. TRACY TAYLOR, P.E., NEVADA DIVISION OF WATER RESOURCES, to Eureka and Lander County Boards of Commissioner, letter regarding Application 82591T filed March 4, 2013 by the Cortez Joint Venture proposing to change the point of diversion and place of use Permit 72676.
6. RAY H. WILLIAMS JR., to Lander County Commissioners, e-mail regarding Bill Draft Request (BDR) 22-665, revising provisions governing the vacation and abandonment of certain streets.
7. BOB POSTORINO, SOUTHWEST GAS CORPORATION, to Lander County Commission, letter inviting the Board of Lander County Commissioners to attend an information exchange meeting on Wednesday, April 17, 2013 at 10:00 a.m. at the Southwest Gas Conference Room, 744 Commercial Street, Elko, NV.

8. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commission, e-mail regarding update on the U.S. Senate Committee on Energy and Natural Resources hearing held March 19, 2013.
9. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Final Decision, Reclamation Permit 0341, Halliburton Energy Services, Inc., Pleasant View Exploration Project.
10. TODD PROCESS, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Halliburton Energy Services, Inc., Letter regarding Surety Approval and Final Reclamation Permit for the Pleasant Valley Exploration Project, Reclamation Permit 0341: BLM #NVN-090457.

Commissioner Waits commented on the Southwest Gas safety meeting that is coming up April 17, 2013. She questioned if the Safety Manager should attend. Commissioner Waits also commented on the Mosquito Abatement report that stated they needed a key to get into the racetrack. She was informed that had been taken care of. She asked, if when there is an issue in a correspondence, it when it is taken care of if it could be noted on that correspondence.

CLOSED LABOR SESSION PURSUANT TO NRS 288.220

Commissioner Stienmetz moved to go into closed labor session. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

(22) Closed Labor Session With Management Representatives To Discuss Upcoming Labor Negotiations:

Public Comment

No Public Comment.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of March 28, 2013. Seconded by Commissioner Mason the motion was voted and carried unanimously. **ADJOURNED**



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

ATTEST: Sadie Sullivan
LANDER COUNTY CLERK

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