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 May 28, 2015, at 1:00 p.m. Transcript produced by Tiffany Elkington, C.C.R., #930.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
PATSY WAITS, COMMISSIONER
ART CLARK III, COMMISSIONER
DOUG MILLS, COMMISSIONER
SADIE SULLIVAN, COUNTY CLERK
THEODORE HERRERA, DISTRICT ATTORNEY
NAN ANCHO, FINANCE DIRECTOR
BECKY JOHNSON, HUMAN RESOURCES DIRECTOR

ABSENT: **SEAN BAKKER, COMMISSIONER**

Let the record reflect the presence of a quorum of four commissioners.

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

[Meeting commenced on May 28, 2015 at 1:00 p.m.]

CHAIRMAN STIENMETZ: Call the May 28th, 2015, meeting of the Lander County Commission -- commissioners and Town Board of Battle Mountain, and Austin Board of Highway Commissioners to order.

And, Doug, would you lead us in the pledge, please.

COMMISSIONER MILLS: I will.

(Pledge of allegiance.)

CHAIRMAN STIENMETZ: Let's have a moment of silence, please.

(Moment of silence.)

COMMISSIONER REPORTS

CHAIRMAN STIENMETZ: All right. Let's go to commissioners' reports on meetings, conferences, and seminars attended.

Doug, do you have anything?

COMMISSIONER MILLS: I attended the hospital board meeting last Thursday. And the highlight of that is that they were able to complete their budget. It was the last day of their deadline. And they got it completed. That special meeting we did for them to select their new board members paid off. And everything worked out okay.

CHAIRMAN STIENMETZ: Good.

COMMISSIONER CLARK: No. I don't have anything.

CHAIRMAN STIENMETZ: Patsy?

COMMISSIONER WAITS: Thank you. Yes, I do.

On the 20th of May attended the Kingston Town Board meeting. They have completed their budget. They still have some concerns with the Kingston Volunteer Fire Department Corporation, getting back the titles and some of their equipment.

And I think they're going to be talking to our DA about that. Perhaps we can help them a little bit with maybe a request from the attorney general's office or something with an idea of -- or an opinion or something. I -- I don't know. But have they contacted you yet?

DISTRICT ATTORNEY HERRERA: Well, I talked to them two or three times -- Ted Herrera, for the record -- two or three times in the past about that -- that whole --

When they had the meeting and then there was a complaint over at the AG's office --

COMMISSIONER WAITS: Right. Uh-huh.

DISTRICT ATTORNEY HERRERA: -- where they had to do that over.

COMMISSIONER WAITS: Right.

DISTRICT ATTORNEY HERRERA: I was discussing it with them because apparently --

COMMISSIONER WAITS: Okay.

DISTRICT ATTORNEY HERRERA: -- the ex-volunteer fire chief -- apparently the gifts were put in his name somehow? That's my understanding of --

COMMISSIONER WAITS: Okay, but --

DISTRICT ATTORNEY HERRERA: -- why we can't --

COMMISSIONER WAITS: -- the titles to the equipment and such is still in the -- in the corporation's name. So anyway, I have them --

DISTRICT ATTORNEY HERRERA: That he runs. And -- and --

COMMISSIONER CLARK: Okay. So it -- this is -- it's a civil thing, but --

COMMISSIONER WAITS: It's nothing that's easy. Okay.

Then on the 22nd, I did have a NACO meeting. We had a couple guests.

Our attorney general, Adam Laxalt, visited us and spoke with us on a couple of things. And his -- his first few months in office. One of the things he is instituting is assisting military personal in matters that can't be handled through the military justice system. And in that, he's also going to be expanding that a little bit to veterans and seeing what he can assist in some areas that they might be having some concerns with. So it was wonderful having him present. And he was open to any time we have problems with the counties and so forth.

Our other guest was our congressman, Mark Amodei. And Mark was -- was very -- very clear about where he is on the sage grouse and public lands and natural resources and such.

And again, always left it open to any time the counties want to contact him for -- for further assistance because we're all still ongoing with all those aforementioned issues.

The board did approve a letter and sent to Governor Sandoval, which really urged him to take a consistency plan in review of the BLM and the US Forest Service Greater Sage Grouse Land Use Plan Amendment, administrative draft. And that's in the final EIS.

And along with that, we probably also know that the BLM had -- Amy Lueders has transferred to Washington, DC, right now and was replaced by a Mr. Ruhs, who was the BLM manager in Ely district in White Pine. And NACO was very excited about that. And of course Ely has applauded his -- his ambition and the things he's done with cooperation with the counties and as long as he's been in White Pine. So that's -- that's been all good. And they're excited about that. Even though it's temporary, we'll see where that's going.

The budget issues are still a concern in the state. And they're finalizing everything, of course, this week. So NACO's been very instrumental in that and trying to keep the costs down for the counties on where that is going.

There's a couple things they were kind of pleased with that just came through and I wanted to just let you know.

One was SB 482, which was increasing the statutory set salaries of county-elected officials. It made out it of the second house. So both of these bills actually go back to the house origin for the body to concur on the amendments. But that one looks like a go. It then will be going to the governor's signature.

And the other one was the SB 29, granting limited functional home rule to counties. And so it's two successes in that area.

The other news -- we've had some excellent, excellent outcomes on what's been going on with the legislature. And you can all take a look at the NACO website and see where we are on the bills on that one.

On the 26th, just a couple days ago, we had the THS filming crew in for our economic development through LEDA. And -- and they've been in Battle Mountain since Tuesday afternoon. But I did get the opportunity to -- to host them, with the information on the southern part of Lander County. So that was exciting.

Thank you.

CHAIRMAN STIENMETZ: Thank you, Patsy.

All I have is on May 22nd, I attended the convention and tourism meeting. And we did our budget and -- and approval as required.

And that's all I have.

STAFF REPORTS

CHAIRMAN STIENMETZ: Now we'll go to commissioners' reports on meetings, conferences -- oh, (indiscernible). We just did that. Go to staff reports on meetings, conferences, and seminars attended.

NAN ANCHO: Well, as you can see, I'm not Keith Westengard, --

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CHAIRMAN STIENMETZ: Mm-hm.

NAN ANCHO: -- but I'm sitting in for him. Nan Ancho, Finance.

I don't have anything to report on Keith's meetings or seminars this week. My stuff will fall all under finance.

CHAIRMAN STIENMETZ: All right.

APPROVAL OF AGENDA NOTICE

CHAIRMAN STIENMETZ: All right, now we will go to approval of the agenda notice.

DISTRICT ATTORNEY HERRERA: And, Mr. Chairman, if we could get on the record Sadie Sullivan, the county clerk -- if she could state that when the notice was posted and how it was posted. And then -- and then that would allow you guys to approve that, what she did.

COUNTY CLERK SULLIVAN: Sadie Sullivan, Lander County clerk.

The agenda notice was posted last Friday, which was in the three locations: here at a courthouse and the three locations around town, also to the website, and there's also e-mails that go out, faxes, and then also hard copies.

So that date would be May 22nd that the agenda was posted.

COMMISSIONER WAITS: Mr. Chairman, I do have a couple corrections on the agenda. Of course, one would be that we did not have the agenda notice on here to be approved, of course.

The other one is down in our consent agenda, when you start reading that, there was a word that was left out. Consent agenda materials are available at the Lander County Clerk's Office for viewing and copies. So "materials" needs to be inserted on that. And on the second and third page, the date is incorrect. It should read May 28th, 2015.

CHAIRMAN STIENMETZ: All right.

COMMISSIONER WAITS: So with that, I make a motion that we approve the corrected agenda for the 2015, May 28th.

COUNTY CLERK SULLIVAN: Patsy, again, for the date, you said the second page?

COMMISSIONER WAITS: Second page on the top.

COUNTY CLERK SULLIVAN: Thank you.
COMMISSIONER MILLS: Here. Let's -- okay. I'll second.
COUNTY CLERK SULLIVAN: Thank you.
CHAIRMAN STIENMETZ: Any public comment?
(No comment.)
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER WAITS: Aye.
COMMISSIONER CLARK: Aye.
CHAIRMAN STIENMETZ: Aye.
RAY WILLIAMS: Is public comment still open?
CHAIRMAN STIENMETZ: We haven't gone to public comment yet.

PUBLIC COMMENT

RAY WILLIAMS: Yeah. This is Ray Williams in Austin.

Just if I could make a brief comment. I'm a former commissioner. And I was a former member of the regional transportation commission.

Back here in 19 -- or 2000, whatever it was , '09 or '10. We started the planning on a walkway across the freeway.

And I was kind of disappointed when I read some minutes in the budget where the money was suddenly taken way from this project and put into a different project.

I just felt there was an awful lot of input and a lot of research done before the decision was even made to continue with this crosswalk. And it was originally planned when they put the original off-ramp on the freeway. But then there was also this idea, okay, well, we'll haul the kids across the -- across there. But my -- my purpose for supporting this -- it didn't really have any effect on me because I live in Austin. But I was a commission member on that board that's set up by the state when they -- when the county agreed to accept the 2 1/2 percent gas tax back in the 1980s.

And it's been a very active committee. And they do have that discretionary money that they can put towards different projects.

But the bottom line is: my support of this project came about because of that rather large, undeveloped subdivision

right across the right -- south of the freeway. It would allow a lot of those residents, future residents that live in that area, to walk back and forth across that crosswalk to the grocery stores and different places there in that business sector.

Anyway, I was -- I just felt that there was three or four years of planning that went down the tubes in just a few minutes when the commission just arbitrarily said, well, we're going to take that money out of that fund and put it someplace else.

That's all I got to say. Thank you.

CHAIRMAN STIENMETZ: All right. Now, let's continue with public comment for non-agendized items only. Do we have any other?

CONSENT AGENDA

CHAIRMAN STIENMETZ: If not, let's go to the consent agenda. All matters listed under the agen- -- the consent agenda are considered routine and may be acted upon by the Board of Commissioners with one action, without extensive decisions -- discussion.

Any member of the board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during the meeting.

Consent agenda materials are available at the Lander County Clerk's Office for viewing, and copies are available for a nominal charge.

We don't have any minutes to consent to.

COMMISSIONER WAITS: Actually, we do. The May 14th ones, were e-mailed, if everybody had a chance to read those. You hadn't?

COMMISSIONER MILLS: I checked my e-mail this morning. I didn't see --

COMMISSIONER WAITS: Okay.

COMMISSIONER MILLS: -- them there.

CHAIRMAN STIENMETZ: Yeah.

COMMISSIONER WAITS: Okay.

CHAIRMAN STIENMETZ: I haven't seen them either.

COMMISSIONER WAITS: Okay. So we'll pull May 14th. The

May 18th is in our book. But I need to pull that one because I have a correction.

CHAIRMAN STIENMETZ: (Indiscernible.)

COMMISSIONER WAITS: And then the May 21st, we did not receive. So if we could pull the minutes, --

CHAIRMAN STIENMETZ: We'll pull the minutes for these.

COMMISSIONER WAITS: -- I'll make a motion that we approve the consent agenda with those three missing.

COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record, Lander County clerk.

On the 18th, I don't know if I can ask. Or can I get with you so we can go back and listen to the audio on the 18th on the correction so they'll be ready? Because we do have that 30 days. I just want to make sure.

COMMISSIONER WAITS: I don't think on the corrections it's anything you need to listen to the audio on.

COUNTY CLERK SULLIVAN: Okay.

COMMISSIONER WAITS: I think you can correct it okay for that.

COUNTY CLERK SULLIVAN: Okay. Thank you.

COMMISSIONER MILLS: I'll second.

CHAIRMAN STIENMETZ: Any public comment on it?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER WAITS: Aye.

COMMISSIONER CLARK: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER WAITS: On the 18th one, on the draft that I'm looking at, I just wanted to correct number one, that we had the meeting at 8:55, not 9:00 o'clock?

And I think you remember that one.

And it doesn't say anything about going into the hearing at 9:00 o'clock.

It has all the information correct as you have it in there. I don't have any other corrections. But it should reflect that we had a hearing, the budget hearing, at 9:00 and that we actually started at 8:55. So I'll make a motion that we approve the May 18th minutes with those corrections.

COMMISSIONER MILLS: Second.

CHAIRMAN STIENMETZ: Any public comment?
(No comment.)
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.
COMMISSIONER CLARK: Aye.

COMMISSIONERS

5) Discussion for possible action regarding a presentation by NDOT of the FY '16 Work Program and acceptance of the NDOT FY '16 Work Program for Lander County, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Now, I would like to take out of order and go to Item 6 -- nope. Excuse me --
COMMISSIONER MILLS: Item 5?
COMMISSIONER WAITS: Five?
CHAIRMAN STIENMETZ: -- Item 5. Discussion for possible action regarding a presentation by DOT of the FY '16 Work Program and acceptance of the NDOT FY '16 Work Program for Lander County, and other matters properly related thereto.
RUDY MALFABON: Thank you, Mr. Chair. My name is Rudy Malfabon. I'm the director of the Nevada Department of Transportation.
Thank you for giving us the opportunity to present to you today. And I wanted to introduce some folks that came along. Kevin Lee you all know from District 3 up here, Elko, the district engineer.
And accompanying him are his two assistants: Dave Lindeman, Randy Hesterly. Randy's from Ely; Dave from Winnemucca.
And then Boyd Ratliff just got a promotion. Wanted to congratulate him on that. Boyd's been a part of the administration up in Elko and is another one of Kevin's assistants there.
Jim Arbonies is from Winnemucca. He's the maintenance superintendent. And wanted to mention that Jim accompanied us.

And then a couple of folks from our headquarters planning office. Lee Bonner, who was formally a county commissioner in Douglas County, has been a great addition to our planning staff. Billy is starting to shape things up back at headquarters in planning from bringing that perspective of a former county commissioner is really helping us on our planning efforts.

And Andria Edwards, also from our planning office, accompanied us today from Carson City.

I'm going to cover a little bit of background information and talk a lot about safety today.

I was pleased to see the moment of silence. I know it's the week of Memorial Day. And my thoughts went to our lost maintenance worker. Ron Raiche, Jr., was killed in the line of duty. And it was a very unfortunate event and just recently and right out on Interstate 80. So very fresh in our minds. And that's who came to mind when we had that moment of silence.

I had a chance to talk to our maintenance crew about that tragic event. And they've got some good ideas about things that we could consider both legislatively and just on our day-to-day operations on how to improve safety.

So it was actually an opportune time for me to -- to come out here and meet with the crew, because I hadn't had that opportunity since that tragic event happened.

To talk about -- a little bit about our planning efforts. We do planning efforts all year long. And we do some -- some outreach. We're trying to do a better job at these county tour meetings and county consultations. So do a much more better job of follow-up, finding out what the needs are. You know, we heard the conversation about the pedestrian bridge. And I assume it's the one over the interstate to the -- to the elementary school.

Definitely, pedestrian safety has been a topic of discussion this year, the increased statewide pedestrian fatalities. Fortunately, we haven't had that issue here. Although in Lander County, we've had pedestrian safety issues. I know that it's -- it's -- it is concern that's come up in previous presentations about the need for that bridge.

And we -- we also -- during the workshops in the fall, we try to reach out and get those projects identified. And we have a better process, I think, of identifying into a form that helps

us attract those requests, helps us to assist the counties and the cities to scope the work. What's it going to cost? Are you thinking about environmental issues or right-of-way acquisition issues that typically come to a head as we develop a project and you find out we don't own that or we have a utility conflict or what have you, environmental issues.

So it definitely is a better process. And we're trying to improve and do better as we move along with that planning effort.

We do also do a lot more outreach to the tribes across the state of Nevada as well, both from the folks that work in the environmental section of -- in Carson City and also in the planning section, to try to reach out to those tribes or sovereign nations throughout the state.

But all -- all in all, it all culminates with this -- this county presentation. And then we ask you to accept our annual work program.

And to give you an idea of what's coming down the road for future years' projects, both the kind of mid term and long term.

One of the things that's hampered us lately is the -- the funding situation. And I'll -- I'll discuss that a little bit more in more detail, both the state level and the federal level.

But talking a little bit about -- about safety, we wanted -- some of the materials we provided to you show you that there is a good trend on some of the -- the types of crashes that typically occur in rural Nevada: lane departures and occupants not being belted in, being thrown out of the vehicles and being severely injured or killed in those -- those crashes.

But the trend is for lane departures and impaired driving crashes that result in fatalities at intersections -- the trend has been downward. Unfortunately, the trend has been upward in pedestrians and motorcyclists. And this -- this time last year, we're about 15 more fatalities. And a lot of them are due to pedestrians, primarily in the urban areas, in Las Vegas. But it is a horrific trend that we see. We're trying to do more with law enforcement, with the public works folks in the counties and the cities and across Nevada, and emergency medical responders as well.

But it is a trend that we've seen in last two years of continually having more fatalities than the year before; so we

want to reverse that trend. And we've adopted a zero fatalities trend. Some folks say, well, isn't that unrealistic? Zero fatalities. And we make it more personal to ask people, what would be the goal for your family? And obviously, it's zero. So there is -- there is 40 of 50 states have adopted this type of vision of zero fatalities. And they're messaging that. You'll see it a lot with ads on the radios or on billboards or TV commercials.

One of the things we do is collect a lot of data, try to identify where are these crashes happening. And we provided what we call a crash density map or a heat map, as our safety engineers call it. So you can see where a lot of the fatalities are obviously occurring on the higher volume or higher speed routes, I-80, US-50. And then they happen all over the map.

So it's difficult to pinpoint improvements. But we have been doing some projects, such as flattening slopes. And we'll get into some of the projects later. One of them is applying some safety funds to flattening slopes. So they give more area to recover in the event that someone leaves the highway and needs some recovery room to get back on the road.

In Lander County, looking at the five-year history, we've had 351 crashes, and bottom line, 15 fatalities as a result of that. So we'd like to -- to drive that down to -- to zero, not only in Lander County but in every county in the state.

Talking about federal and state funding. On the federal level, there's -- what Congress does is they -- they approve a reauthorization of the surface transportation bill. Currently it's -- it was map 21, expired. They extended it through May 31st. And they -- Congress recently took action, passing the Senate on Saturday. The President signed it recently to extend this authorization of the surface transportation bill for two more months. That's critical because the -- to have the federal highway and federal -- or the federal agencies that deal with transportation show up to work and get paid, they have to have this continual authorization. Even to collect the federal gas tax this authorization has to be in place. And it also provides a lot of policy and the funding.

But what's happening right now is -- is the same story as I told you last year. There's a gap in the funding that they've authorized the states -- the state DOTs to expend versus what

they bring in through federal, state -- I mean, federal diesel tax and federal gas tax. So the gas tax hasn't been raised in -- since the '90s. And a lot of electeds in Congress don't want to touch that issue. They don't want to raise the tax gas. People don't want to pay more for gas. You've seen that when it reached down to 2 bucks a gallon in some areas of the state back in December. And now it's up about a dollar more than that. So people don't want to pay more, even though the prices came down quite a bit in the price of a barrel of oil dropping.

But at the federal level, that's the situation that we're in is that there's not enough money from the feds to pay for the spending levels they gave the -- authorized the state DOTs to receive. So they have to fix that gap somehow. And what they're looking at is addressing corporate income tax. And basically the taxes that corporations that do international business have offshore, to repatriate those funds, get them an incentive to reinvest in it and expand some of their facilities back home so their manufacturing plants -- and there has been a resurgence in manufacturing, not just service-oriented economy that -- as -- as we've seen by Tesla moving a battery plant to northern Nevada.

So that -- we're hopeful that they'll address this issue. But we think it's going to take a lot more time to deal with this corporate tax issue than the -- the two-month extension that they did -- that the President just signed this week to July 31st. The federal fiscal year goes until September 30th. So they still have a few more months to -- to address.

What some state DOTs are doing, though, is that they're reducing the number of federal aid contracts that they advertise for bids.

In Nevada, we've built up our highway -- our state highway fund balance to about 211 million currently, this week. It's good news for us so that we don't have as much uncertainty on the state funding side. And state gas tax revenues are projected to be, in the next two years, up about 1 percent. So relatively flat, but we're being cautious. We have enough money to put our contracts.

And we're going to talk about the specific contracts in Lander County a little bit. But we're in pretty good shape with our state -- state funding.

What we're concerned about is if the Federal Highway Administration has to make a correction and USDOT makes a -- a cut to states, that would be roughly about 30 percent decrease in federal funding, which is substantial. We -- we get about 320 to 340 with the extra money that we get from other states not spending their share every year -- 320 to 340 million dollars of federal funds, so -- a good amount that comes to Nevada, and we make good use of that funding.

So bottom line, we're still okay on the -- the state highway fund balance. But it's not only NDOT that draws from that, it's also Department of Public Safety and Department of Motor Vehicles. But we'll have to wait and see what Congress passes and how they address that shortfall.

We mentioned, also, that we have a packet available to the counties on -- on "Stand Up for Transportation" and asking Congress for at least addressing this transportation funding issue in the -- in the long term. States want to see a long-term solution so that they can be more comfortable about advancing some of these two- or four-year projects. Some projects take several years to build. And up here in the north, we have a very limited construction season. So we like to know that we're going to get the reimbursement, just like you do on any federal aid programs that the county receives.

Good news is that we have significant amount of -- of projects in Lander County anticipated in fiscal year '16, the $32 million, primarily because of the two major projects, one on I-80 just outside town here with the mill and fill. So we'll mill off the old pavement and fill it in. And about a 15-and-a-half-million-dollar project there.

The other major project is -- is down on US-50. It's called a roadbed modification. So when -- when roads -- the condition of the roads gets too poor, we have to do what's called a roadbed modification, basically grind up the old road and the old pavement that's all cracked up and repave it, use that as the base for a new layer of pavement. So expensive project but sometimes we -- because we don't have enough money do all the roads when they're due for repaving, we sometimes let a project go until it's to this point of -- of reconstruction, basically. So a $13 million project there on US-50 by the Churchill-Lander line.

We also are doing a -- continue to do these low-cost maintenance approaches that (indiscernible), cold mix overlay on Carol Summit Road, State Route 722, about $3 million. Cold mix, you just grind it up, add some oil to it and lay it back down, compact it. So it's a good, low-cost approach on low volume roads.

And we continue to do the -- the state -- using state forces -- maintenance forces for patching and chip seals. We also occasionally do some contracting of chip seals with contractors as well.

In closing, we do have this project initiation form process called the PIF, P-I-F. And that form is available online. And whenever a county needs assistance, please don't hesitate to call, either through the district office or through our headquarters folks, our planning folks, for the assistance that's needed. A lot of times it's usually in the (indiscernible) effort or are there environmental issues or right-of-way issues. We can help you support some of that, at least identification of some of the challenges you might face with a project.

For instance, with the pedestrian bridge project that you were talking about earlier, I asked Kevin about, well, who owns the property that it would kind of have the landings on both sides? And that's always a cost that maybe someone's not considering that you have to consider that in the total project cost.

And I always caution people when you use federal funds, too, there's strings attached and all the federal regulations you have to follow. Typically, we do the same process for state funded as well as federally funded. But there's lot of strings attached when you're using -- chasing federal funds. And I heard the discussion kind of about the enhancement or TAP, Transportation Alternatives Program, is what the enhanced program was consolidated to. That pays for Safe Routes to School. Sometimes school districts apply for those funds or a public agency applies for Safe Routes to School funds. But there's not a lot of money in that pot.

Typically, we want to look at some other programs. And NDOT did convince the transportation board, a few months ago, to put $10 million statewide towards pedestrian safety. So

definitely would -- would want to allow the -- the counties to make that case. And we're reaching out to all counties and cities throughout Nevada to say, what are your pedestrian safety needs? So if that's one that fills those needs locally, let's do some more work to advance that and see if it's -- it's something that could be eligible under the state-funded, $10 million a year program.

Currently, we focused on where the fatalities were happening, where the Washoe County area and Clark County area. But we expanded this program to every -- every county. So those types of things, any kinds of gaps in sidewalks where kids are walking to school, that's a good -- a Safe Routes to School program.

But these types of a major bridge, pedestrian bridge over a major highway, that might be something that the pedestrian safety program could -- could be an opportunity for you. Not to say that it's approved. But it is an opportunity. And I think we just need more information about what the cost is, who owns the property on both landings, and what assistance the county could provide to -- to partner up on the funding for -- for delivery of a project such as -- as that magnitude.

With that, we respectfully request acceptance of the -- of the fiscal year '16 projects.

And we're -- I'm here to answer any questions. And I've got my folks behind me that probably know the -- all the questions you might or the responses to questions you might have. Because obviously I need to get out more often. But appreciate the opportunity to -- to address you directly.

COMMISSIONER MILLS: Okay. Well, I have a couple of questions.

RUDY MALFABON: Sure.

COMMISSIONER MILLS: And you did bring up the big one is the pedestrian bridge.

And we did have some financing for that. And we did take -- we took a chunk of that financing out of that project and put it into another project in the county.

There is funding still there for -- there's not -- certainly not enough to finish the project. But how are foot bridges like that, or pedestrian bridges typically financed?

RUDY MALFABON: The one -- the locations I've seen are

1 typically where there's been -- a local agency typically
2 instigates the project, gives some information about the need
3 of -- whether you had a history of crashes or near misses,
4 fatalities. I think that when -- and you can show the need.
5 You don't necessarily have to have --
6 COMMISSIONER MILLS: Yeah. We don't --
7 RUDY MALFABON: -- people dying --
8 COMMISSIONER MILLS: -- want to kill anybody --
9 RUDY MALFABON: Right.
10 COMMISSIONER MILLS: -- just to get a bridge.
11 RUDY MALFABON: Like, how many have to die before you do
12 something about it? So that's something that we don't --
13 obviously, we don't want to have a fatality to instigate.
14 COMMISSIONER MILLS: Right.
15 RUDY MALFABON: -- a project. But when you can show the
16 need, the amount of pedestrians, the amount of people that would
17 use it, things like local support, any -- any folks signing
18 petitions, those types of things, bring things to our attention.
19 Making the case to the department, even to the point of --
20 of making the case to our transportation board as a request, I
21 think that that's always helpful. And I heard some folks talk
22 about how sometimes going to someone in higher office helps as
23 well. But typically, I want to put the department in a position
24 where we can make those decisions locally, working --
25 COMMISSIONER MILLS: Right.
26 RUDY MALFABON: -- in partnership with the county, and --
27 and just really look at a better process that meets the needs of
28 the local community. So --
29 COMMISSIONER MILLS: Okay.
30 RUDY MALFABON: -- I think it's just about making the case,
31 looking at how many kids are -- how many residents are -- are
32 crossing, going down to the cur- -- current existing bridge
33 crossing, --
34 COMMISSIONER MILLS: Right.
35 RUDY MALFABON: -- which is out of the way.
36 COMMISSIONER MILLS: Because I know we've had -- we do
37 have --
38 RUDY MALFABON: (Indiscernible.)
39 COMMISSIONER MILLS: -- some changes going on. And the
40 school -- the school is the big concern over on the other side

of the freeway. And it was a grade school and is now going to be the junior high.

RUDY MALFABON: Okay.

COMMISSIONER MILLS: So we have older kids going there.

And with the grade kids, there -- there were more parents dropping them off.

RUDY MALFABON: Right.

COMMISSIONER MILLS: And I think you could -- you could make an argument that there's less perceived danger if the parents are taking them over there. But with the older kids, more of them will probably be walking. And we're guessing because we don't have any information. We're guessing that with more kids walking, there's more -- more potential for problems. Okay.

And right now they're going over 305 because there is the -- the road bridge over 305 does have walkways on either side of it.

RUDY MALFABON: Uh-huh.

COMMISSIONER MILLS: So they're using that. So we're -- we're guessing, again, that there's going to be more potential for problems with -- with that school now being a junior high instead of a grade school.

RUDY MALFABON: I would -- I would suggest the first step would be to fill out the online -- the project initiation form.

COMMISSIONER MILLS: Okay.

RUDY MALFABON: And then you'd probably -- since you've been looking at advancing this project to construction -- have a lot more information that you can --

COMMISSIONER MILLS: Right.

RUDY MALFABON: -- probably attach to that. And then look at the -- the opportunities for funding partnerships. We've -- we've entered into agreements with, say, the City of Las Vegas to fund an improvement and they pay us back through a fund -- dedicated funding source that they have that's going to be there.

So we have no qualms about entering into those types of agreements when it's a longer term. In this case, it's about a five-year term to -- to get full payment for the improvements that we're incorporating in a project that NDOT's doing in Las Vegas.

COMMISSIONER MILLS: Okay.

RUDY MALFABON: So those types of funding partnerships are something that we can discuss as well.

COMMISSIONER MILLS: So in -- in -- kind of associated with that, in discussing the pedestrian bridge, there's been a lot of talk about putting a stoplight in at Broyles Ranch Road and Broad Street because that's the -- that's right there at the base of the bridge at 305. And every school kid that goes over to that school is coming over 305. And they're ending up in that intersection. And apparently, we've approached NDOT in the past about putting a light there. And it it's been your decision that we don't qualify for one, apparently.

RUDY MALFABON: So I can --

COMMISSIONER MILLS: And --

RUDY MALFABON: -- I can -- I can address the -- with traffic signals, there's typically a -- there's a uniform manual called the -- the MUTCD, which establishes for traffic control devices.

COMMISSIONER MILLS: Okay.

RUDY MALFABON: And signals are a part of that. You have to meet certain warrants, they call them. So there's various warrants to meet, whether it's delay or the amount of crashes or fatalities, or amount of amount of pedestrians, the amount of activity there. Those are one criteria.

I -- I know that I've said before that typically a signal has to meet those warrants.

Now, someone said, stay. There was a couple that, you know, politically were --

COMMISSIONER MILLS: Some --

RUDY MALFABON: -- approved.

COMMISSIONER MILLS: Some sort of an exception somewhere.

RUDY MALFABON: And they seem to be working fine. But the -- the concern for -- for the department is liability. So we would have to take --

COMMISSIONER MILLS: Okay.

RUDY MALFABON: -- on a case-by-case basis and look at the -- the situation there. I think you raise a good point in saying that if you try to plan for these changes, such as the elementary becoming a junior high, then you have to anticipate certain requirements. So in some cases we've -- we've looked at those situations. I can't say specifically that we would

approve a signal, but we're willing to -- to look --

COMMISSIONER MILLS: To look?

RUDY MALFABON: -- into that and consider it.

COMMISSIONER MILLS: On -- I would assume there has to be some sort of measurement, amount of --

RUDY MALFABON: Demographics.

COMMISSIONER MILLS: -- traffic. How many -- is -- is there some assistance you can give us in making those measurements?

RUDY MALFABON: We typically can. We've gone out and had our folks do the vehicle counts or sometimes it's a pedestrian issue.

COMMISSIONER MILLS: Pedestrian counts?

RUDY MALFABON: Go out there --

COMMISSIONER MILLS: Pede- -- pedestrian count's what we're -- we do have a couple of times --

RUDY MALFABON: The issue, though, is --

COMMISSIONER MILLS: Yeah.

RUDY MALFABON: -- the schools, the school season.

COMMISSIONER MILLS: Right. We do have a couple times during the day when the traffic in that intersection gets very heavy because a lot of the work is south of town. And people are driving through that. We have one intersection to get south of town. That's it. So all the traffic going that way goes over that road.

And there's a couple times a day when the traffic there is very heavy. And then we have, of course, morning and afternoon, the schools. So there's just a couple of times of day when that gets really heavy. The rest of the day it's usually not too bad.

I think there are many people in our community that feel that's enough to warrant probably putting in a signal. So we -- we'd really like to get some help with making some of those determinations and getting some of your opinion about whether it really is enough.

RUDY MALFABON: Well, the county's --

COMMISSIONER MILLS: So --

RUDY MALFABON: -- got some great staff that could help out as well as pulling in some folks from headquarters to help out. So we're willing to -- to consider it. I can't guarantee --

COMMISSIONER MILLS: Right.

RUDY MALFABON: -- anything today.
COMMISSIONER MILLS: Right.
RUDY MALFABON: But I think we're willing to look -- to look into the situation. And even if it's --
COMMISSIONER MILLS: Well, being --
RUDY MALFABON: -- something that --
COMMISSIONER MILLS: -- willing to look --
RUDY MALFABON: -- that needs to be --
COMMISSIONER MILLS: -- is really kind of what I'm looking for, is --
RUDY MALFABON: Yeah.
COMMISSIONER MILLS: Yeah.
RUDY MALFABON: And traditionally we would say, well, if it doesn't meet those, then -- but I think that it's a new day. And we have to consider some of the community's needs. I just can't commit to, you know, seeing it one way or the other until we look at it.
COMMISSIONER MILLS: And one other thing is that I'm -- I'm hearing some concern from some of our people that Highway 305 going south of town is rather dark. And they're wondering about maybe getting some lights down that section of road. I don't have a distance, but --
RUDY MALFABON: Is the --
COMMISSIONER MILLS: -- maybe lighting that up a little bit more.
RUDY MALFABON: Is the issue more for the approaches or for pedestrians in the dark? Dark like in the winter? Walking along road or is it mainly --
COMMISSIONER MILLS: I --
RUDY MALFABON: -- just the interstate?
COMMISSIONER MILLS: Yeah. I -- I don't know that I can answer that, what their main concern is. It's just probably that section from the bridge to probably out to the golf course and where that road really gets most of its traffic. It is pretty dark.
RUDY MALFABON: Definitely. As I showed you on the heat map that showed -- the location of some of the -- the crashes, --
COMMISSIONER MILLS: Right.
RUDY MALFABON: -- that's the data that we would look at to

see --

COMMISSIONER MILLS: Okay.

RUDY MALFABON: -- what the needs are.

And I can say that we're more willing to look at things like lighting improvements now provided that we -- we give Kevin the operating budget to pay, you know, for the additional power bills.

COMMISSIONER MILLS: Right.

RUDY MALFABON: Because when we keep on heaping stuff on the districts, that's usually when they say, hey, you're killing me.

COMMISSIONER MILLS: Right.

RUDY MALFABON: Just -- I have no more money to pay for --

COMMISSIONER MILLS: Yeah, because everything --

RUDY MALFABON: -- the upkeep.

COMMISSIONER MILLS: -- I'm talking to you about costs money.

RUDY MALFABON: Yeah.

COMMISSIONER MILLS: So...

RUDY MALFABON: But we are, as I said, we've -- it's kind of a new day as far as our focus on safety. We can't say that we're -- we have vision for zero fatalities, if we're not willing to put some money towards that effort.

COMMISSIONER MILLS: Right.

RUDY MALFABON: And lighting is one of the ones that we're willing to look at.

COMMISSIONER MILLS: And then one other one: This is just a curiosity that I had. Because on your graph, you're showing that your lane departures are decreasing. And you've decided you're kind of leveling out some of those road edges and making them less abrupt. Is there some other engineering design something that you're doing with roads to help with that? Or is that --

RUDY MALFABON: The --

COMMISSIONER MILLS: I'm just curious.

RUDY MALFABON: One of things -- and we do have some of the safety funds on that US-50 project going to slope flattening.

But one of the ones that -- when we do have interstates, for instance, or divided highways, in some cases, we can put a cable median barrier that prevents those lane departures that

cross over and cause a head on.

COMMISSIONER MILLS: Okay.

RUDY MALFABON: But for the most part, a lot of rural Nevada, the two-lane roads just don't have a lot of shoulder. In some cases, the districts have been extending pipes and flattening some of the slopes, the pipe culverts, because back in the day, the pipe might have ended close to the edge of the pavement. So extending that out, filling that in the spot locations has helped. But it's really comes down to having a flatter slope and more of a recovery distance. Guardrail in some cases makes sense as well, if you have enough room to put in a --

COMMISSIONER MILLS: Okay.

RUDY MALFABON: -- guardrail.

COMMISSIONER MILLS: Okay.

COMMISSIONER WAITS: Mr. Malfabon, first of all, let me say thank you for being here. We appreciate you being here, and your staff, for our annual update. We always look forward to it.

My question is on the 305 that you have down here. It said for ten miles. And since our -- our new courthouse is right there, I was just curious what your plans are. Do you have anything, like, to widen the roads? Or extra turnoff lanes? Or a roundabout? Or anything different because of our courthouse on the extra traffic?

RUDY MALFABON: Currently, I only went over the next fiscal year's projects. And I wasn't aware of -- let me look at the long range, just see if there's anything planned there.

COMMISSIONER MILLS: I think that was one of the other things about the lighting on -- on that south part of 305. We have our sheriff's office and our new courthouse going right there. I think that's one of things that people -- when they ask, I think that's one of their concerns.

RUDY MALFABON: I didn't see anything for the longer term. But I think, again, it's -- it's an opportunity for -- when the local community identifies what improvements you think could be of a benefit, to fill out a project initiation form. And that gets it on our radar to start working with you on what's scoping the costs, the cost estimate of that.

COMMISSIONER WAITS: I know -- I know we brought it up last

year when you were here --

RUDY MALFABON: And that's -- gets back to --

COMMISSIONER WAITS: -- about the new building.

RUDY MALFABON: -- our -- really --

COMMISSIONER WAITS: So that's what I saw it.

RUDY MALFABON: We're trying to do better at -- when you bring up something to track it. Often, we would get back and a year goes by, then I'm out here again. And hey, what did we do with that? With that request? It's like, well, they -- I don't think anyone -- let me find out.

COMMISSIONER WAITS: Well, when I saw it on --

RUDY MALFABON: Trying to do better with that. But I think that Lee's going to -- going to work with the counties and say, let's get that initiation form. Let's follow up. Let's delegate it to some engineering staff. So that we're not here next year --

COMMISSIONER MILLS: So is --

RUDY MALFABON: -- saying I don't know what happened. So --

COMMISSIONER MILLS: Is -- is -- are you going to be our contact then that we would --

UNIDENTIFIED PARTICIPANT: Well, he -- Kevin who -- and their team's here. I can help.

RUDY MALFABON: Lee's going --

COMMISSIONER MILLS: Just so we have --

RUDY MALFABON: -- to be more than --

COMMISSIONER MILLS: -- somebody that we know who to --

RUDY MALFABON: They can do more of the tracking. But I think that --

COMMISSIONER MILLS: We know who to call.

RUDY MALFABON: -- the day to day, the engineering part and the scoping would probably start with the district and working with some folks at headquarters to -- more the engineering side that looks at what's it going to cost to address this or what are other alternatives that could address the same concern? If it was a safety concern or some changes on the expansion of something, requesting more lanes or other safety-related improvements.

But typically, we like to work through the district.

COMMISSIONER MILLS: Okay.

UNIDENTIFIED PARTICIPANT: Answer on the (indiscernible).

RUDY MALFABON: Yes. Come to the --

KEVIN LEE: Kevin Lee, district engineer.

I guess there's something else that we have to look at is if it's because of the expansion of the courthouse and the permitting process, we may be looking at going back at what that approach permit said and the engineering analysis that may or may not -- not have been done for putting the courthouse in. So I'm not sure if turn lanes were actually in that, project development that you guys or whoever your engineer submitted to NDOT to get that access there.

COMMISSIONER WAITS: Well, I just saw it on your list here for the 2016. And that's the reason I thought you could tell me whether you were encompassing that. Because you were --

RUDY MALFABON: No, we were --

COMMISSIONER WAITS: -- aware of it last --

RUDY MALFABON: -- just doing patching.

COMMISSIONER MILLS: -- year and what's going on.

RUDY MALFABON: Right. We're just kind of patching potholes and cracks.

UNIDENTIFIED PARTICIPANT: I just --

COMMISSIONER WAITS: I didn't mean to throw it at you as something new. It was something like, I see you're doing that. So what are you doing for us?

RUDY MALFABON: I see.

So it was just a maintenance patching.

COMMISSIONER WAITS: So right now, this means it's just current resurfacing the road and that's it.

RUDY MALFABON: Not even resurfacing. It's just State Route 305 is listed as state forces patching. So just about a half-a-million-dollar project for just patching some of the worst areas out there. (Indiscernible.)

COMMISSIONER MILLS: Okay.

COMMISSIONER WAITS: Shucks. I thought we were --

RUDY MALFABON: We can't do everything.

COMMISSIONER WAITS: I thought we were addressing the situation. And we're just patching. Okay.

RUDY MALFABON: A lot of money on I-80 and US-50, but not very much on -- on 305.

CHAIRMAN STIENMETZ: Donnie, you had a question?

DONALD NEGRO: Donald Negro, Road and Bridge North. Really what we're asking for -- the turn lanes there and the paint crew could put the arrows in? You know, on -- it's there all the way out. The turn lane's in.

UNIDENTIFIED PARTICIPANT: On 305?

DONALD NEGRO: Yeah, on 305 to the courthouse.

RUDY MALFABON: Okay.

DONALD NEGRO: And maybe take and move the speed limit signs out a little bit so that people, like the trucks can know to slow down, there by where the courthouse is and the sheriff's office.

COMMISSIONER MILLS: That would be a good idea.

DONALD NEGRO: But the turn lane is -- it's there. It's existing.

UNIDENTIFIED PARTICIPANT: Just the center turn pocket?

DONALD NEGRO: The center turn pocket. They just put the arrows, you know, to --

RUDY MALFABON: Yeah.

DONALD NEGRO: -- put people over, helping us out a lot --

RUDY MALFABON: We can consider that.

As Kevin's stated, we can -- we typically look at what the permit was going to build. And then if there's other things that we can do, those types of changes with signing and striping are low cost.

COMMISSIONER MILLS: And --

RUDY MALFABON: -- we'll look at what we can do there to help.

COMMISSIONER MILLS: And maybe while you're here today, you can run over --

RUDY MALFABON: Yeah.

COMMISSIONER MILLS: -- take a look at it, --

RUDY MALFABON: If we have some time.

COMMISSIONER MILLS: -- and get some eyes on it.

COMMISSIONER WAITS: Good question.

CHAIRMAN STIENMETZ: Okay. Do we have any other public comment?

BOYD RATLIFF: If you guys don't mind, I just wanted to address the --

CHAIRMAN STIENMETZ: State your name, please.

BOYD RATLIFF: -- question about signals because I know --

RUDY MALFABON: You can state your name.

CHAIRMAN STIENMETZ: Would you please state your --

BOYD RATLIFF: (Indiscernible.)

CHAIRMAN STIENMETZ: -- name, please.

BOYD RATLIFF: I'm Boyd Ratliff. I'm with the NDOT in Elko. I was your traffic engineer last year.

And after the county tour, we did submit the request to our group that does the warrant studies for signals that was at Broyles Ranch as well as two other intersections. I believe it -- the one on the south side of the bridge that goes to the school, which is at Cart -- Lemaire Drive? -- Lemaire Street. And another one. I can't remember if it was on the north or south side. But there were three different intersections. And all three did not meet warrants. So we did do that study.

But because of the time frame, because when it goes into queue and the group that does that work and when we got that back and then the turnover with your county manager, --

COMMISSIONER MILLS: Right.

BOYD RATLIFF: You can blame me. I did not get that information to you guys, as commissioners, as fast as, I guess, one year.

COMMISSIONER MILLS: Do you know if that included pedestrian counts?

BOYD RATLIFF: I would have to ask (indiscernible).

RUDY MALFABON: Okay.

BOYD RATLIFF: I'm don't -- I'm not sure if it did or not.

RUDY MALFABON: If it -- if it didn't include them, we're willing to --

BOYD RATLIFF: Typically, it does.

RUDY MALFABON: -- come back and --

COMMISSIONER MILLS: Okay.

RUDY MALFABON: -- reanalyze that.

COMMISSIONER MILLS: That's really -- yeah. We're -- it's the pedestrian thing we're concerned about, --

RUDY MALFABON: Yeah.

COMMISSIONER MILLS: -- I think, mainly.

RUDY MALFABON: And we've -- there's different treatments that you can. I know that we -- pedestrian safety is a critical one recently with the -- the increase. So we understand your concern with pedestrian safety. And we're willing to reassess

that.

COMMISSIONER MILLS: Okay.

RUDY MALFABON: And see if we considered it initially.

SHERIFF RON UNGER: I got a question, if I may.

I'm Ron Unger, Lander County sheriff.

What does it take to get crosswalks put in? And what I'm talking about is between the Maverick and the Chevron station across the street.

COMMISSIONER MILLS: Uh-huh.

SHERIFF RON UNGER: We have the school right there. There's no crosswalks in that area. And those kids -- I counted 30 at one time -- come darting out behind a building and run straight across that highway.

And I've talked to the DOT people here, right after the Maverick was put in --

RUDY MALFABON: Uh-huh.

SHERIFF RON UNGER: -- and requested that they look at that to get some crosswalks in. We've been very fortunate, at this point, but we're going to get somebody nailed there. And I think we need to get some crosswalks.

Now, there is a flashing light that we was able to get implemented by that.

RUDY MALFABON: Okay.

SHERIFF RON UNGER: But we've got a lot of kids. We've got the high school and the junior high and the elementary kids coming across to either get something at the Maverick or the McDonald's --

RUDY MALFABON: Right.

SHERIFF RON UNGER: -- or those places. And it's a -- it's a big concern of mine.

RUDY MALFABON: What --

SHERIFF RON UNGER: And I'd like to see something done and who do I need to --

COMMISSIONER MILLS: You might want to --

SHERIFF RON UNGER: -- talk to --

RUDY MALFABON: That's exactly the type of input that we're looking at for the pedestrian safety --

COMMISSIONER MILLS: That's another one --

RUDY MALFABON: -- program --

COMMISSIONER MILLS: -- you might want --

RUDY MALFABON: So as --
COMMISSIONER MILLS: -- to go look at.
RUDY MALFABON: That's probably --
COMMISSIONER MILLS: That's just --
RUDY MALFABON: -- one you could put --
COMMISSIONER MILLS: -- right down from where Broyles Ranch Road comes into Front Street.
RUDY MALFABON: Okay. We'll look at that.
COMMISSIONER MILLS: That's within a hundred yards.
RUDY MALFABON: That's the type that we're looking at improving: lighting, maybe putting in the -- it's a different type of light than the -- the flashing. It's more of a -- catches the attention of the driver, that we're looking at a different type of pedestrian-activated push button too --
SHERIFF RON UNGER: Well, --
RUDY MALFABON: -- for (indiscernible).
SHERIFF RON UNGER: -- and I understand that. And that's all fine and good. But without crosswalks, them light's not doing anybody any good.
RUDY MALFABON: Oh, yeah. We would look at crosswalks.
SHERIFF RON UNGER: You know, --
RUDY MALFABON: Painted crosswalks.
SHERIFF RON UNGER: And to me, it's simple as --
RUDY MALFABON: We don't like --
SHERIFF RON UNGER: -- just paint.
RUDY MALFABON: -- to put crosswalks by themselves because then it gives kids a false sense of security.
SHERIFF RON UNGER: And there is a -- there is a --
RUDY MALFABON: But with a light, with the combination of improved street lighting and flashing, you know, pedestrian-actuated flasher. We could look at that as an improvement under that pedestrian safety.
SHERIFF RON UNGER: But is there somebody I need to talk to? Or can the county commission visit with them? I'm sure they know my --
COMMISSIONER MILLS: Yeah, --
SHERIFF RON UNGER: -- issue.
COMMISSIONER MILLS: -- who can we follow-up with on --
UNIDENTIFIED PARTICIPANT: Well, --
COMMISSIONER MILLS: -- something like that?

UNIDENTIFIED PARTICIPANT: Well, we'll follow --
UNIDENTIFIED PARTICIPANT: We will follow up with you.
UNIDENTIFIED PARTICIPANT: Yeah.
COMMISSIONER MILLS: Okay.
RUDY MALFABON: Yes. I --
UNIDENTIFIED PARTICIPANT: Promise.
RUDY MALFABON: We do have some safety folks that are specifically working on that program. And we'll put them in touch with you --
COMMISSIONER MILLS: Yeah.
RUDY MALFABON: -- directly so you can initiate them looking at that.
COMMISSIONER MILLS: I think for -- for us, it's that Broad Street, Broyles Ranch Road, right in that area, over the overpass and the new courthouse, that whole --
RUDY MALFABON: Yeah, we drove by there --
COMMISSIONER MILLS: That whole little piece there is becoming kind of a concern.
RUDY MALFABON: Okay.
COMMISSIONER MILLS: And again, that overpass over the freeway's our one -- that's our one access, north and south, over the freeway.
RUDY MALFABON: Right.
COMMISSIONER MILLS: So it's -- it's our hot spot, I guess.
RUDY MALFABON: Okay.
SHERIFF RON UNGER: Thank you, sir.
CHAIRMAN STIENMETZ: Do we have any other public comment?
(No comment.)
CHAIRMAN STIENMETZ: Do I have a motion to accept the program?
COMMISSIONER MILLS: Let's see. I'll make a motion to accept the NDOT Fiscal Year 2016 Work Program.
COMMISSIONER CLARK: I'll second it.
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER CLARK: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.
Thank you.
COMMISSIONER MILLS: Okay.

RUDY MALFABON: Thank you very much.
CHAIRMAN STIENMETZ: Appreciate it.
COMMISSIONER MILLS: Thank you --
COMMISSIONER WAITS: Thank you.
COMMISSIONER MILLS: -- for your time. Appreciate it.
RUDY MALFABON: You're welcome.
UNIDENTIFIED PARTICIPANT: Thanks, Patsy.

FINANCE

1) Discussion for possible action regarding budget review, contracts, financial update and other matters properly relating thereto.

CHAIRMAN STIENMETZ: We'll go back now to Item 1, update on budget review, contracts, financial updates, and other matters properly related thereto.

You're up, Nan.

NAN ANCHO: Okay.

UNIDENTIFIED PARTICIPANT: My hands are always sweaty, but --

COUNTY CLERK SULLIVAN: Just one moment.

CHAIRMAN STIENMETZ: Oh, excuse me.

NAN ANCHO: Okay. We had our public hearing on the 18th of May for the final budget. It was sent to the Department of Taxation on the 22nd. We did have a couple of changes, and we discussed them.

A couple of other items that we discussed was the two items at the sheriff's office. One was the KeyWatch and the Connex. They were not denied. They were deferred.

So they are still sitting in pending status. So they were not taken out of the budget. They have not come before you for a final decision yet. So I just wanted to update you on that one.

We had a audit meeting with our auditors, Drake Rose & Associates. The audit committee met with them on May 19th. They schooled us on the process of what they're going to -- what they're -- what they're going to do for our audit this year. They're starting right now. So I have a laundry list of things to get going.

And that is about all I have. This time.

CHAIRMAN STIENMETZ: Thank you.

COMMISSIONER MILLS: Okay.

NAN ANCHO: Thank you.

RECORDER

2) Discussion for possible action to approve the amendment for a two-year extension to the Interstate Interlocal Contract between the State of Nevada acting by and through its Department of Motor Vehicles and Lander County Recorder, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Go to Item Number 2.

Discussion for possible action to approve the amendment -- amendment for a two-year extension to the interlocal contract between the State of Nevada, acting by the -- and through its Department of Motor Vehicle and Lander County recorder, and other matters properly related thereto.

LESLEY BUNCH: This is Lesley Bunch, Lander County recorder.

We're just asking for a two-year extension on the contract that we presently have for the DMV.

I have talked to Ted about some changes that I'd like to have seen happen. But since this is just an extension, maybe the next time we decide to go through this, maybe we can do a few changes. Otherwise, he said it's normal. So if I can get your permission, I have given three copies that need to be signed. Somebody, I hope, has them. If not, I'll go make them again.

And then a commiss- -- the commission needs to sign them. And I will sign them all. So it's just an extension of what we already have in service.

DISTRICT ATTORNEY HERRERA: Ted Herrera, for the record, if I may, Mr. Chairman.

As Lesley points out, she did come to me and ask if it was possible to make any changes or to renegotiate the amendment. And this is an amendment to the contract. The amendment is two years. So you'll be signing the amendment. And it's called the Amendment Number 1 to Interstate Interlocal Contract between

Public Agencies.

Now, in talking to them, there's currently seven counties in the state of Nevada that have programs such as these and all seven contracts are identified.

And they -- they notified me that they're in no position to renegotiate since every county has the same -- the same terms. So that -- that said, I did discuss with the -- with the department, that-- their department about trying for Lesley and her -- her people and things of that sort. But that's basically what the situation was.

COMMISSIONER WAITS: I'll make a motion that the commissioners approve Amendment Number 1 to the Interstate Interlocal Contract between Public Agencies. This will give us a two-year extension. And I authorize the chair or vice chair to sign.

COMMISSIONER MILLS: I'll second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER WAITS: Lesley, if you would just clarify something for me on this --

LESLEY BUNCH: Sure.

COMMISSIONER WAITS: -- because I keep hearing different things.

LESLEY BUNCH: Sure.

COMMISSIONER WAITS: When we pay in person, we know that that -- those moneys stay in Lander County, whether it's the Austin branch or Battle Mountain. But I am understanding now that if they renew, like, DMV licenses and such through -- or online through the internet, that we still receive some of those funds?

LESLEY BUNCH: We do.

The -- the main thing is that no matter where you do it throughout the state, a portion goes to Carson City. That's -- that's what it is.

If you -- if you do any -- anything else comes to the county

that you reside in. Even if you go to Humboldt County or you go to Eureka and you do your -- your updates, your renewals, whatever, the main -- your -- your main county is Lander. It goes in as Lander. And the funds come to Lander.

COMMISSIONER WAITS: Is there --

LESLEY BUNCH: You can do it online. You can do however you want to do it. But the main funds come to Lander.

And maybe 2 percent is what I was told then goes to the county that you work -- that you're actually in. But it's such a small amount that it's not going to change anything. It's not going to take anything away from Lander County.

COMMISSIONER WAITS: Thank you. We were under the impression that if we renewed by mail that Lander County lost some of those funds.

LESLEY BUNCH: Maybe 2 percent, but it's not --

COMMISSIONER WAITS: Okay.

LESLEY BUNCH: It's not anything grave.

I would prefer that somebody did it online because they like doing it online rather than not coming in to the office because they were uncomfortable.

So we don't lose anything. It's going to be basically the same no matter where you go. It's just here I think is probably quicker and more convenient than it would be to go to Elko or to Winnemucca, which does take quite a long time. And, you know, I talked to them. They will never -- they will never give us the authority to do licenses or anything like that here. We're just an outside agency. We're not -- we're not allowed to do that.

So as far as just the renewals for licenses and that -- or for registrations, that kind of thing, we don't lose but maybe a very, very, very, very small percent by doing it that way.

COMMISSIONER WAITS: Thank you.

LESLEY BUNCH: You're welcome.

Is that it? That's all you wanted me? You're done?

Done with me. Thank you for your help.

DISTRICT ATTORNEY HERRERA: Any time.

COMMISSIONERS

3) Discussion for possible action to approve contract award to Sierra Nevada Construction for the Town of Austin 2015 Corrective Maintenance Project (seal coat), and other matters properly related thereto.

CHAIRMAN STIENMETZ: We'll go to Item Number 3. Discussion for possible action to approve contract award to Sierra Nevada Construction for the Town of Austin 2015 Corrective Maintenance Project seal coat, and other matters properly related thereto.

BERT RAMOS: Good morning.

COMMISSIONER WAITS: Hello.

UNIDENTIFIED PARTICIPANT: How are you?

COMMISSIONER CLARK: How you been, Bert? Haven't seen you for a while, man.

BERT RAMOS: I'm all right. The -- Bert Ramos for the record.

This is just protecting our asphalt, some of our investment that we put down. I already came before you guys, got the approval for the money, and now we got the bids in.

And SMC was our lowest bid and I think our best option, so...

COMMISSIONER WAITS: I did notice on the agenda request form that you put a note down in there: when all bonds and insurance are in place.

Isn't that something that's always brought to us ahead of time? The bonds and the insurance? I mean, that's -- that's automatic; right? We don't have to make anything conditional on that with the motion.

NAN ANCHO: No, we received -- we -- Nan Ancho, Finance.

We receive those automatically. Any time you start a project we get -- we get those -- that information.

COMMISSIONER WAITS: Okay. Good catch.

I'll make a motion that we approve the contract with Sierra Nevada Construction for the Town of Austin 2015 Corrective Maintenance Project, which is the seal coat. And we authorize the chair or vice chair to sign.

CHAIRMAN STIENMETZ: Don't we need an amount?

COMMISSIONER WAITS: You want the amount? Four hundred and

-- $404,007, not to exceed that amount.

COMMISSIONER MILLS: I'll second.

COMMISSIONER CLARK: Change. Nothing but change.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

COUNTY CLERK SULLIVAN: Steve.

CHAIRMAN STIENMETZ: All in favor?

COUNTY CLERK SULLIVAN: Steve.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

COUNTY CLERK SULLIVAN: (Indiscernible.)

DISTRICT ATTORNEY HERRERA: For -- for the record, Ted Herrera. We presently don't have the contract for signature at this point. So just take that into account. And we tried to call -- Sadie tried to call Clint to see where it is. Maybe Bert knows where it is.

CLINT THIESSE: I'm right here.

DISTRICT ATTORNEY HERRERA: Oh, there he is. Do you -- do you have the contract?

CLINT THIESSE: No, I do not.

DISTRICT ATTORNEY HERRERA: Do you know where it is?

CLINT THIESSE: I can generate one and get it over -- (indiscernible).

DISTRICT ATTORNEY HERRERA: But --

CLINT THIESSE: I was not aware --

DISTRICT ATTORNEY HERRERA: That would be fine. So... just so you know that. If you're looking to the book for a contract, it's (indiscernible), but Clint can generate one and get it for you.

COMMISSIONER WAITS: Well, we don't --

COMMISSIONER CLARK: More stuff --

COMMISSIONER WAITS: -- have a date --

COMMISSIONER CLARK: -- for you to do.

COMMISSIONER WAITS: -- when they're authorized to sign; so we're -- we're okay on that; right?

DISTRICT ATTORNEY HERRERA: Right.

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.
CLINT THIESSE: Thank you much.

4) Discussion for possible action to approve the job description for the community service officer, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Number 4 is discussion for possible action to approve the job description for the community service officer, and other matters properly related thereto.

COMMISSIONER WAITS: I would like to disclose before we start the comments on that, that according to NRS 281A.420, I do have a friend that actually holds this position. And she is a business associate also. However, there is no pecuniary interest or anything that would mean anything substantial that would not allow me to discuss or vote on this matter, as we are just looking at the job description.

NAN ANCHO: This was brought before you the last -- before the last meeting on May 14th. And it was taken back and revised. And I think all parties involved were agreeable, in agreeance with this.

COMMISSIONER MILLS: So this --

NAN ANCHO: (Indiscernible.)

COMMISSIONER MILLS: -- is -- this is a better --

NAN ANCHO: I believe so.

COMMISSIONER MILLS: -- result than the first time around?

NAN ANCHO: Yes. Yes.

COMMISSIONER MILLS: Okay.

COMMISSIONER WAITS: Now in reading through it, I see there are some things that have added to it. And, of course, this was done because our Department of Energy had been funding a good portion of this position.

And so this will be effective -- this job description will be effective July 1st? Is that my understanding?

NAN ANCHO: Correct.

COMMISSIONER WAITS: And then if DOE comes back in, we'll come before us and see what else we want to do at that point; is that correct?

NAN ANCHO: Yes. We'll address that at a later date.

COMMISSIONER MILLS: Okay. I'll make a motion to approve the job description for the community services officer.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

Does he need to authorize the chair to sign or --

COUNTY CLERK SULLIVAN: No.

CHAIRMAN STIENMETZ: All right.

6) Discussion for possible action to approve the appointment of the Executive Director and/or Assistant Executive Director to enter into Advisory Board Contracts on behalf of Lander County, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Now we'll go on to Item Number 6.

Discussion for possible action to approve the appointment of the executive director and/or assistant executive director to enter into advisory board contracts on behalf of the county -- on behalf of Lander County, and other matters properly related thereto.

DISTRICT ATTORNEY HERRERA: Ted Herrera, for the record.

By way of background, this has to do with the board that runs the rodeo grounds. And --

COMMISSIONER CLARK: On what?

DISTRICT ATTORNEY HERRERA: I attended one of their meetings. And the ladies on that board were concerned that what they were doing is engaging in third party contracts on behalf of Lander County for people to -- to bring in -- in and have events at the rodeo grounds. And it's been going on for years and years and years, and, I mean, many years.

So they felt like they might be liable for this. And they wanted to make sure they weren't.

And -- in researching this, I discovered that they are a county advisory board only.

And pursuant to -- to Lander County ordinance, it states

1 that -- and I will -- will show -- state in pertinent part
2 County Advisory Board Ordinance 1.08.04, subsection B, it says
3 because county advisory boards are strictly advisory, no member
4 of any board may contract on behalf of the county or engage or
5 commit Lander County to any action, policy, expense or
6 undertaking.
7 And then 108.050, it states that -- that unless expressly
8 authorized by Nevada law, an advisory board may not perform any
9 discretionary function. It shall not take action or pass rules
10 or regulations binding on anyone or anything. It shall not
11 enter into contracts on behalf of Lander County. And then it
12 goes on to say that unless it's -- an advisory board may only
13 advise the county and give suggestions about issues and problems
14 which it has studied.
15 Now, it also says that the Lander -- Lander County
16 commissioners may not give them discretionary powers to implement
17 the code.
18 Therefore, I had to advise the ladies that currently any
19 contract they had previously engaged in, or was in the process of
20 engaging into, may bring liability upon themselves individually
21 and upon the county collectively for allowing them to do that.
22 So I brought this to Keith's attention. And there's two
23 possible suggestions that I had. One of them was to have this
24 board discuss and approve the appointment of the director or
25 assistant executive director to enter into advisory board
26 contracts on behalf of Lander County.
27 Or you can decide that you want these advisorary --
28 advisory boards to come in front of you each and every time that
29 an event wants to take place.
30 Now, it's your decision, but you do have the power to -- to
31 delegate the authority to Keith, the executive director, or
32 assistant executive director.
33 Now that's the issue. And it's only come up in this one
34 board so far. But -- but we're going -- we're going through
35 these boards one at a time and this is, and this is the first
36 board we've gone through. So --
37 And we saw there's a big problem. So I wanted to give you
38 background on what the problem is. And we want to curtail the
39 liability and stop it.
40 And the ladies were wonderful about this. And I suggested

to them, whichever way the county wants to go, they can still collect the data and the information from the applicants who want the events.

They'll -- they'll -- they can even make sure that the deposit's been paid, that the insurance was there. And then they come in front of the executive director or the assistant executive director and/or the board of county commissioners and bring all that information and give you a recommendation, and say that, yeah, that event can be conducted on that particular weekend or that week. It's -- and they can do all this stuff. But they can't sign the contract. So that's what we're all about.

COMMISSIONER MILLS: So you said this -- so far the livestock events board is the only board this is affecting.

DISTRICT ATTORNEY HERRERA: It's the only board I've really got a chance to get into so far. I'm doing one board at a time.

COMMISSIONER MILLS: Right.

DISTRICT ATTORNEY HERRERA: But --

COMMISSIONER MILLS: So if we do this -- if we do this action, will this apply to other boards as we get to them?

DISTRICT ATTORNEY HERRERA: If you -- if your motion so allows, yes, it will.

COMMISSIONER MILLS: Okay.

COMMISSIONER WAITS: I really like the idea of delegating, especially when we have two competent, key leaders in our administration office to do that.

But the other thing that is a concern is the time frame. Because very often they have to have things signed quicker than our agenda and our meetings and advertisements, et cetera. So...

DISTRICT ATTORNEY HERRERA: I agree. And that's why I suggested the executive director.

COMMISSIONER WAITS: Well, I think it's an excellent idea.

DISTRICT ATTORNEY HERRERA: Or the assistant. You can skip the other --

NAN ANCHO: (Indiscernible.)

DISTRICT ATTORNEY HERRERA: No, you're not left out.

COMMISSIONER MILLS: So with that, I will make a motion that we approve the appointment of the executive director and/or the assistant executive director to enter into advisory board

contracts in behalf of Lander County.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

7) Discussion and possible action to research by ad hoc committee and or amend the dog ordinance in Lander County (to include other animals), and other matters properly related thereto.

CHAIRMAN STIENMETZ: With that, we'll go to Number 7. Discussion and possible action to research by ad hoc committee and or amend the dog ordinance in Lander County to include other animals, and other matters properly related thereto.

COMMISSIONER CLARK: I asked for this item to be on the agenda. I'll let Ted speak to the issue.

DISTRICT ATTORNEY HERRERA: Commissioner Clark not only asked to place this on the agenda, but he also has been contacted by numerous people who were concerned with, specifically, cats in this particular case.

And a lot of that has do with this case we had recently where -- where there were a lot of cats in a particular trailer house. And it was causing health issues, severe health issues.

So I advised Mr. Clark that -- that when -- that if you made -- build an ordinance on animals to include other animals, there's -- there's two sides to that ordinance. It's not only -- not only to -- to make sure that they comply with a systemic set of rules and regulations, but also for the protection of said animals. So there's two parts to consider.

So this needs to be a well-thought-out decision.

The dogs are -- we only have dogs currently, in the Lander County code, for a particular reason. We only have to -- to find the resources, and the county commissioners' obligation, and the ordinances to do that, and then delegate it to the sheriff, who's currently here today, to make sure he has the resources to take

1 care of animals -- dogs.
2 If we enlarge it to include all other animals or cats or
3 whatever, there's going to be consequences to that, in that, not
4 only in the regulatory scheme, but in resources that are necessary
5 for the sheriff -- and also the cat catcher, I guess -- for the
6 sheriff to -- to make this mandate. And you guys will create a
7 mandate to make it available to him. So you need to understand
8 this.
9 So -- so I suggested an ad hoc committee. And you have the
10 option to either say, yes, we, you know, want to do this, no, we
11 don't want to do this, or we want to do an ad hoc committee. And
12 an ad hoc, for those here that may not know what ad hoc means, it
13 means for a specific purpose.
14 So if the board -- if anybody is in attendance who wants to
15 be on going to be on this committee and do research on -- on
16 bringing cats or other animals into the ordinance, that's what
17 the ad hoc committee -- that would be the specific purpose.
18 They would -- they would study it, do research on it, make
19 suggestions, and bring it all in front of the county
20 commissioners so you can make an educated decision. I think
21 it's an important -- important thing. And it needs to be looked
22 at thoroughly. And an educated decision needs to be made.
23 COMMISSIONER WAITS: Who actually will -- will give the
24 guidance to the ad hoc committee of what we want them to
25 research? Do we want to research absolutely everything? Or do
26 we want to give us some guidelines with, yes, we might license,
27 or, yes, we might put a number on. Or I mean, who's going to do
28 the guidance for that?
29 DISTRICT ATTORNEY HERRERA: You four.
30 You can appoint someone to do it. You can -- can see if
31 anybody's in the call room because this was noticed and if
32 anybody's in the public that -- that has any interest when you --
33 I would suggest you go to public comment to see who has an
34 interest here --
35 COMMISSIONER CLARK: Right.
36 DISTRICT ATTORNEY HERRERA: -- and see what develops?
37 COMMISSIONER CLARK: We have to have -- we have to have
38 somebody from the Sheriff's Office --
39 DISTRICT ATTORNEY HERRERA: I would suggest that.
40 COMMISSIONER CLARK: -- on this. I mean, that's --

CHAIRMAN STIENMETZ: Uh-huh.

COMMISSIONER CLARK: We talked about this. We knew this was going to come. Now we're at that point in time, we need to address it.

So I don't know who you're going to --

SHERIFF RON UNGER: Well, it would be -- I'd be on that committee.

COMMISSIONER CLARK: Okay.

SHERIFF RON UNGER: I guess. And I'd also have an alternate, or maybe two, if I was unable to attend. And I'd make sure that if I couldn't that the alternate knows what's going on. They could even come to the meetings.

But the question I have: I know we visited about the cats. I know there's a dog issue problem. Now it's extended into cats. Where is this going to stop? Are we going to look at goats, sheep, llamas, horses, --

CHAIRMAN STIENMETZ: Cows.

COMMISSIONER CLARK: That's --

SHERIFF RON UNGER: -- chickens?

COMMISSIONER MILLS: That would be up to this committee.

COMMISSIONER CLARK: Right.

DISTRICT ATTORNEY HERRERA: Yeah. That's up to the committee, but that usually comes under the umbrella of farm animals. And they do have certain exceptions to the farm animals.

SHERIFF RON UNGER: Well -- and like this, we have been involved in -- most of you know, we've seized up to a hundred head of animals that were livestock. And we had to maintain them for three months to the tune of $15,000 out of my budget, but we got zero back on.

Now, we did that. We seized them on that piece of property. And we've done this twice, three times.

If we get into this, I don't want to seize them and leave them on the property again if we don't have to. Because that created a lot of issue and a lot of cost for us because of the location, water haulage, feed, this type of stuff.

Now you're looking at having to have a facility other than -- the rodeo grounds would be the number one place that I would have to put them. But we're not really secured there. You know, like you said, this -- this is a big snowball.

DISTRICT ATTORNEY HERRERA: It is.
COMMISSIONER MILLS: Uh-huh.
COMMISSIONER CLARK: But this --
SHERIFF RON UNGER: I just wanted to know --
COMMISSIONER MILLS: And it could --
SHERIFF RON UNGER: -- in order to draw --
DISTRICT ATTORNEY HERRERA: Person could be --
SHERIFF RON UNGER: -- the line.
COMMISSIONER MILLS: It could get expensive really fast.
SHERIFF RON UNGER: Oh, yeah.
COMMISSIONER MILLS: Right?
COMMISSIONER CLARK: These --
SHERIFF RON UNGER: We need a semi bull wagon.
COMMISSIONER CLARK: These situations, Ron, that you're talking about, though, the big expenses were because of abuse, neglect, torture.
SHERIFF RON UNGER: Yes, sir.
COMMISSIONER WAITS: No choice in those situations. You have to go in. What we're trying to do, what I envision that we're trying to do, is come up with some information for consideration on cats. Specifically cats are an issue at this time, have been for a long time.
SHERIFF RON UNGER: Since Duvall left.
COMMISSIONER CLARK: Yeah.
CHAIRMAN STIENMETZ: Sue?
SUSAN DAVIS: I'm here primarily in terms of -- you're waving at me.
DISTRICT ATTORNEY HERRERA: You need to state your --
CHAIRMAN STIENMETZ: Step up and state your name, --
COMMISSIONER CLARK: Yes.
CHAIRMAN STIENMETZ: -- please.
COMMISSIONER CLARK: You know how this works, --
SUSAN DAVIS: Okay.
COMMISSIONER CLARK: -- Ms. Davis.
SUSAN DAVIS: Yes. Unfortunately, I do. My name is Susan Davis. And I'm coming here before you today to talk about cats.
First thing I'd like to talk to you about is the fact that I certainly would be willing to serve on this committee because I think there are a lot of things that people do not know, not only about the legalities of some of these issues, but about cats, in

1 particular, and in particular feral cats.
2 So I think the ad hoc committee idea was an excellent one.
3 And I think there's a lot of conversation that can go on there
4 amidst the individuals that are involved on that committee to
5 bring back to you. Because I sympathize with Ron. I mean,
6 it's -- it's a big issue.
7 At this point in time and space to talk about all of it, or
8 to try and talk about all of it in this meeting, would be pretty
9 difficult.
10 So I've been taking care of cats in this county for a long
11 time. And there are various things about those ferals that people
12 need to understand before you start designating people to go out
13 and trap them or pick them up or people to be responsible for them
14 and so on and so forth.
15 And I think, again, a committee would be a good place to do
16 this.
17 So once again, I definitely am interested in being on that,
18 if you decide to have one, a committee. Because I think it's
19 something that needs to be done.
20 COMMISSIONER CLARK: Judie Allen, also contacted me and
21 said she wanted to serve on the ad hoc committee, if we formed
22 one. So now we have two, --
23 DISTRICT ATTORNEY HERRERA: Anybody else?
24 COMMISSIONER CLARK: -- three, four? Three for sure. An
25 alternate? Okay.
26 COMMISSIONER MILLS: Is that -- is that enough; do you
27 think for a committee that will come up with some good ideas?
28 SHERIFF RON UNGER: I think at least five. Susan knows a
29 lot about this so --
30 COMMISSIONER MILLS: Do you know anybody who would want to
31 be on a --
32 COMMISSIONER CLARK: Max?
33 COMMISSIONER MILLS: -- on a committee?
34 JUDGE MAX BUNCH: I have way too much --
35 COMMISSIONER MILLS: Max?
36 JUDGE MAX BUNCH: Way too many committees.
37 COMMISSIONER CLARK: Bert?
38 JUDGE MAX BUNCH: Pass.
39 BERT RAMOS: You guys called for it after --
40 COMMISSIONER CLARK: That's what I figured, okay.

Patsy? Patsy?

COMMISSIONER WAITS: I -- I will volunteer to serve on that. And I think you most certainly should too, Art.

SHERIFF RON UNGER: And I would offer the -- my training room at the sheriff's office to hold these meetings if, if -- the other courthouse is not open or if you'd like, I'll make that available for us.

SUSAN DAVIS: And just --

DISTRICT ATTORNEY HERRERA: And if the committee ever needs me to -- to give legal advice during the pendency of this, of their investigations or their research, I'd be happy to. Just let me know and I can get -- if you do ma- -- you know, make a committee, then I'd be happy to attend at any time.

KATHY ANCHO: Kathy Ancho, Lander County Sheriff's Office.

When we had this problem with this case that he was talking about with all of these cats, I went outside the county to try to get help, and basically nobody would talk to me. They said take them out and let the coyotes get them or the ranchers, is basically what I was told.

And it caused -- not -- for all the neighbors in that area, those cats caused huge problem and still are because they're still infiltrating out there in the community.

And one thing we did years ago -- being at the sheriff's office 28 years, years ago they did spay and neuter cats. And that is one idea as well because it did at least help keep the population down. And we had problems, but not like they do now. When they cut the funding for that, then the issue started to grow. So that's just an idea as well for the ad hoc committee that that's spay and neutering them helped. So...

COMMISSIONER CLARK: If we can get a starting point, that will help.

KATHY ANCHO: Yeah.

COMMISSIONER CLARK: And the voucher system --

KATHY ANCHO: Uh-huh.

COMMISSIONER CLARK: -- is very doable.

KATHY ANCHO: We contracted out with the vets. You know, they did it for -- they did it, you know, reduced, not, you know, a whole lot, but a reduced amount, they did work with us because we did send a lot of business their way. So...

COMMISSIONER MILLS: What's it cost for spay and neutering?

KATHY ANCHO: Ask Susan.

SUSAN DAVIS: Can I -- can I just make one more comment? And then I'll answer your question.

My thanks to the sheriff's department for all the work they've done with me and the help and cooperation that I've received from individuals on your staff. Kudos, because very helpful. And when they didn't know, they either looked it up or we worked on it together in terms of legalities. Because certainly, as you all know, there's some relatively new stuff that's come as far as -- as those things.

And thanks, too, to the dogcatchers that I've worked with on a lot of these elements. Thank you to Kathy. I'm here today partially because of Kathy. And thank you to Art. I'm here today partially because of Art as well. It's an important issue and one that needs to be addressed. It's not fair for those animals to suffer. And many of them do suffer. And I have one of those soft tickers.

Depends on who you work with. And I have other things done to my animals. My belief is, it's all well and good to feed them, but that's not going to stop the numbers of litters that you're going to have and your problem compounding and compounding and compounding.

Also have mine spayed. I do it with Elko Vet Clinic. The total that I have costs me somewhere between 135 and 150 for males and 150 and 200 for females. But before you gasp in horror -- okay --.

COMMISSIONER MILLS: I'm gasping in horror.

SUSAN DAVIS: Yes. Basically what I had done, I have leukemia testing done on those cats. If any of the animals that I take in there have leukemia, they're put down because the disease is communicable. Don't want leukemia running around in the population. I also give them their first set of distemper and other shots.

It's not a permanent issue because those little rascals don't want to run into that trap two or three more times to get all the boosters.

So it's a very temporary thing for them.

Those are basically the extras that I do. So you'd probably be talking, maybe, to go through Elko Vet Clinic, maybe a hundred dollars around males, maybe 125 to 150 for females. Because if

they're pregnant, it costs more to have the -- the cats spayed.

So you're not talking about something that's cheap.

COMMISSIONER MILLS: Right.

SUSAN DAVIS: But what Kathy has said is a good starting place for these animals is, at one time, most of the animals in this county were spayed and neutered. And they were done by Debbie Drown and Maureen Martin working off of Humane Society funds.

And at that time, also, if I remember correctly, the county also offered a spay and neuter program for citizens in town.

I, personally, have received phone calls from seniors out on Hill Top and in town that need help because they want to get their animals spayed and neutered. They don't have the money to do it. They don't want to hurt their animals. They don't want to, you know, so they're in a situation where they've got litters, now they're going to compound their problem over the course of a couple of years, incredibly.

So I could talk --

COMMISSIONER CLARK: Well --

SUSAN DAVIS: -- forever, but I shan't.

COMMISSIONER CLARK: If you --

COMMISSIONER MILLS: Is --

COMMISSIONER CLARK: -- if you read the Bugle this week, there's a commentary in there. And it uses the feral cat issue as an example of how a problem can get really bad, quick.

So --

COMMISSIONER MILLS: So is this somewhere where if we put a ad hoc committee together we want a time frame? Or do we just kind of let it go and see what happens?

COMMISSIONER CLARK: Well, I think we should give timelines for reports, updates. We can get an update once a month.

COMMISSIONER MILLS: Semimonthly? We don't want to do them too often.

I don't want to talk about this every month.

I want to get it resolved.

COMMISSIONER CLARK: Be fine.

COMMISSIONER MILLS: I mean, every other month or --

COMMISSIONER CLARK: Right.

COMMISSIONER MILLS: -- something like that --

CHAIRMAN STIENMETZ: Oh, yeah.

COMMISSIONER MILLS: -- sufficient?
COMMISSIONER CLARK: Sure.
SHERIFF RON UNGER: Well, if you've got two county commissioners on the ad hoc committee, you'd definitely be updated.
COMMISSIONER MILLS: Well, that's true. So --
COMMISSIONER CLARK: Patsy and Doug are on the committee?
COMMISSIONER MILLS: No.
SHERIFF RON UNGER: Art and Patsy is what I heard.
You stirred this pot, buddy.
COMMISSIONER CLARK: You want me on the committee with you?
SHERIFF RON UNGER: Yeah, absolutely. I have no problems with that.
COMMISSIONER CLARK: You asked for it. You're going to get it.
CHAIRMAN STIENMETZ: Do I have a motion?
UNIDENTIFIED PARTICIPANT: Oh no.
COMMISSIONER MILLS: So do we have to name the people on the committee in the motion? Okay.
COMMISSIONER CLARK: I would just --
COMMISSIONER MILLS: I would make -- I would make a motion that we develop an ad hoc committee to research and work on amending the dog ordinance in the Lander County --
DISTRICT ATTORNEY HERRERA: Lead by.
COMMISSIONER MILLS: Oh. Led by Art Clark.
COMMISSIONER CLARK: No. By Ron Unger.
SHERIFF RON UNGER: No, I don't have time --
SUSAN DAVIS: It does --
SHERIFF RON UNGER: -- to be the leader.
COMMISSIONER MILLS: -- and Patsy Waits to -- to develop and amend the dog ordinance in Lander County.
COMMISSIONER WAITS: Okay. With two of on this, how do -- how do you vote if we can't vote?
CHAIRMAN STIENMETZ: I can second.
COMMISSIONER WAITS: Can we vote?
CHAIRMAN STIENMETZ: Yes. You can vote because it's not a financial gain --
DISTRICT ATTORNEY HERRERA: Yeah.
CHAIRMAN STIENMETZ: -- or anything.
COMMISSIONER WAITS: My question is -- did you second that?

CHAIRMAN STIENMETZ: Yes.

COMMISSIONER WAITS: Thank you.

My question is: Do we want a limit? Because there might be some more people in town that would -- would be a great advantage to have on it. But I don't want a whole room, you know, full to start with. If we have to do a public hearing, --

COMMISSIONER MILLS: That'd be --

COMMISSIONER WAITS: -- that's fine --

COMMISSIONER MILLS: That'd be hard to work with.

COMMISSIONER WAITS: -- later. But I would say, let's set a number of at least -- what? -- no more than --

CHAIRMAN STIENMETZ: Right.

COMMISSIONER WAITS: -- seven?

DISTRICT ATTORNEY HERRERA: Sounds good.

COMMISSIONER WAITS: Would that take care of everybody?

COMMISSIONER MILLS: Okay. So I will amend my motion to add that the committee -- this ad hoc committee will have no more than seven participants.

DISTRICT ATTORNEY HERRERA: And approve the chair.

CHAIRMAN STIENMETZ: Yeah. Well, --

COMMISSIONER MILLS: Right. Do we need to include that in here?

DISTRICT ATTORNEY HERRERA: You have to include the sheriff.

COMMISSIONER MILLS: We'll include the sheriff in that --

COMMISSIONER CLARK: And --

COMMISSIONER MILLS: -- ad hoc committee.

DISTRICT ATTORNEY HERRERA: And --

COMMISSIONER CLARK: And they have to --

DISTRICT ATTORNEY HERRERA: -- anticipate.

COMMISSIONER CLARK: -- pass a background check.

JUDGE MAX BUNCH: That's why they asked you before if you had to name them.

COMMISSIONER MILLS: I asked if you wanted to name them and you said no.

JUDGE MAX BUNCH: I said no?

COMMISSIONER MILLS: Do you want them named?

DISTRICT ATTORNEY HERRERA: For the record, when I said "led by," I assumed that the county commissioners would then make all the other things.

COMMISSIONER CLARK: Yeah.

DISTRICT ATTORNEY HERRERA: But since we're making seven people, we might as well name the people we want on that right now.

COMMISSIONER MILLS: Okay.

DISTRICT ATTORNEY HERRERA: So -- so I know that the sheriff really would love to be on this committee.

COMMISSIONER MILLS: He said so.

DISTRICT ATTORNEY HERRERA: And Ms. Davis wants to be on this committee.

COMMISSIONER CLARK: And Judie Allen.

DISTRICT ATTORNEY HERRERA: And Judie Allen. So we've got five right now.

SHERIFF RON UNGER: You've got the tracker in the back.

DISTRICT ATTORNEY HERRERA: No, the tracker doesn't want to be on the committee.

COMMISSIONER MILLS: Did he volunteer?

COMMISSIONER CLARK: That's three.

DISTRICT ATTORNEY HERRERA: One, two --

JUDGE MAX BUNCH: Four, five.

COMMISSIONER MILLS: That's fi- -- that's five.

CHAIRMAN STIENMETZ: That's five.

COMMISSIONER CLARK: Ron, Judie, and Susan. That's three.

COUNTY CLERK SULLIVAN: Patsy Waits --

UNIDENTIFIED PARTICIPANT: You and Patsy.

COUNTY CLERK SULLIVAN: -- and Art Clark.

COMMISSIONER CLARK: Patsy's four.

COMMISSIONER MILLS: And Art Clark.

CHAIRMAN STIENMETZ: Art Clark's five.

DISTRICT ATTORNEY HERRERA: Oh, I -- they said you wanted to be on it, Art. I -- I didn't know.

Excuse me. I wasn't trying to nominate you for --

COMMISSIONER CLARK: Okay.

DISTRICT ATTORNEY HERRERA: -- anything.

COMMISSIONER CLARK: I'll be an alternate. I'll be Patsy's alternate.

DISTRICT ATTORNEY HERRERA: Okay.

COMMISSIONER CLARK: There we go.

COMMISSIONER MILLS: He just bailed on you. How about that?

COUNTY CLERK SULLIVAN: And who put it on the agenda? Sadie Sullivan, for the record.

Art Clark, it was.

COMMISSIONER MILLS: Whose -- whose item is this?

COMMISSIONER CLARK: I was creating work for Ron, not me.

DISTRICT ATTORNEY HERRERA: You did.

COMMISSIONER CLARK: I did.

COMMISSIONER MILLS: Yeah.

COMMISSIONER CLARK: Okay.

DISTRICT ATTORNEY HERRERA: You're both in there.

SHERIFF RON UNGER: He's my buddy.

COMMISSIONER CLARK: That's right.

CHAIRMAN STIENMETZ: We seconded everything. Any more public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER CLARK: We'll get to the bottom of this. Can we take a break for a couple of minutes, --

CHAIRMAN STIENMETZ: Yeah, --

COMMISSIONER CLARK: -- Steve?

CHAIRMAN STIENMETZ: -- let's take a five-minute break.

(Break taken between 2:31 p.m. and 2:38 p.m.)

CHAIRMAN STIENMETZ: All right. Let's call the meeting back to order.

COUNTY CLERK SULLIVAN: Austin, can you hear us?

MITESHELL LANHAM: Yes, we can.

COUNTY CLERK SULLIVAN: Okay.

CHAIRMAN STIENMETZ: All right. Please call the meeting back to order.

8) Discussion and possible action regarding approval to terminate, renegotiate, or advertise the Valley TV contract in Austin, and other matters properly related thereto.

CHAIRMAN STIENMETZ: We'll go in to Item 8. Discussion and possible action regarding approval to terminate, renegotiate, or advise the Valley TV contract in Austin, and other matters properly related thereto.

COMMISSIONER WAITS: We actually tried to do this last year. The commissioners were of the -- the thought that we should be advertising all of our contracts.

And it was only prudent to see who else was interested and what kind of costs we are. But we missed this one. We didn't have it in time.

So it actually is due. And we need to do this timely. Not that we don't like what the gentleman is doing that has the contract. And he may be the only one in the world that ever wants to come out to Austin and do it. But at least we need to advertise.

So my understanding is his contract is up June 30th. So we have to terminate the contract and advertise to see if anybody else is interested or if he will -- if he doesn't resubmit one, can we still contact him and see if he'll continue it? How does that work?

DISTRICT ATTORNEY HERRERA: Ted Herrera, for the record.

It seems to me, by reading the terms of this contract is that you're paying him $2,500 to be on retainer. And whether he does one minute of work, he's on retainer for $2,500.

And then, if he comes and does work, he gets -- and any work he does is not taken out of the payment. Let me point that out. That $2,500 is just --

CHAIRMAN STIENMETZ: Just for retainer.

DISTRICT ATTORNEY HERRERA: -- just for a retainer.

CHAIRMAN STIENMETZ: Any work's above and beyond.

DISTRICT ATTORNEY HERRERA: Yeah, it's above and beyond.

COMMISSIONER WAITS: He --

DISTRICT ATTORNEY HERRERA: And that's what we're in. Now, if you -- if you wish to publish and advertise, you certainly can do that. And if something happens in the -- in between that, I don't see why you couldn't charge or some -- hire someone to come out and do it for a month or two, however long it takes. Because it's not going to cost you any more. You're paying an hourly rate. You're paying $600 for travel.

But if you want to be assured that somebody's there, pay them

$2,500. And then whenever you have a problem, call them. And that's the offset.

COMMISSIONER WAITS: Well, the 2,500 contract still is for him to come out and -- and maintain it. Gives us -- what? -- twice yearly. Is that what he does? Gives us the report. So it isn't like he sits at home and gets 2500. He does have to come out to do that.

But yes, he's absolutely right. We looked at some of the cost. And we ran into some of the problems and thought, wow, this is -- this is hard to maintain. But the citizens in Austin that are still on their type of TV where they cannot afford satellite and such. So we've continued it.

So -- in fact, at the -- the last time this came before us, we actually approved the upgrade for the solar. So he should be doing that. And hopefully that will be done before the end of his contract and our fiscal year to finish that.

I would just like to see us at least advertise it to see if anybody else is interested and what kind of costs and what kind of options are out there.

COMMISSIONER CLARK: Okay. Do you have any problems with this guy?

COMMISSIONER WAITS: No.

COMMISSIONER CLARK: Okay.

DISTRICT ATTORNEY HERRERA: Commissioner Waits, --

COMMISSIONER WAITS: Other than the cost, no.

DISTRICT ATTORNEY HERRERA: I will add that the two -- the two inspections he's required to make, I do believe he -- he's able to charge separately for those. They don't fall under the $2,500.

COMMISSIONER WAITS: That's correct.

DISTRICT ATTORNEY HERRERA: So -- so he's not doing anything for the $2,500. That's just to get him to sign the contract.

COMMISSIONER WAITS: No, he does come out and -- and --

DISTRICT ATTORNEY HERRERA: But he gets to charge us for that separately.

COMMISSIONER CLARK: Four hundred dollars for the --

COMMISSIONER WAITS: Not on his maintenance runs.

DISTRICT ATTORNEY HERRERA: All right. It's not in here.

NAN ANCHO: I believe he does charge us every time he makes

a trip out there. He charges us for the trip.

DISTRICT ATTORNEY HERRERA: Including the maintenance runs. Absolutely. That's what it says in the contract.

COMMISSIONER CLARK: He charges $400 for the trip and $60 an hour while he's there. Or does he charge us $400 for the trip and then $60 an hour as he's traveling?

NAN ANCHO: I would have to dig out the invoice to be exact. But I do know that any time he makes a trip up there, we do receive a bill. And it is for the trip up for any maintenance that he's done. And I do believe it's also for his -- I don't think he charges us for any mileage. But he does -- he does charge us for the --

COMMISSIONER CLARK: Where's he from?

NAN ANCHO: -- trip out there.

COMMISSIONER WAITS: Fallon.

NAN ANCHO: Fallon.

COMMISSIONER CLARK: Fallon?

NAN ANCHO: And that is on top of the retainer that he does get from his contract.

COMMISSIONER WAITS: I've read the reports when he said he's been up to do this. And I didn't realize there was extra mileage on that.

DISTRICT ATTORNEY HERRERA: Oh, yeah.

COMMISSIONER WAITS: Because he -- you know, when it goes down, the TVs go down and he comes up to handle it, then that's all mileage, I know. But it is. It's a lot of money. But on the other hand, Fallon is the closest that we have for anybody to come. We're not going to get anybody closer than Fallon, unless we find somebody in Battle Mountain that wants to bid this.

But we don't know unless we go out whether anyone even wants to --

COMMISSIONER MILLS: How often is he coming out to fix things?

COMMISSIONER WAITS: I -- I couldn't even begin to give you an idea. When it goes down, he's there for us.

COMMISSIONER CLARK: He has -- he has two scheduled maintenances in a year and --

COMMISSIONER MILLS: And then --

COMMISSIONER CLARK: -- in emergencies.

COMMISSIONER MILLS: -- when it breaks, which --

NAN ANCHO: And he shows up any time outside of that, those inspections, to do the kind of repairs if they go down, he shows up for that.

COMMISSIONER MILLS: Well, we're never going to know unless we go look. So...

I will make a motion that we -- well, I don't know. Are we going to terminate this contract?

COMMISSIONER WAITS: Yep, terminate first.

COMMISSIONER CLARK: Terminate, advertise.

CHAIRMAN STIENMETZ: And go out to bid.

DISTRICT ATTORNEY HERRERA: It's --

COMMISSIONER WAITS: June 30th --

DISTRICT ATTORNEY HERRERA: Yes.

COMMISSIONER WAITS: -- is the contract.

COMMISSIONER MILLS: Do we have to terminate before we can go out to bid? Or go out for --

DISTRICT ATTORNEY HERRERA: I would suggest that you do it --

COMMISSIONER MILLS: -- for advertisers.

COMMISSIONER WAITS: We just have to vote to terminate; do we not? We don't have to wait until June --

COMMISSIONER MILLS: We --

COMMISSIONER WAITS: -- 30th to go out for bid. No.

COMMISSIONER MILLS: Okay. All right. I'll make a motion that we terminate, renegotiate, or advertise the Valley TV contract in Austin.

Just use that language that's in the -- in the --

DISTRICT ATTORNEY HERRERA: It's -- it's more --

COMMISSIONER MILLS: -- agenda item.

DISTRICT ATTORNEY HERRERA: -- like letting the contract lapse.

It's -- we don't want to terminate it before it ends on its own.

COMMISSIONER MILLS: Right.

DISTRICT ATTORNEY HERRERA: So the -- probably the motion should be couched in words of: We allow this contract to expire on its own terms and...

COMMISSIONER MILLS: We want to go to bid before it expires.

CHAIRMAN STIENMETZ: Yeah. Go out for bid --

DISTRICT ATTORNEY HERRERA: We can go to bid before it expires.

COMMISSIONER MILLS: Okay.

CHAIRMAN STIENMETZ: And then let it expire.

DISTRICT ATTORNEY HERRERA: You want to let it expire. If you put terminate this contract, --

COMMISSIONER MILLS: Right.

DISTRICT ATTORNEY HERRERA: -- then I'll be writing him a letter saying, we're terminating the contract.

COMMISSIONER WAITS: I'm sorry, Counselor. I thought that was your wording that you wanted us to terminate the contract so that we were able to negotiate, not necessarily beforehand.

COMMISSIONER CLARK: Before.

COMMISSIONER WAITS: But that that's what we needed --

DISTRICT ATTORNEY HERRERA: You (indiscernible) --

COMMISSIONER WAITS: -- to do.

DISTRICT ATTORNEY HERRERA: -- do either one of them. But -- but -- but since it ends so soon, you should probably allow it to lapse.

Not -- not reengage his services, necessarily, is what I'm saying.

COMMISSIONER WAITS: Well, either way, we need to notify him.

DISTRICT ATTORNEY HERRERA: Yeah.

COMMISSIONER WAITS: So he can rebid it if he wants to.

DISTRICT ATTORNEY HERRERA: Right.

COMMISSIONER WAITS: Last year when I asked him about that, we thought we might be advertising, he said, I don't particularly need all this. So if you want me to stay, I'll stay. And if not, then I don't need to -- to rebid it.

DISTRICT ATTORNEY HERRERA: Okay.

COMMISSIONER WAITS: And that was, like, --

COMMISSIONER MILLS: So is that --

COMMISSIONER WAITS: -- okay.

COMMISSIONER MILLS: If you don't get any bidders, does that mean Austin's not going to have anybody to come out and fix their TV?

COMMISSIONER WAITS: Or could we go back then and say, okay, we'd like to...

COMMISSIONER MILLS: And now --
COMMISSIONER WAITS: We'd like to stay --
COMMISSIONER MILLS: -- we get a new contract for another --
COMMISSIONER WAITS: -- for another year.
COMMISSIONER MILLS: -- $5,000 --
COMMISSIONER WAITS: I don't --
COMMISSIONER MILLS: -- retainer?
COMMISSIONER WAITS: -- know. It's our wording. And I'm -- I'm having the DA counsel us a little bit on --
DISTRICT ATTORNEY HERRERA: Well, --
COMMISSIONER WAITS: -- what we need to do.
DISTRICT ATTORNEY HERRERA: -- the contract is effective July 1st, 2014, and it remains in effect until June 30th, 2015.
COMMISSIONER WAITS: Okay.
DISTRICT ATTORNEY HERRERA: So...
COMMISSIONER MILLS: So can't we just say --
DISTRICT ATTORNEY HERRERA: If we terminate --
COMMISSIONER MILLS: Can't we just say --
DISTRICT ATTORNEY HERRERA: If we terminate the contract, that means you're stopping it before its effective date, --
COMMISSIONER MILLS: Right.
DISTRICT ATTORNEY HERRERA: -- lapse date. And I just wanted to make point that out. I'm not trying to make any decisions for you.
COMMISSIONER WAITS: Then we don't need to do that.
COMMISSIONER MILLS: Do we --
CHAIRMAN STIENMETZ: Just need to bid it.
COMMISSIONER MILLS: Do we need a motion to take it back out to bid?
DISTRICT ATTORNEY HERRERA: That's --
COMMISSIONER WAITS: Yes.
DISTRICT ATTORNEY HERRERA: -- what you need.
COMMISSIONER WAITS: To advertise. Yes, we do.
COMMISSIONER MILLS: So we -- so we need a motion to do that. We can't just take it out to bid without the motion?
DISTRICT ATTORNEY HERRERA: I -- you --
COMMISSIONER WAITS: Right.
CHAIRMAN STIENMETZ: Right.
DISTRICT ATTORNEY HERRERA: You need a motion to do it.

COMMISSIONER MILLS: Okay. Then I make a motion that we take the Austin TV contract out to bid.

COMMISSIONER WAITS: I will second that motion. And is there anybody in Austin that wants to make any comments on this?

DISTRICT ATTORNEY HERRERA: Did you take (indiscernible)?

COMMISSIONER WAITS: Is Austin --

COMMISSIONER MILLS: Is Austin --

COMMISSIONER WAITS: -- on?

COMMISSIONER MILLS: -- is Austin still there?

COUNTY CLERK SULLIVAN: Miteshell, can you hear us?

MITESHELL LANHAM: Yes, we can.

COMMISSIONER MILLS: Okay.

COUNTY CLERK SULLIVAN: Is anybody there, by chance, that wants to comment on the TV contract?

UNIDENTIFIED PARTICIPANT: No.

COUNTY CLERK SULLIVAN: Thank you.

COMMISSIONER CLARK: Okay.

CHAIRMAN STIENMETZ: Any other public comment?

COMMISSIONER WAITS: Do you --

COMMISSIONER CLARK: Right.

COMMISSIONER WAITS: -- even care? Hello.

CHAIRMAN STIENMETZ: All in favor?

UNIDENTIFIED PARTICIPANT: Yes, we do care.

COMMISSIONER WAITS: Thank you.

COMMISSIONER MILLS: Okay.

Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER CLARK: It passed.

DISTRICT ATTORNEY HERRERA: It did pass.

9) **Discussion and possible action regarding the county building located at 370 South Mountain Street, Battle Mountain, Nevada, 89820, to clarify prior commission decision approval to advertise "for proposals from other entities for the use of the building on 370 South Mountain Street" and to look at the prior or existing lease with the preschool and to determine and decide what the county wants to do with said county building located at 370 South Mountain Street, and other matters properly related thereto.**

CHAIRMAN STIENMETZ: All right. Let's go to Number 9. Discussion and possible action regarding the county building located at 307 South Mountain Street, Battle Mountain, Nevada, 89820, to clarify prior commission decisions, approval to advertise -- to advertise for proposals for the -- entitles for the use of the building on 307 South Mountain Street and to look at the prior or existing leases with the preschool and to determine and decide what the county wants to do with said county building located at 370 South Mountain Street, and other matters properly related to.

DISTRICT ATTORNEY HERRERA: Now, if I may, -- Ted Herrera, for the record -- give you a background on what we're doing.

In -- in 2003, a contract was entered into with the preschool. And in that contract, the utilities would be paid by the county. And that contract allowed renewal for three following years.

In 2006, another contract was entered into between Lander County and Battle Mountain Parent Cooperative Preschool, Inc. And that also said that the utilities were to be paid by the county. And that was for three additional years following the one here. And that ran until 2010.

When -- and that was between the co-op too, which wasn't in existence as a legal entity in 2006.

So you made a contract with an entity that was not in existence.

In 2010, the contract was between Family Resource Center and Lander County. And in that contract, it changed. Utilities were to be paid by the Family Resource Center or the lessee. And that's the first time it was changed in 2010. And that was drafted by the DA's office and Bill Shaeffer was currently the

1 drafter of that contract in 2010.
2 And that contract was revisited by the county commissioners
3 in 2012.
4 And for some reason -- and I'm assuming -- and I brought up
5 Mr. Shaeffer's name because the deputy DA -- I'm assuming -- the
6 deputy DA made that contract, revised the contract in 2012.
7 Because it was between the Battle Mountain Parent Cooperative
8 Preschool, Inc., which was not a legal entity in Lander County.
9 So we had the legal entity the -- the year before in 2010.
10 We had Family Resource Center who's a legal entity.
11 And the director is here right now. But when they changed
12 the contract -- and it's important you understand this -- when
13 they changed the contract in 2012, Jana still signed it as
14 director. And she was the director of the Family Resource Center,
15 but the contract wasn't with the Family Resource Center. It's
16 with Battle Mountain Parent Cooperative Preschool, Inc.
17 And I've checked with the secretary of state. And that
18 used to be the corporation that ran it --
19 JANA MOYES: Uh-uh.
20 DISTRICT ATTORNEY HERRERA: -- years ago. But then it --
21 it didn't renew. It's --
22 JANA MOYES: Uh-uh.
23 DISTRICT ATTORNEY HERRERA: it's corporation and it's
24 defunct. So Lander County -- and then the contract in 20 -- 2012
25 had an automatic renewal clause, first time it came in. So it
26 automatically renews for a year. And the renewal date is -- is
27 7/'15, July '15.
28 So if it was a valid contract, in July '15, it would
29 automatically renew. It wouldn't be a problem here except the
30 Family Resource Center is not named on it. It's -- it's the -- so
31 at the minimum, you've got to change the contract because it's not
32 a valid contract, because we have a contract with a nonexistent
33 legal entity.
34 Now, what happened after that, though, is what brings us
35 here today.
36 On March 27th -- and you have this as part of your packet.
37 You should have the minutes from the March 27th, 2014. And it
38 was Agenda Item Number 15. And I made sure that everyone had
39 the minutes for this.
40 The county commissioners, in March, voted unanimously to

publish a request for proposals from other entities for the use of the building at 370 South Mountain Street.

Now those minutes, they're only like two or three pages. And if you read them, you can see why they chose to do that. And a lot of it was about the utilities. They weren't being paid on time.

So as we sit here today, since we have to -- you have to realize that we can't engage in a contract with a legal entity that doesn't exist. And the county commissioners, March of last year, have already decided to send this out for bid, for advertisement.

It wasn't done.

Two of you were -- two of the county commissioners that voted on this are here today. And after they've voted, it was the first month -- Jim Olsen, I believe, was in -- was the executive director.

For whatever reasons, it fell through the crack; he didn't do anything.

So that's what brings us here today. And no one, including Jana, has no idea what's going on. But I'm bringing everything to the county commissioners' attention. And I wrote the thing in such a way that you can make any decision you want to do. You can follow the recommendations of the county commissioners a year ago. You can make your own. But you need to understand -- and I say this for emphasis -- that -- that Jana Moyes signed this as director. And she didn't make the contract. I'm not blaming her for putting the wrong entity on it, but --

JANA MOYES: We actually requested to have that entity changed clear --

COMMISSIONER CLARK: Name.

JANA MOYES: -- back when we first did the contract. And whoever the DA was at that time, I went down several times and asked for that to be changed. And he said, don't worry about it. So it's been like that for years.

DISTRICT ATTORNEY HERRERA: It's been --

JANA MOYES: So...

DISTRICT ATTORNEY HERRERA: It's been since 2012.

JANA MOYES: Well, clear back in 2003. They just brought over the old contract and whoever typed it up didn't change to

the Family -- Battle Mountain --

DISTRICT ATTORNEY HERRERA: No, 2010 it was changed to Family Resource Center.

JANA MOYES: Yeah, well, they finally changed it in 2010. Yes.

DISTRICT ATTORNEY HERRERA: And Bill did that.

JANA MOYES: And Bill did. Yes.

DISTRICT ATTORNEY HERRERA: But he did change the --

JANA MOYES: But I don't know --

DISTRICT ATTORNEY HERRERA: -- utilities --

JANA MOYES: -- who didn't --

DISTRICT ATTORNEY HERRERA: -- too.

JANA MOYES: -- yeah.

What had happened is, for some reason, I don't know -- we've never paid the utilities. It's been a preschool for 30-something years over in that building. It's -- it's always been a -- the Family Resource Center runs the preschool under -- we do a sliding scale. So our -- we kind of -- our main goal is to help people that are low income. And so anybody who knows anything about the Family Resource Center knows kind of what we do there. So the preschool -- the reason I brought the preschool up is the presch- -- the parent co-op shut down. So we started it going back up in 2001 or 2002. Then we got the building in 2003 because there was nobody in there. So we just -- we picked the preschool back up over there.

So it is on a sliding scale. We technically right now have 14 students that are on tuition, whether it's full or half tuition. So we don't bring in a lot of money. So when the utilities -- when they swapped the utilities over and said, okay, we want you guys to start paying utilities. That's a lot of money that we weren't upping tuition right in the middle of -- we'd already sent out the registration packets with next year's tuition already set on it. We still have teachers that we have to pay. We still have state fees that we have to pay because we are certified through the state to run the preschool. You have to be certified. So I'm a certified director for the State of Nevada.

So you have all of them fees that you still have to pay. So the reason our utilities got behind is we didn't realize that during the summertime the water bill doubles, when we're not

even in there during the summertime.

So the next year we came in and asked for -- I think they gave us 3600 to help out, a small grant to help out, when that -- we asked for more than that, but that's what they gave us. So...

DISTRICT ATTORNEY HERRERA: Now, Nan has all these figures -- (indiscernible).

JANA MOYES: She has all them figures there too.

DISTRICT ATTORNEY HERRERA: (Indiscernible.)

NAN ANCHO: Yes. They started paying the utilities in 2011.

In 2012, the county issued a grant in the amount of 3,600.

In 2013, they got a grant from the county for 3,600.

In 2014, they received a grant for 5,000.

And in 2015, they received a grant for 3,600.

And my understanding was that this money was to be used to help pay for the utilities.

JANA MOYES: The 5,000 should have been one point.

NAN ANCHO: And they were -- the -- the payment history is -- is lacking. It's always behind. Right now they are behind $637. And this goes back to --

JANA MOYES: Two months. Three months.

NAN ANCHO: -- there is one invoice that wasn't fully paid in October.

JANA MOYES: Do you want me to explain why?

NAN ANCHO: And that was -- and we did correct that and sent out --

JANA MOYES: Just now. You just corrected it.

NAN ANCHO: No. Two months ago.

JANA MOYES: They sent us a bill. We have a little issue because when they sent us an invoice, they sent us a copy of the power bill twice. So I refused to pay a copy of the power bill that was in there twice. So it was $28 and something cents.

NAN ANCHO: Yes.

JANA MOYES: Then this year, I have received our bills that have all of last year's dates on them. They say February 2014. I asked to have this postponed so that we could bring this stuff. Yes. You guys do. And I called over there and talked to Cindy. They ga- -- and I asked if she could correct them bills.

We are behind a little bit because of our tuition is behind. Our parents don't pay on time either. It's -- it's a preschool that we are -- it's income-based so -- we're going to be behind a little bit no matter what. But we get it caught up and keep moving forward. So...

NAN ANCHO: One bill that was $28 was an incorrect bill, but it was the right amount. We did fix that.

The other bills that came afterwards for December, January, and February, those were paid. But February, March, April, and May have not been paid.

JANA MOYES: Because we've had issues with whether or not we're still going to be in the building because we were told that we were being booted out is --

COMMISSIONER WAITS: Jana, you said --

JANA MOYES: -- rumors that we heard.

COMMISSIONER WAITS: -- you have 14 right now.

JANA MOYES: Uh-huh. We --

COMMISSIONER WAITS: And then --

JANA MOYES: -- have 14 --

COMMISSIONER WAITS: -- what happens --

JANA MOYES: -- students that are on.

COMMISSIONER WAITS: -- when school is out? Do you actually have higher?

JANA MOYES: We don't receive any tuition during --

COMMISSIONER WAITS: You just --

JANA MOYES: -- June, July, --

COMMISSIONER WAITS: -- close down?

JANA MOYES: -- or August. Yeah, we're just -- we're just closed. We only operate during the school year.

So then we're still receiving bills on that building during the summertime, which is June, July, and August, which that water bill is extremely high over there, that's double.

So here we are receiving bills for the building when we're not in the building. I mean, our stuff is still in there, but we don't -- we don't operate during the summertime.

COMMISSIONER WAITS: Okay.

JANA MOYES: And we're getting double the bill.

COMMISSIONER WAITS: I thought there would still be working parents. That's why I thought you --

JANA MOYES: Oh. No.

COMMISSIONER WAITS: -- might be.
JANA MOYES: No.
COMMISSIONER WAITS: So you only help --
JANA MOYES: No.
COMMISSIONER WAITS: -- with school. And then that's the after.
JANA MOYES: During the school.
COMMISSIONER WAITS: So is 14 your max? Or do you -- is this a real low? Or is this --
JANA MOYES: We --
COMMISSIONER WAITS: -- an average or --
JANA MOYES: It just depends on -- average is about 14 to 15 kids that we usually end up helping with scholarships.
COMMISSIONER WAITS: Because that seems like a heck of a lot of money with what we're doing with only --
JANA MOYES: Uh-huh.
COMMISSIONER WAITS: -- 14 --
JANA MOYES: It is.
COMMISSIONER WAITS: -- children.
JANA MOYES: And we've been -- we've been operating for 12 years like this.
So that's what I'm -- then all of a sudden here in 2011, they thought we needed to start paying utilities over there, when they haven't ever paid the utilities, even when it was Battle Mountain Co-op Preschool --
COMMISSIONER WAITS: But we've --
JANA MOYES: -- they didn't pay --
COMMISSIONER WAITS: -- offset that.
JANA MOYES: -- utilities.
COMMISSIONER WAITS: So that's --
JANA MOYES: Right.
COMMISSIONER WAITS: -- that's a done deal. We --
JANA MOYES: So that --
COMMISSIONER WAITS: -- we aren't going to go there.
JANA MOYES: We didn't increase our --
COMMISSIONER WAITS: Okay.
JANA MOYES: -- tuition until this last year to help try and get that caught up. Because you just don't want to double your tuition when --
COMMISSIONER WAITS: Well, I understand --

JANA MOYES: -- you're --
COMMISSIONER WAITS: -- that.
JANA MOYES: -- going to run off --
COMMISSIONER WAITS: And I'm not --
JANA MOYES: I mean, yeah. All you guys --
COMMISSIONER WAITS: -- sure 14 --
JANA MOYES: -- understand financials and --
COMMISSIONER WAITS: I'm not sure 14 children are going to be able to pay for what you need to pay for. I think that's what --
JANA MOYES: Right.
COMMISSIONER WAITS: -- we're saying.
JANA MOYES: Right. Right.
COMMISSIONER WAITS: And I don't expect you to double the tuition and hurt the 14 parents of whatever is involved.

But we've got several things. Number one, we can correct the contract. That's not a big deal. Number two, I know you've been behind in utilities. I've been on.

JANA MOYES: Uh-huh.
COMMISSIONER WAITS: And we've looked at this before. And we've given you grants to cover it. And the money has gone other places. And I understand --
JANA MOYES: The grant that we asked for does write in for the utilities, yes. But it states in there, we've asked for more money. And it says on there that with money being issued, if the full amount is not allowed, then that money gets to be used for -- we do pay for the utilities.
COMMISSIONER WAITS: I understand what you're saying, but -- but the decision here is whether this commission wants to pay for county preschool, basically. And --
JANA MOYES: But if we're paying --
COMMISSIONER WAITS: -- help 14 children.
JANA MOYES: -- the bills --
COMMISSIONER CLARK: We can't do that.
JANA MOYES: If we're paying the bills, then what's the issue?
NAN ANCHO: You're not.
JANA MOYES: Even though we're behind.
NAN ANCHO: You're not paying the bills. That's an issue. You are behind.

JANA MOYES: We are behind. And we will get them caught up, actually. I have all the checks printed. I just got to get them sent out.

I've been out all last week. Okay? I had a family emergency last week. I have a lot on my plate. I do not get paid to do this. And I feel this is a personal --

DISTRICT ATTORNEY HERRERA: For the commission's edification, she's come into my office and feels like it's a personal attack by myself against her.

JANA MOYES: Because this has never been brought up before.

DISTRICT ATTORNEY HERRERA: Because nobody has brought and found the contract. This commission voted to set it up a year ago. She wasn't there at that commission meeting.

The vote -- the com- --

I made sure that she cannot blame me, by putting it on the agenda, giving this commission -- this honorable commission the background. And the ability to make the wrong decision any way they wish. This has nothing to do with my office. Nothing.

JANA MOYES: And I got the mail this Monday.

COMMISSIONER WAITS: How many employees do you have, Jana?

JANA MOYES: We have three over at the preschool.

COMMISSIONER WAITS: Three counting you?

JANA MOYES: I don't get paid.

COMMISSIONER WAITS: So you have three --

JANA MOYES: So I have three --

COMMISSIONER WAITS: -- paid --

JANA MOYES: -- that get paid.

COMMISSIONER WAITS: -- employees?

JANA MOYES: Yes, because --

COMMISSIONER WAITS: You're a director, --

JANA MOYES: -- after --

COMMISSIONER WAITS: -- but you don't get paid?

JANA MOYES: No. When -- with so many kids, you have to have so many adults to meet that many children's needs.

So if you have seven kids, you've got to have one adult. So any more than seven, you have to have two adults. We have to have two adults in the building at all times. So we run a morning class and an afternoon class. So I go over and teach in the morning with an aid. And then in the afternoon, I have a different teacher in there with the aid.

COMMISSIONER WAITS: But you're almost all --

JANA MOYES: And then we have --

COMMISSIONER WAITS: -- through for the summer for now? You're ready to close the doors; right?

JANA MOYES: Yes. Today was our last day, was graduation.

COMMISSIONER CLARK: So this is one of those things we just need to get straightened out.

DISTRICT ATTORNEY HERRERA: That's what you need to do.

COMMISSIONER CLARK: Okay.

DISTRICT ATTORNEY HERRERA: It's -- it's -- I am bringing every contract this county has in front of this august body. And to be blamed that it's a personal attack when I'm doing it systemically is outrageous.

COMMISSIONER CLARK: You are. You're bringing everything forward that we need to straighten out.

DISTRICT ATTORNEY HERRERA: Yes.

COMMISSIONER CLARK: That's -- that's what this has been about so far.

DISTRICT ATTORNEY HERRERA: Yes.

COMMISSIONER CLARK: Getting things on track and going down the path that we need to go down.

DISTRICT ATTORNEY HERRERA: Right.

CHAIRMAN STIENMETZ: I have a question. Have they ever done an audit to see that the money was given is spent where it's supposed to be?

JANA MOYES: We can. I can bring over financials.

CHAIRMAN STIENMETZ: I'm just asking.

JANA MOYES: That's not an issue at all.

NAN ANCHO: The county itself has not requested an audit on the preschool because we don't have authority over the preschool. They are required to submit their financials when they apply for their grants.

COMMISSIONER WAITS: So we give them the building and then any grants that they choose to do --

NAN ANCHO: They come before and request grants during the budget.

COMMISSIONER WAITS: Once a year. Right.

NAN ANCHO: Once a year.

COMMISSIONER WAITS: I know what the thoughts were last year when we actually decided that we were going to try and go

out for bid, not just on this building, but all county buildings. That was the whole point.

And we want to try and put everything in -- in better working organizational order. That's the whole point this year.

And bringing it to our attention gives us several things we can do. We can still honor going out for bid, if you would like to. We have a contract that actually is nonexistent because it's the wrong name. So...

We might want --

JANA MOYES: That's not --

COMMISSIONER WAITS: -- to take some --

JANA MOYES: -- my fault.

COMMISSIONER WAITS: -- time to take a look at that and see where you're going. I don't want to close her down in the middle of the year, but she's almost through. So...

DISTRICT ATTORNEY HERRERA: They had graduation this morning from 11:00 to 1:00.

COMMISSIONER WAITS: Okay. So what -- what's your pleasure?

COMMISSIONER MILLS: I'm -- I'm curious to know what -- when this came before the commission last year, what was -- some of, you say, thought process behind going out to bid was taking --

COMMISSIONER WAITS: Because we have several buildings that the county owns that people have contracts with. And we haven't gone out to bid for anything.

And it isn't like --

COMMISSIONER MILLS: Did --

COMMISSIONER WAITS: -- we can raise the rent?

CHAIRMAN STIENMETZ: They're not being --

COMMISSIONER MILLS: Did --

CHAIRMAN STIENMETZ: -- rented for fair market value.

COMMISSIONER WAITS: Yeah.

COMMISSIONER MILLS: Did any of those go out? This one apparently got ignored. Did -- did --

COMMISSIONER WAITS: No, none of them.

COMMISSIONER MILLS: -- any other -- none of them went out to bid?

DISTRICT ATTORNEY HERRERA: Nothing's gone --

COMMISSIONER WAITS: None.

DISTRICT ATTORNEY HERRERA: -- out to bid the last four years on anything.

COMMISSIONER WAITS: None.

JANA MOYES: So how come they're not on the agenda?

DISTRICT ATTORNEY HERRERA: They have been.

JANA MOYES: Okay.

DISTRICT ATTORNEY HERRERA: One at a time. Each and every one of them.

COUNTY CLERK SULLIVAN: I have a question, if I may. Sadie Sullivan, for the record.

Just an average, how many students total do you have?

Like, say, is it three-year-old and then four-year-old or what, roughly?

JANA MOYES: We have a three- and four-year-old class and then a four- and five-year-old class.

COUNTY CLERK SULLIVAN: And so --

JANA MOYES: And then there's only one other preschool, which is a religious-based preschool.

COUNTY CLERK SULLIVAN: And so how many students do you have just on average?

JANA MOYES: Anywhere from 32 to 40.

COUNTY CLERK SULLIVAN: For each class or that's a total?

JANA MOYES: Total.

COUNTY CLERK SULLIVAN: Just wanted that on the record as well. I thought it'd be very beneficial.

COMMISSIONER CLARK: We will probably be doing this with more than one piece of county property in the future. We're --

DISTRICT ATTORNEY HERRERA: We did the TV contract --

COMMISSIONER CLARK: This is business?

DISTRICT ATTORNEY HERRERA: -- from Austin.

COMMISSIONER MILLS: Right.

DISTRICT ATTORNEY HERRERA: We'll do each and every one of them.

COMMISSIONER CLARK: Right. I mean, if --

COMMISSIONER MILLS: Well, I think it's -- it's consistent on it; we go out to bid. And you can certainly bid along with everyone else.

It's --

I think we take it out to bid. Follow up on last year's commission's recommendations.

So with that, I'll make a -- a motion to --

CHAIRMAN STIENMETZ: Advertise for --

COMMISSIONER MILLS: -- advertise the building on 30 -- 370 South Main Street. And take it out to bid for possible other lease options.

COUNTY CLERK SULLIVAN: Just a correction, South Mountain.

UNIDENTIFIED PARTICIPANT: South Mountain.

COMMISSIONER MILLS: Is it south? What did I say?

UNIDENTIFIED PARTICIPANT: Main.

COUNTY CLERK SULLIVAN: Main.

UNIDENTIFIED PARTICIPANT: South Mountain.

COMMISSIONER MILLS: Mountain. Main. It's, like, the same letters.

JANA MOYES: So can I ask a question? Wasn't that building used to be a Boy Scout building?

So can I get the information because I'm pretty sure that building was donated to the county at the beginning.

CHAIRMAN STIENMETZ: That doesn't matter.

JANA MOYES: No, I'm just asking. I'm allowed to ask.

CHAIRMAN STIENMETZ: Oh, yeah. I don't know anything about it, but --

JANA MOYES: Okay.

COMMISSIONER MILLS: Never heard of that.

CHAIRMAN STIENMETZ: I've never heard of that.

COUNTY CLERK SULLIVAN: If there's anything, --

JANA MOYES: Pretty sure.

COUNTY CLERK SULLIVAN: -- you may be able to find it in the recorder's office, if there was anything recorded. But I'm not for sure. Anybody that may have been here --

COMMISSIONER MILLS: Do you know?

COMMISSIONER CLARK: We have anybody --

COUNTY CLERK SULLIVAN: Just know that --

LESLEY BUNCH: Sorry. I didn't hear the question.

JANA MOYES: It's been -- it's been a preschool building since --

COMMISSIONER MILLS: The question --

JANA MOYES: -- the last --

LESLEY BUNCH: I'd have to do the research --

JANA MOYES: -- 40 years. It's been a preschool building. So --

COUNTY CLERK SULLIVAN: Maybe check the --
CHAIRMAN STIENMETZ: Have a second?
COMMISSIONER WAITS: I'll second the motion.
CHAIRMAN STIENMETZ: Any public comment?
(No comment.)
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER CLARK: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.
COMMISSIONER WAITS: Doesn't mean it's a done deal, Jana.
JANA MOYES: We'll see.

10) Update regarding status of the Lander County courthouse/administration building, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Go to Item 10, update regarding status of the Lander County courthouse, slash, administrative building project, and other matters related thereto.
COMMISSIONER CLARK: Good afternoon, Max.
JUDGE MAX BUNCH: Good afternoon. How's everybody?
COMMISSIONER CLARK: Good.
COMMISSIONER MILLS: Hot.
JUDGE MAX BUNCH: Max Bunch, for the record.
Let's see. Our update.
Let's see. Casework is being installed in all the offices. Casework being the counters, different things like that.
Drywall's about 95 percent complete.
COMMISSIONER CLARK: Wow.
JUDGE MAX BUNCH: The elevator installation is about 65 percent complete. So we've got two elevators in the building.
Site work is tentatively to begin on June 1st.
Ceramic tile at the bathrooms is ongoing.
Ceiling tile will start to be installed in the next few weeks.
The vault door is complete and installed in the recorder's office.

Front entry is nearing completion. We should be about a hundred percent enclosed in the next two weeks. And when I say enclosed, we're only talking about the front of that. There's a side section that we're leaving to the very end so they can get stuff up on the second floor and to the first floor on the south side of the building.

Bathroom accessories and finishes will begin probably in about two to three weeks.

The corridors are being textured.

First floor lighting is -- is on and going.

AGC Safe Site scores, just so you guys know -- our score went up to 98.9. I know that we're probably leading in the safe site scores within Lander County from the information I've gathered. And actually we're leading statewide for every job that AGC Safe Site goes on and evaluates. So that was a surprise visit on that one.

I think we got docked because we didn't have enough Tylenol. It was getting ready to expire last time, and we didn't have enough in the bottle. So not sure how that happens, but it's still the same bottle that was about ready to expire.

COMMISSIONER MILLS: Do -- do you need a donation?

JUDGE MAX BUNCH: You know, I'm almost thinking I want to go buy my own bottle and put over there. To make sure. But evidently, that's going on.

And as -- just to -- since we're here, and I know I brought this up under public comment on the flag. I think that I was understanding that the gray with the blue trim was the direction you wanted me to go into after the last meeting, even though we were at public comment. So I don't know if everybody got to see that, but --

UNIDENTIFIED PARTICIPANT: Very nice.

JUDGE MAX BUNCH: Did you guys get to see it?

You did; didn't you?

UNIDENTIFIED PARTICIPANT: Yes, I did.

JUDGE MAX BUNCH: Okay, good. I hope you got an up close view of it. So...

UNIDENTIFIED PARTICIPANT: (Indiscernible.)

COMMISSIONER MILLS: (Indiscernible.)

COMMISSIONER CLARK: My next tattoo.

DISTRICT ATTORNEY HERRERA: Doesn't that go with blue

1 surrounding it?
2 JUDGE MAX BUNCH: Yeah. I got you. I got you.
3 Let's see. We -- we had a -- a meeting this morning with
4 voiceover IP. So we had that meeting this morning. There was
5 Nan, myself, the sheriff's office, IT, a consultant, and the
6 assessor were all there. The assessor wants to work through a
7 consultant to make sure that we have everything correct when we
8 get in there on the phone system. So we're -- we're working in
9 progress. And we're getting her some information. She's got to
10 come back. Oh. Did I say Robert Quick at the sheriff's office?
11 Robert Quick at the sheriff's office. We're going to try to
12 incorporate that building too with this as we're doing the new
13 courthouse for that.
14 COMMISSIONER MILLS: So are you trying give the people the
15 same phone numbers they have now? Or is that all going to be
16 different?
17 JUDGE MAX BUNCH: That's one of those discussions.
18 COMMISSIONER MILLS: Okay.
19 JUDGE MAX BUNCH: We're able actually to save some lines.
20 As calls come in, they go into what they call a queue.
21 COMMISSIONER MILLS: Right.
22 JUDGE MAX BUNCH: And so instead of having one line and a
23 second line roll over and a third line roll over, it just
24 goes -- you know, if they don't pick it up, it goes into a
25 queue. And says, please hold and somebody will be right with
26 you. And then they're able to pick that line up whenever they
27 get done.
28 So we're taking like potentially three lines out and going
29 to one line in each office. So I think that's going to be a
30 tremendous saving -- savings. And then trying to have the
31 original phone numbers. There are so many issues that come up
32 with that, you know. Like for myself, on every citation that's
33 out there that's been printed already has my number preprinted
34 on that when they check that box.
35 So that's from -- everyone from the sheriff's office, which
36 would be extremely expensive to go back and recreate and redo.
37 And the highway patrol also would have that same problem. And so
38 there's -- and I'm sure there's other reasons for other places
39 that they want to do. So there's just so many issues coming with
40 that, that I don't think that we're going to be able to do one

number and then press whoever you want. I -- you can -- the guy's going to get us some information, get back to us. And we're -- we're still working on this work in progress.

COMMISSIONER WAITS: Judge, you said one line. But actually it's one incoming line. They still have outgoing lines; right?

JUDGE MAX BUNCH: Yes. Yeah. It's a little difficult for me to -- to explain because I'm not sure I understand it all.

COMMISSIONER WAITS: Oh, that's all right. But when you said one, I wanted to be sure it wasn't just one line.

JUDGE MAX BUNCH: No, you've got one line that comes in to your office.

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: And then it will ring to another person. And then -- and then the other person will pick it up. But if they're busy and you only have two people on the phone, two people in the office, this other phone line is sitting, when somebody calls in, it's in a queue saying, we'll be right with you.

COMMISSIONER WAITS: No, that I understood.

JUDGE MAX BUNCH: Okay.

COMMISSIONER WAITS: It was just your statement that there's one line. And I just was --

JUDGE MAX BUNCH: There's one number.

COMMISSIONER WAITS: -- just one incoming line. But they can still push a line and get out; right?

JUDGE MAX BUNCH: Yes.

COMMISSIONER WAITS: Okay. I just wanted to clarify.

JUDGE MAX BUNCH: Yeah, those are in -- what did they call those?

NAN ANCHO: Assistance?

JUDGE MAX BUNCH: No, the spit? sit? spit?

NAN ANCHO: Sit spit. Sny- -- syntex?

JUDGE MAX BUNCH: No, it's a spit trunk.

SHERIFF RON UNGER: Centrum.

JUDGE MAX BUNCH: Spit trunk. Or something like that.

NAN ANCHO: Some. Yeah.

JUDGE MAX BUNCH: It -- it -- it's a trunk that holds all these lines. You can pick it up and push a button, and you'll be able to dial out.

COMMISSIONER WAITS: Okay.
COMMISSIONER CLARK: Push button.
JUDGE MAX BUNCH: Push a button.
COMMISSIONER CLARK: Push a button.
JUDGE MAX BUNCH: Dial up. We're trying to figure out codes for -- for intercoms. There's a lot of stuff.

We're -- we're getting ready to -- I'm putting the final touches on the signage at the building for the interior and the exterior of the building. That's been about a two-and-a-half-month process going back and forth, getting that fixed.

We're getting ready to do a keying meeting, which is probably a day and a half to two days just figuring out the keys for the building.

So there are numerous, numerous things to do. Still to go.

DISTRICT ATTORNEY HERRERA: You're doing wonderful work, Max.
CHAIRMAN STIENMETZ: Yes, thanks, Max.
JUDGE MAX BUNCH: Thanks, Ted.
COMMISSIONER CLARK: Good job, Max.
DISTRICT ATTORNEY HERRERA: Blue carpet.
JUDGE MAX BUNCH: Blue carpet would -- I mean, blue carpet would really make this white look bad.
DISTRICT ATTORNEY HERRERA: Would it? No, it would make it look good. Look up at that blue.
COMMISSIONER CLARK: It'd make the gray look brown.
JUDGE MAX BUNCH: Yep.
CHAIRMAN STIENMETZ: Thank you.
JUDGE MAX BUNCH: Gray look brown.
CHAIRMAN STIENMETZ: All right. Let's go to the fi- --
JUDGE MAX BUNCH: Is there any other questions?
COMMISSIONER WAITS: Thank you.
COMMISSIONER MILLS: Thanks, Max.

11) <u>Correspondence/reports/potential upcoming agenda items.</u>

CHAIRMAN STIENMETZ: Let's go to correspondence, reports, potential upcoming agenda items.

(The following correspondence was received:

1. Letter from Concerned Citizens to Joe Lindsey, Anna Penola, Commissioners.

2. BLM to Interested Public, Public Consultation for the JD Allotment, Proposed Drought Response Actions.

3. Department of Conservation & Natural Resources, Klondex Gold & Silver Mining Company, Water Pollution Control Permit.

4. BLM to Lander County Commissioners, Recreation and Public Purpose Lease Issued, Rental Determined and Submitted.

5. BLM to Interested Public, BLM has issued a Decision Record & Finding of No Significant Impact for the Environmental Assessment & Amendment to the Plan of Operations for the Phoenix Mine.)

CHAIRMAN STIENMETZ: Do we have --

DISTRICT ATTORNEY HERRERA: We have -- I have had a call from Grace. And she was -- it's time for her to do her yearly -- whatever she does.

CHAIRMAN STIENMETZ: Her auction?

COMMISSIONER WAITS: Tax roll?

COUNTY CLERK SULLIVAN: Surplus.

DISTRICT ATTORNEY HERRERA: Her yearly -- to see who has any liability. And we discussed that. And I told her we -- we have to -- I'd help her through that. Because we have to agendize, put everybody's name down on it that may have potential liability and for not paying their water.

And so that's going to be an issue. And if you see a agenda item that has 70 people listed on it, you'll know why.

Because we don't know -- she's going to give us the information one week. She won't know if they -- these people, when she sends out legal notices, will reconcile their water bill until the day of the county commission meeting.

So I've advised her we have to list all their names and put potential action on it.

So if you see a list that includes 60, 70 people, don't be shocked.

CHAIRMAN STIENMETZ: Any more -- any more correspondence or potential agenda items?

COMMISSIONER MILLS: I have a question on this letter to Joe Lindsey and Anna Penola and the commissioners. I thought we weren't accepting anything that wasn't signed by somebody?

COMMISSIONER CLARK: That's what I thought too.

DISTRICT ATTORNEY HERRERA: Now what's that? What is it?

COMMISSIONER MILLS: We have a complaint from somebody, a concerned citizen --

CHAIRMAN STIENMETZ: If it's not signed, --

COMMISSIONER MILLS: -- that was sent to Joe Lindsey and Anna Penola and to the commissioners, talking about --

COMMISSIONER WAITS: -- there's just no action.

DISTRICT ATTORNEY HERRERA: (Indiscernible) to me?

CHAIRMAN STIENMETZ: No action taken.

COMMISSIONER MILLS: I just thought -- I thought if stuff wasn't signed, we weren't even going to --

COMMISSIONER CLARK: We -- we had an issue -- we had an issue earlier in the year with a complaint that was not signed. And it was thrown in the trash can. And that's what should have been done with this.

COMMISSIONER MILLS: So I was just curious about it.

COMMISSIONER CLARK: You don't respond to accusations.

COMMISSIONER MILLS: And then I've got one thing I'd like to do for future -- future agenda items.

We have given grant moneys to two groups: one for doing Fourth of July and one for doing a fair. I -- I'd like to see them come before the commission prior to those activities to let us know kind of what's happened with those grant moneys.

CHAIRMAN STIENMETZ: Yeah.

COMMISSIONER MILLS: See what -- see what they've done with it and what --

NAN ANCHO: They will not get the grant money until after July 1st. Because it is grant money coming out of fiscal year --

COMMISSIONER MILLS: Okay.

NAN ANCHO: -- '15/'16 funds.

COMMISSIONER MILLS: Can we get some kind of report before those activities about what they're going -- going to be doing.

NAN ANCHO: You want them on the agenda for --

COMMISSIONER MILLS: Just to see what they're -- in the one case what they're going to do with the money, --

NAN ANCHO: Uh-huh.

COMMISSIONER MILLS: -- what the plans are.

And in -- in the other case, I guess, prior to the event,

they all have to have the money. .How they're spending the moneys that we've granted to them.

NAN ANCHO: Okay.

COMMISSIONER WAITS: You want them in person?

COMMISSIONER MILLS: Yeah, I'd like that.

COMMISSIONER WAITS: On the agenda? Not a written report --

COMMISSIONER MILLS: Yeah.

COMMISSIONER WAITS: -- per se.

COMMISSIONER MILLS: I just want a report. We've given them money. I'd like to see what they're doing.

CHAIRMAN STIENMETZ: I agree with you.

NAN ANCHO: Is this just for the Fourth of July and the fair? Or is this for all of them --

COMMISSIONER MILLS: Those are the ones I'm --

NAN ANCHO: -- that have received grants?

COMMISSIONER MILLS: Those are the ones I'm concerned about, not concerned -- those are the ones I'm interested in. The other grants I don't know that we really need -- is there another grant that we need to follow up on that would --

I wouldn't think there's another one that we gave out that we would really want to follow up on too much that I'm worried -- concerned about.

NAN ANCHO: Okay.

PUBLIC COMMENT

CHAIRMAN STIENMETZ: All right. Then let's have public comment for non-agendized items only. Do we have any?

SUSAN DAVIS: I have a public comment that it's for an agendized item. Do you have a final section for that?

CHAIRMAN STIENMETZ: No.

COMMISSIONER WAITS: It's one that has been agendized already?

CHAIRMAN STIENMETZ: It's on the cat issue.

And there's some information we haven't dealt with yet as to who's -- who's heading this up if we need to have agenda.

DISTRICT ATTORNEY HERRERA: We dealt with it. We've dealt with who's heading it up.

SUSAN DAVIS: Who's heading it up?
JUDGE MAX BUNCH: The two commissioners.
DISTRICT ATTORNEY HERRERA: We've -- we've appointed the lead commissioner.
SUSAN DAVIS: Okay. So my next question is: Is there an agenda that's -- because this is a committee that has been put together by the commissioners, is it -- does it have to be agendized and run like a public meeting?
CHAIRMAN STIENMETZ: No, because all you guys are doing is to going together to advise the commission.
DISTRICT ATTORNEY HERRERA: It's an ad hoc committee.
CHAIRMAN STIENMETZ: An ad hoc. So you don't have to have an agenda.
DISTRICT ATTORNEY HERRERA: No.
SUSAN DAVIS: Okay. So because it's an ad hoc, it's not required to have a -- be --
COMMISSIONER CLARK: Right.
SUSAN DAVIS: -- like a public meeting?
CHAIRMAN STIENMETZ: No.
DISTRICT ATTORNEY HERRERA: Right.
SUSAN DAVIS: Whereas, --
CHAIRMAN STIENMETZ: Because it is --
SUSAN DAVIS: -- a committee.
DISTRICT ATTORNEY HERRERA: Right.
COMMISSIONER MILLS: So are you saying, like, open meeting laws don't apply and things like that?
DISTRICT ATTORNEY HERRERA: It's just a research committee.
SUSAN DAVIS: I understand that, with school board for years. Committees that were put forward by the commissioners, school board have had -- have been regarded as public meetings. And they've had to -- been agendized.
DISTRICT ATTORNEY HERRERA: Susan, you can --you can agendize any committee meeting --
SUSAN DAVIS: Okay.
DISTRICT ATTORNEY HERRERA: Whether you legally have to or not.
SUSAN DAVIS: Doesn't matter to me one way or the other.
DISTRICT ATTORNEY HERRERA: No, no. I'm just pointing that out.
SUSAN DAVIS: I just wanted to clarify that with you,

because whoever's running this probably is going to need to be setting meetings and is going to need to be, you know, doing those types of things. And I'm sorry. I'm probably way out of line because this was -- this was not agendized. But I wanted to find out before I left, who's making the phone call for the first meeting?

COMMISSIONER WAITS: Let me comment if Sheriff Unger and Susan, you can wait until after the meeting and we'll -- we can talk about that.

SUSAN DAVIS: Okay.

COMMISSIONER WAITS: And under public comment, I did have one because it's in the paper today. And one of our own, our community services officer, actually was awarded the state volunteer tourism award. And that's Jan Morrison.

SUSAN DAVIS: Cool.

COMMISSIONER WAITS: So kudos to her.

Thank you.

ADJOURNMENT

COMMISSIONER WAITS: I make a motion we adjourn.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER CLARK: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER WAITS: Aye.

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

ATTEST: Nadia 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.

STATE OF NEVADA)
) ss.
COUNTY OF ELKO)

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "FOR THE RECORD" ELECTRONIC AUDIO RECORDING OF A MEETING WHICH TOOK PLACE THE 28 DAY OF MAY 2015, AND SAID RECORDING AND INFORMATION PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS THE AUDIO RECORDING ALLOWED.

DATED AT SPRING CREEK, NEVADA,
THIS _____ DAY OF JUNE 2015.

_____
TIFFANY ELKINGTON, CCR #930

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$10 million [1] 15/40
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$13 million [1] 14/39
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