

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on May 12, 2016, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.

6
7 **PRESENT: STEVEN STIENMETZ, COMMISSIONER**
8 **PATSY WAITS, COMMISSIONER**
9 **SEAN BAKKER, COMMISSIONER**
10 **ART CLARK III, COMMISSIONER**
11 **DOUG MILLS, COMMISSIONER**
12 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
13 **LAKEN MARINE, COUNTY CLERK REPRESENTATIVE**
14 **THEODORE HERRERA, DISTRICT ATTORNEY (as indicated**
15 **in the transcript)**
16 **NAN ANCHO, FINANCE DIRECTOR**

17
18 (Let the record reflect the presence of a quorum of five
19 commissioners. Let the record reflect the presence of Austin
20 via teleconference. Let the record reflect the presence of
21 District Attorney Herrera via teleconference until otherwise
22 noted.)

23
24 CHAIRMAN BAKKER: Want to call this Lander County
25 Commission meeting, Town Board of Battle Mountain, Austin Board
26 of Highway County Commissioners, May 12th, 2016, to order.
27 Patsy, will you lead us in the pledge.
28 COMMISSIONER WAITS: Thank you. Please join me.

29
30 (Pledge of Allegiance)

31
32 CHAIRMAN BAKKER: Can we have a moment of silence, please.

33
34 (Moment of silence)

35
36 CHAIRMAN BAKKER: Okay.

37 Lander County Commissioners will break for lunch from
38 12:00 p.m. to 1:15 p.m.
39
40

1 **COMMISSIONER REPORTS**

2
3 CHAIRMAN BAKKER: Commissioner reports on meetings and
4 conferences and seminars attended.

5 COMMISSIONER STIENMETZ: I have nothing to report.

6 COMMISSIONER MILLS: Went to a hospital board meeting. And
7 we discussed the agreement between us and the hospital for EMS.
8 And they accepted our proposal. And that should be coming back
9 for us again, apparently, for signature.

10 I attended the LEDA meeting last week. And they've got a lot
11 things that they've discussed, a lot of things going on in the
12 community.

13 And then tomorrow, I have a Humboldt River Basin Water
14 Authority meeting in Winnemucca.

15 That's all I've got.

16 CHAIRMAN BAKKER: Okay.

17 Patsy?

18 COMMISSIONER WAITS: Thank you.

19 On April 28th, right after our last commissioners' meeting,
20 we had a POOL/PACT meeting and some workshops. And that was
21 that afternoon.

22 And -- and then the next day, couple things that I wanted to
23 share with you.

24 One was on their actual grants that -- POOL/PACT has so many
25 different things that they actually do in their -- their mission
26 to assist us. And there's over 22 entities that actually had
27 taken advantage of the grants that POOL/PACT had for them. That
28 ranged from the end of July last year to the middle of April this
29 year. And the grants were things such as the EMS World Expo; fire
30 alarm systems for some of their different buildings; some of the
31 Stryker, things for the ambulance; surveillance systems for parks;
32 reflective striping for emergency vehicles; just almost anything
33 you could possibly think of.

34 And I thought, we don't want to miss that if there's
35 something on there that we should be looking at.

36 We brought it up last year too.

37 So I just wanted to highlight that again in case something
38 comes up that we can -- can take advantage of there.

39 The actual losses that they have sustained were -- were
40 pretty stable for their property losses. Liability was a little

1 bit higher than they expected, but really close. So they're --
2 they're running okay on that.

3 The investments came in pretty steady in spite of -- of
4 some of the ups and downs that we've had with the market and
5 such.

6 They had a few exposure changes that they actually raised
7 some of our flood aggregates.

8 And the workers' comp was fairly stable. They are going
9 with an increase. Their increase was, like, 7-point something
10 that we would be getting. But every entity has modifications to
11 that. So that's not the exact amount that it will be. So we'll
12 have to wait and see how that comes in. But I know Nan is
13 adjusting for that.

14 On May 9th, I had a Division for Aging meeting. This is the
15 governor's commission on aging. And there's a few things I wanted
16 to share with you on that.

17 First of all, May is Older Americans Month. So we're
18 celebrating that as we get older. And that's -- that's a good
19 thing.

20 They're really trying to strengthen some of the elder abuse
21 laws. And they had a -- a pilot program, actually. There's a
22 full elders' rights unit that is in Clark County. And the
23 gentleman that heads that up, his name is Jay Rulon. But he's the
24 Clark County chief deputy DA. And he gets really involved with
25 some of the criminal, but mostly the fraud. And they've really
26 been successful on their prosecution.

27 And that seems to be where we have been slipping up. We just
28 don't have the -- the laws in there that we need to have. But the
29 unit's been very successful. In fact, even NHP is -- is having in
30 -- in their -- in their program, they've got a two-hour training
31 in their academy now just on elder abuse.

32 I do sit on one of the subcommittees for NRS 439, which I've
33 spoke to you about before. We've been putting together some
34 reports. And that is the tobacco settlement money. And every two
35 years, we put together a -- a short report for the governor on the
36 priorities that these older Americans and the seniors need to
37 actually have independent living in their own homes. Anything we
38 can do to keep them in their own homes. So they're all under the
39 independent living grant.

40 And that is just -- that was approved by our -- by our

1 board. And so we're just finishing up that one to go to the
2 governor in June.

3 Also the Nevada Aging and Disabilities Services website has
4 on their new state plan for aging services. And every four
5 years, they have to do a state plan.

6 So our new state plan is quite lengthy. It's from 2016 to
7 2020. And that is on their website.

8 The other information I want to pass on was our Older
9 Americans Act. Actually, this -- this started by the federal
10 government about 1965. And it helps the state with our senior
11 services. And that actually was reauthorized and passed on
12 April 7th this year.

13 It has a little bit of flexibility now in the funding because
14 it has some new language. So that was exciting that that had
15 finally passed.

16 So I appreciate the time. Thank you.

17 CHAIRMAN BAKKER: Thank you, Patsy. Art?

18 COMMISSIONER CLARK: Went to a planning commission meeting
19 last night. Two business license. Nothing really exciting.

20 I'm leaving today right after this meeting to go to Tonopah
21 for the State Public Lands Advisory Committee.

22 I should have some information for our next meeting from
23 the --

24 CHAIRMAN BAKKER: Okay.

25 COMMISSIONER CLARK: -- public lands meeting.

26 CHAIRMAN BAKKER: Thanks, Art.

27
28
29 **STAFF REPORTS**

30
31 CHAIRMAN BAKKER: Staff reports on meetings, conferences,
32 seminars attended.

33 KEITH WESTENGARD: Morning.

34 I too attended the hospital board meeting, was very happy to
35 see that the hospital board accepted the -- the terms of our
36 proposal.

37 Our union team has been working rigorously on completing our
38 contracts. And we'll be talking about that a little later today.
39 But we have some good news, I think.

40 We did have the state hazard mitigation committee meeting

1 here last week, and it went very well. This is going to tie
2 into the grants -- or the grant that we're going to try to get
3 for our levee project. I believe it was Storey County had a
4 very similar situation to what we have going on here in Lander
5 County where they had part of the community paying -- paying
6 the high flood insurance. And they did a levee project through
7 the -- this hazard mitigation committee. And I believe they got
8 \$2.9 million. So we're going to shoot for that. And hopefully
9 that'll help.

10 They were very appreciative of the hospitality that they
11 received from Lander County and invited us to apply for that
12 grant. So I think that was a good thing.

13 I've had several -- two conference calls regarding the sage
14 grouse and the -- and the -- the situation that's going on there,
15 the six western states and Washington, D.C.

16 We should have the EIP out short- -- well, early summer is
17 when they're -- when they're shooting for the environmental impact
18 study to be out. That'll give -- there'll be time when we can --
19 public comment can be a part of it as well.

20 We have the update on the levee and the Austin line project.
21 So we'll talk about that a little later in the -- in the meeting.
22 and that's -- that's about it.

23 CHAIRMAN BAKKER: Okay. Thank you, Keith.

24 KEITH WESTENGARD: Thanks.

25 CHAIRMAN BAKKER: Public comment for non-agendized items
26 only.

27 Persons are invited to submit comments in writing and/or
28 attend and make comments on any non-agenda item at the board
29 meeting, if any. And at the discretion of -- or three minutes
30 per person, again, at the discretion of the board. Reasonable
31 restrictions may be placed on public comment based upon time,
32 place, and manner, but public comment based upon viewpoint may
33 not be restricted.

34 Public comment?

35 (No comment.)

36 CHAIRMAN BAKKER: Okay.

37
38
39
40

1 **CONSENT AGENDA**

2
3 CHAIRMAN BAKKER: Consent agenda. All matters listed under
4 the consent agenda are considered routine and may be acted upon
5 by the Board of County Commissioners with one action, without
6 extensive discussion. Any members of the board or any citizen
7 may request that an item be taken from the consent agenda,
8 discussed, and acted upon separately during the meeting.
9 Consent agenda materials are available at the Lander County
10 Clerk's Office for viewing and copies are available for a
11 nominal charge.

12 One, approval of agenda notice, May 12th, 2016; three- --
13 typo -- two, April 7th, 2016, special meeting minutes; three,
14 April 14th, 2016, meeting minutes; four, April 28th, 2016,
15 meeting minutes; five, payment of bills; six payroll change
16 request.

17 Guys? Ladies?

18 COMMISSIONER STIENMETZ: I have nothing I want to pull out.

19 COMMISSIONER WAITS: I did not receive the minutes on
20 April 28th. So I don't know if the rest of you did. If not,
21 then I'll ask to have that pulled.

22 CHAIRMAN BAKKER: Okay.

23 Doug? You have anything?

24 COMMISSIONER MILLS: No. I'm good.

25 CHAIRMAN BAKKER: Okay.

26 COMMISSIONER WAITS: I'll make a motion we approve the
27 consent agenda minus the April 28th meeting minutes.

28 COMMISSIONER STIENMETZ: I'll second the motion.

29 CHAIRMAN BAKKER: Patsy made the motion. Steve seconded.
30 Any public comment?

31 (No comment.)

32 CHAIRMAN BAKKER: All in favor?

33 COMMISSIONER STIENMETZ: Aye.

34 COMMISSIONER MILLS: Aye.

35 CHAIRMAN BAKKER: Aye.

36 COMMISSIONER WAITS: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN BAKKER: Okay. Motion carries.

39 Ted?

40 DISTRICT ATTORNEY HERRERA: Yep.

1 CHAIRMAN BAKKER: Are you good?
2 DISTRICT ATTORNEY HERRERA: I'm good.
3 CHAIRMAN BAKKER: Okay. Thank you.
4 DISTRICT ATTORNEY HERRERA: All right. Have a good day.
5 CHAIRMAN BAKKER: You too.
6 COMMISSIONER MILLS: Bye.
7 DISTRICT ATTORNEY HERRERA: Bye.
8 CHAIRMAN BAKKER: Bye.

9
10 (Whereupon District Attorney Herrera left the
11 teleconference call.)

12
13 CHAIRMAN BAKKER: Austin, are you still there?
14 MITESHELL LANHAM: We're still here.
15 UNIDENTIFIED PARTICIPANT: Yo.
16 CHAIRMAN BAKKER: Okay. Just checking, making sure.
17

18
19 **COMMISSIONERS**

- 20
21 1) **Discussion for possible action regarding the Lander County**
22 **proclamation in support of Nevada Wildfire Awareness Month**
23 **and authorization for the chair or co-chair to sign, and all**
24 **other matters properly related thereto.**
25

26 CHAIRMAN BAKKER: Okay. Agenda Item Number 1. Discussion
27 for possible action regarding the Lander County proclamation in
28 support of Nevada Wildfire Awareness Month and authorization for
29 the chair or co-chair to sign, and all other matters properly
30 related thereto.

31 MIKE WHALEN: Good morning.

32 CHAIRMAN BAKKER: Good morning.

33 COMMISSIONER WAITS: Good morning.

34 MIKE WHALEN: Mike Whalen from Winnemucca BLM. But I am a
35 zone prevention mitigation coordinator.

36 This is an annual event that you've participated with us in
37 the past. We really support the wildfire awareness month
38 proclamations and the county support from here.

39 We are one of several states in the West that declare May
40 as a wildfire awareness month. We concentrate a lot on

1 prevention, pre-suppression work, home safety.

2 We, this year, have a new theme, "Create Unity by Making
3 Firewise Communities."

4 And we would appreciate your signature on this and the
5 support of this proclamation that will be forwarded down to the
6 governor's office.

7 And every county in Nevada will be participating this year.

8 So that's basically the presentation. For those of you who
9 have been on the commission for a while, I -- you're familiar with
10 this program.

11 We really appreciate your support, not only from the BLM, but
12 US Forest Service, Nevada Division of Forestry, and various city
13 and county fire departments throughout the state.

14 So...

15 CHAIRMAN BAKKER: Okay.

16 MIKE WHALEN: All right.

17 CHAIRMAN BAKKER: Thank you.

18 MIKE WHALEN: Thank you.

19 COMMISSIONER WAITS: Mike, I -- I do have a question.

20 MIKE WHALEN: Yes, ma'am.

21 COMMISSIONER WAITS: I'm wondering, with this, are you
22 doing any special advertising or banners? or going to the
23 schools or presentations?

24 MIKE WHALEN: Yes. Yeah, we've already started that over
25 in Humboldt County.

26 We're working with several entities here in Lander County.
27 And we do have banners. We have posters that we'll be putting
28 up throughout the month. And there will be spot messages on the
29 television stations that we receive in here from Reno, and then
30 Las Vegas media market's doing the same thing. There'll be spot
31 ads throughout the month. So yes, ma'am. We are covering the
32 bases.

33 COMMISSIONER WAITS: Good. We -- we hope so. We know
34 prevention is the name of the game. It's saved so much more.

35 And we appreciate all the work that you do. Thank you.

36 MIKE WHALEN: Well, thank you. Yeah. We appreciate the
37 homeowners paying attention to making defensible space. You
38 know, I'd rather spend the money on pre-suppression and
39 prevention than putting fires out. Okay. Thank you.

40 CHAIRMAN BAKKER: Awesome. Thank you.

1 Can I get a motion?
2 COMMISSIONER MILLS: I make a motion to support the
3 proclamation for the Nevada Wildlife Awareness Month and --
4 COMMISSIONER STIENMETZ: Wildfire.
5 COMMISSIONER MILLS: -- authorize the chair to sign.
6 COMMISSIONER WAITS: I'll --
7 COMMISSIONER STIENMETZ: Wildfire.
8 COMMISSIONER WAITS: -- second.
9 COMMISSIONER MILLS: What -- what's this?
10 COMMISSIONER STIENMETZ: You said "wildlife."
11 COMMISSIONER MILLS: Oh, Wildfire Awareness Month.
12 COMMISSIONER STIENMETZ: I'll second the motion.
13 CHAIRMAN BAKKER: Doug made a motion. Steve seconded it.
14 Any public comment?
15 (No comment.)
16 CHAIRMAN BAKKER: All in favor?
17 COMMISSIONER STIENMETZ: Aye.
18 COMMISSIONER MILLS: Aye.
19 CHAIRMAN BAKKER: Aye.
20 COMMISSIONER WAITS: Aye.
21 COMMISSIONER CLARK: Aye.
22 CHAIRMAN BAKKER: Okay.
23 COMMISSIONER WAITS: Thank you.

24
25 2) **Discussion for possible action to approve/disapprove seeking**
26 **quotes for repair to the building located on 18.016 acres at**
27 **the Battle Mountain Airport currently under lease to the**
28 **Battle Mountain Archery Club, and all other matters properly**
29 **related thereto.**
30

31 CHAIRMAN BAKKER: Number 2, discussion for possible action
32 to approve/disapprove seeking quotes for repair to the building
33 located on 18.016 acres at the Battle Mountain Airport currently
34 under lease to the Battle Mountain Archery Club, and all other
35 matters properly related thereto.

36 KEITH WESTENGARD: So last meeting we did a little update
37 on the building out at the golf course -- oh, I'm sorry -- out
38 at the airport for the archery. And decided that there needs --
39 there's quite a bit of work that needs to be done. So we would
40 like some clear direction on -- on what you would like us to do

1 or not to do.
2 ANNA PENOLA: Good morning. Anna Penola with the Building
3 Department.
4 CHAIRMAN BAKKER: Good morning, Anna.
5 COMMISSIONER WAITS: Good morning.
6 ANNA PENOLA: So what do you want me to do?
7 COMMISSIONER MILLS: I know we've had -- we've had some
8 discussion about what to do with this building. And there's
9 some concern that it needs to be habitable before we do any
10 lease agreement for somebody to get --
11 ANNA PENOLA: Correct.
12 COMMISSIONER MILLS: -- in there. So I think mainly what
13 we need to do is we need some -- we need to find out what it's
14 going to take --
15 ANNA PENOLA: How much?
16 COMMISSIONER MILLS: -- to really make it really
17 habitable --
18 COMMISSIONER STIENMETZ: Uh-huh.
19 COMMISSIONER MILLS: -- and get some dollar amounts
20 attached --
21 ANNA PENOLA: Okay.
22 COMMISSIONER MILLS: -- to that.
23 CHAIRMAN BAKKER: And how safe the structure really is.
24 ANNA PENOLA: Okay.
25 COMMISSIONER MILLS: So -- and I think -- I think until we
26 have that, we can't really --
27 ANNA PENOLA: That works for me.
28 COMMISSIONER MILLS: -- move forward at all. So just if
29 you could get us some information.
30 ANNA PENOLA: Can you give me at least a month?
31 COMMISSIONER MILLS: Uh-huh.
32 COMMISSIONER STIENMETZ: Uh-huh.
33 ANNA PENOLA: Okay.
34 COMMISSIONER CLARK: Oh, yeah. No need to rush into this.
35 ANNA PENOLA: Oh, okay.
36 COMMISSIONER CLARK: I'm not in a rush. Anybody else?
37 CHAIRMAN BAKKER: Nan might be.
38 COMMISSIONER CLARK: Nan might be?
39 NAN ANCHO: Nan Ancho, Finance.
40 I am in a hurry. I have --

1 ANNA PENOLA: Oh.
2 NAN ANCHO: -- a budget to put together; so I need to know
3 what your -- by this next week.
4 ANNA PENOLA: Okay.
5 CHAIRMAN BAKKER: Or we could even put it off until next
6 budget year too.
7 NAN ANCHO: The '16/'17 or '17/'18?
8 CHAIRMAN BAKKER: Looking at '17/'18.
9 NAN ANCHO: '16/'17 budget has to be submitted by the end
10 of this month.
11 CHAIRMAN BAKKER: Right. And we're going to do that --
12 ANNA PENOLA: That's the one that's starting in June --
13 July.
14 NAN ANCHO: Starts in July. So I need the figures, like,
15 within about a week. If this is something you're looking at
16 doing by -- for next fiscal year.
17 CHAIRMAN BAKKER: I think we can wait. Honestly. It's
18 been like this for how many years?
19 COMMISSIONER STIENMETZ: Yeah.
20 ANNA PENOLA: As long as I've been --
21 KEITH WESTENGARD: Lots of years.
22 ANNA PENOLA: -- alive.
23 CHAIRMAN BAKKER: Yeah.
24 COMMISSIONER STIENMETZ: Yeah. We can hold off leasing it
25 to them. They can go ahead and use the property or whatever we
26 want.
27 CHAIRMAN BAKKER: Right.
28 COMMISSIONER MILLS: Aren't they using the property now?
29 ANNA PENOLA: I believe they are.
30 COMMISSIONER STIENMETZ: Yes.
31 CHAIRMAN BAKKER: And when I talked -- when we talked to
32 them, I told them they were going to have to come back in
33 February and submit quotes.
34 But Anna, you can -- so you can take the year --
35 COMMISSIONER STIENMETZ: Yeah.
36 CHAIRMAN BAKKER: -- to gather everything and go from
37 there.
38 ANNA PENOLA: I can get all that done in a year.
39 CHAIRMAN BAKKER: And then we don't put any more pressure
40 on Finance.

1 NAN ANCHO: Well, she's not putting any pressure on you.
2 CHAIRMAN BAKKER: Okay, that'll --
3 NAN ANCHO: Right?
4 ANNA PENOLA: I do want to keep Nan happy.
5 CHAIRMAN BAKKER: Yeah. Understandable. So --
6 ANNA PENOLA: Okay. Thank you.
7 CHAIRMAN BAKKER: Awesome. Thank you.
8 COMMISSIONER STIENMETZ: Thank you.
9 COMMISSIONER CLARK: Would you make sure we get updates,
10 Anna?
11 ANNA PENOLA: Yes.
12 COMMISSIONER CLARK: Thanks.

13
14 **3) Discussion for possible action to approve/disapprove the**
15 **lease of land and/or building at the airport to the archery**
16 **club, and all other matters properly related thereto.**
17

18 CHAIRMAN BAKKER: Okay. Discussion for possible action to
19 approve/disapprove the lease of land and/or building at the
20 airport to the archery club, and all other matters properly
21 related thereto.

22 KEITH WESTENGARD: So what -- what I would like here is for
23 you to give direction for myself and the DA to work on this --
24 on this lease.

25 We want to exclude the building and make sure that the
26 building is not used --

27 COMMISSIONER STIENMETZ: But --

28 KEITH WESTENGARD: -- until we -- we get to the point where
29 it's inhabitable.

30 There's a perception out there that the building is in the
31 lease. It's not. I've had the discussion with Ted. So we need
32 to -- to clean this lease up and make it a -- very, very clear
33 that it's not -- the building is not part of the lease.

34 CHAIRMAN BAKKER: Okay.

35 COMMISSIONER WAITS: Besides that, we have some changes we
36 need to make to the lease; is that not right?

37 We had a -- what? -- 90-day clause in there and we're
38 changing everything to 30?

39 CHAIRMAN BAKKER: Uh-huh.

40 ANNA PENOLA: Had the automatic renewal --

1 CHAIRMAN BAKKER: I think they know that.
2 ANNA PENOLA: -- and a 90-day --
3 KEITH WESTENGARD: Yeah. The automatic renewal, the 90-day
4 needs to be taken out. Correct.
5 COMMISSIONER CLARK: Do they have a -- a 501(c)(3)?
6 KEITH WESTENGARD: You know, I don't know. Do you know?
7 COMMISSIONER CLARK: That's -- that's one thing we need to
8 check into.
9 KEITH WESTENGARD: Okay.
10 COMMISSIONER CLARK: And if they don't, then they need to
11 start moving in that direction.
12 KEITH WESTENGARD: Okay. I'll get -- I'll take note of
13 that.
14 COMMISSIONER CLARK: That's what I was told, anyway.
15 COMMISSIONER WAITS: We're supposed to have the 501(c)'s
16 and insurance from everyone that we have a lease with.
17 COMMISSIONER STIENMETZ: Uh-huh.
18 COMMISSIONER WAITS: I didn't see anything.
19 KEITH WESTENGARD: Well, as you know, we've been cleaning
20 leases up now for quite a while. We're working on getting them
21 done.
22 COMMISSIONER WAITS: So do we want to defer this till the
23 lease is done and it comes back with the other information? or
24 --
25 KEITH WESTENGARD: I -- I would like to start -- we'll work
26 on the 501(c)(3). If -- if they don't have one, we'll make it
27 clear that they need to work on getting that and then cleaning
28 up the language. Certainly it'll come back to the board before
29 it goes anywhere.
30 COMMISSIONER MILLS: Right.
31 CHAIRMAN BAKKER: I think that's what you need to do.
32 COMMISSIONER MILLS: Yeah, we need to --
33 CHAIRMAN BAKKER: Okay.
34 COMMISSIONER MILLS: -- move forward with that.
35 CHAIRMAN BAKKER: There's direction.
36 Okay.
37 You good with that, Keith?
38 KEITH WESTENGARD: Yes. Thank you.
39
40

1 4) Discussion for possible action regarding a letter of interest
2 from Chris McAviney for appointment to the Public Land Use
3 Advisory Committee Board and all other matters properly
4 related thereto.
5

6 CHAIRMAN BAKKER: Moving on to Number 4. Discussion for
7 possible action regarding a letter of interest from Chris
8 McAviney for appointment to the Public Land Use Advisory
9 Committee Board and all other matters properly related thereto.

10 He was the only one. Right?

11 KEITH WESTENGARD: That is correct. He was the o- -- he's
12 the only letter of interest that we've received. And it was
13 properly advertised.

14 COMMISSIONER WAITS: Is this the only vacancy that we have
15 --

16 COMMISSIONER CLARK: Uh-huh.

17 COMMISSIONER WAITS: -- on this?

18 KEITH WESTENGARD: Yes.

19 COMMISSIONER CLARK: On there, yeah.

20 COMMISSIONER WAITS: And how long is the appointment for?

21 KEITH WESTENGARD: I believe it goes for one year -- or two
22 years. I'm sorry. Let -- let me double-check.

23 COMMISSIONER CLARK: I think that we're going to restart a
24 lot of these committees and commissions. They may -- he may
25 have to reapply -- I think the date is June. So it might be a
26 short term this time.

27 COMMISSIONER WAITS: This June. Like next month?

28 COMMISSIONER CLARK: Yeah. Remember --

29 COMMISSIONER WAITS: So we're going to --

30 COMMISSIONER CLARK: -- in January we started --

31 COMMISSIONER WAITS: I - I remember that.

32 COMMISSIONER CLARK: -- advertising. Yeah.

33 COMMISSIONER WAITS: I remember that, but I -- I know some
34 are -- are still kind of odd times. And I thought, --

35 KEITH WESTENGARD: Commissioner Clark?

36 COMMISSIONER WAITS: -- what would be the point? There's
37 not even a meeting between now and --

38 KEITH WESTENGARD: Commissioner --

39 COMMISSIONER WAITS: -- the first of June.

40 KEITH WESTENGARD: -- Clark, you're -- you're correct. It

1 expires -- terms expire 6/30/16 according to our -- our book,
2 so...

3 COMMISSIONER CLARK: We can -- can we make it for the
4 next -- we can't --

5 COMMISSIONER WAITS: Yeah.

6 COMMISSIONER CLARK: No, there's no vacancy for the next
7 time, so --

8 KEITH WESTENGARD: Right.

9 COMMISSIONER WAITS: So we can k- -- keep this on file.
10 And when do the other ones come before us? Next -- our next
11 meeting?

12 KEITH WESTENGARD: According to our -- our -- our list
13 here, the terms all expire 6/30 of '16.

14 LAKEN MARINE: We're going to be putting in the paper for
15 all the boards that they have to put their renewal letters in.
16 It's going to go in next week's paper.

17 KEITH WESTENGARD: So we would keep this on --

18 COMMISSIONER WAITS: We could just --

19 KEITH WESTENGARD: -- file.

20 COMMISSIONER WAITS: -- keep this letter and approve it
21 with the rest of them --

22 COMMISSIONER STIENMETZ: Yeah, that's --

23 COMMISSIONER WAITS: -- next --

24 COMMISSIONER STIENMETZ: -- what I would do.

25 KEITH WESTENGARD: Okay.

26 COMMISSIONER CLARK: Okay.

27 COMMISSIONER WAITS: Next agenda?

28 CHAIRMAN BAKKER: Okay.

29 FRANK WHITMAN: Public comment on Number 4, please.
30 Austin.

31 CHAIRMAN BAKKER: Go ahead, Frank.

32 FRANK WHITMAN: This is -- yeah, Frank Whitman, for the
33 record. We do meet once before the -- our terms expire in June.
34 And I know, maybe redundant, but we didn't make a quorum
35 last time. Ranchers were out working. We would like to make a
36 quorum in June. I leave it up to the -- to the commissioners to
37 make that decision. I know it's tough to have somebody get --
38 get appointed, turn around and rewrite a letter, and get
39 reappointed.

40 But we -- we would like to have a meeting in June. And

1 it's really tough this time of year. Thank you.
2 CHAIRMAN BAKKER: Thanks, Frank.
3 COMMISSIONER WAITS: Thank you, Frank.
4 But if we have it on the agenda in May and reappoint -- or
5 do you plan on doing this in June?
6 KEITH WESTENGARD: The reappointments?
7 COMMISSIONER WAITS: The reappointments.
8 KEITH WESTENGARD: Well, I -- we can put -- we can put it
9 back on the agenda for the next meeting if that's what you'd
10 like.
11 COMMISSIONER WAITS: All of them for the next meeting.
12 That's what I'm saying.
13 KEITH WESTENGARD: Well, no. Well, they actually don't
14 expire until June 30th. And you want to put it on the May
15 agenda? The May 26th meeting?
16 LAKEN MARINE: We can't --
17 COMMISSIONER WAITS: I --
18 LAKEN MARINE: -- put it on the next one, --
19 KEITH WESTENGARD: Right.
20 LAKEN MARINE: -- Patsy, because it has to go in the paper.
21 KEITH WESTENGARD: It'll still need to be --
22 COMMISSIONER WAITS: It's not --
23 KEITH WESTENGARD: -- advertised.
24 COMMISSIONER WAITS: -- in the paper yet?
25 KEITH WESTENGARD: No.
26 LAKEN MARINE: That's starting next week.
27 COMMISSIONER WAITS: Okay.
28 I'll make a motion that -- that we approve Chris McAviney
29 for appointment to the Public Land Use Advisory Committee.
30 COMMISSIONER CLARK: Second.
31 COMMISSIONER WAITS: The appointment is through June 30th,
32 2016.
33 COMMISSIONER CLARK: Second.
34 CHAIRMAN BAKKER: Okay. Patsy made a motion. Art
35 seconded. Any public comment?
36 (No comment.)
37 CHAIRMAN BAKKER: All in favor?
38 COMMISSIONER STIENMETZ: Aye.
39 COMMISSIONER MILLS: Aye.
40 CHAIRMAN BAKKER: Aye.

1 COMMISSIONER WAITS: Aye.
2 COMMISSIONER CLARK: Aye.

- 3
4 5) Discussion for possible action accepting the letter of
5 resignation from the Lander County Livestock Events Center
6 Advisory Board submitted by Mary Bengoa, and to advertise for
7 two (2) available positions on the board, and all other
8 matters properly related thereto.
9

10 CHAIRMAN BAKKER: Number 5, discussion for possible action
11 accepting the letter of resignation from the Lander County
12 Livestock Events Center Advisory Board submitted by Mary Bengoa
13 and to advertise for two available positions on the board, and
14 all other matters properly related thereto.

15 KEITH WESTENGARD: So Mary did submit her letter of
16 resignation. And that will give us two openings that we'd like
17 to advertise for.

18 COMMISSIONER WAITS: I'll make a motion that we accept the
19 resignation of -- from Mary Bengoa for the Lander County
20 Livestock Event Center Advisory Board with our appreciation and
21 advertise for the two available positions on the board.

22 COMMISSIONER STIENMETZ: I'll --

23 COMMISSIONER CLARK: Second.

24 COMMISSIONER STIENMETZ: Oh.

25 CHAIRMAN BAKKER: Patsy made a motion. Art seconded. Any
26 public comment?

27 (No comment.)

28 CHAIRMAN BAKKER: All in favor?

29 COMMISSIONER STIENMETZ: Aye.

30 COMMISSIONER MILLS: Aye.

31 CHAIRMAN BAKKER: Aye.

32 COMMISSIONER WAITS: Aye.

33 COMMISSIONER CLARK: Aye.
34

- 35 6) Discussion for possible action to authorize the sheriff's
36 office carpet flooring project, 029-000-53880 RM-28, in an
37 amount not to exceed \$45,000, and all other matters properly
38 related thereto.
39

40 CHAIRMAN BAKKER: Discussion for possible action to

1 authorize the sheriff's office carpet flooring project,
2 029-000-53880 RM-28, in an amount not to exceed 45,000, and all
3 other matters properly related thereto.

4 UNDERSHERIFF ROBERT QUICK: Morning.

5 COMMISSIONER CLARK: Good --

6 CHAIRMAN BAKKER: Good morning.

7 COMMISSIONER CLARK: -- morning, Robert.

8 COMMISSIONER WAITS: Good morning.

9 UNDERSHERIFF ROBERT QUICK: This is funding that -- that
10 you approved during --

11 Robert Quick, for the record.

12 This is funding --

13 CHAIRMAN BAKKER: Thanks, Robert.

14 UNDERSHERIFF ROBERT QUICK: -- that you approved during
15 this year's budget for repair and replacement for some of the
16 flooring in the sheriff's office.

17 And so we're here to get the actual project approved and --
18 because we didn't have the quotes at the time.

19 We've been able to find two vendors that are willing to do
20 the work, one considerably less than the other, which is -- I
21 think it was Carpet One -- Campbell's Carpets out of
22 Reno-Sparks. And his quote actually came in at just over
23 39,000.

24 And this is replacing most of the carpet. There are areas
25 we just -- we decided that didn't need to be done. Because of
26 the wear, it wasn't necessary. And the main traffic areas we're
27 going to replace with a high-traffic tile instead.

28 So the request is not to exceed 45,000 because some
29 discussion was that there may be some leveling issues in the floor
30 that they'll have to do once they get the carpet up and the -- the
31 glue for the carpet. Because it's glued right to the concrete
32 now.

33 CHAIRMAN BAKKER: Okay.

34 COMMISSIONER WAITS: When I looked at the quotes, it looked
35 like the one, the one that was higher, included different things
36 than the other one did. There weren't apples to apples.

37 And one of them said it was a rubber reducer that was like
38 \$1400. But the other one, which was almost 15,000, was Cortona?

39 UNDERSHERIFF ROBERT QUICK: The -- the higher of the two
40 was just over \$90,000. And they could not get the same

1 materials that we looked at for the first vendor so they did a
2 comparable. And that was a company out of Elko.

3 But --

4 COMMISSIONER WAITS: Because that's --

5 UNDERSHERIFF ROBERT QUICK: -- what they're telling us,
6 they did the quotes differently as far as they listed things
7 out. But we -- we did talk to the vendor out of Elko, and they
8 said that is for the same type of job that -- that the other
9 vendor quoted.

10 COMMISSIONER WAITS: Okay. What I'm saying is we so very
11 often look at the exact quotes because they come in the same,
12 and we take the lowest bidder.

13 And when I have more on one than the other, to that extent,
14 that kind of makes up the difference. So I guess I'm looking to
15 you saying you've looked at both of them. Do you have a -- a
16 recommendation?

17 UNDERSHERIFF ROBERT QUICK: Our recommendation would be the
18 Campbell's Carpets. It falls within the current budgeted monies
19 and actually well below.

20 The other quote is well above what we even budgeted for.

21 COMMISSIONER WAITS: Okay.

22 CHAIRMAN BAKKER: Okay.

23 COMMISSIONER WAITS: Thank you.

24 CHAIRMAN BAKKER: Any other questions?

25 With that, can I entertain a motion?

26 COMMISSIONER CLARK: Oh. I'll make a motion that we
27 approve the flooring project, 029-000-53880 RM-28, in the amount
28 not to exceed \$45,000.

29 COMMISSIONER MILLS: Second.

30 CHAIRMAN BAKKER: Art made a motion. Doug seconded. Any
31 public comment?

32 (No comment.)

33 CHAIRMAN BAKKER: All in favor?

34 COMMISSIONER STIENMETZ: Aye.

35 COMMISSIONER MILLS: Aye.

36 CHAIRMAN BAKKER: Aye.

37 COMMISSIONER WAITS: Aye.

38 UNDERSHERIFF ROBERT QUICK: Thank you.

39 CHAIRMAN BAKKER: Thanks, Robert.

40 KEITH WESTENGARD: Commissioner Bakker, on the next item,

1 Mr. Eisenberg has requested 10:30, if at all possible. So if we
2 could skip him --

3 CHAIRMAN BAKKER: Okay.

4 KEITH WESTENGARD: -- as well as Chelsea Stuart from the --

5 CHAIRMAN BAKKER: Those are --

6 KEITH WESTENGARD: -- Corps of Engineers.

7 CHAIRMAN BAKKER: -- the next two. Right?

8 KEITH WESTENGARD: 10:30 as well. So --

9 But Mr. --

10 CHAIRMAN BAKKER: Next one.

11 KEITH WESTENGARD: -- Gallagher -- well, he was here. I
12 don't know where he went. So maybe we could skip that part as
13 well.

14 CHAIRMAN BAKKER: Okay.

15 KEITH WESTENGARD: Thank you.

16
17 **10) Update from Rick Bell regarding Lander County EMS, and all**
18 **other matters properly related thereto.**
19

20 CHAIRMAN BAKKER: We're going move to Number 10, actually.
21 Update from Rick Bell regarding Lander County EMS and all
22 other matters properly related thereto.

23 RICHARD BELL: Good morning, Commissioners.

24 CHAIRMAN BAKKER: Good morning, Rick.

25 RICHARD BELL: For the record, my name's Rick Bell,
26 commander of the Lander County EMS.

27 Gentlemen and lady, you should have that in your packet
28 again.

29 Total EM- -- EMS runs for the -- this is for the month of
30 March is 62.

31 Potential revenue generated was \$61,202.

32 Contractual adjustments is 1,895.

33 Sent to collections, \$6,039.

34 Payments received for that month were 26,236.

35 Total expenses, 67,204.

36 CHAIRMAN BAKKER: Any questions?

37 Does that look right?

38 COMMISSIONER MILLS: Yeah.

39 RICK BELL: Any questions?

40 COMMISSIONER WAITS: How are the vehicles doing? What kind

1 of shape are we in with that, Rick? We doing okay?

2 RICK BELL: Actually, we had one down. Developed an oil
3 leak and a rear seal transmission leak. It's Rescue One we had
4 in Austin.

5 So I switched rigs out and -- and run all this through
6 Keith. We brought it up here to have it -- an estimate done.
7 It just got repaired. I just got it back yesterday.

8 So I'm going leave it here and use it for a while to make
9 sure it's good before I swap it back out.

10 So other than that, everything seems to be going pretty
11 good maintenance-wise.

12 COMMISSIONER WAITS: Thank you.

13 RICK BELL: Good.

14 CHAIRMAN BAKKER: Hey, thanks, Rick.

15 COMMISSIONER STIENMETZ: Thank you, Rick.

16
17 **9) Update from Summit Engineering regarding the Austin property**
18 **realignment and all other matters properly related thereto.**
19

20 CHAIRMAN BAKKER: We're going to go back to do Number 10
21 [verbatim].

22 Update from Summit Engineering regarding the Austin property
23 realignment and all other matters properly related thereto.

24 COMMISSIONER STIENMETZ: Number 9.

25 CHAIRMAN BAKKER: Or Number 9.

26 COMMISSIONER WAITS: Number 9?

27 CHAIRMAN BAKKER: Sorry.

28 We're jumping around here.

29 TOM GALLAGHER: I was going to say. Now, I've got to
30 unstack my notes here.

31 Okay. Austin, to say the least, has been a little bit
32 exciting lately.

33 CHAIRMAN BAKKER: Tom.

34 TOM GALLAGHER: Oh.

35 CHAIRMAN BAKKER: I need you to state your name, please.

36 TOM GALLAGHER: My name is Tom Gallagher. I'm with Summit
37 Engineering.

38 The Austin project has been -- the work on the maps is --
39 is moving right along. And they have been sent out for
40 signature to -- to several parties, including the Bap- -- the

1 Baptist Church, Bonnie Maes- -- Maestretti, Andrea Burton. I'm
2 sorry Larry isn't here. But he could put this in a lot more
3 words for you.

4 But it looks like, hopefully, we will have these signed and
5 to Jan by Monday. There's been a delay in getting the
6 signatures.

7 And then we can move forward with the planning commission.

8 I apologize for Larry not being here. He is called away on
9 another job.

10 But I think in this -- in this particular portion of the
11 project everybody is -- seems to be pretty receptive.

12 The thing I've been working on is Mr. Hughes, who is one of
13 the major property owners in Austin.

14 And it's kind of outside the scope of what -- of what I think
15 we originally signed up for. But Mr. Hughes has some problems
16 with, first of all, the water tank site that he dedicated to
17 you -- or not to you. This is to the water and sewer district in
18 Austin.

19 He's gotten word from somebody -- and I quite frankly know
20 who it is, but I'm not going to mention any names -- that the
21 county or the Austin Water and Sewer District is receiving 6- to
22 \$9,000 a month rent on a cell tower located on that site. Now,
23 I've researched this with the sheriff and with everybody else I
24 can think of and that is absolutely untrue.

25 Obviously somebody's trying to stir some stuff up in Austin.
26 And it's not -- it's not helping things. I think I've gotten that
27 taken care of.

28 His second issue is with billing from the Austin Water and
29 Sewer District.

30 He has -- he said he has not gotten a logical explanation as
31 to why the billing is what it is and that kind of stuff.

32 As close as I can tell, when they run a water line past a
33 piece of property that can be serviced by that water line, that
34 they're charged a monthly fee of about \$63.

35 And I've talked this over with Jan.

36 I finally, yesterday, got a list of five properties that
37 Mr. Hughes has that are accessible to the water line. And I'm
38 going to get back to him, probably tomorrow, and explain the
39 charges.

40 I just don't think it's really been put in clear enough

1 language what -- what the bills are for.

2 He hasn't got any hookups. He hasn't got any property
3 hooked up. But there is, I guess, a service charge for having
4 the water line available to hook your property up.

5 So that's the reason for his outstanding bills and that type
6 of thing.

7 It's a pretty complex matter with the patented mining claims,
8 the lots, where the lots are, whose lots are where, what other
9 facilities have been built over the streets and that kind of
10 stuff.

11 He seems very receptive. But there's obviously somebody in
12 Austin stirring Mr. Hughes up.

13 And if I can get through the rumors that are flying around, I
14 think that will be -- that will be cleared up.

15 But with that, I think we're -- we're moving ahead and
16 looking forward to going to the planning commission and being sure
17 we get a good reception there. I think at the last meeting a very
18 good idea came up from the chairman about having a commissioner
19 meeting in Austin where we can go ahead and show them how this
20 whole thing works.

21 CHAIRMAN BAKKER: I think when you guys are ready and have
22 all the letters, we'll get with Keith and plan something. And
23 we'll all --

24 TOM GALLAGHER: Yeah.

25 CHAIRMAN BAKKER: -- go to Austin and --

26 COMMISSIONER STIENMETZ: Uh-huh.

27 CHAIRMAN BAKKER: -- hash --

28 TOM GALLAGHER: Yeah.

29 CHAIRMAN BAKKER: -- this out.

30 TOM GALLAGHER: I think it would be good if everybody sees
31 what -- what we're going to be dealing with going down the road
32 on this project.

33 CHAIRMAN BAKKER: Right.

34 COMMISSIONER CLARK: So let me ask you a question, Tom, --

35 TOM GALLAGHER: Uh-huh.

36 COMMISSIONER CLARK: -- so that I have this right.

37 Mr. Hughes has been billed for a water line that he can tap
38 into?

39 TOM GALLAGHER: Yes.

40 I guess that's the rule in Austin. I tried to get ahold of

1 -- well, due to -- due to a lot of things that have occurred and a
2 lot of the hearsay that's going around. And like I said, I talked
3 to the -- to the sheriff.

4 They put a temporary cell tower -- cell phone site on the
5 water tank site. Now the water tank was granted to the water
6 and sewer district, no restrictions. Period. I've reviewed the
7 deeds. There's no restrictions. You can put whatever -- they
8 can put whatever they want.

9 I'm getting kind of confused with the Lander County and the
10 Lander -- and the Austin Water and Sewer District because
11 they're two completely separate entities.

12 I tried to get ahold of Mr. -- I guess it's called Lani
13 in Austin. In Elko, it's Lani. But I'm -- I'm not sure. And
14 he's supposedly the guy in the know at the water and sewer
15 department.

16 I guess there's been threats flying back and forth about
17 lawsuits and everything else, so Mr. Lani has not called me
18 back.

19 I finally got the billings from Mr. Hughes, as I said. And
20 I think -- I think at this point, he's probably fine that --
21 that temporary cell tower on that property is to bounce signals
22 from Austin Summit so that the sheriff and the other emergency
23 service can use their cell phones.

24 There's absolutely no charge or no money being paid for that.
25 I don't know where the 6- to 9,000 a month came from. But that's
26 absolutely untrue. And I think we've got that one probably put to
27 bed.

28 But the -- the water and sewer thing, if I could see an
29 agreement from -- if I could get ahold of the Austin sewer and
30 water department, maybe I could get a copy of an agreement that
31 shows how this -- this cost is levied. Because it's about \$63 a
32 month with no water.

33 COMMISSIONER CLARK: I don't understand that. Because if
34 you have the water running down the street to be tapped into and
35 there's a -- a vacancy there, people move out and leave the
36 house, who assumes the bill?

37 TOM GALLAGHER: There's no house.

38 COMMISSIONER CLARK: No, I'm just saying --

39 TOM GALLAGHER: It's --

40 COMMISSIONER CLARK: If there's water --

1 COMMISSIONER STIENMETZ: (Indiscernible.)
2 COMMISSIONER CLARK: -- available and somebody leaves, --
3 TOM GALLAGHER: This is --
4 COMMISSIONER CLARK: -- who pays the availability?
5 UNIDENTIFIED PARTICIPANT: This is a surcharge levied on
6 that owner of the property just for the benefit of having the
7 water line run in front of their property.
8 COMMISSIONER CLARK: I understand that.
9 TOM GALLAGHER: That's what that is. But, I mean, if -- if
10 somebody ab- -- absolutely vacates the property, quits paying
11 taxes on it and that kind of thing, then I guess it becomes a --
12 a -- a sale on the courthouse steps and the --
13 COMMISSIONER CLARK: And this is only in Austin because
14 they have a separate water district?
15 TOM GALLAGHER: Yeah.
16 COMMISSIONER CLARK: Okay.
17 TOM GALLAGHER: I haven't really seen this -- unless there
18 was an assessment district formed over the town or something
19 like that, which I've been never been privy to, I've never seen
20 this kind of -- this kind of thing where they run a water line
21 by your property and send you a bill.
22 I don't -- I just don't know how that --
23 COMMISSIONER WAITS: It is --
24 TOM GALLAGHER: -- works.
25 COMMISSIONER WAITS: -- done in some of the rural areas,
26 yes.
27 TOM GALLAGHER: Yeah.
28 COMMISSIONER WAITS: There's a couple others too. Kingston
29 does the same thing.
30 There is a contract between AT&T and the water and sewer
31 department in Austin. And it certainly isn't 6- to 9,000 or
32 anything like that. But there -- the contract --
33 TOM GALLAGHER: I thought it was no payment.
34 COMMISSIONER WAITS: No, I understood there was. But there
35 is a contract. So you should be able to see the contract and
36 get that information too.
37 And I'm sorry Mr. Lani has not returned that call.
38 Have you spoke with Donna who does all the books in
39 Austin?
40 TOM GALLAGHER: No.

1 COMMISSIONER WAITS: Okay. She's there several times a
2 week. So you --

3 TOM GALLAGHER: Okay.

4 COMMISSIONER WAITS: And you might start with that.
5 I know Mr. Lani is strictly on the advisory board. He's
6 been there forever, I'm sure.

7 TOM GALLAGHER: Right.

8 COMMISSIONER WAITS: He has all the history. So he can
9 clear anything up for you, but he is difficult to reach
10 sometimes because he doesn't come in during regular working
11 hours at all.

12 So I'd start with Donna and -- and see what you can find
13 out there first.

14 TOM GALLAGHER: Okay. I think that maybe they're a little
15 hesitant to talk to anybody because of the threats of lawsuits
16 and things like that.

17 COMMISSIONER WAITS: I understand that. But there are some
18 things that are still, you know, public information --

19 TOM GALLAGHER: Yeah.

20 COMMISSIONER WAITS: -- that you can certainly access.

21 TOM GALLAGHER: Yeah. Anyway.

22 COMMISSIONER WAITS: And help you get in touch with
23 Mr. Lani, perhaps after hours.

24 TOM GALLAGHER: Okay.

25 Well, I called him about three weeks ago. And I'm not sure
26 if Donna is who I left a message with or who.

27 CHAIRMAN BAKKER: Okay.

28 Robert?

29 UNDERSHERIFF ROBERT QUICK: Robert Quick for the Sheriff's
30 Office.

31 Just to clarify just a couple of things. The temporary tower
32 that's there now is not for cell service. It is for emergency
33 public safety radio communications.

34 And there's no charge for that.

35 AT&T is actually supplying that tower for us pending the
36 construction of a permanent tower in that area.

37 And you are absolutely correct, Commissioner Waits, that they
38 have a contract. I don't believe anything's being paid at any
39 point, because they haven't constructed it.

40 I did follow up recently with AT&T. And they're having some

1 issues with the FCC regarding getting approval from the FCC to
2 build the tower.

3 So I'm in the process of developing a letter from the
4 sheriff the -- for the need for the tower. Because if they do
5 end up pulling out, we're going to have to turn around and come
6 back to the commission for the funding that we originally were
7 going to come for, for an actual tower. Because I will venture
8 to say they will stop renting that tower for us that they have.

9 CHAIRMAN BAKKER: Okay. Thanks, Robert.

10 TOM GALLAGHER: So there is no payment?

11 UNDERSHERIFF ROBERT QUICK: No, not currently.

12 TOM GALLAGHER: And that's -- I talked to you about this
13 before.

14 UNDERSHERIFF ROBERT QUICK: Yes.

15 TOM GALLAGHER: Yeah.

16 CHAIRMAN BAKKER: Austin, any questions on property lines?

17 FRANK WHITMAN: Nothing from here, exc- -- except we are
18 looking forward to a meeting down here.

19 Dee, do you have something?

20 DEE HELMING: We appreciate the fact that we're pushing to
21 have the meeting here. We need to keep moving forward on this
22 and get this going.

23 CHAIRMAN BAKKER: Okay. Thank you, guys.

24 FRANK WHITMAN: Thank you.

25 CHAIRMAN BAKKER: Any other questions?

26 (No comment.)

27 CHAIRMAN BAKKER: Public comment?

28 (No comment.)

29 CHAIRMAN BAKKER: Tom, thank you.

30 TOM GALLAGHER: Thank you.

31 COMMISSIONER CLARK: Thanks, Tom.

32 COMMISSIONER STIENMETZ: Thanks, Tom.

33 COMMISSIONER MILLS: Number 8?

34 CHAIRMAN BAKKER: Number 8? Well, no, because Jeff said
35 10:30. Right, Keith?

36 KEITH WESTENGARD: Yes.

37 CHAIRMAN BAKKER: Okay, so --

38 KEITH WESTENGARD: As well as Chelsea.

39 CHAIRMAN BAKKER: As well as Chelsea.
40

1 11) Discussion for possible action to approve/disapprove the
2 purchase of equipment from Harless Aircraft in an amount not
3 to exceed \$7,000 and all other matters properly related
4 thereto.
5

6 CHAIRMAN BAKKER: So let's go to 11.

7 Discussion for possible action to approve/disapprove the
8 purchase of equipment from Harless Aircraft in an amount not to
9 exceed \$7,000 and all other matters properly related thereto.

10 KEITH WESTENGARD: This was part of the last -- excuse
11 me -- commission meeting where you approved the purchase of
12 equipment at 100,000. We capped it at that. It was actually
13 107,000. And that will get us all the equipment for the
14 airport. And that was a contractual agreement prior to us,
15 prior to this group.

16 COMMISSIONER MILLS: I'll make a motion to approve the
17 purchase of equipment from Harless Aircraft in the amount of --
18 not to exceed \$7,000.

19 COMMISSIONER STIENMETZ: I'll second the motion.

20 CHAIRMAN BAKKER: Doug made a motion. Steve seconded. Any
21 public comment?

22 (No comment.)

23 CHAIRMAN BAKKER: All in favor?

24 COMMISSIONER STIENMETZ: Aye.

25 COMMISSIONER MILLS: Aye.

26 CHAIRMAN BAKKER: Aye.

27 COMMISSIONER WAITS: Aye.

28 COMMISSIONER CLARK: Aye.
29

30 12) Update from Ken Brown regarding the Western Counties Alliance
31 and all other matters properly related thereto.
32

33 CHAIRMAN BAKKER: Okay. Update from Ken Brown regarding
34 the Western Counties Alliances and all other matters properly
35 related thereto.

36 KEITH WESTENGARD: I've been calling and texting Mr. Brown.
37 And I still don't see him here. I don't know if he got hung up
38 somewhere between here and Utah.

39 I would ask we skip it. Maybe he'll get here late. He
40 hasn't answered anything from me yet. So --

1 COMMISSIONER CLARK: Okay.
2 KEITH WESTENGARD: -- sorry.
3 CHAIRMAN BAKKER: Okay.
4 KEITH WESTENGARD: I don't know where he's at.
5

6 **13) Discussion for possible action to approve/disapprove an**
7 **amendment to the Vaisala contract and to authorize the chair**
8 **or co-chair to sign, and all other matters properly related**
9 **thereto.**

10
11 CHAIRMAN BAKKER: Thirteen, discussion for possible action
12 to approve/disapprove an amended -- amendment to the Vaisala
13 contract and to authorize the chair or co-chair to sign, and all
14 other matters properly related thereto.

15 JEANNE FALZONE: Jeanne Falzone.

16 When we did the original agreement back in January, I forgot
17 to put in the one item on the data link in the contract, so it
18 addresses that.

19 And then, basically, that's all it is, is just adding the
20 data link. It doesn't change the price or anything. It just puts
21 that coverage in the contract.

22 CHAIRMAN BAKKER: Okay.

23 COMMISSIONER WAITS: I know it's everything that we had
24 discussed before. So that makes sense. Just to -- amending.
25 Okay. Thank you.

26 COMMISSIONER MILLS: I'll make a motion that we approve the
27 amendment to the Vaisala contract and authorize the chair to
28 sign.

29 COMMISSIONER STIENMETZ: I'll second that motion.

30 CHAIRMAN BAKKER: Doug made a motion. Steve seconded. Any
31 public comment?

32 (No comment.)

33 CHAIRMAN BAKKER: All in favor?

34 COMMISSIONER STIENMETZ: Aye.

35 COMMISSIONER MILLS: Aye.

36 CHAIRMAN BAKKER: Aye.

37 COMMISSIONER WAITS: Aye.

38 COMMISSIONER CLARK: Aye.
39
40

1 14) Discussion for possible action to withdraw previous bid given
2 to Maxwell for the Battle Mountain Airport pavement
3 rehabilitation project; to ratify a letter rejecting all bids
4 for the Battle Mountain Airport rehabilitation project; and
5 to re-advertise for bids for the Battle Mountain Airport
6 rehabilitation project, including an updated procedure for
7 protest in the bid packet; and all other matters properly
8 related thereto.
9

10 CHAIRMAN BAKKER: Fourteen. Discussion for possible action
11 to withdraw previous bid given to Maxwell for the Battle
12 Mountain Airport pavement rehabilitation project; to ratify a
13 letter rejecting all bids for the Battle Mountain Airport
14 rehabilitation project; and to re-advertise for bids for the
15 Battle Mountain Airport rehabilitation project, including an
16 update procedure for protest in the bid pack; and all other
17 matters properly related thereto.

18 KEITH WESTENGARD: Okay. So this has been an ongoing
19 issue.

20 Basically, what it's come down to is the FAA has said that if
21 we do not have protest procedures in our bid documents, that
22 they're going to pull the money, the grant money. And it would
23 become 100 percent Lander County-funded.

24 So I sent a letter of rejection out -- or a rejection to
25 everybody that had bid on the project.

26 It was either that or we were going to have to pay for the
27 whole project ourself out of county funds with no -- no grant
28 money from the FAA.

29 We did get some clarification from the state contractors
30 board yesterday regarding licensing.

31 We're waiting for -- I say "some clarification." We're
32 waiting for the final clarification. Hopefully, we'll get that
33 today or tomorrow from the contractors board about what license
34 can do what. Between the A, the A -- A-B, the A-1, the A-8, A-16,
35 it's quite a -- a can of worms.

36 I think we're finally getting to the end.

37 And if -- if everything goes right, we hope to have it back
38 out to the re-advertise this weekend.

39 CHAIRMAN BAKKER: They're going to clarify on what
40 contractor can do what work?

1 KEITH WESTENGARD: Yes. We got partial clarification
2 yesterday. And we've asked for a little more last night -- or
3 last -- yesterday in the afternoon.

4 So hopefully, we'll have all the final answers today or -- or
5 tomorrow.

6 COMMISSIONER MILLS: And the --

7 CHAIRMAN BAKKER: The gray areas.

8 KEITH WESTENGARD: The --

9 COMMISSIONER MILLS: The F- --

10 KEITH WESTENGARD: -- gray areas.

11 COMMISSIONER MILLS: -- the FAA is holding that grant money
12 for us? Because I understand they were going to -- we were
13 under a deadline to get this contract approved --

14 KEITH WESTENGARD: Yes.

15 COMMISSIONER MILLS: -- or we were going to lose that --

16 KEITH WESTENGARD: That's correct. We spoke with J.D. of
17 J-U-B. And I spoke with Holly Dickson at the FAA. They're
18 holding the money for us. They understand what's going on.
19 They were good with everything until there was no protest
20 procedures in our bid documents. And that was their trigger to
21 either pull all the bids and rebid it with the protest
22 procedures in there or they were going to pull the money. So --

23 COMMISSIONER MILLS: Okay.

24 COMMISSIONER CLARK: Seems like the federal government's
25 keeping their eye on Lander County.

26 KEITH WESTENGARD: Well, it -- with the protest from
27 contractor 1 and -- and then the protest from contractor 2,
28 and -- it stirred some things up. Yes.

29 COMMISSIONER WAITS: I guess my concern here is that we pay
30 quite a healthy amount to our airport engineers to take care of
31 this for us.

32 KEITH WESTENGARD: Right.

33 COMMISSIONER WAITS: Why isn't that under something they
34 were doing?

35 When this came up and they started protesting, I remember
36 J.D. saying explicitly that he had called the contractors board
37 and they wouldn't give him the information. But the contractors
38 board doesn't give you information when somebody has bid it.

39 KEITH WESTENGARD: That's correct.

40 COMMISSIONER WAITS: I mean, they're in the middle of -- of

1 a mess. And there's no way they're stepping forward.

2 So all these things should have been done by the engineer
3 ahead of time.

4 I'm -- I'm confused over our contract and how clear we are
5 with something like that, that they indeed should be checking
6 all of this when those bids come in.

7 KEITH WESTENGARD: And -- and what -- what happened there
8 is -- is J-U-B uses a template right from -- off of the FAA
9 website.

10 So that he -- he was following the template that -- right off
11 the FAA website. And it -- it actually didn't even show it within
12 their template.

13 But it's in the CFR that you have to have that -- that bid
14 protest in your bid documents.

15 So it was kind of a learning experience all the way around.
16 And it won't happen again.

17 COMMISSIONER WAITS: I guess my question is: Is -- is
18 J-U-B Engineers accepting any of the liability with -- with this
19 type of a bid and what -- what it's cost us?

20 KEITH WESTENGARD: Oh, yeah. And I will say -- I spoke
21 with J.D. last night. And he -- they've lost tens of thousands
22 of dollars over this. They've had -- that is no responsibility
23 of Lander County's. Because they've had to rebid it or redo the
24 bid documents, resubmit them. So it's costing them money. And
25 they've taken the responsibility for it. Yes, they have.

26 COMMISSIONER WAITS: Thank you.

27 And you also need your letter ratified to the FAA; is that
28 correct?

29 KEITH WESTENGARD: Yes, please.

30 CHAIRMAN BAKKER: Any other questions? Guys? Ladies?
31 I need a motion, please.

32 COMMISSIONER MILLS: I'll -- I'll make a motion we -- we
33 withdraw the previous bid given to Maxwell for the Battle
34 Mountain airport rehab project and ratify the letter that Keith
35 sent out on that. Also authorize for a re-advertising and rebid
36 with the corrected bid procedures, including the protest
37 language in the -- in the bid.

38 COMMISSIONER STIENMETZ: I'll second the motion.

39 CHAIRMAN BAKKER: Doug made a motion. Steve seconded it.
40 Any public comment?

1 All in favor?
2 COMMISSIONER STIENMETZ: Aye.
3 COMMISSIONER MILLS: Aye.
4 CHAIRMAN BAKKER: Aye.
5 COMMISSIONER WAITS: Aye.
6 COMMISSIONER CLARK: Aye.
7

8 **15) Update regarding the status of the Battle Mountain**
9 **Recreational Center project and all other matters properly**
10 **related thereto.**
11

12 CHAIRMAN BAKKER: Sixteen [verbatim]. Update regarding the
13 status of the Battle Mountain Recreational --

14 COMMISSIONER WAITS: Fifteen.

15 CHAIRMAN BAKKER: -- Center project and all other matters
16 properly related thereto.

17 And Casey's not here yet, but he's going to give an update.
18 So -- is Bert here?

19 KEITH WESTENGARD: No. Bert had a family emergency. And
20 he is --

21 CHAIRMAN BAKKER: You prepared for 16?

22 KEITH WESTENGARD: Yeah, --

23 CHAIRMAN BAKKER: Okay.

24 KEITH WESTENGARD: -- I think I can explain it.
25

26 **16) Discussion for possible action regarding the removal of all**
27 **lawn at the old courthouse located at 315 South Humboldt**
28 **Street, Battle Mountain, Nevada, and replacing with**
29 **xeriscaping, and all other matters properly related thereto.**
30

31 CHAIRMAN BAKKER: Discussion for possible action regarding
32 the removal of all lawn -- lawn at the old courthouse located at
33 315 South Humboldt Street, Battle Mountain, Nevada, and
34 replacing with xeriscaping, and all other matters properly
35 related thereto.

36 KEITH WESTENGARD: What we're looking doing here is
37 removing the lawn out in front of the courthouse. There's --
38 there's some broken pipes that are preventing us from watering
39 it.

40 If we were to remove the land and xeriscape it, as Bert wants

1 to do, that'll also -- we'll rework the contract with the lawn
2 maintenance. So it'll -- it'll save us some money there. And
3 there won't -- there -- we'll get rid of the lawn at the
4 courthouse right out -- right out in front there.

5 CHAIRMAN BAKKER: Okay.

6 COMMISSIONER WAITS: Do you have any idea what cost it
7 would be to do that?

8 KEITH WESTENGARD: I don't -- I don't know what the cost
9 will be. I mean, it'll be done by the county to remove the lawn
10 --

11 COMMISSIONER WAITS: Okay.

12 KEITH WESTENGARD: -- and -- and xeriscape it. So I --
13 don't see a --

14 CHAIRMAN BAKKER: Minimal.

15 KEITH WESTENGARD: -- big, big cost there. Yeah.

16 CHAIRMAN BAKKER: Yeah.

17 COMMISSIONER WAITS: Thank you.

18 COMMISSIONER STIENMETZ: Are you going to take everything
19 out in front and all the way around to the side there?

20 KEITH WESTENGARD: All the way to where the breezeway
21 starts. Yes.

22 CHAIRMAN BAKKER: Pipes -- because the pipes keep breaking
23 inside; right?

24 KEITH WESTENGARD: That's correct. Yes.

25 CHAIRMAN BAKKER: Creating --

26 KEITH WESTENGARD: Yeah.

27 CHAIRMAN BAKKER: -- flooding.

28 KEITH WESTENGARD: Yeah. We've had some -- some minor
29 flooding issues.

30 COMMISSIONER STIENMETZ: I'll make a motion to approve the
31 removal of the lawn at the old courthouse located at 315 South
32 Humboldt Street, Battle Mountain, Nevada, and replacing with the
33 xeriscape and --

34 CHAIRMAN BAKKER: Okay.

35 COMMISSIONER MILLS: I'll second.

36 CHAIRMAN BAKKER: Steve made a motion. Doug seconded. Any
37 public comment?

38 (No comment.)

39 CHAIRMAN BAKKER: All in favor?

40 COMMISSIONER STIENMETZ: Aye.

1 COMMISSIONER MILLS: Aye.
2 CHAIRMAN BAKKER: Aye.
3 COMMISSIONER WAITS: Aye.
4 COMMISSIONER CLARK: Aye.
5 CHAIRMAN BAKKER: Okay.
6

- 7 17) Discussion for possible action regarding refurbishing the
8 inside of the old treasurer/recorder's building located at
9 315 South Humboldt Street, Battle Mountain, Nevada, and then
10 to lease these premises to the Lander County Kids Club. The
11 Lander County Kids Club has a current lease of the premises
12 located at 380 South Mountain Street, Battle Mountain,
13 Nevada. This lease needs to be dissolved and then said
14 premises possibly leased to the WIC and Frontier Community
15 Action Agency who wish to lease these premises. And all
16 other matters properly related thereto.
17

18 CHAIRMAN BAKKER: Seventeen. Discussion for possible
19 action regarding refurbishing the inside of the old
20 treasurer/recorder's building located at 315 South Humboldt
21 Street, Battle Mountain, Nevada, and then to lease these per --
22 per -- premises to the Lander County Kids Club. The Lander
23 County Kids Club has a current lease of the premises located at
24 380 South Mountain Street, Battle Mountain, Nevada. This lease
25 needs to be dissolved and then said premises possibly leased to
26 WIC and Frontier Community Action Agency who wish to lease these
27 pre- -- premises. And all other matters properly related
28 thereto.

29 That was a mouthful.

30 BRENDA THOMAS: Yeah, it was.

31 CHAIRMAN BAKKER: Your names?

32 BRENDA THOMAS: Brenda Thomas.

33 LAUREN CAMPBELL: And Lauren Campbell from Lander County
34 Kids Club.

35 CHAIRMAN BAKKER: Thank you, ladies.

36 KEITH WESTENGARD: So --

37 LAUREN CAMPBELL: Um.

38 KEITH WESTENGARD: Go ahead.

39 Oh. As -- as you know, the original intent was to put the
40 Kids Club in the old treasurer/recorder building, when we

1 initially talked. We're at the point now where we could -- we
2 could make getting them over there. We have another entity
3 interested in the -- the -- the current preschool building,
4 which would bring some money into the county as well.

5 So we would like to go through that process to start doing
6 that.

7 CHAIRMAN BAKKER: Okay.

8 COMMISSIONER MILLS: What kind of refurbishing do we need
9 to do to the inside of the treasurer/recorder building?

10 KEITH WESTENGARD: Well, we'll need to remove the breezeway
11 and board it off. And then I'm not exactly sure what needs to
12 be done in the old treasurer/courthouse.

13 LAUREN CAMPBELL: Okay.

14 State licensing has gotten pretty stringent, especially over
15 the last couple years, regarding day cares and preschools and
16 things like that.

17 What we would like to do in the building is not only provide
18 a bigger preschool program; we would also like to provide a day
19 care program in part of it.

20 So with that being said, the only things that I can see
21 structurally that we would need from the county is an access door
22 besides the front door. We do have to have an emergency exit.
23 And it would have to have a single action lock mechanism where
24 it's locked from the outside, but when we go out, it only takes
25 one action to -- to get outside.

26 Everything else is mostly furniture on our part -- changing
27 tables, et cetera, things like that.

28 CHAIRMAN BAKKER: So --

29 LAUREN CAMPBELL: We would have to have playground space,
30 though.

31 KEITH WESTENGARD: Right. And I -- I did fail to mention
32 that part of the plan is to take the -- the fence -- the old
33 fence at the existing preschool and moving it over as well.

34 COMMISSIONER MILLS: Okay.

35 CHAIRMAN BAKKER: Lauren, it's when they tear out that
36 breezeway, it's going to create a door -- two doors, --

37 LAUREN CAMPBELL: Uh-huh.

38 CHAIRMAN BAKKER: -- one going in and out. Is that --

39 LAUREN CAMPBELL: That would -- yeah.

40 CHAIRMAN BAKKER: Is that --

1 LAUREN CAMPBELL: That would --

2 CHAIRMAN BAKKER: Suffice.

3 LAUREN CAMPBELL: -- solve the problem -- as long as it
4 gives us access to some kind of a -- a playground area -- just
5 for fire safety measures and things like that.

6 We have not had the current preschool inspected yet. I have
7 been waiting. I just got our business license back. It's been
8 quite a process to get state licensing in. It took me about two
9 months to get their nonprofit state stuff in.

10 So I just did the business license. And we're working on our
11 liability insurance right now also.

12 And then I've been working with the state person who does
13 our surveying and approves licensing for our county. And she is
14 aware that we may be moving. She has advised me to go ahead and
15 submit our license so we can get these things underway. A final
16 inspection does have to be done on the premises before we can be
17 licensed.

18 So the only concern that our group really has is timing
19 because if it comes time to do the final inspection and we're in
20 the current preschool building and they do it there, we will
21 have to do a whole new license.

22 KEITH WESTENGARD: When -- when were -- when are you going
23 to open?

24 LAUREN CAMPBELL: We are planning September.

25 KEITH WESTENGARD: Okay.

26 LAUREN CAMPBELL: Yeah.

27 KEITH WESTENGARD: All right.

28 LAUREN CAMPBELL: So --

29 KEITH WESTENGARD: So that final inspection would be a
30 month before that or so?

31 LAUREN CAMPBELL: Likely.

32 KEITH WESTENGARD: Okay.

33 LAUREN CAMPBELL: Somewhere in there. Yeah.

34 KEITH WESTENGARD: All right.

35 So if -- if -- if this is good with the -- the commission,
36 then we'll get with Bert and -- and you. And we'll come up with a
37 plan to have it done prior to what --

38 LAUREN CAMPBELL: And our group is willing to put in any
39 work to -- to get things ready. We're -- we're excited for --
40 for the bigger building so we can service more kids in the area.

1 CHAIRMAN BAKKER: And --
2 COMMISSIONER MILLS: I have a question on the fence.
3 LAUREN CAMPBELL: Sure.
4 COMMISSIONER MILLS: The fence at the current preschool's a
5 short fence. And is -- is that okay --
6 LAUREN CAMPBELL: They have --
7 COMMISSIONER MILLS: -- for the --
8 LAUREN CAMPBELL: -- never had --
9 COMMISSIONER MILLS: -- permitting?
10 LAUREN CAMPBELL: -- an issue with it. In the past when we
11 have had inspections, I've -- I've never seen anything.
12 I can double-check with our new sur- -- surveyor because she
13 -- she is a little bit more picky than the one we've had
14 previously. She's younger. She's new. She's -- she's really on
15 top of everything that's in the book, which is -- is okay with me
16 because then I don't have to come back and be like, Oh, I have to
17 fix it.
18 COMMISSIONER MILLS: Well, it would be good --
19 LAUREN CAMPBELL: So --
20 COMMISSIONER MILLS: -- to know first. I don't want to
21 have to move a fence --
22 LAUREN CAMPBELL: Absolutely.
23 COMMISSIONER MILLS: -- and then have to replace the fence.
24 LAUREN CAMPBELL: Yeah, and --
25 COMMISSIONER MILLS: So --
26 LAUREN CAMPBELL: -- I can -- I can get with her and see
27 when she's going to be in town or coming through. She's in Elko
28 and -- or take pictures and send it to her. I can absolutely
29 gather that information for you.
30 CHAIRMAN BAKKER: Okay.
31 COMMISSIONER MILLS: So as far as the play area, then, and
32 where they put the fence, it's going to be all cement? all
33 asphalt, or --
34 KEITH WESTENGARD: No, they'll -- they'll be between the
35 old probation -- or juvenile building -- the front of the
36 treasurer/recorder office. So --
37 COMMISSIONER WAITS: Okay. So we're not changing the lawn
38 on that part?
39 KEITH WESTENGARD: No. We're --
40 COMMISSIONER WAITS: Okay. We're okay --

1 KEITH WESTENGARD: -- just going --
2 COMMISSIONER WAITS: -- there?
3 KEITH WESTENGARD: -- to the breezeway.
4 COMMISSIONER WAITS: Okay.
5 KEITH WESTENGARD: Yes. That's correct.
6 LAUREN CAMPBELL: Any other questions?
7 CHAIRMAN BAKKER: And we'll -- what do you guys need?
8 BRENDA THOMAS: Well, the corkboard to be removed and
9 paint. And the -- really the big thing is just kind of a wall
10 to be built somewhere in the middle to -- to, you know, have
11 confidentiality for the clients. That's really the big thing.
12 Maybe a door with a window, but I'm --
13 CHAIRMAN BAKKER: Okay.
14 BRENDA THOMAS: -- I'm pretty easy.
15 CHAIRMAN BAKKER: We have funding for all this?
16 NAN ANCHO: That's what -- that was my next question was:
17 How much do you guys think this is going to cost?
18 Nan Ancho, Finance.
19 And as far as your removing walls, painting. I mean, we're
20 looking at what cost here?
21 CHAIRMAN BAKKER: I don't know. Keith, you have any idea?
22 KEITH WESTENGARD: Well, to -- to remove it, we do -- the
23 wall or the corkboard and so forth, we could probably get --
24 because nobody's going to be there. We could have a con crew
25 come in and do a lot of that work. So it would be the material
26 cost of the paint --
27 CHAIRMAN BAKKER: Road and Bridge is doing the fencing.
28 KEITH WESTENGARD: And they'll --
29 CHAIRMAN BAKKER: Right?
30 KEITH WESTENGARD: Road and Bridge will be doing the
31 fencing. \$2500, maybe.
32 ANNA PENOLA: It's probably --
33 Anna Penola with the Building Department.
34 It's probably going to be 20,000 for the paint.
35 COMMISSIONER CLARK: How much?
36 BRENDA THOMAS: For the inside?
37 ANNA PENOLA: (Indiscernible) talking the outside.
38 BRENDA THOMAS: Oh, no. I don't care about --
39 KEITH WESTENGARD: Oh.
40 BRENDA THOMAS: -- the outside.

1 ANNA PENOLA: It's still got to be done by a --
2 KEITH WESTENGARD: I want to be --
3 ANNA PENOLA: -- licensed painter.
4 KEITH WESTENGARD: -- a painter, I think.
5 COMMISSIONER CLARK: Twenty --
6 CHAIRMAN BAKKER: So --
7 COMMISSIONER CLARK: -- 20,000 to paint the inside?
8 ANNA PENOLA: I thought it was the outside.
9 NAN ANCHO: So is this something you're looking to do by
10 June 30th? or in the next fiscal year? Because our fiscal year
11 starts July 1st.
12 CHAIRMAN BAKKER: Probably need to get it all done and
13 probably -- we could probably start -- how soon do you guys need
14 it?
15 BRENDA THOMAS: As soon as possible, just because I -- I
16 don't have a lease with the hospital for my programs. And with
17 the new fiscal coming up, I have to have a lease for my grants.
18 So if I could have it, you know, before the fiscal, that
19 would be great. I don't have to necessarily be in the building.
20 CHAIRMAN BAKKER: Okay. I mean, as far as -- that's not a
21 problem, really.
22 KEITH WESTENGARD: Do you -- does it absolutely have to be
23 painted?
24 BRENDA THOMAS: Well, --
25 KEITH WESTENGARD: I mean, --
26 UNIDENTIFIED PARTICIPANT: The corkboard should be really
27 easy to take off because I've been -- I've been in there.
28 LAUREN CAMPBELL: It's -- it's already --
29 UNIDENTIFIED PARTICIPANT: Because all our stuff is in
30 there.
31 LAUREN CAMPBELL: -- partly torn off.
32 BRENDA THOMAS: Yeah, it's -- it's kind of hanging on
33 there.
34 LAUREN CAMPBELL: Yeah.
35 CHAIRMAN BAKKER: I think they can either -- they can even
36 move in. Because the majority of the work's going to be -- have
37 to be done with moving the fence and the playground --
38 KEITH WESTENGARD: Right.
39 CHAIRMAN BAKKER: -- and everything --
40 BRENDA THOMAS: Yeah.

1 CHAIRMAN BAKKER: -- else. So --
2 NAN ANCHO: And --
3 COMMISSIONER MILLS: What about --
4 NAN ANCHO: -- then they --
5 COMMISSIONER MILLS: -- that --
6 NAN ANCHO: -- said they needed --
7 COMMISSIONER MILLS: -- breezeway?
8 NAN ANCHO: -- a wall removed or moved or --
9 COMMISSIONER WAITS: The wall --
10 COMMISSIONER STIENMETZ: Anna.
11 COMMISSIONER WAITS: -- and the door.
12 NAN ANCHO: The door. So --
13 BRENDA THOMAS: Putting a wall in.
14 NAN ANCHO: We need to know what we're looking at for
15 expenses.
16 CHAIRMAN BAKKER: Yeah. What kind of wall?
17 BRENDA THOMAS: I'm sorry.
18 CHAIRMAN BAKKER: You want a solid wall? Partitions?
19 BRENDA THOMAS: Two-by-fours, sheetrock, as easy as --
20 CHAIRMAN BAKKER: Okay.
21 BRENDA THOMAS: -- possible.
22 CHAIRMAN BAKKER: That's what I figured.
23 BRENDA THOMAS: Not load-bearing. So make it easy.
24 CHAIRMAN BAKKER: Anna.
25 BRENDA THOMAS: I just need confidentiality.
26 NAN ANCHO: And this has to done by a licensed contractor.
27 So --
28 COMMISSIONER STIENMETZ: Uh-huh.
29 COMMISSIONER MILLS: Uh-huh.
30 COMMISSIONER STIENMETZ: Because it's commercial.
31 NAN ANCHO: So there's going to have to be some quotes in
32 order --
33 COMMISSIONER MILLS: You have to --
34 NAN ANCHO: -- to find out --
35 COMMISSIONER MILLS: -- you have to get --
36 NAN ANCHO: -- how much this is all --
37 COMMISSIONER MILLS: -- us some bids.
38 NAN ANCHO: -- going to cost.
39 CHAIRMAN BAKKER: Okay. Anna, --
40 COMMISSIONER MILLS: I think so.

1 CHAIRMAN BAKKER: -- can we get some quotes this week --
2 COMMISSIONER MILLS: Uh-oh.
3 CHAIRMAN BAKKER: -- and give --
4 COMMISSIONER MILLS: Okay. We'll get Anna --
5 CHAIRMAN BAKKER: -- it to Nan?
6 COMMISSIONER MILLS: -- to do it. You lucked out.
7 ANNA PENOLA: For painting?
8 BRENDA THOMAS: Sure.
9 CHAIRMAN BAKKER: And building a wall.
10 ANNA PENOLA: Okay.
11 COMMISSIONER CLARK: And it doesn't sound like we have a
12 whole lot of time, --
13 KEITH WESTENGARD: If you could separate them --
14 COMMISSIONER CLARK: -- like --
15 KEITH WESTENGARD: -- out.
16 COMMISSIONER CLARK: -- a year.
17 CHAIRMAN BAKKER: Okay. Let's work on that.
18 LAUREN CAMPBELL: I will definitely get with the state just
19 to make sure I'm not missing anything for you guys and there's
20 no surprises.
21 In fact, I'll probably call her today.
22 CHAIRMAN BAKKER: Okay. Sounds good, ladies.
23 COMMISSIONER MILLS: So let's --
24 CHAIRMAN BAKKER: We need a motion?
25 COMMISSIONER WAITS: We could put on the next agenda --
26 COMMISSIONER MILLS: Just put it --
27 COMMISSIONER WAITS: -- with the amount; --
28 COMMISSIONER MILLS: -- on the next agenda --
29 COMMISSIONER WAITS: -- right?
30 COMMISSIONER MILLS: -- when it's all put together --
31 COMMISSIONER STIENMETZ: Yeah, have it --
32 COMMISSIONER MILLS: -- and we can do it all at once.
33 LAUREN CAMPBELL: Absolutely.
34 CHAIRMAN BAKKER: Okay.
35 LAUREN CAMPBELL: Thank you.
36 COMMISSIONER MILLS: Thank you.
37 CHAIRMAN BAKKER: Ken Brown.
38 What number was that?
39 COMMISSIONER CLARK: Good morning, Ken.
40 COMMISSIONER STIENMETZ: Number 12.

1 **12) Update from Ken Brown regarding the Western Counties Alliance**
2 **and all other matters properly related thereto.**
3

4 CHAIRMAN BAKKER: Number 12. Update from Ken Brown
5 regarding the Western County Alliances and all other matters
6 properly related thereto.

7 KEN BROWN: Thank you.

8 COMMISSIONER WAITS: Good morning.

9 KEN BROWN: Nice to see you.

10 CHAIRMAN BAKKER: You too.

11 KEN BROWN: It's a choice facility you have. Boy.

12 CHAIRMAN BAKKER: This is the first time you've been here?

13 KEN BROWN: Uh --

14 COMMISSIONER CLARK: Oh, no.

15 KEN BROWN: I think the second, but first time for the
16 commissioners.

17 CHAIRMAN BAKKER: Ken, I need you to state your name,
18 please.

19 KEN BROWN: Ken Brown, Western Counties Alliance.

20 Appreciate your time, Commissioners. Thanks especially with
21 Keith for arranging and work- -- working with me to get on the
22 agenda.

23 We can just go through. We're -- I'm sure you received a
24 packet of materials.

25 KEITH WESTENGARD: The packet was received after the books
26 went out. So, once again, I have copies here for everybody.

27 CHAIRMAN BAKKER: Okay.

28 KEITH WESTENGARD: And we did fax it down to Austin as
29 well.

30 KEN BROWN: Thank you, Keith.

31 KEITH WESTENGARD: I've got a few more to hand out. But
32 you can start, Ken, if you want.

33 KEN BROWN: Okay. I'll get started. I don't want to
34 impact your time any more than necessary.

35 Agenda items don't change -- very little because they're all
36 so important.

37 We'll start with PILT. And that's always been number one for
38 me, and I think it's number one for counties.

39 In 2015, we had a total of \$442 million. That's national.
40 For 2016, 442 -- or \$452 million.

1 So counties, you'll receive about 1 percent, maybe a little
2 over 1 percent increase over -- over last year.

3 So that's not much of an increase. But at least it's -- it's
4 an increase.

5 So your 2015 pay was \$965,348.

6 There's two bills in the congressional hopper that -- that
7 WCA is in full support of: S.2164, HR.4257 to extend the PILT
8 full funding and the SRS reauthorization for three to five years.
9 Instead of having to work on this one every year, you know, from
10 year-to-year type of thing, it gets to be a real problem.

11 So Senate bill is by Senator Wyden from Oregon. He's been a
12 strong supporter of PILT.

13 The House bill was supported by Meadows from North Carolina.
14 And that's good news because through the educational process, we
15 feel like we're making progress convincing those in the East that
16 PILT is a valuable program and is very much needed even though
17 it's primarily used in the West. But it's important relating to
18 the public land.

19 So whether these go anywhere or not, we do- -- at the
20 moment, they haven't been in committees. Well, they've been
21 assigned to a committee. But as far as voting on in the
22 committee, that hasn't happened yes -- yet.

23 WCA, we've been pushing for full funding to be put on a
24 permanent basis for several years. And that hasn't happened.

25 So at least if we can get three to five years, that'll be
26 helpful.

27 I get asked quite often from congressional offices about
28 PILT. And I've indicated that without PILT funding for
29 counties, feds, you'll have to provide the services. It's that
30 simple.

31 Counties cannot afford, nor should they be asked, to
32 provide those services for the -- as you know, what the list of
33 services are without funding.

34 And occasionally I get asked a question, Well, PILT was put
35 into law in 1976 along with FLITMA and fun- -- first funded in
36 1977.

37 He says, well counties got along without PILT prior to
38 that. Why couldn't they get along without PILT now?

39 Well, it's like this, folks in the congressional offices.
40 Look at the vast increase of people going out on the public land

1 today versus 1976. Quite a difference as -- as you
2 commissioners know.

3 So that's one of the reasons why we need the program to --
4 to continue.

5 Now the last thing on PILT is the formula needs to be
6 changed.

7 Lander County's a B county, I think, 37 cents an acre
8 versus \$2.62 per acre for A counties.

9 If the formula could be changed to make it more fair and
10 equitable across the board, that's what we'd like to see.
11 Unfortunately, there's little support to do that because the
12 feds -- the offset program, which doesn't -- which isn't a
13 problem for B counties. It doesn't affect B counties, just A
14 counties.

15 But if A counties in America don't have a special service
16 district to channel special federal money other than PILT, then
17 there's an offset.

18 And there's a lot of that goes on.

19 In 2015, \$231 million that was appropriated for PILT went
20 back to the feds because offset, the offset problem for A
21 counties.

22 Now, we've worked with Nevada, got legislation through the
23 state legislature, but no A counties in Nevada has made a
24 decision to utilize a special service district.

25 I've been working with a couple of counties in Montana.
26 One county is losing in offset \$222,000 a year. So we're
27 working with them.

28 They've got legislation through the state legislature,
29 which is required to -- for the county to have authority to
30 create special service district for that purpose.

31 And so that -- that'll help those two counties in Montana.

32 But little support. I don't envision the formula getting
33 changed my time -- let's put it that way -- because of that very
34 reason. The feds don't want to do it, obviously, because
35 they're getting about 50 percent of the money deducted, going
36 back to them.

37 Okay. Geothermal. Continues to be a good source of clean
38 energy, very good program. Lander County, as you know,
39 participates in a big way with the geothermal program.

40 Nevada's one of the leading states in that area.

1 You've had increases. I've sent the chart over. We don't
2 have numbers yet for a 2016 chart. But you can see on the 2015
3 chart Lander County's served very well in increases. You've had
4 a substantial increase each year.

5 And so WCA, we continue to support the geothermal program.
6 We'd like to see the formula changed, which there's little
7 support at the moment for. We'd like to see it change to a 1/3,
8 1/3, 1/3. Obviously, the feds don't like that.

9 And -- but it would be fair and equitable because the land is
10 in counties. Even though it's a -- the feds are involved on the
11 public land and states. But still, to have it equal on a formula
12 basis is what we'd like to see. And -- and I talk about that
13 every chance I get.

14 The other thing that I would like to see is special revenue,
15 like geothermal or SRS or whatever. I would like to see the
16 process changed and have the revenue flow directly to the county
17 ra--- like PILT is. Because when it comes through the state,
18 they charge administrative fee as well.

19 So if that revenue could move directly to the county, your
20 share -- and that would be, I think, a good thing to do.

21 But there doesn't seem to be a lot of support at the moment
22 for that process.

23 The SRS program, as you know, was reauthorized for 2016
24 payments of 200 -- at \$272 million.

25 Lander County, for 2016, received approximately \$129,781.
26 That's a good amount of money.

27 As you know, the -- that revenue in -- in Nevada is divided
28 50/50 between the county and the school district. And of course,
29 as you know, county's revenue has to be utilized for road
30 maintenance.

31 I've indicated to congressional people that the counties do a
32 good job because they concentrate a lot on school bus routes so
33 there can be a good, safe road for school buses to transport
34 students to and from school. And that seems to play quite well
35 for the program.

36 In 2015, as you know, they was not going to reauthorize the
37 SRS. And both the administrative as well as the legislative.

38 And, of course, there was a lot of effort put in that
39 process by WCA and others -- state associations, other lobbying
40 groups and -- and so forth.

1 So fortunately, the administration, White House, softened.
2 And then later on, the -- the congressional folks decided to
3 soften as well. And so it was reauthorized. But that was a
4 concern because if -- a big if -- SRS is not reauthorized,
5 particularly B counties are the ones that get hurt the most.

6 So with no reauthorization -- and I'll use this year's
7 numbers -- the revenue -- the county's revenue, total revenue to
8 go from the 129,781 down to \$28,733. So substantial decrease.

9 There are 41 states in America that participate with the SRS
10 program.

11 PILT is quite secure. SRS is not as secure as -- as PILT is.

12 And, of course, as I mentioned, the two pieces of
13 legislation, that involves the SRS program as well.

14 Item 4, public land transfer continues to be a good concept.
15 There's concern out there, well, could states climb on a
16 monstrosity of management like that? But in my opinion, yes.
17 They could do that.

18 The land is not in production, natural resource production.
19 It needs to be. There's a lot of commodities out there waiting to
20 be explored for, harvested, and utilized in a well-managed way.
21 That's primarily why America's so broke is the land is not in
22 production.

23 Sage grouse continues to be a concern issue. As you know,
24 there was no bird listing. And I think that was primarily due to
25 the lawsuit that was filed by Western Energy Alliance. And you're
26 aware of that group that's headquartered in Denver. Because they
27 -- that lawsuit said to the US Fish and Wildlife Service, justify
28 the science you're using to list the bird. And they didn't do
29 that. And they were worried about that. So I think that's the
30 primary reason that the bird didn't get listed. And this
31 coalition that was put together, WCA is a part of. And we
32 supplied some revenue to that organization to help pay the cost.
33 Money well spent.

34 But the concern now is, is the fish and wildlife folks want
35 to probably manage the bird in a more restrictive way, even than a
36 listing.

37 And so states are considering filing suit. I think Utah has
38 filed a suit. And I think Nevada -- I -- I don't know for sure
39 where Nevada's at as far as a suit with respect to the sage grouse
40 issue. But I understand that they were in the process of doing

1 so.

2 So we're going to really have to stay abreast of the sage
3 grouse issue because, as you know, livestock grazing is a real
4 problem if that -- with that bird situation.

5 Item 6. Wild horse/burro. As you know, in the state of
6 Nevada, particularly, excess numbers continue to be a big problem
7 in some areas. We constantly encourage enhancement of gathers.
8 And -- and those folks will say, Well, what do you want us to do
9 with them? They're -- and you know my answer's been, you know,
10 you created the problem. You've got to fix it. And I says, I
11 think counties are interested in helping you fix it.

12 But it's causing problems to the land.

13 And I include wildlife habitat in some of my comments. And
14 that plays out pretty well that way.

15 But it -- it's -- it's a real challenge.

16 The board and the staff, they've -- they're trying to do a
17 good job of making that program better. But when some of the
18 proposals out there, the en- -- enhanced gatherings and especially
19 in some areas and they'll file an injunction, you don't go
20 anywhere until the injunction gets lifted, as you know.

21 So I hand it to the boards. I attend the board meetings and
22 provide a testimony.

23 And I believe I sent a copy over?

24 KEITH WESTENGARD: My original package got soaked in the
25 bathroom. So -- you know what I'm talking about?

26 KEN BROWN: If you need another one, we -- we can handle
27 that.

28 KEITH WESTENGARD: So I --

29 KEN BROWN: No charge, Keith.

30 KEITH WESTENGARD: I apologize for that.

31 COMMISSIONER MILLS: I do have a question on the wild horse
32 issue.

33 KEN BROWN: Go ahead.

34 COMMISSIONER MILLS: About a week ago, I drove past the
35 facility in Palomino Valley where the BLM keeps the horses, and
36 it was almost empty. Every other time I've driven by there,
37 it's been pretty full of horses.

38 Any idea where those horses have gone?

39 KEN BROWN: Well, go ahead -- excuse me. I interrupted
40 you.

1 COMMISSIONER MILLS: I'm just wondering. I mean,
2 usually --

3 KEN BROWN: Well, --

4 COMMISSIONER MILLS: -- that facility is pretty full, but
5 it was -- it was almost completely empty when I went by. And
6 I'm wondering, are they preparing to do something to bring more
7 horses in there?

8 KEN BROWN: Yes.

9 COMMISSIONER MILLS: Where the horses go that were there?
10 I don't -- do you know anything about what's going on with that?

11 KEN BROWN: Yes. I think that because of the pressure to
12 do more gathers, to thin out the numbers, I think they're trying
13 to get some of them out of the facilities that have been so full
14 that you talked about.

15 And I hope they didn't turn them back out on the land.

16 COMMISSIONER MILLS: You never know.

17 KEN BROWN: But yes. They're trying -- they're doing more
18 facilities, the adoption program. But that isn't working very
19 well --

20 COMMISSIONER MILLS: No.

21 KEN BROWN: -- because people that wanted -- think they
22 want a horse, well, when they adopt a horse, it's been trained
23 and -- and tamed and so forth. And they take it home and think,
24 oh, there's nothing to pay for keeping a horse. Well, when they
25 get through paying a few initial bills, then they don't want the
26 horse anymore. So where does it go but back out on the public
27 land?

28 COMMISSIONER CLARK: And that --

29 KEN BROWN: And I've been asked, How do you know that that
30 happens? And I says, well, I don't there think there's many
31 horseshoers that try to shoe wild animals. And then they also
32 sometimes when they turn them back, they forget to take the
33 halter off.

34 So, you know, there's two reasons, two good reasons why
35 some of them are being returned, the adoption part. So the
36 adoption program isn't working as well as it was intended.

37 COMMISSIONER CLARK: So --

38 KEN BROWN: But --

39 CHAIRMAN BAKKER: And, Ken, aren't they tagged under the
40 mane?

1 KEN BROWN: Beg pardon?
2 CHAIRMAN BAKKER: They're -- they're tagged too; aren't
3 they?
4 KEN BROWN: Yeah. And --
5 CHAIRMAN BAKKER: Yeah.
6 KEN BROWN: Well, their -- and their hair branded --
7 CHAIRMAN BAKKER: Yeah.
8 KEN BROWN: -- as well.
9 CHAIRMAN BAKKER: So --
10 KEN BROWN: Yeah.
11 COMMISSIONER CLARK: And these are wild horses? They're
12 not mustangs. These are horses that have been released for the
13 affordability factor.
14 KEN BROWN: Right.
15 COMMISSIONER CLARK: And you can't have a -- you know, 200
16 horses in an area and all of a sudden there's 4- or 500 in a
17 matter of months because the price of hay goes up so high and
18 the price of grain and vet care. I think that was what really
19 spurred a lot of people to just say, I can't afford it.
20 KEN BROWN: Yeah. Uh-huh.
21 Another reason, I think, Commissioner Mills, that there's
22 been -- some of these facilities, the numbers are being reduced
23 is they -- the BLM's contracted with some private land range --
24 range owners.
25 And they've done -- some of those animals have gone into that
26 environment.
27 COMMISSIONER MILLS: Okay.
28 KEN BROWN: And that's possibly where some of those that --
29 out of the facility you've talked about have gone.
30 But neighboring private landowners don't like that.
31 COMMISSIONER MILLS: Are those private lands fenced or is
32 --
33 KEN BROWN: Well, the land's fenced, but you know what
34 happens when horses get out of feed.
35 COMMISSIONER CLARK: Yep.
36 KEN BROWN: Reach over the fence and then down goes the
37 fence and --
38 COMMISSIONER MILLS: Right.
39 KEN BROWN: So that's -- they're having a challenge that
40 way with neighboring landowners versus the landowner that's

1 contracted with the BLM.

2 So --

3 COMMISSIONER MILLS: Okay.

4 KEN BROWN: -- the challenges continue.

5 Two pieces of legislation that was in- -- that's been
6 introduced in the Congress, S.1845 and HR.3172, that's been
7 introduced to transfer the jurisdiction of the horse/burro program
8 from the feds to the states.

9 Well, and states have said, Well, how are we going to pay for
10 it?

11 And, well, there's fees out there that can be generated
12 and -- and so forth.

13 But obviously there's no cosponsors for these two pieces of
14 legislation yet. But I keep contact, you know. We need some
15 cosponsors. This is a good thing to -- to try to do this type
16 of thing.

17 And -- but anyway, they're having a -- Senator Hatch and
18 Congressman Stewart from Utah have a challenge getting cosponsors
19 for their introduced legislation.

20 COMMISSIONER CLARK: Well, I have a question about this
21 transfer. If they transfer it back to the states, whose laws
22 will rule the -- how -- how this -- how the counties and the
23 states run their horses?

24 KEN BROWN: Well if the jurisdiction goes to the state,
25 then the state generates --

26 COMMISSIONER CLARK: The -- the legislation.

27 KEN BROWN: Right.

28 COMMISSIONER CLARK: Okay.

29 KEN BROWN: Uh-huh. Yes. Exactly.

30 And -- and obviously the extremists don't want to do that
31 because the state'll do a better job.

32 COMMISSIONER CLARK: Absolutely.

33 KEN BROWN: Okay, other issues -- 1872 mining law, another
34 concern.

35 This is the fourth one that I've dealt with since I've been
36 involved. S.2254 and HR.963 have been introduced into the
37 Congress. Twen- -- Senate bill has four cosponsors. The House
38 bill has 30 cosponsors.

39 And the only purpose, in my judgment, because of in the
40 past, they just want to delete hard rock mining from public land

1 in the West.

2 And like I say, this is the fourth time. The other three
3 we've helped defeat. And we hope that these two bills will be
4 defeated as well.

5 But the bigger concern with these two pieces of legislation
6 is they was introduced by Westerners: Udall from New Mexico and
7 Grijalva, I believe, congressman from Arizona.

8 So you see what's gone on there? They're trying to motivate
9 Western folks to do the legislation to try get more enhancement,
10 move it along.

11 But we are adamant- -- adamantly opposed to that legislation
12 because Nevada lose hard rock mining? Pretty big item.

13 CHAIRMAN BAKKER: Uh-huh.

14 KEN BROWN: Okay. Clean Water Act.

15 The concern there now is the White House is wanting to assert
16 claim to control small waterways.

17 They've introduced legislation over the years to amend the
18 Clean Water Act.

19 We've been opposed to that.

20 And it's always died in the Congress.

21 And, my word, the states have done a nice job with counties,
22 as well, in dealing with water issues. So to have water issues go
23 to D.C.? Mm. My. If you needed a pipeline project for -- to
24 keep wildlife and livestock alive, it'd take how long to get
25 something approved?

26 Well, we're adamantly opposed. And the President has been
27 told --

28 I understand this. I haven't been there when it's been
29 said, but I understand some of his legal t- -- team says, You
30 cannot amend the Clean Water Act because it was put into law by
31 the Congress; therefore, Congress is the only body that can
32 amend.

33 But small waterways, he's trying to piecemeal the thing
34 now. And you're going see more of this as this year expires,
35 more this year expires.

36 But we're very much opposed to any amendment, in that
37 regard, to the Clean Water Act.

38 Okay. The -- the last one is the RS 2477 roads. And I've
39 worked with Keith and a group some. I'm working with a couple
40 of counties in Montana now to get their 2477 road projects

1 underway and -- and get their inventories done, mapping process,
2 then their inventories and assert claim to the inventories.

3 And then, for the four items, recordation, recordable
4 disclaimer, plat title, and Title V.

5 If you do -- if you get anywhere, be careful,
6 Commissioners, about Title V. Because what that does is just
7 essentially give the feds a 50/50 ratio between them and the
8 county. And that's what they've wanted over the years.

9 But quiet title. Kane County in Utah, of course, they
10 submitted a package of 15 roads. Twelve of them they -- that were
11 issued quiet title on them. And even the Utah Wilderness Alliance
12 hasn't contested that yet.

13 But that quiet title, you know, when the -- when the legal
14 system deals with it, it's pretty permanent.

15 So. Okay.

16 I've bent your ear long enough, Commissioners. And good to
17 see you.

18 But any -- anything else? Any questions, comments or --

19 Appreciate your support and -- and you're on a fiscal-year
20 basis. So if you can budget a couple of grand for 20- -- for FY
21 2017 dues. We've had some county -- a couple of counties drop
22 out. I've picked up a couple of new counties.

23 And one county in Utah that had to drop out because of the
24 oil -- the problem with oil and gas. You know what the -- how the
25 economic problem is. They had to -- they had to cut their budget
26 \$3 million.

27 And so they eliminated everything, like WCA.

28 It was either -- and they asked me what my thoughts were.
29 And I says, if you've got to lay people off -- somebody off to pay
30 WCA dues, please keep your employee. It's more important to me,
31 even though it affects my organization, but that employee deserves
32 to stay on the payroll if at all possible. So that's been my
33 theory with the counties that have had an extra challenge with
34 respect to economics.

35 So thank you.

36 COMMISSIONER CLARK: Thank you, Ken.

37 COMMISSIONER MILLS: Thank you.

38 CHAIRMAN BAKKER: Thanks, Ken.

39 COMMISSIONER MILLS AND KEN BROWN: Thank you.

40 COMMISSIONER MILLS: Appreciate it.

1 KEN BROWN: Now Keith, if anything that got watered down,
2 --
3 KEITH WESTENGARD: I'm -- I'm going to -- I'm going to put
4 complete packages in all their boxes.
5 KEN BROWN: Okay. And if you need copies of anything else
6 --
7 KEITH WESTENGARD: I've got it. I've got it all.
8 KEN BROWN: Okay.
9 KEITH WESTENGARD: I've got it on my e-mail.
10 KEN BROWN: Shoot me an e-mail and the secretary'll --
11 KEITH WESTENGARD: Didn't want to bring it all up in the
12 meeting.
13 KEN BROWN: -- get the copies --
14 CHAIRMAN BAKKER: Okay.
15 KEN BROWN: -- over to you.
16 Thanks again.
17 CHAIRMAN BAKKER: Thanks, Ken.
18 COMMISSIONER MILLS: Thanks.
19 CHAIRMAN BAKKER: Hey, Austin, we're going to take a
20 five-minute break.
21 MITESHELL LANHAM: Okay.
22 CHAIRMAN BAKKER: Thank you.
23
24 (Break taken between 10:33 a.m. and 10:43 a.m.)
25
26 CHAIRMAN BAKKER: Call this meeting back order.
27 And we are on Agenda Item Number 9 -- or 8. Update from
28 Summit Engineering regarding the Battle Mountain levee project
29 and all other matters properly related thereto.
30 KEITH WESTENGARD: Can we do Eisenburg's first? Number 7,
31 please.
32 CHAIRMAN BAKKER: Oh.
33 Hold on.
34
35 7) Discussion for possible action regarding an update from Jeff
36 Eisenburg regarding the Battle Mountain levee project and to
37 approve/disapprove a contract renewal, and authorize the
38 chair or co-chair to sign, and all other matters properly
39 related thereto.
40

1 CHAIRMAN BAKKER: Agenda Item Number 7. Discussion for
2 possible action regarding an update from Jeff Eisenberg
3 regarding the Battle Mountain levee project and to
4 approve/disapprove a contract renewal, and authorize the chair
5 or co-chair to sign, and all other matters properly related
6 thereto.

7 Jeff?

8 JEFF EISENBURG: Yes.

9 COMMISSIONER MILLS: Ready for your update.

10 JEFF EISENBURG: Would you like me to -- I'm sorry. Would
11 you like me to speak -- speak at this time?

12 CHAIRMAN BAKKER: Yes.

13 JEFF EISENBURG: Okay.

14 Well, I want to thank the commission for inviting me to
15 speak.

16 And I have a brief report on, you know, my -- what I -- what
17 I've experienced with the Lander County flood control project
18 during the period of my contract.

19 And -- and, you know, would be pleased to take whatever
20 questions you have after I'm done.

21 CHAIRMAN BAKKER: Okay.

22 JEFF EISENBURG: I'd first like to say that the county
23 commission is understandably frustrated by the slow progress of
24 the Army Corps of Engineers -- by the slow progress the Corps is
25 making towards completing the project.

26 During the most recent period, the Corps had indicated it
27 would complete a hydraulic report, which is a necessary for -- a
28 necessary predicate for beginning any engineering and design work.
29 They said they would finish that report December 2015. It is now
30 saying -- I now understand the hydraulic feasibility study will be
31 completed in August 2016 and certain engineering issues will be
32 addressed in a later hydraulic supplement.

33 Summit Engineering steps into this breach and -- and claims
34 that it will complete the entire project report more quickly and
35 cheaply than would happen under a scenario where the northern
36 portion of the project -- project is completed under a Corps
37 (indiscernible) permit and the Corps constructed the central
38 portion of the project.

39 In the meantime, the commission is allowing both the Corps
40 and the Summit -- and Summit Engineering to proceed on parallel

1 courses, though, in the end, Summit's activities are still heavily
2 dependent on federal data and FEMA approval.

3 The commission at this time is allowing both parties to
4 proceed and is considering going forward only with Summit
5 Engineering to complete the project.

6 And I'd like to just bring forward some information which I
7 think is important to these issues.

8 One of the -- one key issue here is that Summit will have to
9 meet any FEMA requirements for the project even if the Corps is no
10 longer involved.

11 While FEMA requirements are aimed at determining flood zones
12 on national flood insurance program maps, they look to the
13 strength and reliability of the constructed project to meet this
14 determination.

15 To do this, in their -- in their words, they look to the
16 analysis on the project completed by the Corps and all other
17 outside entities.

18 So even if Summit -- even if Summit will largely have to meet
19 the same regulatory standards that turn the control -- its work on
20 the northern portion of the project and the Corps' work on the
21 central portion, there could conceivably be some cost savings
22 available because a private organization would not have to
23 complete the same environmental analysis as would a federal
24 agency. On the other hand, well, there -- there could be some
25 savings in that regard.

26 The commission is -- (indiscernible) the commission's also
27 wondering whether or not savings would be available about having
28 to move a couple of landowners under the Corps' project.

29 My understanding is the Corps is trying to put together the
30 project in a way that would allow the project to proceed without
31 requiring moving any landowners.

32 Final determination for this would rest with the San
33 Francisco office, but this is an act, of course, that they're
34 pursuing. And I'm sure Chelsea can, you know, address that
35 point in greater detail.

36 In any event, the cost of moving landowners is small
37 compared with the other costs of the project.

38 Should Lander County decide -- choose -- should Lander County
39 choose to proceed with Summit for the project, they will be liable
40 to the United States for 35 percent of the amount the Army Corps

1 has spent on the project since the agreement was signed in 2000,
2 plus interest. At this time, that amount would be about \$900,000.
3 And any interest would accrue from the date of that determination
4 that the project -- that the agreement was terminated.

5 Summit Engineering has a significant record in this project
6 of failing to inform the county of highly material information
7 across the project and of producing substandard work but still
8 billing the county for the work.

9 A couple of important examples that jump out that I'm aware
10 of is that Summit has failed to inform the county that they'd be
11 liable for 35 percent of the cost -- of the Corps' cost since
12 2000. And when it was trying to persuade the county to work only
13 with Summit on the project.

14 Second, Summit produced a topography report for the project
15 that did not meet federal standards and was not usable by the
16 Corps in this work.

17 The Corps is producing its own topography report for which
18 the county would be on the hook for 35 percent of the cost in
19 addition to the amount that Summit billed for its -- for its, you
20 know, inadequate effort.

21 Summit also produced a geophysical report for the project
22 which did not meet federal standards and was not usable by the
23 Corps in its work.

24 Again, you're in the situation where the county will be
25 paying both the Corps for its cost or a portion of the Corps'
26 costs plus whatever amount Summit bills.

27 Currently, Summit is paying both Summit -- paying both Summit
28 and will be liable to the Corps for the work currently being done
29 on the project.

30 Summit's scope of the work is for all aspects of the project,
31 which include the central portion currently being served by the
32 Corps.

33 In terms of saving money on the project, Lander County
34 currently mean -- would be in the worst possible position just
35 in terms of saving money.

36 In light of these -- in light of these circumstances, I make
37 the following recommendations.

38 One, the county should make the decision about choosing one
39 of the alternatives for constructing the project and should stay
40 with it. The alternative of pursuing two options is costing

1 extra money and is itself slowing -- slowing work on the project
2 by some of the people currently working on it.

3 Two, the count- -- the commission's decision should be
4 based on real, verifiable information and should seek to
5 maximize the likelihood of completing an effective flood control
6 project at the cheapest possible -- at the lowest possible cost.

7 Three, should -- should the county decide to continue working
8 with the Corps, it should do a letter to Summit clearly setting
9 out at the precise scope of its authority and -- and -- and the
10 work that's expected to do to ensure that Summit is not billing
11 the county for work that is otherwise being done by the -- by the
12 Corps.

13 Four, should the commission decide to go only with Summit for
14 the project, it should execute a contract with the company that
15 contains a number of elements designed to protect the county's
16 reasonable interest in this matter.

17 You all have the sheet here before. You saw kind of the root
18 -- kind of the highlights of it. Examples of the elements that
19 should go in that kind of contract is:

20 One, a hard cap on the total value of the contract.

21 Two, an absolute guarantee that Summit's work meets all
22 applicable federal standards. And if any of that work falls
23 short, Summit would be responsible for correcting the deficiency
24 at its expense.

25 Three, a phased payment schedule. Have Summit identify
26 benchmarks marking quarterly completion of the entire project
27 starting with the execution date of the new contract. Payments
28 will be tied to the verifiable completion of each of the
29 benchmarks. And then care should be taken that Summit's not
30 billing a second time for tasks completed under the current
31 contract.

32 Four, require Summit to prepare a detailed budget together
33 with a proposal for the contract, showing the work they'll be
34 doing and the amount they allocate for each of the items.

35 The point of this is to force them to think about a
36 mid-price and ensure the county that the submitted bid is
37 credible and can actually be performed and completed within that
38 amount.

39 Now, to go on -- now to go on to what was the actual -- the
40 actual subject of my contract, which was to help out accommodating

1 the railroad to the construction of the project.

2 You know, my contract called for me to work with the railroad
3 in -- and the utilities and local property owners to make sure all
4 these property interests were reconciled.

5 I had a number of conversations with railroad. Most
6 significantly, I facilitated the execution of a work agreement
7 between the county and the railroad.

8 What it really comes down to, though, in terms of that
9 railroad, is that they were not going to be able to begin any --
10 any engineering work of their own until the flow -- the
11 hydraulic report was completed.

12 And as we've -- as we well know, that report has not been
13 completed and won't be for a little while. So, you know, there's
14 -- as Summit has correctly pointed out, that -- that no
15 engineering -- no engineering work can really be done here until
16 they really know that there's going to be a -- a com- -- a final
17 determination about the -- about the water levels in a worst-case
18 flood scenario.

19 So we're -- so the work with the railroad is also waiting
20 on the results of the hydraulic report. And that -- that's
21 really where that stands.

22 I made no effort to contact landowners because, you know,
23 why -- why -- why worry landowners when in fact there may be no
24 -- no -- no int- -- there may be no need to get them involved in
25 the project? And in any event, should there -- should it turn
26 out that there will be a need to get landowners involved, I'm
27 very sensitive to the fact that the commission will first want
28 to, you know, make the -- a careful determination about how it
29 wants to handle that situation.

30 So, you know, I'm certainly prepared to talk to landowners.
31 But I think we're -- we're a number of steps from getting there,
32 if we ever do get there.

33 So, lastly, I've -- I've -- as far as renewal of my contract,
34 I asked to have the contract renewed. The railroad work really
35 needs to be done. It could be a considerable amount of work to be
36 -- you know, I've been very forthcoming here about what I've done
37 so far. You know, a lot of my work has been just I'm kind of
38 monitoring and trying to sort out these different pieces, not so
39 much on the railroad. And, you know, the first contract period I
40 had with you guys I did quite a bit of work. I've done less work

1 this period. And when -- should the railroad work come up --
2 again and these other items come up -- and, you know, I'd be doing
3 more work and -- you know, at a set cost.

4 Additionally, I'd like to -- I'd like to mod- -- humbly
5 suggest that I offer the county the benefit of having an outside
6 set of eyes providing advice and management of the project.

7 I've enjoyed working with Doug and Sean, and Keith, in
8 particular, has been the most active in my direct contact with
9 this. And I appreciate the opportunity to work for the county
10 and hope to be able to continue our relationship.

11 And with that, I'll close. And I don't know if you guys take
12 any questions now or -- or at the end. But I'm done with my
13 statement.

14 CHAIRMAN BAKKER: Okay. Any questions?
15 Patsy?

16 COMMISSIONER WAITS: No. No questions.

17 CHAIRMAN BAKKER: Okay.

18 JEFF EISENBURG: All right.

19 CHAIRMAN BAKKER: With that, do I need a motion or --

20 COMMISSIONER CLARK: Need a motion to contract him; don't
21 we?

22 CHAIRMAN BAKKER: Do you guys want to renew the contract?
23 Or what do you guys want to do?

24 COMMISSIONER WAITS: Jeff, I -- I do have a question.

25 When you came on board as the consultant for this, I know you
26 had some ideas in mind. And -- and I appreciate the information
27 you have given us over the last year.

28 Do you feel that the contract has actually been fulfilled
29 with the cost that the county paid you? Or is it something that
30 you would like to perhaps modify a little bit on the cost that
31 you're continuing to request our renewal on?

32 JEFF EISENBURG: Well, you know, let me say this: I'm --
33 I'm open to -- I'm open to making this work out in a way that
34 makes sense. You know, I -- you know, my specific tasks were,
35 you know, to complete the railroad stuff. For reasons that, you
36 know, no one really, you know -- everyone understands. That's
37 not something that was able to be completed.

38 You know, and I'm frank about the fact -- so as a result, the
39 subject of the contract was -- that the subject of the contract
40 was, you know, was not really completed for those reasons.

1 I -- you know, I could -- so I've actually thought about
2 this. You know, I'm not -- you're being diplomatic about it,
3 Patsy, which I appreciate. You know, if you're suggesting I could
4 take a little shaving, that's okay.

5 You know, on the other hand I, you know, I could be quite
6 busy with it.

7 And as far as a contract like that goes, you know, it's --
8 it's -- you know, I think the price overall is reasonable. But
9 it's true, I didn't do that much on the railroad this last period.

10 So -- but then if I'm really busy, then I will have done --
11 then I'll be doing a lot of work for not really maybe enough
12 money.

13 So, you know, I'd be -- you know, I would put it to you this
14 way. My preference would be to renew it at the current rate, but
15 if this really gave you heartburn, you know, I would take a
16 shaving. You know, we could -- we could -- we could knock it down
17 5,000 or something.

18 CHAIRMAN BAKKER: Whatever you guys want to do.

19 COMMISSIONER CLARK: You willing to get razor rash?

20 JEFF EISENBURG: Well, just do -- do a good job shaving.

21 COMMISSIONER WAITS: Well, I'll -- I'll reiterate, Jeff.
22 I've -- I appreciate the information that you have -- have given
23 us. And I -- I -- I see your point with another set of eyes
24 looking at this.

25 This has been such a long project that many of the things
26 you have reiterated today were indeed things that we have known.
27 And this -- maybe not this commission, but previous commissions
28 have known. So it isn't necessarily new information to some of
29 us. It's a composite. And -- and I appreciate that.

30 The other thing is, with your oratory and -- and the report
31 that you've given us, it doesn't give us a chance to get the other
32 side of the story from Summit, which has been with us from the
33 beginning and has a lot of information too.

34 So, as you remember, I -- I was one of the commissioners
35 against the consultant to begin with. I -- I know it's a real
36 problem. And I know we'll continue to have problems getting this
37 through. But I thought we were on a real good track last year for
38 the first time in several years. And I wasn't really in favor of
39 a consultant at that time.

40 So I guess my personal opinion would be, no. I -- I hate to

1 see us involved in consultants every time we turn around. And I'd
2 like for us to continue to -- to work with Summit and -- and try
3 and -- and see where we are at the point we are. Because I think
4 we're still a little bit better with information than we were last
5 year at this time.

6 So that's my personal opinion.

7 CHAIRMAN BAKKER: Okay.

8 Jeff, I'm sorry to say it, but I think that no one wants to
9 renew the contract.

10 JEFF EISENBURG: Okay. I hear that. And again, I want to
11 thank you for the relationship we've had. And, you know, and
12 hopefully things -- maybe they'll be things down the road. But
13 thank you so much. And I wish you the best.

14 CHAIRMAN BAKKER: Thanks, Jeff.

15 JEFF EISENBURG: Okay.

16 COMMISSIONER MILLS: Thanks. Thank you.

17 CHAIRMAN BAKKER: Bye.

18 COMMISSIONER STIENMETZ: Bye.

19
20 **8) Update from Summit Engineering regarding the Battle Mountain**
21 **levee project, and all other matters properly related**
22 **thereto.**
23

24 CHAIRMAN BAKKER: Okay. With that, Number 8, update from
25 Summit Engineering regarding the Battle Mountain levee project
26 and all other matters properly related thereto.

27 Mr. Bakker, is Chelsea still on the line?

28 CHAIRMAN BAKKER: Chelsea?

29 CHELSEA STUART: Yeah I'm still here. I'm here with
30 Patrick Howell.

31 CHAIRMAN BAKKER: Okay.

32 KEITH WESTENGARD: Thank you.

33 COMMISSIONER MILLS: Just making sure you're still there.

34 CHAIRMAN BAKKER: You didn't say very much.

35 CHELSEA STUART: I was just waiting my turn.

36 COMMISSIONER MILLS: Okay.

37 TOM GALLAGHER: Does she have something to say first?

38 CHAIRMAN BAKKER: What's that?

39 TOM GALLAGHER: Does she need to say something first?
40 She --

1 CHAIRMAN BAKKER: Oh.
2 TOM GALLAGHER: -- can if she wants.
3 CHAIRMAN BAKKER: No. Good. No, Tom. Go ahead.
4 TOM GALLAGHER: Tom Gallagher with Summit Engineering
5 Corporation.
6 And what I'm going to do before I get into addressing that
7 previous diatribe is give you an update on what we're doing on
8 the project and move it ahead.
9 Okay.
10 Chelsea sent me an e-mail yesterday. And my -- when I
11 requested an update on the thing.
12 And Chelsea, feel free to clarify anything I say here that
13 may be a problem.
14 I agree with the fact that we were supposed to get this in
15 December of last year. And we, I think, have been patiently
16 waiting for it.
17 But now, it has -- it looks to me like your benefit ratio in
18 your last e-mail is going to be changed?
19 And I think I'd like to know what -- what that's going to do
20 to the -- to the feasibility of the project or the time -- I know
21 you've already eliminated the north and south extensions but to
22 the feasibility of the project overall.
23 I mean, is this something that can come back and the Corps
24 would say, "We are not interested in any portion of the thing"?
25 CHELSEA STUART: No, the cost-benefit ratio is actually
26 astronomically high compared to most of our typical projects.
27 It's just going to -- it's going to shift a little bit. But I
28 think we're still at nine to one, which is really high.
29 We -- we did calculations that showed that we would exceed
30 the federal funding thresholds before we would lose federal
31 interest in the project.
32 So pretty much, we're good.
33 TOM GALLAGHER: Okay. It -- it says right now that you
34 have enough information to know that we have a very high
35 cost-benefit ratio, modify the existing structure, but not
36 enough money for design. Is that what I'm --
37 CHELSEA STUART: No, we have -- we have plenty of funding
38 for design.
39 TOM GALLAGHER: Okay. I -- your e-mail was conf- -- it
40 says, but not enough for design, in your e-mail from yesterday.

1 CHELSEA STUART: Oh, that was referring -- okay. So that's
2 referring to the -- the hydraulic analysis.

3 So basically, what happens that delayed the -- the
4 hydraulic report was we hired a contractor to basically check
5 our work. So it's an independent external peer review. And the
6 Corps is required by -- by law to do that for any project that
7 has a life safety component. And because there's a levee
8 involved here, that's a requirement for us.

9 Normally, a project, especially a smaller project like this,
10 would get, you know, no more than a dozen comments on a report
11 like this. And we got hundreds from this contractor. And we're
12 required to respond to them -- and these comments required us to
13 update the hydrology which requires us to update the hydraulics
14 report. Does that make sense so far?

15 So in -- in order to be able to get out of the feasibility
16 part of the study and actually start designing and engineering
17 again, we decided to basically say that the hydraulics are good
18 enough for feasibility for now, but they aren't good enough for
19 design and engineering. So we're going to have to update the
20 report.

21 TOM GALLAGHER: What --

22 CHELSEA STUART: So basically we have enough information to
23 know that the project is feasible to know that there's federal
24 interest and a positive cost-benefit ratio. But we need to do a
25 little bit more work before it's good enough for design quality.

26 TOM GALLAGHER: What do you think the reason was that you
27 received hundreds of comments on a project of this nature?

28 You -- was the initial report lacking in a lot of different
29 ways?

30 CHELSEA STUART: No, the problem is that we got a new
31 contractor. So we -- we ended up with a contractor who had
32 never done an IEPR before.

33 So the way that the contract works is we -- we hire somebody.
34 And they go out and they find technical experts who then
35 independently -- so we -- we have no contact with them for the
36 most part. They -- you know, we have a third party dealing with
37 them. And then we have a -- a different district actually runs
38 the -- the contract.

39 So it's -- it's as impartial as possible.

40 Yeah. So this was a new contractor. And they didn't

1 understand the authority under which the project is being
2 constructed.

3 So a lot of the comments that we had to respond to were just
4 to explain that, you know, while -- if this was a different kind
5 of project that, you know, we might want to have a 50-year
6 hydrology study. But for a small project that's being executed
7 under the Continuing Authorities Program, it's just not feasible.

8 TOM GALLAGHER: Okay.

9 CHAIRMAN BAKKER: Did it hang up? Chelsea?

10 That didn't work out.

11 Hold on, Tom. Hey, let me see those phone numbers again.

12 LAKEN MARINE: Is the phone off the hook?

13 CHAIRMAN BAKKER: Huh?

14 LAKEN MARINE: Is the phone off the hook?

15 CHAIRMAN BAKKER: Oh, there we go. Okay. We were
16 experimenting.

17
18 (Telephone connection reestablished with Chelsea Stuart.)
19

20 CHAIRMAN BAKKER: Chelsea?

21 CHELSEA STUART: Hi.

22 CHAIRMAN BAKKER: Okay. Hold on. I've got to call Austin.
23 I dropped you guys so...

24 CHELSEA STUART: Okay.

25 COMMISSIONER MILLS: Did you do conference?

26 CHAIRMAN BAKKER: No.

27
28 (Telephone connection reestablished with Austin.)
29

30 MITESHELL LANHAM: Commissioners' office. Miteshell
31 speaking.

32 CHAIRMAN BAKKER: Miteshell, this is Sean.

33 MITESHELL LANHAM: Okay.

34 CHAIRMAN BAKKER: Doug was messing with the phone so...

35 COMMISSIONER MILLS: Yeah. I was staring at it.

36 CHAIRMAN BAKKER: Okay.

37 Chelsea?

38 CHELSEA STUART: Hi.

39 CHAIRMAN BAKKER: Okay. We're good. Sorry. Let's try
40 this again.

1 CHELSEA STUART: Okay. So I think you guys dropped me when
2 I was at the tail end of explaining that we had a new
3 contractor?

4 COMMISSIONER MILLS: Right.

5 CHELSEA STUART: Yeah.

6 And so -- so that's pretty much what happened.

7 We've also been undergoing agency technical review. So
8 that's where other districts look at our work. So basically other
9 Corps employees who had no involvement to make sure our logic was
10 sound.

11 And then ultimately we send our final product to our major
12 subordinate command. So in this case, that's the Sacramento
13 Division -- or sorry -- San Francisco Division. And then they
14 approve our work.

15 TOM GALLAGHER: Do you have any idea what the impact on the
16 time frame is going to be by -- for what you're talking about
17 now?

18 I mean, I know that the commission would like to know when,
19 if ever, this thing could be constructed.

20 CHELSEA STUART: In terms of con- -- when the actual
21 construction would get started, right now we're projecting 2019.

22 TOM GALLAGHER: Okay.

23 All right.

24 CHAIRMAN BAKKER: Now is that guaranteed, like, in writing
25 or --

26 CHELSEA STUART: No.

27 CHAIRMAN BAKKER: Okay.

28 TOM GALLAGHER: Okay.

29 I'll give you a little update on where we are. We've --
30 we've met with Nevada Division of Water Resources. And we've been
31 in contact regularly with Eric Simmons of FEMA Region 9 looking at
32 moving this project ahead.

33 And it doesn't sound to me -- and, Chelsea, you can correct
34 me if I'm wrong -- like FEMA accepts your modeling method in this
35 area.

36 And that would have to be something from listening to FEMA
37 that we would have to -- Lander County would have to undertake
38 proving that your method works here.

39 And that -- is -- am -- am I -- am I wrong there? That the
40 two-flow method is not something the Corps accepts except for

1 basically on the East Coast and some city in California?
2 Region -- Region 9 does not accept it?

3 CHELSEA STUART: What was that last bit?

4 TOM GALLAGHER: Region 9 does not accept it except for in
5 that one instance in California?

6 CHELSEA STUART: Correct. Currently two-flow is not a
7 FEMA-certified model. Simi Valley in Southern California, same
8 district at least, was able to get local approval to use it.

9 TOM GALLAGHER: Right. How long did that take? Do you
10 know?

11 CHELSEA STUART: I don't know.

12 TOM GALLAGHER: Okay. Well, we've been moving along after
13 meeting with -- after discussions with FEMA and everything. And
14 what -- we're basically proceeding on two fronts.

15 Number one, the FEMA -- the FEMA flood has a flow rate of
16 about 8500 cubic feet a second. Our initial study using FLO-2D
17 came up with a flow rate of 4500 cubic feet a second.

18 Now, the real number is probably somewhere between those
19 two.

20 To take you back to the beginning, when we originally
21 contracted with Lander County, we were running parallel courses
22 with Austin and Battle Mountain. We completed Austin very
23 rapidly and got most of the city out of the floodplain, which is
24 kind of hard to believe it was in in the first place.

25 But FEMA -- we submitted the CLOMR and the LOMR to FEMA.
26 And that was handled expeditiously.

27 We were moving along at the same -- in the same direction
28 with Lander County or with Battle Mountain. And then the Corps
29 became involved. And I can't tell you how long ago that was. I
30 was quite a bit younger at that point.

31 And since that time, I don't think that we've made any
32 progress in actually doing what you people are interested in
33 doing.

34 So what we're doing is we're looking at the different things
35 that could have impacted the FEMA flow rate.

36 One of the things is FEMA had no soils data upstream of
37 some of the areas that have already been mapped. We're
38 currently extrapolating soils data from adjacent areas to fill
39 that in. It looks very positive now. Because as everyone is
40 aware -- and this was another thing that really concerns me

1 about the Corps' study not being done.

2 The Corps stated that Interstate 80 would not be inundated
3 by the flood. Okay. So we told the highway department not to
4 raise Interstate 80 while they were doing the projects they're
5 doing this year. Now, that is a big, big number that we pulled
6 out because the Corps told us that that would not occur.

7 Okay. We're working with two FEMA-accepted models with
8 FLO-2D and HEC-RAS as we're going on parallel method with both of
9 them and modifying the upstream data so that we can keep
10 Interstate 80 out of the floodplain. And we're moving ahead to
11 submit the CLOMR as soon as possible.

12 And that's -- that's something that should be done in the
13 near future. Once we submit the CLOMR, they're going to come back
14 with comments on what needs to be done, if in fact they want
15 geophysics on that stuff, which was not part of what we were
16 doing, contrary to what Mr. Eisenberg said. And we are moving
17 ahead with our topo, which has been accepted nationwide. We
18 follow all federal mapping requirements. And I'm sure that when
19 the Corps gets done with their topo, you'll be able to overlay it
20 over ours, and it will be the same, unless they make a mistake.

21 Okay. That's the way we're proceeding right now.

22 And it should be relatively soon we will have a date to
23 submit to -- to submit the CLOMR, which is the first step and
24 meet with FEMA, review the CLOMR. And at that point, we can go
25 ahead with final design and that type of thing.

26 Is there any questions up to this point?

27 CHAIRMAN BAKKER: So we need to meet with FEMA and see what
28 they say.

29 TOM GALLAGHER: After you have the conditional letter of
30 map revision submitted, --

31 COMMISSIONER STIENMETZ: Uh-huh.

32 TOM GALLAGHER: -- then we meet with FEMA. And they tell
33 us if they want modifications on it or if they disagree with our
34 topo. We don't know if our topo agrees because we haven't
35 gotten anything from the Corps. We haven't seen their
36 geophysical data. We haven't seen their topographic mapping.
37 We haven't seen their flood study, their hydrology, or
38 hydraulics, which we've been requesting. And we'd be glad to
39 use their upstream data in our models, which are going to be
40 accepted by FEMA and see what it does, but we can't get it.

1 CHAIRMAN BAKKER: So what's that date look like, Tom, with
2 the CLOMR?

3 TOM GALLAGHER: Oh, I'm -- I'm -- I've got that request in
4 to my guys to find out when they can -- the fastest they can
5 submit it. And that's what I'm going to push for is as soon we
6 possibly can. As soon as I get that date from them, I will get
7 it to you.

8 CHAIRMAN BAKKER: Because at that point then, we kind of
9 come to a fork into the road. We can either send what we're
10 doing now or we can go with FEMA and just build it; right?

11 TOM GALLAGHER: Right. Right.

12 I think -- and it's -- it's fine, you know. You guys can do
13 whatever you want. But my recommendation is that you go ahead
14 with the route you have selected previously. Because I don't see
15 where we're making any headway with the Corps working on this at
16 all.

17 I -- I -- I suggest --

18 CHAIRMAN BAKKER: You say, previously, like when you said
19 you were younger.

20 TOM GALLAGHER: Yeah.

21 CHAIRMAN BAKKER: Yeah.

22 TOM GALLAGHER: Well, at least -- at least -- I wasn't even
23 60 yet, I'm sure. And now I'm halfway to 70. So that's -- from
24 where I'm standing, that seems like a lot younger.

25 Anyway.

26 Now, I don't know if you understand -- well, number one, on
27 the -- on the thing about the 35 percent, the county has an
28 agreement with the Corps to reimburse them for 35 percent. That
29 wasn't me that set up an agreement with the Corps. I don't know
30 if I -- do you have a copy of that, Keith?

31 KEITH WESTENGARD: I'm sure somewhere in -- in the old
32 files. Something.

33 TOM GALLAGHER: Okay. Well, I -- I am not privy to that
34 agreement.

35 But I think some of the things that should be considered
36 are if you're going to have to pay for something, you should get
37 something.

38 And unless somebody's withholding information on me, I
39 haven't seen anything yet.

40 And I -- I kind of think that that would be incumbent on the

1 Corps to produce either their hydrology, hydraulics, topo,
2 geophysics, or whatever else they've been so dil- -- diligently
3 pursuing so that we can review it and see what kind of
4 recommendation the county would have as to how much they ought to
5 pay for that. Number one.

6 Now, to get back to Mr. Eisenberg's memo. You don't know how
7 much money you just saved by your last motion. Because I can tell
8 you straight up, if this guy's involved, I'm going to raise my
9 rates a bunch.

10 Because this stuff is -- I mean, number one, he's very
11 accusatory. He didn't contact us. I got -- I got a copy of his
12 memo just a couple minutes ago. And I'm not going to give you all
13 a copy of my comments because it would probably be inappropriate
14 for -- for you to read. But I've touched on a few of them.

15 Number one, the topographic mapping. I mean -- I -- I
16 mean, he's talking of something he knows not.

17 I already covered the 35 percent.

18 We -- we understand completely we have to meet FEMA
19 requirements. That's why we're meeting with FEMA, okay?
20 That's -- that's -- I mean, that's a true statement that he has in
21 his letter to you.

22 And we have to go with all of the regulatory requirements.
23 We cannot violate the law. The county commission cannot make us
24 violate the law so all of us have to go to jail.

25 The 35 percent, I've already addressed. I'm -- and it sounds
26 like he got the number from somebody. He said \$900,000. I don't
27 know where he got that.

28 Summit --

29 CHELSEA STUART: He got that number from the Corps.

30 TOM GALLAGHER: Did he? Okay.

31 CHELSEA STUART: Yes.

32 TOM GALLAGHER: And Summit -- all the failures that he
33 lists in here on Summit's part, I'm -- I beg to differ.

34 We do work all over the country. And we do mapping all over
35 the country. We do geotechnical work all over the country. And
36 it is acceptable to every other agency.

37 I have no idea -- and the Corps has not explained to us why
38 they think they need to redo the topographic mapping for -- I
39 don't know what the price was, Chelsea. What was it? A hundred
40 thousand, 200,000, something like that?

1 CHELSEA STUART: 135-. But we're probably going to be able
2 to -- to reduce that.

3 The reason we can't accept your topo is because there's no
4 report documenting. So basically it'd be the equivalent of me
5 handing you a map and saying, trust me.

6 TOM GALLAGHER: Well, I can guarantee you that topo did not
7 come off a fire hydrant in downtown Battle Mountain.

8 CHELSEA STUART: I absolutely believe you. And you cannot
9 believe how much I wish that we could use your topo because it
10 would hurry things up so much.

11 TOM GALLAGHER: Okay.

12 Under the -- in light of the circumstances, number one, we
13 did geotechnical work on the levee. The Corps decided they'd
14 wanted to go way outside and do geophysical work around the levee.
15 And we -- if we have to do geophysical work, the Corps has already
16 done it, so we'll have that.

17 But that will come at the stage when we apply for the CLOMR.
18 If they want geophysical work, if they can't come out here and see
19 that a puddle of water sits on that flat out there for a week
20 every time it rains.

21 But, you know, choosing the alternative between the two
22 options is costing the county extra money and is slowing down
23 the work on the project.

24 Number one, I don't know how the project could go any
25 slower. I really don't. We'd have to be working overtime
26 trying to make it go backwards. Because, I mean, this is a step
27 backwards just getting the benefit-cost ratios right.

28 I agree with statement number two in his letter that we ought
29 to do it with good information and we ought to do it at the
30 cheapest possible cost for the county. I agree with that.

31 In the way of the contract, when we get a CLOMR, we'll give
32 you all the guarantees that you need under a normal engineering
33 contract as we supply hundreds of every year. And we've had
34 contracts -- we've got contracts with Battle Mountain which have
35 been accepted by the district attorney and everybody else.

36 The Union Pacific. This one I really like because he's been
37 talking to the railroad. And I think I told everybody. I don't
38 know if I told you in -- as a body or if I told a bunch of you
39 individually that Union Pacific was not going to do anything until
40 we had a flood elevation. And I would assume that some of you

1 recall that.

2 Okay. So prior -- I had contacted Union Pacific. They said
3 they need a flood elevation. We sent them a conceptual design of
4 a railroad crossing on the levee and photos of the existing
5 situation.

6 And in my two conversations with Union Pacific -- because
7 just like most people, they were changing people they were using
8 on the project -- they said, all you have to do is send us that
9 stuff. And we'll send you an agreement we need to have the
10 county sign for design.

11 I said, okay.

12 And then along came Jeff.

13 Okay. I don't know what it -- what it cost to get the
14 agreement that is a standard railroad agreement. If you want to
15 modify it, you go ahead and try to modify it, and they'll say no.
16 We work with the railroad all the time. They have an agreement
17 that you sign for engineering or for anything else. And if you
18 don't want to sign it, they say, go ahead and don't do it then.

19 I didn't hear any mention from him on talking to them about
20 the other utilities that are paralleling the railroad utilities,
21 raising -- raising Highway 40, something else that should be
22 included. Moving the houses is something I never even brought
23 into my mind because I don't think it's necessary.

24 CHELSEA STUART: I think he might have -- he might have
25 been a little bit confused about that. I think he was mistaking
26 the encroachment on the project for us needing to take in order
27 to do new construction.

28 We -- I mean, if we had to take houses, it would just bust
29 the cost of the project.

30 The issue is that there are a number of structures downstream
31 side currently encroaching on the levee. So we would probably
32 need to go to our major subordinate command in San -- San
33 Francisco to get a decision from them. Because you know, it's
34 encroaching on our ability. So if there was a -- a flood or
35 something, and we needed to go out there and do maintenance, the
36 encroachment might be in the way.

37 CHAIRMAN BAKKER: Okay.

38 TOM GALLAGHER: That's the sum total of my comments.

39 And if you people have any questions, I'll be glad to attempt
40 to address them.

1 CHAIRMAN BAKKER: So we needed to see where we're at with
2 FEMA.

3 TOM GALLAGHER: Right.

4 COMMISSIONER STIENMETZ: Right.

5 CHAIRMAN BAKKER: And then we can--

6 TOM GALLAGHER: And when we get to the --

7 CHAIRMAN BAKKER: -- make --

8 TOM GALLAGHER: -- point where --

9 CHAIRMAN BAKKER: -- a decision.

10 TOM GALLAGHER: -- we submit the CLOMR, we're going to have
11 a real good idea of where we are with FEMA. And FEMA is
12 actually the one that counts. Because they're the ones that do
13 the maps. They're the ones that will tell you if you're in or
14 out. And that's what we have to satisfy.

15 But the data they're using, we don't feel is accurate where
16 we're inundating Interstate 80. Unless we get that fixed with the
17 construction of the rail -- of the freeway going on right now,
18 then I can tell you this project is going to go so far north it's
19 -- or south, I mean -- that it's not even going to be funny.
20 Because we did rely on the Corps telling us that Interstate 80
21 would not be breached.

22 And Chelsea, this is nothing personal towards you. It's just
23 some of my frustration over this project and how it's been going.

24 And I -- I would do anything to make this pace in this
25 project, if I thought it was at all possible -- we're doing
26 everything we can do hasten it. And I don't think anything we're
27 doing will prolong it.

28 CHELSEA STUART: No. We're -- we are moving as fast as we
29 can on this side. We have cultural and topographic surveys
30 scheduled for this month. It's -- you know, since Hurricane
31 Katrina, the level of review required for our project is -- is
32 really a limiting factor in our ability to get projects done in
33 a hurry.

34 TOM GALLAGHER: Well, I knew something happened. I just
35 didn't know Hurricane Katrina hit Battle Mountain.

36 CHELSEA STUART: No, in terms of the -- the standard that
37 the Corps holds itself to. So that's why we have so many
38 different levels of review and go as far as having an
39 independent review to make sure you're getting the absolute best
40 product.

1 CHAIRMAN BAKKER: Okay. Any questions?
2 COMMISSIONER STIENMETZ: No.
3 CHAIRMAN BAKKER: Public comment?
4 (No comment.)
5 CHAIRMAN BAKKER: Okay. Thanks, guys.
6 COMMISSIONER MILLS: Yep. Thank you.
7 COMMISSIONER STIENMETZ: Thank you.
8 COMMISSIONER MILLS: Thanks, Tom.
9 COMMISSIONER WAITS: Thank you, Tom.
10 COMMISSIONER STIENMETZ: Thanks, Tom.
11 CHAIRMAN BAKKER: Chelsea?
12 CHELSEA STUART: Yep.
13 CHAIRMAN BAKKER: She hung up. (Indiscernible.)
14 CHELSEA STUART: Do you guys have any additional questions
15 for us here?
16 CHAIRMAN BAKKER: Nope.
17 COMMISSIONER STIENMETZ: Nope.
18 CHAIRMAN BAKKER: That's it. Thank you.
19 CHELSEA STUART: All right. Thank you. Have a good day.
20 COMMISSIONER MILLS: Okay.
21 CHAIRMAN BAKKER: Bye.
22 COMMISSIONER MILLS: Thanks.
23 TOM GALLAGHER: Thank you. It was more interesting than I
24 thought it --
25 CHAIRMAN BAKKER: Huh?
26 TOM GALLAGHER: -- was going to be.
27 LAKEN MARINE: (Indiscernible.)
28 COMMISSIONER MILLS: Thanks, Tom.
29 CHAIRMAN BAKKER: Chelsea?
30 Hey, Tom, what's Chelsea's last name?
31 KEITH WESTENGARD: Stuart.
32 TOM GALLAGHER: Stuart.
33 CHAIRMAN BAKKER: Stuart.
34 LAKEN MARINE: Thank you.
35 CHAIRMAN BAKKER: Austin, are you still there?
36 MITESHELL LANHAM: We're here.
37 CHAIRMAN BAKKER: Okay. It worked.
38 Where we at? We're -- oh, Casey had to leave. I can give a
39 quick update as soon as I find that one.
40 COMMISSIONER MILLS: Fifteen.

1 **15) Update regarding the status of the Battle Mountain**
2 **Recreational Center project and all other matters properly**
3 **related thereto.**
4

5 CHAIRMAN BAKKER: Fifteen. Update regarding the status of
6 the Battle Mountain Recreational Center project and other
7 matters properly related thereto.

8 Right now, one, Hunewill is complete with the site demo.

9 Two, Hunewill was -- has filled the existing pool area
10 meeting all compaction requirements.

11 Three, Hunewill has begun overex [phonetic] requirements.

12 Four, we are -- well, we're waiting for NV Energy to send
13 me the final utility design contract so we can sign it. But
14 they're still moving forward with the site utilities. And then
15 Corps is still waiting -- we're waiting for the drawings to get
16 back from VWB, the amended drawings. They had to fix some
17 things with the mezzanine inside the pool area. So we're
18 waiting for the final drawings to get back.

19 So any questions?

20 Okay.

21
22 **18) Discussion for possible action to review and possibly award**
23 **the bid for the Mountain View Golf Course Clubhouse that was**
24 **put in by Brian's BBQ Pit and Scott's 19th Hole, and all**
25 **other matters properly related thereto.**
26

27 CHAIRMAN BAKKER: Number 18. Discussion for possible
28 action to review and possibly award the bid for the Mountain
29 View Golf Course clubhouse that was put in by Brian's BBQ Pit
30 and Scott's 19th Hole, and all other matters properly related
31 thereto.

32 KEITH WESTENGARD: Okay. So this was advertised correctly.
33 We did receive two bids. And both the bidders are here. So
34 with that being said, if you have questions for each of them, I
35 guess you could start.

36 CHAIRMAN BAKKER: Guys?

37 KEITH WESTENGARD: You want to start with the order they
38 were -- Brian's BBQ Pit was first and Scott's 19th Hole was
39 second. So I guess if we do it in order, we'll start with --

40 CHAIRMAN BAKKER: Brian?

1 COMMISSIONER WAITS: Good morning.
2 BRIAN GARNER: Good morning. Brian Garner. For the
3 record.
4 Questions?
5 COMMISSIONER MILLS: Can you give us a -- just an overview
6 of what your proposal is?
7 I know we got it here writ- -- in writing. Just give us --
8 BRIAN GARNER: Yeah. That's pretty much what it is in
9 writing. Everything that would need to bring it up to operating
10 standards is in the bid.
11 Five hundred a month rent.
12 I read over the contr- -- well, over the RFP and willing to
13 pick up the balls and all the understanding of all the driving
14 range. Bar and restaurant, obviously, is the more majority part
15 of that and collect the trail and fees for golfing.
16 Obviously, in the bid there's nothing out there. So there's
17 a list of stuff that would need to be put back into place that the
18 county would own to make it a functionable bar and restaurant.
19 Some things do come with the products you buy as far as, like, pop
20 machines and things like that.
21 But everything I would need is in that packet, itemized.
22 CHAIRMAN BAKKER: You know it's going to be -- really not
23 going to be a bid contract. It's going to be a -- like a
24 lessee/lessor rental agreement.
25 BRIAN GARNER: Yeah.
26 CHAIRMAN BAKKER: Okay.
27 COMMISSIONER STIENMETZ: So basically, --
28 CHAIRMAN BAKKER: Pretty simple.
29 COMMISSIONER STIENMETZ: -- we put in the stuff you talked
30 about, and you're going to pay us \$500 a month to rent the
31 (indiscernible) from us?
32 BRIAN GARNER: Correct. If it stays open 365 --
33 COMMISSIONER STIENMETZ: Yeah.
34 BRIAN GARNER: -- days a year.
35 CHAIRMAN BAKKER: Okay. Any other questions?
36 COMMISSIONER CLARK: Yeah, I -- I have a couple comments.
37 We talked about the problems with independent contractors
38 before when -- when we discussed the -- the clubhouse. And we
39 can't have independent contractors. We have to have vendors.
40 There's a big difference.

1 We can't supply space and all the tools.
2 So no matter who we go with, the contract's going to have to
3 be written with being a vendor as -- as the goal, not an
4 independent contractor. Because that -- that's just going to get
5 us into more trouble. So --
6 CHAIRMAN BAKKER: Okay.
7 COMMISSIONER CLARK: -- your contract would have to be
8 reviewed by the DA if you were chosen and be sure that we're not
9 in the independent contractor realm, that we're in the vendor
10 realm. That's been a problem for many, many years with this --
11 with this golf course.
12 BRIAN GARNER: Well, I think in the contractor status, you
13 would pay me. In the vendor status, I'm paying you.
14 CHAIRMAN BAKKER: Uh-huh.
15 COMMISSIONER CLARK: But we cannot supply all the tools
16 that you need.
17 We can't -- we can't supply all your pots and pans and, you
18 know, pay your power and water and sewer and trash. I mean, --
19 BRIAN GARNER: That's --
20 COMMISSIONER CLARK: -- if we're going to do that, --
21 CHAIRMAN BAKKER: Keith.
22 COMMISSIONER CLARK: -- we may as well hire somebody from
23 the county to run the whole thing.
24 CHAIRMAN BAKKER: Elaborate on that.
25 KEITH WESTENGARD: Well, most of that stuff was out there,
26 I -- I -- I believe or is out there. So --
27 COMMISSIONER CLARK: Well, he --
28 KEITH WESTENGARD: -- it's --
29 COMMISSIONER CLARK: -- wants new --
30 KEITH WESTENGARD: -- it's already there.
31 COMMISSIONER CLARK: Yeah, he wants some new stuff. A new
32 fryer and -- and that in this contract.
33 CHAIRMAN BAKKER: Well, it's going to be county property in
34 a county building.
35 KEITH WESTENGARD: And that is correct. It would be county
36 property. So --
37 CHAIRMAN BAKKER: Yeah.
38 So --
39 COMMISSIONER WAITS: How flexible are you on -- on the time
40 frame?

1 I know it said in your proposal you wanted 2019. But I don't
2 think we were set to go that far, especially when you didn't even
3 come in with our minimum bid. I mean, we --

4 BRIAN GARNER: That's up to you guys.

5 COMMISSIONER WAITS: Okay. You're flexible enough?

6 BRIAN GARNER: I wouldn't want to do anything less than
7 two.

8 CHAIRMAN BAKKER: Okay.

9 BRIAN GARNER: Is that it?

10 CHAIRMAN BAKKER: Scott. Yeah.

11 COMMISSIONER STIENMETZ: Thanks, Brian.

12 CHAIRMAN BAKKER: Thanks, Brian.

13 COMMISSIONER WAITS: Thank you, --

14 BRIAN GARNER: (Indiscernible.)

15 COMMISSIONER WAITS: -- Brian.

16 SCOTT BULLOCK: Scott Bullock, for the record.

17 You guys want an overview?

18 So I managed the golf course for the past four years. Had a
19 great facility out there. I have all my own equipment. That's
20 why the facility looks better now. Provided all of that stuff out
21 of my own money so I wouldn't need, obviously, the county to pay
22 for any of that.

23 I think, from the prebid meeting, what I gathered, the
24 county's trying to go closer to what other golf courses in the
25 area go towards, as far as insurances, licenses, who they put in
26 place there.

27 I believe that I'm just a great candidate as far as I've been
28 out there golfing since I was a young kid. I understand the game
29 of golf. You're asking someone to run your golf course. And I
30 think that's the key component of what you're asking, is you need
31 someone out there that understands the game of golf, understands
32 how to run tournaments, can give lessons and fix golf clubs, can
33 do all that stuff, I believe is what we want in a golf course
34 along with a restaurant and a pro shop and all those things. And
35 I can provide all those things for you, as you can see in -- in my
36 bid and packet.

37 COMMISSIONER WAITS: I think you -- you truly have an
38 advantage because you know what you've been making the last four
39 years and what this is capable of doing. And that's the
40 difficult part coming in when you say, you know, give us

1 proposals and nobody has any idea, which was one of the reasons
2 why we tried to keep the minimum bid down, hoping we would
3 encourage people to take a look at that and start a new
4 business.

5 So I was really disappointed to see that. And, you know, I'm
6 not asking for your tax returns. Although if we had an idea on
7 something like that, it would really help the -- the county.

8 But tell me what that little note was on the very bottom of
9 your proposal that said, 42,000 a year.

10 SCOTT BULLOCK: Yeah, if -- you know --

11 COMMISSIONER WAITS: You're saying that's what you think
12 it's capable of making?

13 SCOTT BULLOCK: No, that's what I would charge to run
14 the -- the golf course for you, 42,000 a year.

15 COMMISSIONER CLARK: You want us --

16 SCOTT BULLOCK: That's comparable, the pay.

17 COMMISSIONER WAITS: So the 500 a month is for --

18 SCOTT BULLOCK: I'll pay you that lease. I understand you
19 guys and the BLM or whatever. You want someone to pay a lease
20 now for the clubhouse, which is fine.

21 But maybe I do have an advantage and know what it makes.

22 And I know what I have to bid and what I have to make for,
23 you know, for that to work out.

24 If you want, you can look at it a lot like the airport
25 contract you just handed out, you know. Which I don't understand
26 the difference between the years and stuff, the 73,000 a year,
27 ten-year contract. So why is the golf course much different than
28 that? They're providing the same service as someone at the golf
29 course. They get the same opportunities.

30 COMMISSIONER WAITS: So in addition to 500 a month or the
31 42,000 is inclusive of the five. But you're saying you want the
32 county to pay you 42,000 a year to take care of everything for
33 us?

34 SCOTT BULLOCK: Right, if you want the best service and
35 someone that knows how to run your golf course, that's what I
36 charge.

37 COMMISSIONER WAITS: Okay. Okay, I just --

38 COMMISSIONER CLARK: You want us to pay and you're not
39 going to pay --

40 SCOTT BULLOCK: No, it says I'll pay you 500 a month to

1 lease the building.
2 COMMISSIONER CLARK: If we pay you 42,5-.
3 SCOTT BULLOCK: No, 42- even.
4 COMMISSIONER CLARK: 42,000.
5 SCOTT BULLOCK: Uh-huh. If you want -- in the RFP, it says
6 the selection of a full-time manager by the County of Lander is
7 not based on competitive bidding. So I don't think you were
8 really asking -- you know, it's not about money, but on
9 professional qualifications, documented experience, and the
10 expertise of key personnel to be assigned to the project.
11 So --
12 COMMISSIONER WAITS: Okay. I -- I just needed a
13 clarification.
14 SCOTT BULLOCK: Yeah.
15 COMMISSIONER WAITS: I wasn't --
16 SCOTT BULLOCK: I don't think --
17 COMMISSIONER WAITS: -- real sure if that's --
18 SCOTT BULLOCK: Yeah. Absolutely.
19 COMMISSIONER WAITS: -- what I was understanding. Okay.
20 SCOTT BULLOCK: That's -- that's very similar to the
21 contract of Winnemucca's golf course is --
22 COMMISSIONER WAITS: Okay.
23 SCOTT BULLOCK: -- and what they make.
24 COMMISSIONER WAITS: Okay. Thank you.
25 CHAIRMAN BAKKER: Any other questions?
26 COMMISSIONER STIENMETZ: Nope.
27 CHAIRMAN BAKKER: Thank you, Scott.
28 SCOTT BULLOCK: Yep.
29 COMMISSIONER MILLS: So Brian. Quick question. Are -- are
30 you asking us to pay you any amount of money to run the golf
31 course?
32 BRIAN GARNER: No, sir.
33 CHAIRMAN BAKKER: Need a motion.
34 COMMISSIONER CLARK: Well, do we have a situation here
35 where one of these bids are within the guidelines that we set
36 out?
37 COMMISSIONER WAITS: Neither one.
38 COMMISSIONER CLARK: Neither one.
39 COMMISSIONER WAITS: Well, neither one came in under the
40 minimum bid that we asked for.

1 COMMISSIONER CLARK: Right.
2 COMMISSIONER WAITS: But they're -- they're two --
3 they're -- they're covering the same aspect, but they're not
4 exactly the same bid. Even though the -- the rent, the lease of
5 500 was the same, the rest is not. So --
6 KEITH WESTENGARD: And one bid asks for a three-year --
7 Brian, yours was three?
8 BRIAN GARNER: Correct.
9 CHAIRMAN BAKKER: They all have 30-day clauses, though.
10 They will.
11 KEITH WESTENGARD: Right. Yeah. And Scott -- Scott's was
12 ten. Correct, Scott?
13 SCOTT BULLOCK: (Indiscernible.)
14 KEITH WESTENGARD: '16 to '26?
15 Well, nine and a half.
16 SCOTT BULLOCK: 2018. December 31st, 2018. June 1st,
17 2016, and December 31st, 2018.
18 COMMISSIONER MILLS: It shows 2026.
19 KEITH WESTENGARD: It shows 2026.
20 SCOTT BULLOCK: Oh.
21 COMMISSIONER MILLS: On this -- page two of this --
22 KEITH WESTENGARD: You've got -- this is a typo, then?
23 SCOTT BULLOCK: Yeah.
24 KEITH WESTENGARD: Okay. So.
25 SCOTT BULLOCK: (Indiscernible.)
26 KEITH WESTENGARD: So '18?
27 SCOTT BULLOCK: Yeah.
28 Unless you want to do a ten-year.
29 CHAIRMAN BAKKER: Okay.
30 COMMISSIONER CLARK: Can we --
31 CHAIRMAN BAKKER: We need a decision.
32 COMMISSIONER CLARK: Can we call Ted on this?
33 Is he available to --
34 CHAIRMAN BAKKER: Jeanne?
35 COMMISSIONER CLARK: -- talk to us about the difference
36 between --
37 CHAIRMAN BAKKER: No.
38 COMMISSIONER CLARK: Because with -- with paying somebody
39 to run the golf course, we're right back in the same --
40 CHAIRMAN BAKKER: We're not --

1 COMMISSIONER WAITS: But all Ted can do is give us the
2 legal advice --
3 CHAIRMAN BAKKER: Ted's on vacation.
4 COMMISSIONER WAITS: -- on it. So basically the decision
5 is ours.
6 CHAIRMAN BAKKER: Okay. Someone --
7 Motion? One way or the other.
8 COMMISSIONER WAITS: The other option is we can always go
9 back out for bid if you're unhappy with them.
10 CHAIRMAN BAKKER: We -- we can't do that.
11 COMMISSIONER CLARK: Oh.
12 COMMISSIONER MILLS: We're on a timeline.
13 CHAIRMAN BAKKER: Yeah. We're --
14 COMMISSIONER WAITS: It's going to --
15 CHAIRMAN BAKKER: -- 15 days --
16 COMMISSIONER WAITS: -- delay everything.
17 CHAIRMAN BAKKER: -- away. We're 15 days away.
18 COMMISSIONER WAITS: I know.
19 COMMISSIONER MILLS: All right.
20 COMMISSIONER CLARK: I'm uncomfortable with paying somebody
21 to -- to run the --
22 CHAIRMAN BAKKER: Well, you're only paying one of them out
23 of the two bids, Arthur.
24 COMMISSIONER CLARK: Yeah, I know we are. So I'm
25 uncomfortable with -- with continuing to pay somebody to run
26 the -- the clubhouse.
27 That's been wrong for years. And we're going to get in
28 trouble if we continue that.
29 So I can't support that.
30 CHAIRMAN BAKKER: Then make a motion.
31 COMMISSIONER CLARK: Well, I make a motion to -- well, I'm
32 not really satisfied with the other contract either, but it's
33 closer to what we want.
34 So let me think about this.
35 COMMISSIONER WAITS: Well, if there's some things, you
36 might ask him up to see if we can negotiate on it.
37 COMMISSIONER CLARK: Yeah.
38 COMMISSIONER WAITS: I'm unhappy with the three-year
39 contract.
40 COMMISSIONER CLARK: No, the three-year -- just right now

1 it's just not a good idea for us.
2 There's just too much at play.
3 Well, I could make a motion to accept Brian's BBQ Pit as
4 the -- as the vendor. And I can agree to the first term in his
5 contract, but the other terms I -- I would agree to after they
6 were reviewed by the DA and we had a legal recommendation.
7 CHAIRMAN BAKKER: He's going to the review it anyway.
8 COMMISSIONER STIENMETZ: Yeah.
9 CHAIRMAN BAKKER: Regardless.
10 COMMISSIONER MILLS: He's going to have to make up a
11 contract anyway.
12 CHAIRMAN BAKKER: I'll second the motion.
13 Any public comment?
14 UNIDENTIFIED PARTICIPANT: (Indiscernible), for the record.
15 COMMISSIONER CLARK: Come on up. Come on up so we can get
16 you recorded.
17 UNIDENTIFIED PARTICIPANT: On April 21st, you guys had a
18 mandatory meeting that I attended. And there was only four
19 people there, other than the county commissioners and the
20 lawyers.
21 I was at that meeting. We stayed at that meeting for 45
22 minutes. And then we walked out, perceiving that the meeting was
23 over.
24 And it did say mandatory in there. So that's all I --
25 CHAIRMAN BAKKER: We asked for a bid contract. And
26 we're -- this is going to a lessee.
27 UNIDENTIFIED PARTICIPANT: So it wasn't mandatory, even
28 though it said mandatory on it?
29 So just need a comment on that.
30 Okay. Thanks.
31 COMMISSIONER MILLS: I'm not sure where you're going with
32 that.
33 CHAIRMAN BAKKER: Any other public comment?
34 UNIDENTIFIED PARTICIPANT: There was only Scott at that
35 meeting that bid on this. At that mandatory meeting.
36 BRIAN GARNER: I --
37 CHAIRMAN BAKKER: Brian was there.
38 BRIAN GARNER: (Indiscernible.)
39 UNIDENTIFIED PARTICIPANT: Brian was there? I was -- I was
40 there --

1 CHAIRMAN BAKKER: Go ahead, --
2 UNIDENTIFIED PARTICIPANT: -- the whole meeting.
3 CHAIRMAN BAKKER: -- Brian.
4 BRIAN GARNER: I showed up about 5:00, a little after 5:00.
5 I was in a meeting. I showed up a little after 5:00.
6 CHAIRMAN BAKKER: Okay.
7 BRIAN GARNER: So --
8 CHAIRMAN BAKKER: Any other public comment?
9 (No comment.)
10 CHAIRMAN BAKKER: All in favor?
11 COMMISSIONER STIENMETZ: Aye.
12 COMMISSIONER MILLS: Aye.
13 CHAIRMAN BAKKER: Aye.
14 COMMISSIONER WAITS: Aye.
15 COMMISSIONER CLARK: Aye.
16 COMMISSIONER WAITS: Aye.
17 CHAIRMAN BAKKER: Okay.
18
19

20 **FINANCE**

21
22 **19) Update on budget review, contracts, financial update, and all**
23 **other matters properly related thereto.**
24

25 CHAIRMAN BAKKER: Nineteen. Update on budget review,
26 contracts, financial update, and all other matters properly
27 related thereto.

28 Miss Nan.

29 Could have been --

30 NAN ANCHO: Nan Ancho, Finance.

31 Mine's really short and sweet. I don't have anything for
32 you today because everything I have is agendized on Monday --

33 COMMISSIONER MILLS: Oh.

34 NAN ANCHO: -- for the hearings so --

35 COMMISSIONER CLARK: Can you give us a hint?

36 NAN ANCHO: You got an agenda. So --

37 CHAIRMAN BAKKER: So we're good.

38 NAN ANCHO: You're good.

39 CHAIRMAN BAKKER: Okay.

40 NAN ANCHO: Thanks.

1 COMMISSIONER WAITS: Austin? Miteshell?
2 CHAIRMAN BAKKER: Uh-oh.
3 MITESHELL LANHAM: Hello?
4 COMMISSIONER STIENMETZ: Should be able to make it
5 (indiscernible).
6 COMMISSIONER WAITS: Have you -- have you posted --
7 KEITH WESTENGARD: No.
8 COMMISSIONER WAITS: -- the agenda for -- for Monday on the
9 budget?
10 MITESHELL LANHAM: Yes.
11 COMMISSIONER STIENMETZ: You could do it on Monday. I'm
12 off on Monday.
13 COMMISSIONER WAITS: Thank you.
14 COMMISSIONER MILLS: Monday morning at 9:00.
15 CHAIRMAN BAKKER: What about Tuesday?
16 COMMISSIONER STIENMETZ: You're going to take up all my --
17 CHAIRMAN BAKKER: I know. I'm sorry. You want to be there
18 Tuesday.
19 COMMISSIONER MILLS: Tuesday's a special one.
20 CHAIRMAN BAKKER: So Miteshell, I think we're going to go
21 to a closed session now.
22 MITESHELL LANHAM: Okay.
23 CHAIRMAN BAKKER: So --
24 MITESHELL LANHAM: Are you guys going to call back or no?
25 CHAIRMAN BAKKER: No, I think we'll be fine.
26 MITESHELL LANHAM: Okay. You guys have a good day.
27 CHAIRMAN BAKKER: Okay.
28 COMMISSIONER STIENMETZ: Thank you.
29 CHAIRMAN BAKKER: Thank you.
30 COMMISSIONER STIENMETZ: So we have one Monday at 9:00 and
31 Tuesday at 9:00?

32 COMMISSIONER MILLS: Yeah.
33
34 ****CLOSED SESSION****
35

36 20) Discussion and possible action for Closed Labor Session with
37 management representatives to discuss upcoming labor
38 negotiations, and all other matters properly related thereto.
39

40 (Whereupon the Board of County Commissioners participated

1 in a closed session from 11:57 a.m. to 12:33 p.m.)

2
3 ****OPEN SESSION****

4
5 CHAIRMAN BAKKER: I call this meeting back to open session.

6
7
8 **COMMISSIONERS**

9
10 **21) Correspondence, reports, potential upcoming agenda items.**

11
12 CHAIRMAN BAKKER: Commissioner meeting. Item Number 21.
13 Correspondence, reports, and potential upcoming agenda items.

14
15 (The following correspondence was received:

16 1. United States Department of the Interior. Bureau of
17 Land Management. Stillwater Field Office. Environmental
18 Assessment for the New Pass Peak Distribution Line Project.

19 2. State of Nevada. Department of Conservation and
20 Natural Resources. Division of Environmental Protection.
21 Bureau of Air Pollution Control. Director's review and
22 preliminary determination to issue permit for Wilkin Mining and
23 Trucking, Inc.)

24
25 COMMISSIONER CLARK: I would -- I would request that Mr.
26 Westengard keep on top of this Highway 11 thing that's going on,
27 the -- the interstate -- the proposed interstate from Las Vegas
28 to Tonopah and then Tonopah to wherever it's going to go. I'd
29 like -- I'd like to stay on top of that.

30 COMMISSIONER WAITS: Just give you updates occasionally?

31 COMMISSIONER CLARK: Yeah. Because of the -- the impact it
32 may have on Mineral County, --

33 COMMISSIONER WAITS: This program.

34 COMMISSIONER CLARK: -- thus the impact it will have on --

35 CHAIRMAN BAKKER: (Indiscernible) figures.

36 COMMISSIONER CLARK: -- Pershing and Lander.

37 KEITH WESTENGARD: Okay.

38 CHAIRMAN BAKKER: See if they posted them.

39 Just stay with Tom on the highway and the levee.

40 COMMISSIONER MILLS: The --

1 CHAIRMAN BAKKER: Or call DOT or whatever. I -- I don't
2 know. I mean, just -- you know. You got it.

3 KEITH WESTENGARD: Okay.

4 CHAIRMAN BAKKER: So...

5 COMMISSIONER MILLS: I guess right now we're concerned
6 about that Clovis -- Clovis report?

7 CHAIRMAN BAKKER: CLOMR.

8 KEITH WESTENGARD: CLOMR? Yeah, I'll keep on following --

9 COMMISSIONER MILLS: I think we just need to know when
10 that's been turned in --

11 CHAIRMAN BAKKER: But, I mean, they --

12 COMMISSIONER MILLS: -- and what the --

13 CHAIRMAN BAKKER: -- haven't started --

14 COMMISSIONER MILLS: -- results of that are.

15 CHAIRMAN BAKKER: -- paving yet. So there's something that
16 needs to be done or can be done with DOT.

17 COMMISSIONER MILLS: We'll never know before they're
18 getting done paving that.

19 CHAIRMAN BAKKER: Tell them to raise it.

20 COMMISSIONER MILLS: Ah.

21 CHAIRMAN BAKKER: I don't know.

22 COMMISSIONER CLARK: I --

23 CHAIRMAN BAKKER: But --

24 COMMISSIONER CLARK: -- make a motion to adjourn.

25 CHAIRMAN BAKKER: Nope, hold --

26 COMMISSIONER WAITS: No.

27 CHAIRMAN BAKKER: -- on.

28 COMMISSIONER WAITS: Public comment.

29 COMMISSIONER STIENMETZ: Public comment.

30 COMMISSIONER CLARK: Oh, okay.

31 CHAIRMAN BAKKER: Okay. All you guys good? Everyone good?

32 COMMISSIONER STIENMETZ: Yeah.

33 CHAIRMAN BAKKER: Okay.

34
35
36 **PUBLIC COMMENT**

37
38 CHAIRMAN BAKKER: Public comment for non-agendized items
39 only.

40 Persons are invited to submit comments in writing and/or

1 attend and make comments on any non-agenda item at the board
2 meeting, if any, and discussion of those comments at the
3 discretion of the board. All public comment may be limited to
4 three minutes per person, again, at the discretion of the board.
5 Reasonable restrictions may be placed on public comment based
6 upon time, place, and manner, but public comment based upon
7 viewpoint may not be restricted.

8 Public comment?

9 Nope.

10 Okay.

11
12
13 **ADJOURNMENT**

14
15 COMMISSIONER CLARK: Make a motion to adjourn.

16 COMMISSIONER MILLS: Second.

17 CHAIRMAN BAKKER: Art made a motion. Doug seconded.
18 Public comment?

19 COMMISSIONER CLARK: Aye.

20 CHAIRMAN BAKKER: All in favor?

21 COMMISSIONER STIENMETZ: Aye.

22 CHAIRMAN BAKKER: Aye.

23 COMMISSIONER WAITS: Aye.

24 CHAIRMAN BAKKER: Thank you, guys.
25
26
27

28 
29 _____
30 **CHAIRMAN OR VICE CHAIRMAN OF THE**
31 **BOARD OF LANDER COUNTY**
32 **COMMISSIONERS AND THE LANDER**
33 **COUNTY LIQUOR BOARD**

34
35 **ATTEST:**

36 
37 _____
38 **LANDER COUNTY CLERK**

39 *Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of*
40 *Battle Mountain and Austin, Nevada.*

1 STATE OF UTAH)
2) ss.
3 COUNTY OF DAVIS)
4
5
6

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
10
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
12
13 THE 12TH DAY OF MAY 2016, AND SAID RECORDING AND INFORMATION
14
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
16
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
18
19 THE AUDIO/VIDEO RECORDING ALLOWED.
20

21
22 DATED AT _____
23 THIS _____ DAY OF _____
24
25
26

27 _____
28 TIFFANY ELKINGTON, CCR #930
29
30
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40

	83/13 83/16 83/26 83/33 83/38 84/1
ANNA PENOLA: [29] 10/1 10/5 10/10 10/14 10/20 10/23 10/26 10/29 10/32 10/34 10/40 11/3 11/11 11/19 11/21 11/28 11/37 12/3 12/5 12/10 12/39 13/1 39/31 39/36 39/40 40/2 40/7 42/6 42/9	\$ \$129,781 [1] 46/25 \$1400 [1] 18/38 \$2.62 [1] 45/8 \$2.9 [1] 5/8 \$2.9 million [1] 5/8 \$222,000 [1] 45/26 \$231 [1] 45/19 \$2500 [1] 39/31 \$272 [1] 46/24 \$272 million [1] 46/24 \$28,733 [1] 47/8 \$3 [1] 53/26 \$3 million [1] 53/26 \$442 [1] 43/39 \$442 million [1] 43/39 \$45,000 [2] 17/37 19/28 \$452 [1] 43/40 \$452 million [1] 43/40 \$500 [1] 76/30 \$6,039 [1] 20/33 \$61,202 [1] 20/31 \$63 [2] 22/34 24/31 \$7,000 [3] 28/3 28/9 28/18 \$9,000 [1] 22/22 \$90,000 [1] 18/40 \$900,000 [2] 57/2 70/26 \$965,348 [1] 44/5
BRENDA THOMAS: [18] 35/29 35/31 39/7 39/13 39/35 39/37 39/39 40/14 40/23 40/31 40/39 41/12 41/16 41/18 41/20 41/22 41/24 42/7	
BRIAN GARNER: [17] 76/1 76/7 76/24 76/31 76/33 77/11 77/18 78/3 78/5 78/8 78/13 80/31 81/7 83/35 83/37 84/3 84/6	
CHAIRMAN BAKKER: [329]	
CHELSEA STUART: [27] 62/28 62/34 63/24 63/36 63/40 64/21 64/29 65/20 65/23 65/37 65/40 66/4 66/19 66/25 67/2 67/5 67/10 70/28 70/30 70/40 71/7 72/23 73/27 73/35 74/11 74/13 74/18	
COMMISSIONER CLARK: [104]	
COMMISSIONER MILLS AND KEN BROWN: [1] 53/38	
COMMISSIONER MILLS: [116]	
COMMISSIONER STIENMETZ: [66] 2/4 6/17 6/27 6/32 9/3 9/6 9/9 9/11 9/16 10/17 10/31 11/18 11/23 11/29 11/34 12/7 12/26 13/16 15/21 15/23 16/37 17/21 17/23 17/28 19/33 21/14 21/23 23/25 24/40 27/31 28/18 28/23 29/28 29/33 32/37 33/1 34/17 34/29 34/39 41/9 41/27 41/29 42/30 42/39 62/17 68/30 73/3 74/1 74/6 74/9 74/16 76/26 76/28 76/32 78/10 80/25 83/7 84/10 85/3 85/10 85/15 85/27 85/29 87/28 87/31 88/20	
COMMISSIONER WAITS: [130]	
DEE HELMING: [1] 27/19	
DISTRICT ATTORNEY HERRERA: [4] 6/39 7/1 7/3 7/6	
FRANK WHITMAN: [4] 15/28 15/31 27/16 27/23	
JEANNE FALZONE: [1] 29/14	
JEFF EISENBURG: [9] 55/7 55/9 55/12 55/21 60/17 60/31 61/19 62/9 62/14	
KEITH WESTENGARD: [124]	
KEN BROWN: [42] 43/6 43/8 43/10 43/12 43/14 43/18 43/29 43/32 48/25 48/28 48/32 48/38 49/2 49/7 49/10 49/16 49/20 49/28 49/37 49/40 50/3 50/5 50/7 50/9 50/13 50/19 50/27 50/32 50/35 50/38 51/3 51/23 51/26 51/28 51/32 52/13 53/40 54/4 54/7 54/9 54/12 54/14	'16 [4] 11/7 11/9 15/13 81/14 '16/'17 [2] 11/7 11/9 '17 [4] 11/7 11/7 11/8 11/9 '17/'18 [2] 11/7 11/8 '18 [3] 11/7 11/8 81/26 '26 [1] 81/14 's [1] 13/15
LAKEN MARINE: [9] 15/13 16/15 16/17 16/19 16/25 65/11 65/13 74/26 74/33	0
LAUREN CAMPBELL: [29] 35/32 35/36 36/12 36/28 36/36 36/38 36/40 37/2 37/23 37/25 37/27 37/30 37/32 37/37 38/2 38/5 38/7 38/9 38/18 38/21 38/23 38/25 39/5 40/27 40/30 40/33 42/17 42/32 42/34	029-000-53880 [3] 17/36 18/2 19/27
MIKE WHALEN: [7] 7/30 7/33 8/15 8/17 8/19 8/23 8/35	1
MITESHELL LANHAM: [10] 7/13 54/20 65/28 65/32 74/35 85/2 85/9 85/21 85/23 85/25	1,895 [1] 20/32 1/3 [3] 46/7 46/8 46/8 10 [3] 20/17 20/20 21/20 100 [1] 30/23 100,000 [1] 28/12 107,000 [1] 28/13 10:30 [3] 20/1 20/8 27/35 10:33 [1] 54/24 10:43 [1] 54/24 11 [3] 28/1 28/6 86/26 11:57 [1] 86/1 12 [5] 1/4 28/30 42/40 43/1 43/4 129,781 [1] 47/8 12:00 p.m [1] 1/38 12:33 [1] 86/1 12th [3] 1/26 6/12 89/13 13 [1] 29/6 135 [1] 71/1 14 [1] 30/1 14th [1] 6/14 15 [5] 33/8 53/10 75/1 82/15 82/17 15,000 [1] 18/38
NAN ANCHO: [25] 10/38 11/1 11/6 11/8 11/13 11/40 12/2 39/15 40/8 41/1 41/3 41/5 41/7 41/11 41/13 41/25 41/30 41/33 41/35 41/37 84/29 84/33 84/35 84/37 84/39	
RICHARD BELL: [2] 20/22 20/24	
RICK BELL: [3] 20/38 21/1 21/12	
SCOTT BULLOCK: [21] 78/15 79/9 79/12 79/15 79/17 79/33 79/39 80/2 80/4 80/13 80/15 80/17 80/19 80/22 80/27 81/12 81/15 81/19 81/22 81/24 81/26	
TOM GALLAGHER: [63] 21/28 21/33 21/35 23/23 23/27 23/29 23/34 23/38 24/36 24/38 25/2 25/8 25/14 25/16 25/23 25/26 25/32 25/39 26/2 26/6 26/13 26/18 26/20 26/23 27/9 27/11 27/14 27/29 62/36 62/38 63/1 63/3 63/32 63/38 64/20 64/25 65/7 66/14 66/21 66/27 67/3 67/8 67/11 68/28 68/31 69/2 69/10 69/19 69/21 69/32 70/29 70/31 71/5 71/10 72/37 73/2 73/5 73/7 73/9 73/33 74/22 74/25 74/31	
UNDERSHERIFF ROBERT QUICK: [10] 18/3 18/8 18/13 18/38 19/4 19/16 19/37 26/28 27/10 27/13	
UNIDENTIFIED PARTICIPANT: [10] 7/14 25/4 40/25 40/28	

<p>1</p> <p>16 [4] 15/1 30/34 33/21 33/26 17 [1] 35/7 18 [2] 75/22 75/27 18.016 [2] 9/26 9/33 1872 [1] 51/33 19 [1] 84/22 1965 [1] 4/10 1976 [2] 44/35 45/1 1977 [1] 44/36 19th [3] 75/24 75/30 75/38 1:15 p.m [1] 1/38 1st [2] 40/11 81/16</p>	<p>50 [4] 1/4 45/35 46/28 53/7 50-year [1] 65/5 50/50 [2] 46/28 53/7 500 [5] 50/16 79/17 79/30 79/40 81/5 501 [3] 13/5 13/15 13/26 53880 [3] 17/36 18/2 19/27 5:00 [3] 84/4 84/4 84/5</p>
<p>2</p> <p>20 [2] 53/20 85/36 20,000 [2] 39/34 40/7 200 [2] 46/24 50/15 200,000 [1] 70/40 2000 [2] 57/1 57/12 2015 [6] 43/39 44/5 45/19 46/2 46/36 55/29 2016 [15] 1/4 1/26 4/6 6/12 6/13 6/14 6/14 16/32 43/40 46/2 46/23 46/25 55/31 81/17 89/13 2017 [1] 53/21 2018 [3] 81/16 81/16 81/17 2019 [2] 66/21 78/1 2020 [1] 4/7 2026 [2] 81/18 81/19 21 [2] 86/10 86/12 21st [1] 83/17 22 [1] 2/26 2477 [2] 52/38 52/40 26,236 [1] 20/34 26th [1] 16/15 28 [3] 17/36 18/2 19/27 28th [4] 2/19 6/14 6/20 6/27 2D [2] 67/16 68/8</p>	<p>6</p> <p>6/30 [1] 15/13 6/30/16 [1] 15/1 60 [1] 69/23 62 [1] 20/30 67,204 [1] 20/35</p>
<p>3</p> <p>30 [3] 12/38 15/13 51/38 30-day [1] 81/9 305 [1] 1/4 30th [3] 16/14 16/31 40/10 315 [5] 33/27 33/33 34/31 35/9 35/20 31st [2] 81/16 81/17 35 [6] 56/40 57/11 69/27 69/28 70/17 70/25 35 percent [1] 57/18 365 [1] 76/32 37 [1] 45/7 380 [2] 35/12 35/24 39,000 [1] 18/23</p>	<p>7</p> <p>7-point [1] 3/9 70 [1] 69/23 73,000 [1] 79/26 7th [2] 4/12 6/13</p>
<p>4</p> <p>40 [1] 72/21 41 [1] 47/9 42 [1] 80/3 42,000 [5] 79/9 79/14 79/31 79/32 80/4 42,5 [1] 80/2 439 [1] 3/32 442 [1] 43/40 45 [1] 83/21 45,000 [2] 18/2 18/28 4500 cubic [1] 67/17</p>	<p>8</p> <p>80 [5] 68/2 68/4 68/10 73/16 73/20 8500 cubic [1] 67/16</p>
<p>5</p> <p>5,000 [1] 61/17</p>	<p>9</p> <p>9,000 [2] 24/25 25/31 90-day [3] 12/37 13/2 13/3 930 [2] 1/5 89/27 9:00 [4] 1/4 85/14 85/30 85/31 9th [1] 3/14</p> <p>A</p> <p>A-1 [1] 30/34 A-16 [1] 30/34 A-8 [1] 30/34 A-B [1] 30/34 ab [1] 25/10 ability [2] 72/34 73/32 about 5:00 [1] 84/4 above [1] 19/20 abreast [1] 48/2 absolute [2] 58/21 73/39 abuse [2] 3/20 3/31 academy [1] 3/31 accept [5] 17/18 67/2 67/4 71/3 83/3 acceptable [1] 70/36 accepted [6] 2/8 4/35 68/7 68/17 68/40 71/35 accepted the [1] 4/35 accepting [3] 17/4 17/11 32/18 accepts [2] 66/34 66/40 access [3] 26/20 36/21 37/4 accessible [1] 22/37 accommodating [1] 58/40 accrue [1] 57/3 accurate [1] 73/15 accusatory [1] 70/11 acre [2] 45/7 45/8 acres [2] 9/26 9/33 act [6] 4/9 52/14 52/18 52/30 52/37 56/33 acted [2] 6/4 6/8 action [32] 6/5 7/21 7/27 9/25 9/31 12/14 12/18 14/1 14/7 17/4 17/10 17/35 17/40 28/1 28/7 29/6 29/11 30/1 30/10 33/26 33/31 35/7 35/15 35/19 35/26 36/23 36/25 54/35 55/2 75/22 75/28 85/36 active [1] 60/8</p>

A

activities [1] 56/1
 adamant [1] 52/11
 adamantly [2] 52/11 52/26
 adding [1] 29/19
 addition [2] 57/19 79/30
 additional [1] 74/14
 address [2] 56/34 72/40
 addressed [2] 55/32 70/25
 addresses [1] 29/18
 addressing [1] 63/6
 adjacent [1] 67/38
 adjourn [2] 87/24 88/15
 adjusting [1] 3/13
 adjustments [1] 20/32
 administration [2] 1/3 47/1
 administrative [2] 46/18 46/37
 adopt [1] 49/22
 adoption [3] 49/18 49/35 49/36
 ads [1] 8/31
 advantage [4] 2/27 2/38 78/38 79/21
 advertise [7] 17/6 17/13 17/17 17/21 30/5 30/14 30/38
 advertised [3] 14/13 16/23 75/32
 advertising [3] 8/22 14/32 32/35
 advice [2] 60/6 82/2
 advised [1] 37/14
 advisory [8] 4/21 14/3 14/8 16/29 17/6 17/12 17/20 26/5
 affect [1] 45/13
 affects [1] 53/31
 afford [2] 44/31 50/19
 affordability [1] 50/13
 afternoon [2] 2/21 31/3
 against [1] 61/35
 agency [5] 35/15 35/26 56/24 66/7 70/36
 agenda [24] 5/28 6/1 6/3 6/4 6/7 6/9 6/12 6/27 7/26 15/27
 16/4 16/9 16/15 42/25 42/28 43/22 43/35 54/27 55/1 84/36
 85/8 86/10 86/13 88/1
 agendized [3] 5/25 84/32 87/38
 aggregates [1] 3/7
 aging [4] 3/14 3/15 4/3 4/4
 ago [4] 26/25 48/34 67/29 70/12
 agree [5] 63/14 71/28 71/30 83/4 83/5
 agreement [17] 2/7 10/10 24/29 24/30 28/14 29/16 57/1 57/4
 59/6 69/28 69/29 69/34 72/9 72/14 72/14 72/16 76/24
 agrees [1] 68/34
 Ah [1] 87/20
 aimed [1] 56/11
 Air [1] 86/21
 Aircraft [3] 28/2 28/8 28/17
 airport [15] 9/27 9/33 9/38 12/15 12/20 28/14 30/2 30/4 30/5
 30/12 30/13 30/15 31/30 32/34 79/24
 alarm [1] 2/30
 alive [2] 11/22 52/24
 Allegiance [1] 1/30
 Alliance [5] 28/30 43/1 43/19 47/25 53/11
 Alliances [2] 28/34 43/5
 allocate [1] 58/34
 allow [1] 56/30
 ALLOWED [1] 89/19
 allowing [2] 55/39 56/3
 along [9] 21/39 44/35 44/37 44/38 52/10 67/12 67/27 72/12
 78/34
 alternative [2] 57/40 71/21
 alternatives [1] 57/39
 always [3] 43/37 52/20 82/8
 am I [1] 66/39
 ambulance [1] 2/31
 amend [3] 52/17 52/30 52/32
 amended [2] 29/12 75/16
 amending [1] 29/24
 amendment [4] 29/7 29/12 29/27 52/36
 America [2] 45/15 47/9
 America's [1] 47/21
 Americans [3] 3/17 3/36 4/9
 amount [18] 3/11 17/37 18/2 19/27 28/2 28/8 28/17 31/30
 42/27 46/26 56/40 57/2 57/19 57/26 58/34 58/38 59/35 80/30
 amounts [1] 10/19
 analysis [3] 56/16 56/23 64/2
 ANCHO [4] 1/16 10/39 39/18 84/30
 and/or [4] 5/27 12/15 12/19 87/40
 Andrea [1] 22/1
 animals [2] 49/31 50/25
 Anna [9] 10/2 10/4 11/34 12/10 39/33 41/10 41/24 41/39 42/4
 annual [1] 7/36
 answer's [1] 48/9
 answered [1] 28/40
 answers [1] 31/4
 anything's [1] 26/38
 apologize [2] 22/8 48/30
 apples [2] 18/36 18/36
 applicable [1] 58/22
 apply [2] 5/11 71/17
 appointed [1] 15/38
 appointment [5] 14/2 14/8 14/20 16/29 16/31
 appreciate [14] 4/16 8/4 8/11 8/35 8/36 27/20 43/20 53/19
 53/40 60/9 60/26 61/3 61/22 61/29
 appreciation [1] 17/20
 appreciative [1] 5/10
 appropriated [1] 45/19
 approval [4] 6/12 27/1 56/2 67/8
 approve [18] 6/26 9/25 9/32 12/14 12/19 15/20 16/28 19/27
 28/1 28/7 28/16 29/6 29/12 29/26 34/30 54/37 55/4 66/14
 approve/disapprove [10] 9/25 9/32 12/14 12/19 28/1 28/7 29/6
 29/12 54/37 55/4
 approved [7] 3/40 18/10 18/14 18/17 28/11 31/13 52/25
 approves [1] 37/13
 approximately [1] 46/25
 April [9] 2/19 2/28 4/12 6/13 6/14 6/14 6/20 6/27 83/17
 April 14th [1] 6/14
 April 21st [1] 83/17
 April 28th [3] 6/14 6/20 6/27
 April 7th [2] 4/12 6/13
 archery [5] 9/28 9/34 9/38 12/15 12/20
 area [10] 26/36 37/4 37/40 38/31 45/40 50/16 66/35 75/9
 75/17 78/25
 areas [9] 18/24 18/26 25/25 31/7 31/10 48/7 48/19 67/37
 67/38
 aren't [4] 11/28 49/39 50/2 64/18
 Arizona [1] 52/7
 Army [2] 55/24 56/40
 arranging [1] 43/21
 ART [7] 1/10 4/17 4/26 16/34 17/25 19/30 88/17
 Arthur [1] 82/23
 aspect [1] 81/3
 aspects [1] 57/30
 asphalt [1] 38/33
 assert [2] 52/15 53/2
 assessment [2] 25/18 86/18
 assigned [2] 44/21 80/10
 assist [1] 2/26
 associations [1] 46/39
 assume [1] 71/40

A

assumes [1] 24/36
 astronomically [1] 63/26
 attached [1] 10/20
 attempt [1] 72/39
 attend [3] 5/28 48/21 88/1
 attended [5] 2/4 2/10 4/32 4/34 83/18
 attention [1] 8/37
 attorney [4] 1/14 1/21 7/10 71/35
 AUDIO [2] 89/11 89/19
 AUDIO/VIDEO [2] 89/11 89/19
 August [1] 55/31
 Austin [36] 1/19 1/25 5/20 7/13 15/30 21/4 21/17 21/22 21/31
 21/38 22/13 22/18 22/21 22/25 22/28 23/12 23/19 23/25
 23/40 24/10 24/13 24/22 24/29 25/13 25/31 25/39 27/16
 43/28 54/19 65/22 65/28 67/22 67/22 74/35 85/1 88/40
 Authorities [1] 65/7
 authority [4] 2/14 45/29 58/9 65/1
 authorization [2] 7/23 7/28
 authorize [9] 9/5 17/35 18/1 29/7 29/13 29/27 32/35 54/37
 55/4
 automatic [2] 12/40 13/3
 availability [1] 25/4
 available [10] 6/9 6/10 17/7 17/13 17/21 23/4 25/2 56/22
 56/27 81/33
 award [2] 75/22 75/28
 aware [4] 37/14 47/26 57/9 67/40
 awareness [6] 7/22 7/28 7/37 7/40 9/3 9/11
 away [3] 22/8 82/17 82/17
 Aye [54] 6/33 6/34 6/35 6/36 6/37 9/17 9/18 9/19 9/20 9/21
 16/38 16/39 16/40 17/1 17/2 17/29 17/30 17/31 17/32 17/33
 19/34 19/35 19/36 19/37 28/24 28/25 28/26 28/27 28/28
 29/34 29/35 29/36 29/37 29/38 33/2 33/3 33/4 33/5 33/6
 34/40 35/1 35/2 35/3 35/4 84/11 84/12 84/13 84/14 84/15
 84/16 88/19 88/21 88/22 88/23

B

backwards [2] 71/26 71/27
 BAKKER [3] 1/9 19/40 62/27
 balls [1] 76/13
 banners [2] 8/22 8/27
 Bap [1] 21/40
 Baptist [1] 22/1
 bar [2] 76/14 76/18
 bases [1] 8/32
 Basin [1] 2/13
 basis [3] 44/24 46/12 53/20
 bathroom [1] 48/25
 Battle [35] 1/3 1/25 9/27 9/28 9/33 9/34 30/2 30/4 30/5 30/11
 30/13 30/15 32/33 33/8 33/13 33/28 33/33 34/32 35/9 35/12
 35/21 35/24 54/28 54/36 55/3 62/20 62/25 67/22 67/28 71/7
 71/34 73/35 75/1 75/6 88/40
 BBQ [4] 75/24 75/29 75/38 83/3
 bearing [1] 41/23
 became [1] 67/29
 bed [1] 24/27
 beg [2] 50/1 70/33
 begin [2] 59/9 61/35
 beginning [3] 55/28 61/33 67/20
 begun [1] 75/11
 believe [13] 5/3 5/7 11/29 14/21 26/38 48/23 52/7 67/24 71/8
 71/9 77/26 78/27 78/33
 Bell [3] 20/17 20/21 20/25
 below [1] 19/19
 benchmarks [2] 58/26 58/29
 benefit [7] 25/6 60/5 63/17 63/25 63/35 64/24 71/27

benefit-cost [1] 71/27
 Bengoa [3] 17/6 17/12 17/19
 bent [1] 53/16
 Bert [4] 33/18 33/19 33/40 37/36
 best [3] 62/13 73/39 79/34
 better [4] 48/17 51/31 62/4 78/20
 bid [31] 30/1 30/7 30/11 30/16 30/21 30/25 31/20 31/38 32/13
 32/14 32/19 32/24 32/33 32/36 32/37 58/36 75/23 75/28
 76/10 76/16 76/23 78/3 78/36 79/2 79/22 80/40 81/4 81/6
 82/9 83/25 83/35
 bidder [1] 19/12
 bidders [1] 75/33
 bidding [1] 80/7
 bids [10] 30/3 30/5 30/13 30/14 31/21 32/6 41/37 75/33 80/35
 82/23
 big [11] 34/15 34/15 39/9 39/11 45/39 47/4 48/6 52/12 68/5
 68/5 76/40
 bigger [3] 36/18 37/40 52/5
 bill [6] 24/36 25/21 44/11 44/13 51/37 51/38
 billed [2] 23/37 57/19
 billing [5] 22/28 22/31 57/8 58/10 58/30
 billings [1] 24/19
 bills [7] 6/15 23/1 23/5 44/6 49/25 52/3 57/26
 bird [5] 47/24 47/28 47/30 47/35 48/4
 bit [13] 3/1 4/13 9/39 21/31 38/13 59/40 60/30 62/4 63/27
 64/25 67/3 67/30 72/25
 BLM [5] 7/34 8/11 48/35 51/1 79/19
 BLM's [1] 50/23
 board [38] 1/1 1/25 1/25 2/6 4/1 4/34 4/35 5/28 5/30 6/5 6/6
 13/28 14/3 14/9 17/6 17/7 17/12 17/13 17/20 17/21 26/5
 30/30 30/33 31/36 31/38 36/11 45/10 48/16 48/21 60/25
 85/40 88/1 88/3 88/4 88/30 88/32 88/39 88/39
 boards [2] 15/15 48/21
 body [2] 52/31 71/38
 Bonnie [1] 22/1
 book [2] 15/1 38/15
 books [2] 25/38 43/25
 bounce [1] 24/21
 boxes [1] 54/4
 Boy [1] 43/11
 branded [1] 50/6
 breach [1] 55/33
 breached [1] 73/21
 break [3] 1/37 54/20 54/24
 breaking [1] 34/22
 breezeway [5] 34/20 36/10 36/36 39/3 41/7
 Brenda [1] 35/32
 Brian [10] 75/40 76/2 78/11 78/12 78/15 80/29 81/7 83/37
 83/39 84/3
 Brian's [4] 75/24 75/29 75/38 83/3
 Bridge [2] 39/27 39/30
 brief [1] 55/16
 bring [5] 36/4 49/6 54/11 56/6 76/9
 broke [1] 47/21
 broken [1] 33/38
 brought [3] 2/36 21/6 72/22
 Brown [7] 28/30 28/33 28/36 42/37 43/1 43/4 43/19
 budget [10] 11/2 11/6 11/9 18/15 53/20 53/25 58/32 84/22
 84/25 85/9
 budgeted [2] 19/18 19/20
 build [2] 27/2 69/10
 building [26] 1/3 9/26 9/32 9/37 10/2 10/8 12/15 12/19 12/25
 12/26 12/30 12/33 35/8 35/20 35/40 36/3 36/9 36/17 37/20
 37/40 38/35 39/33 40/19 42/9 77/34 80/1
 buildings [1] 2/30
 built [2] 23/9 39/10

B

Bullock [1] 78/16
 bunch [2] 70/9 71/38
 Bureau [2] 86/16 86/21
 burro [2] 48/5 51/7
 Burton [1] 22/1
 bus [1] 46/32
 buses [1] 46/33
 business [4] 4/19 37/7 37/10 79/4
 bust [1] 72/28
 busy [2] 61/6 61/10
 buy [1] 76/19

C

C.C.R [1] 1/5
 calculations [1] 63/29
 California [3] 67/1 67/5 67/7
 call [10] 1/24 7/11 25/37 42/21 54/26 65/22 81/32 85/24 86/5 87/1
 called [6] 22/8 24/12 24/17 26/25 31/36 59/2
 calling [1] 28/36
 calls [1] 5/13
 Campbell [1] 35/33
 Campbell's [2] 18/21 19/18
 candidate [1] 78/27
 cap [1] 58/20
 capable [2] 78/39 79/12
 capped [1] 28/12
 care [7] 22/27 31/30 36/19 39/38 50/18 58/29 79/32
 careful [2] 53/5 59/28
 cares [1] 36/15
 Carolina [1] 44/13
 carpet [6] 17/36 18/1 18/21 18/24 18/30 18/31
 Carpets [2] 18/21 19/18
 carries [1] 6/38
 case [3] 2/37 59/17 66/12
 Casey [1] 74/38
 Casey's [1] 33/17
 causing [1] 48/12
 CCR [1] 89/27
 celebrating [1] 3/18
 cell [6] 22/22 24/4 24/4 24/21 24/23 26/32
 cement [1] 38/32
 Center [7] 17/5 17/12 17/20 33/9 33/15 75/2 75/6
 central [3] 55/37 56/21 57/31
 cents [1] 45/7
 certain [1] 55/31
 certainly [4] 13/28 25/31 26/20 59/30
 certified [2] 67/7 89/7
 CERTIFY [1] 89/9
 CFR [1] 32/13
 chair [14] 7/23 7/23 7/29 7/29 9/5 29/7 29/8 29/13 29/13 29/27 54/38 54/38 55/4 55/5
 chairman [3] 23/18 88/29 88/29
 challenge [4] 48/15 50/39 51/18 53/33
 challenges [1] 51/4
 Chambers [1] 1/2
 chance [2] 46/13 61/31
 change [4] 6/15 29/20 43/35 46/7
 changed [6] 45/6 45/9 45/33 46/6 46/16 63/18
 changes [2] 3/6 12/35
 changing [4] 12/38 36/26 38/37 72/7
 channel [1] 45/16
 charge [8] 6/11 23/3 24/24 26/34 46/18 48/29 79/13 79/36
 charged [1] 22/34
 charges [1] 22/39

chart [3] 46/1 46/2 46/3
 cheapest [2] 58/6 71/30
 cheaply [1] 55/35
 check [4] 13/8 14/22 38/12 64/4
 checking [2] 7/16 32/5
 Chelsea [17] 20/4 27/38 27/39 56/34 62/27 62/28 63/10 63/12 65/9 65/18 65/20 65/37 66/33 70/39 73/22 74/11 74/29
 Chelsea's [1] 74/30
 chief [1] 3/24
 choice [1] 43/11
 choose [2] 56/38 56/39
 choosing [2] 57/38 71/21
 chosen [1] 77/8
 Chris [3] 14/2 14/7 16/28
 Church [1] 22/1
 circumstances [2] 57/36 71/12
 citizen [1] 6/6
 city [3] 8/12 67/1 67/23
 claim [2] 52/16 53/2
 claims [2] 23/7 55/33
 clarification [5] 30/29 30/31 30/32 31/1 80/13
 clarify [3] 26/31 30/39 63/12
 CLARK [5] 1/10 3/22 3/24 14/35 14/40
 clause [1] 12/37
 clauses [1] 81/9
 clean [6] 12/32 45/37 52/14 52/18 52/30 52/37
 cleaning [2] 13/19 13/27
 clear [6] 9/40 12/32 13/27 22/40 26/9 32/4
 cleared [1] 23/14
 clearly [1] 58/8
 CLERK [3] 1/13 88/36 89/17
 Clerk's [1] 6/10
 clients [1] 39/11
 climb [1] 47/15
 CLOMR [11] 67/25 68/11 68/13 68/23 68/24 69/2 71/17 71/31 73/10 87/7 87/8
 close [3] 3/1 22/32 60/11
 closed [4] 85/21 85/34 85/36 86/1
 closer [2] 78/24 82/33
 Clovis [2] 87/6 87/6
 club [10] 9/28 9/34 12/16 12/20 35/10 35/11 35/22 35/23 35/34 35/40
 clubhouse [5] 75/23 75/29 76/38 79/20 82/26
 clubs [1] 78/32
 co [6] 7/23 7/29 29/8 29/13 54/38 55/5
 co-chair [6] 7/23 7/29 29/8 29/13 54/38 55/5
 coalition [1] 47/31
 Coast [1] 67/1
 collect [1] 76/15
 collections [1] 20/33
 com [1] 59/16
 command [2] 66/12 72/32
 commander [1] 20/26
 comment [43] 5/19 5/25 5/31 5/32 5/34 5/35 6/30 6/31 9/14 9/15 15/29 16/35 16/36 17/26 17/27 19/31 19/32 27/26 27/27 27/28 28/21 28/22 29/31 29/32 32/40 34/37 34/38 74/3 74/4 83/13 83/29 83/33 84/8 84/9 87/28 87/29 87/36 87/38 88/3 88/5 88/6 88/8 88/18
 comments [15] 5/27 5/28 48/13 53/18 64/10 64/12 64/27 65/3 68/14 70/13 72/38 76/36 87/40 88/1 88/2
 commercial [1] 41/30
 commission [20] 1/2 1/25 3/15 4/18 8/9 22/7 23/16 27/6 28/11 37/35 55/14 55/23 55/39 56/3 56/26 58/13 59/27 61/27 66/18 70/23
 commission's [2] 56/26 58/3
 commissioner [14] 1/7 1/8 1/9 1/10 1/11 2/1 2/3 14/35 14/38

C

commissioner... [5] 19/40 23/18 26/37 50/21 86/12
 commissioners [19] 1/1 1/19 1/26 1/37 6/5 7/19 15/36 20/23
 43/16 43/20 45/2 53/6 53/16 61/34 83/19 85/40 86/8 88/31
 88/39
 commissioners' [2] 2/19 65/30
 commissions [2] 14/24 61/27
 committee [8] 4/21 4/40 5/7 14/3 14/9 16/29 44/21 44/22
 committees [2] 14/24 44/20
 commodities [1] 47/19
 communications [1] 26/33
 Communities [1] 8/3
 community [4] 2/12 5/5 35/14 35/26
 comp [1] 3/8
 compaction [1] 75/10
 company [2] 19/2 58/14
 comparable [2] 19/2 79/16
 compared [2] 56/37 63/26
 competitive [1] 80/7
 complete [7] 54/4 55/27 55/34 56/5 56/23 60/35 75/8
 completed [10] 55/31 55/36 56/16 58/30 58/37 59/11 59/13
 60/37 60/40 67/22
 completely [3] 24/11 49/5 70/18
 completing [3] 4/37 55/25 58/5
 completion [2] 58/26 58/28
 complex [1] 23/7
 component [2] 64/7 78/30
 composite [1] 61/29
 con [2] 39/24 66/20
 conceivably [1] 56/21
 concentrate [2] 7/40 46/32
 concept [1] 47/14
 conceptual [1] 72/3
 concern [10] 10/9 31/29 37/18 47/4 47/15 47/23 47/34 51/34
 52/5 52/15
 concerned [1] 87/5
 concerns [1] 67/40
 concrete [1] 18/31
 conditional [1] 68/29
 conf [1] 63/39
 conference [2] 5/13 65/25
 conferences [2] 2/4 4/31
 confidentiality [2] 39/11 41/25
 confused [3] 24/9 32/4 72/25
 Congress [5] 51/6 51/37 52/20 52/31 52/31
 congressional [5] 44/6 44/27 44/39 46/31 47/2
 congressman [2] 51/18 52/7
 connection [2] 65/18 65/28
 consent [6] 6/1 6/3 6/4 6/7 6/9 6/27
 Conservation [1] 86/19
 considerable [1] 59/35
 considerably [1] 18/20
 considered [2] 6/4 69/35
 considering [2] 47/37 56/4
 constantly [1] 48/7
 constructed [5] 26/39 55/37 56/13 65/2 66/19
 constructing [1] 57/39
 construction [5] 26/36 59/1 66/21 72/27 73/17
 consultant [3] 60/25 61/35 61/39
 consultants [1] 62/1
 contact [6] 51/14 59/22 60/8 64/35 66/31 70/11
 contacted [1] 72/2
 contains [1] 58/15
 contested [1] 53/12
 continue [9] 45/4 46/5 48/6 51/4 58/7 60/10 61/36 62/2 82/28
 continues [3] 45/37 47/14 47/23
 continuing [3] 60/31 65/7 82/25
 contr [1] 76/12
 contract [50] 25/30 25/32 25/35 25/35 26/38 29/7 29/13 29/17
 29/21 29/27 31/13 32/4 34/1 54/37 55/4 55/18 58/14 58/19
 58/20 58/27 58/31 58/33 58/40 59/2 59/33 59/34 59/39 60/20
 60/22 60/28 60/39 60/39 61/7 62/9 64/33 64/38 71/31 71/33
 75/13 76/23 77/7 77/32 79/25 79/27 80/21 82/32 82/39 83/5
 83/11 83/25
 contract's [1] 77/2
 contracted [3] 50/23 51/1 67/21
 contractor [13] 30/40 31/27 31/27 41/26 64/4 64/11 64/31
 64/31 64/40 66/3 77/4 77/9 77/12
 contractors [6] 30/29 30/33 31/36 31/37 76/37 76/39
 contracts [5] 4/38 71/34 71/34 84/22 84/26
 contractual [2] 20/32 28/14
 contrary [1] 68/16
 control [5] 52/16 55/17 56/19 58/5 86/21
 conversations [2] 59/5 72/6
 convincing [1] 44/15
 coordinator [1] 7/35
 copies [4] 6/10 43/26 54/5 54/13
 copy [5] 24/30 48/23 69/30 70/11 70/13
 corkboard [3] 39/8 39/23 40/26
 Corporation [1] 63/5
 Corps [39] 20/6 55/24 55/24 55/26 55/36 55/37 55/39 56/9
 56/16 56/29 56/40 57/16 57/17 57/23 57/25 57/28 57/32 58/8
 58/12 63/23 64/6 66/9 66/40 67/28 68/2 68/6 68/19 68/35
 69/15 69/28 69/29 70/1 70/29 70/37 71/13 71/15 73/20 73/37
 75/15
 Corps' [5] 56/20 56/28 57/11 57/25 68/1
 correct [17] 10/11 13/4 14/11 14/40 26/37 31/16 31/39 32/28
 34/24 39/5 66/33 67/6 76/32 77/35 81/8 81/12 89/17
 corrected [1] 32/36
 correcting [1] 58/23
 correctly [2] 59/14 75/32
 correspondence [3] 86/10 86/13 86/15
 Cortona [1] 18/38
 cosponsors [5] 51/13 51/15 51/18 51/37 51/38
 cost [27] 24/31 32/19 34/6 34/8 34/15 39/17 39/20 39/26
 41/38 47/32 56/21 56/36 57/11 57/11 57/18 57/25 58/6 60/3
 60/29 60/30 63/25 63/35 64/24 71/27 71/30 72/13 72/29
 cost-benefit [3] 63/25 63/35 64/24
 costing [3] 32/24 57/40 71/22
 costs [2] 56/37 57/26
 couldn't [1] 44/38
 count [1] 58/3
 counties [28] 28/30 28/34 43/1 43/19 43/38 44/1 44/29 44/31
 44/37 45/8 45/13 45/13 45/14 45/15 45/21 45/23 45/25 45/31
 46/10 46/31 47/5 48/11 51/22 52/21 52/40 53/21 53/22 53/33
 country [3] 70/34 70/35 70/35
 counts [1] 73/12
 county [99]
 county's [7] 32/23 45/7 46/3 46/29 47/7 58/15 78/24
 County-funded [1] 30/23
 couple [13] 2/22 25/28 26/31 36/15 45/25 52/39 53/20 53/21
 53/22 56/28 57/9 70/12 76/36
 course [19] 9/37 46/28 46/38 47/12 53/9 56/33 75/23 75/29
 77/11 78/18 78/29 78/33 79/14 79/27 79/29 79/35 80/21
 80/31 81/39
 courses [3] 56/1 67/21 78/24
 COURT [1] 89/7
 courthouse [8] 1/3 25/12 33/27 33/32 33/37 34/4 34/31 36/12
 coverage [1] 29/21
 covered [1] 70/17
 covering [2] 8/31 81/3
 create [3] 8/2 36/36 45/30

<p>C</p> <p>created [1] 48/10 Creating [1] 34/25 credible [1] 58/37 crew [1] 39/24 criminal [1] 3/25 crossing [1] 72/4 cubic [2] 67/16 67/17 cultural [1] 73/29 current [9] 19/18 35/11 35/23 36/3 37/6 37/20 38/4 58/30 61/14 currently [11] 9/27 9/33 27/11 57/27 57/28 57/31 57/34 58/2 67/6 67/38 72/31 cut [1] 53/25</p>	<p>diatribe [1] 63/7 Dickson [1] 31/17 died [1] 52/20 differ [1] 70/33 difference [5] 19/14 45/1 76/40 79/26 81/35 different [10] 2/25 2/30 18/35 59/38 64/28 64/37 65/4 67/34 73/38 79/27 differently [1] 19/6 difficult [2] 26/9 78/40 DIGITAL [1] 89/11 dil [1] 70/2 diligently [1] 70/2 diplomatic [1] 61/2 direct [1] 60/8 direction [5] 9/40 12/23 13/11 13/35 67/27 directly [2] 46/16 46/19 DIRECTOR [2] 1/12 1/16 Director's [1] 86/21 Disabilities [1] 4/3 disagree [1] 68/33 disappointed [1] 79/5 disapprove [10] 9/25 9/32 12/14 12/19 28/1 28/7 29/6 29/12 54/37 55/4 disclaimer [1] 53/4 discretion [4] 5/29 5/30 88/3 88/4 discuss [1] 85/37 discussed [5] 2/7 2/11 6/8 29/24 76/38 discussion [32] 6/6 7/21 7/26 9/25 9/31 10/8 12/14 12/18 12/31 14/1 14/6 17/4 17/10 17/35 17/40 18/29 28/1 28/7 29/6 29/11 30/1 30/10 33/26 33/31 35/7 35/18 54/35 55/1 75/22 75/27 85/36 88/2 discussions [1] 67/13 dissolved [2] 35/13 35/25 Distribution [1] 86/18 district [17] 1/14 1/21 7/10 22/17 22/21 22/29 24/6 24/10 25/14 25/18 45/16 45/24 45/30 46/28 64/37 67/8 71/35 districts [1] 66/8 divided [1] 46/27 Division [6] 3/14 8/12 66/13 66/13 66/30 86/20 documented [1] 80/9 documenting [1] 71/4 documents [4] 30/21 31/20 32/14 32/24 dollar [1] 10/19 dollars [1] 32/22 Donna [3] 25/38 26/12 26/26 door [6] 36/21 36/22 36/36 39/12 41/11 41/12 doors [1] 36/36 DOT [2] 87/1 87/16 double [2] 14/22 38/12 double-check [2] 14/22 38/12 DOUG [11] 1/11 6/23 9/13 19/30 28/20 29/30 32/39 34/36 60/7 65/34 88/17 downs [1] 3/4 downstream [1] 72/30 downtown [1] 71/7 dozen [1] 64/10 drawings [3] 75/15 75/16 75/18 driven [1] 48/36 driving [1] 76/13 drop [2] 53/21 53/23 dropped [2] 65/23 66/1 drove [1] 48/34 due [3] 24/1 24/1 47/24 dues [2] 53/21 53/30 during [6] 6/8 18/10 18/14 26/10 55/18 55/26</p>
<p>D</p> <p>D.C [2] 5/15 52/23 DA [4] 3/24 12/23 77/8 83/6 data [9] 29/17 29/20 56/2 67/36 67/38 68/9 68/36 68/39 73/15 date [6] 14/25 57/3 58/27 68/22 69/1 69/6 DATED [1] 89/22 DAVIS [1] 89/3 days [3] 76/34 82/15 82/17 deadline [1] 31/13 dealing [3] 23/31 52/22 64/36 deals [1] 53/14 dealt [1] 51/35 December [4] 55/29 63/15 81/16 81/17 December 2015 [1] 55/29 December 31st [2] 81/16 81/17 decide [3] 56/38 58/7 58/13 decided [5] 9/38 18/25 47/2 64/17 71/13 decision [8] 15/37 45/24 57/38 58/3 72/33 73/9 81/31 82/4 declare [1] 7/39 decrease [1] 47/8 dedicated [1] 22/16 deducted [1] 45/35 Dee [1] 27/19 deeds [1] 24/7 defeat [1] 52/3 defeated [1] 52/4 defensible [1] 8/37 defer [1] 13/22 deficiency [1] 58/23 definitely [1] 42/18 delay [2] 22/5 82/16 delayed [1] 64/3 delete [1] 51/40 demo [1] 75/8 Denver [1] 47/26 department [8] 10/3 24/15 24/30 25/31 39/33 68/3 86/16 86/19 departments [1] 8/13 dependent [1] 56/2 deputy [1] 3/24 deserves [1] 53/31 design [10] 55/28 63/36 63/38 63/40 64/19 64/25 68/25 72/3 72/10 75/13 designed [1] 58/15 designing [1] 64/16 detail [1] 56/35 detailed [1] 58/32 determination [6] 56/14 56/32 57/3 59/17 59/28 86/22 determining [1] 56/11 Developed [1] 21/2 developing [1] 27/3</p>	

E

each [4] 46/4 58/28 58/34 75/34
 ear [1] 53/16
 early [1] 5/16
 East [2] 44/15 67/1
 easy [4] 39/14 40/27 41/19 41/23
 economic [1] 53/25
 economics [1] 53/34
 educational [1] 44/14
 effective [1] 58/5
 effort [3] 46/38 57/20 59/22
 EIP [1] 5/16
 Eisenberg [3] 20/1 55/2 68/16
 Eisenberg's [1] 70/6
 Eisenburg [1] 54/36
 Eisenburg's [1] 54/30
 either [7] 30/26 31/21 40/35 53/28 69/9 70/1 82/32
 Elaborate [1] 77/24
 elder [2] 3/20 3/31
 elders' [1] 3/22
 elements [2] 58/15 58/18
 elevation [2] 71/40 72/3
 eliminated [2] 53/27 63/21
 Elkington [3] 1/5 89/7 89/27
 Elko [4] 19/2 19/7 24/13 38/27
 EM [1] 20/29
 emergency [5] 2/32 24/22 26/32 33/19 36/22
 employee [2] 53/30 53/31
 employees [1] 66/9
 empty [2] 48/36 49/5
 EMS [6] 2/7 2/29 20/17 20/21 20/26 20/29
 en [1] 48/18
 encourage [2] 48/7 79/3
 encroaching [2] 72/31 72/34
 encroachment [2] 72/26 72/36
 end [7] 2/28 11/9 27/5 30/36 56/1 60/12 66/2
 ended [1] 64/31
 energy [3] 45/38 47/25 75/12
 engineer [1] 32/2
 engineering [20] 21/17 21/22 21/37 54/28 55/28 55/31 55/33
 55/40 56/5 57/5 59/10 59/15 59/15 62/20 62/25 63/4 64/16
 64/19 71/32 72/17
 engineers [4] 20/6 31/30 32/18 55/24
 enhanced [1] 48/18
 enhancement [2] 48/7 52/9
 enjoyed [1] 60/7
 enough [11] 22/40 53/16 61/11 63/34 63/36 63/40 64/18
 64/18 64/22 64/25 78/5
 ensure [2] 58/10 58/36
 entertain [1] 19/25
 entire [2] 55/34 58/26
 entities [4] 2/26 8/26 24/11 56/17
 entity [2] 3/10 36/2
 environment [1] 50/26
 environmental [4] 5/17 56/23 86/17 86/20
 envision [1] 45/32
 equal [1] 46/11
 equipment [6] 28/2 28/8 28/12 28/13 28/17 78/19
 equitable [2] 45/10 46/9
 equivalent [1] 71/4
 Eric [1] 66/31
 especially [5] 36/14 43/20 48/18 64/9 78/2
 essentially [1] 53/7
 estimate [1] 21/6
 et [1] 36/27
 event [4] 7/36 17/20 56/36 59/25

Events [2] 17/5 17/12
 examples [2] 57/9 58/18
 exc [1] 27/17
 exceed [8] 17/37 18/2 18/28 19/28 28/3 28/9 28/18 63/29
 except [3] 27/17 66/40 67/4
 excess [1] 48/6
 excited [1] 37/39
 exciting [3] 4/14 4/19 21/32
 exclude [1] 12/25
 execute [1] 58/14
 executed [1] 65/6
 execution [2] 58/27 59/6
 EXECUTIVE [1] 1/12
 existing [4] 36/33 63/35 72/4 75/9
 exit [1] 36/22
 expected [2] 3/1 58/10
 expeditiously [1] 67/26
 expense [1] 58/24
 expenses [2] 20/35 41/15
 experience [2] 32/15 80/9
 experienced [1] 55/17
 experimenting [1] 65/16
 expertise [1] 80/10
 experts [1] 64/34
 expire [4] 15/1 15/13 15/33 16/14
 expires [3] 15/1 52/34 52/35
 explain [3] 22/38 33/24 65/4
 explained [1] 70/37
 explaining [1] 66/2
 explanation [1] 22/30
 explicitly [1] 31/36
 explored [1] 47/20
 Expo [1] 2/29
 exposure [1] 3/6
 extend [1] 44/7
 extensions [1] 63/21
 extensive [1] 6/6
 extent [1] 19/13
 external [1] 64/5
 extra [3] 53/33 58/1 71/22
 extrapolating [1] 67/38
 extremists [1] 51/30
 eye [1] 31/25
 eyes [2] 60/6 61/23

F

FAA [7] 30/20 30/28 31/11 31/17 32/8 32/11 32/27
 facilitated [1] 59/6
 facilities [4] 23/9 49/13 49/18 50/22
 facility [6] 43/11 48/35 49/4 50/29 78/19 78/20
 fact [8] 3/29 27/20 42/21 59/23 59/27 60/38 63/14 68/14
 factor [2] 50/13 73/32
 fail [1] 36/31
 failed [1] 57/10
 failing [1] 57/6
 failures [1] 70/32
 fair [2] 45/9 46/9
 fairly [1] 3/8
 falls [2] 19/18 58/22
 Falzone [1] 29/15
 familiar [1] 8/9
 family [1] 33/19
 far [16] 19/6 38/31 39/19 40/20 44/21 47/39 59/33 59/37 61/7
 64/14 73/18 73/38 76/19 78/2 78/25 78/27
 fast [1] 73/28
 fastest [1] 69/4

F

favor [12] 6/32 9/16 16/37 17/28 19/33 28/23 29/33 33/1
34/39 61/38 84/10 88/20
fax [1] 43/28
FCC [2] 27/1 27/1
feasibility [5] 55/30 63/20 63/22 64/15 64/18
feasible [2] 64/23 65/7
February [1] 11/33
federal [12] 4/9 31/24 45/16 56/2 56/23 57/15 57/22 58/22
63/30 63/30 64/23 68/18
feds [8] 44/29 45/12 45/20 45/34 46/8 46/10 51/8 53/7
fee [2] 22/34 46/18
feed [1] 50/34
feel [4] 44/15 60/28 63/12 73/15
fees [2] 51/11 76/15
feet [2] 67/16 67/17
FEMA [25] 56/2 56/9 56/11 66/31 66/34 66/36 67/7 67/13
67/15 67/15 67/25 67/25 67/35 67/36 68/7 68/24 68/27 68/32
68/40 69/10 70/18 70/19 73/2 73/11 73/11
FEMA-accepted [1] 68/7
FEMA-certified [1] 67/7
fence [11] 36/32 36/33 38/2 38/4 38/5 38/21 38/23 38/32
40/37 50/36 50/37
fenced [2] 50/31 50/33
fencing [2] 39/27 39/31
few [5] 3/6 3/15 43/31 49/25 70/14
Field [1] 86/17
Fifteen [3] 33/14 74/40 75/5
figured [1] 41/22
figures [2] 11/14 86/35
file [3] 15/9 15/19 48/19
filed [2] 47/25 47/38
files [1] 69/32
filing [1] 47/37
fill [1] 67/38
filled [1] 75/9
final [11] 30/32 31/4 37/15 37/19 37/29 56/32 59/16 66/11
68/25 75/13 75/18
finally [4] 4/15 22/36 24/19 30/36
FINANCE [6] 1/16 10/39 11/40 39/18 84/20 84/30
financial [2] 84/22 84/26
find [7] 10/13 18/19 26/12 41/34 64/34 69/4 74/39
fine [4] 24/20 69/12 79/20 85/25
finish [1] 55/29
finishing [1] 4/1
fire [4] 2/29 8/13 37/5 71/7
fires [1] 8/39
Firewise [1] 8/3
first [20] 3/17 14/39 19/1 22/16 26/13 38/20 43/12 43/15
44/35 54/30 55/22 59/27 59/39 61/38 62/37 62/39 67/24
68/23 75/38 83/4
fiscal [6] 11/16 40/10 40/10 40/17 40/18 53/19
fiscal-year [1] 53/19
fish [2] 47/27 47/34
five [8] 1/18 6/15 22/36 44/8 44/25 54/20 76/11 79/31
five-minute [1] 54/20
fix [5] 38/17 48/10 48/11 75/16 78/32
fixed [1] 73/16
flat [1] 71/19
flexibility [1] 4/13
flexible [2] 77/39 78/5
FLITMA [1] 44/35
FLO [2] 67/16 68/8
FLO-2D [2] 67/16 68/8
flood [13] 3/7 5/6 55/17 56/11 56/12 58/5 59/18 67/15 68/3
68/37 71/40 72/3 72/34

flooding [2] 34/27 34/29
floodplain [2] 67/23 68/10
floor [1] 18/29
flooring [4] 17/36 18/1 18/16 19/27
flow [7] 46/16 59/10 66/40 67/6 67/15 67/17 67/35
flying [2] 23/13 24/16
folks [5] 44/39 47/2 47/34 48/8 52/9
follow [2] 26/40 68/18
following [4] 32/10 57/37 86/15 87/8
force [1] 58/35
FOREGOING [1] 89/9
Forest [1] 8/12
Forestry [1] 8/12
forever [1] 26/6
forget [1] 49/32
forgot [1] 29/16
fork [1] 69/9
formed [1] 25/18
formula [5] 45/5 45/9 45/32 46/6 46/11
forth [5] 24/16 39/23 46/40 49/23 51/12
forthcoming [1] 59/36
fortunately [1] 47/1
forward [10] 10/28 13/34 22/7 23/16 27/18 27/21 32/1 56/4
56/6 75/14
forwarded [1] 8/5
four [10] 4/4 6/14 51/37 53/3 58/13 58/32 75/12 78/18 78/38
83/18
fours [1] 41/19
Fourteen [1] 30/10
fourth [2] 51/35 52/2
frame [2] 66/16 77/40
Francisco [3] 56/33 66/13 72/33
frank [5] 15/31 15/32 16/2 16/3 60/38
frankly [1] 22/19
fraud [1] 3/25
free [1] 63/12
freeway [1] 73/17
front [6] 25/7 33/37 34/4 34/19 36/22 38/35
Frontier [2] 35/14 35/26
fronts [1] 67/14
frustrated [1] 55/23
frustration [1] 73/23
fryer [1] 77/32
fulfilled [1] 60/28
full [9] 3/22 44/7 44/8 44/23 48/37 49/4 49/13 80/6 89/17
full-time [1] 80/6
fun [1] 44/35
functionable [1] 76/18
funded [2] 30/23 44/35
funding [11] 4/13 18/9 18/12 27/6 39/15 44/8 44/23 44/28
44/33 63/30 63/37
funds [1] 30/27
funny [1] 73/19
furniture [1] 36/26
future [1] 68/13
FY [1] 53/20

G

Gallagher [3] 20/11 21/36 63/4
game [3] 8/34 78/28 78/31
Garner [1] 76/2
gas [1] 53/24
gather [2] 11/36 38/29
gathered [1] 78/23
gatherings [1] 48/18
gathers [2] 48/7 49/12

G

gave [1] 61/15
 generated [2] 20/31 51/11
 generates [1] 51/25
 gentleman [1] 3/23
 Gentlemen [1] 20/27
 geophysical [5] 57/21 68/36 71/14 71/15 71/18
 geophysics [2] 68/15 70/2
 geotechnical [2] 70/35 71/13
 geothermal [4] 45/37 45/39 46/5 46/15
 get anywhere [1] 53/5
 given [6] 30/1 30/11 32/33 60/27 61/22 61/31
 gives [1] 37/4
 glad [2] 68/38 72/39
 glue [1] 18/31
 glued [1] 18/31
 goal [1] 77/3
 goes [8] 13/29 14/21 30/37 45/18 50/17 50/36 51/24 61/7
 golf [18] 9/37 75/23 75/29 77/11 78/18 78/24 78/29 78/29
 78/31 78/32 78/33 79/14 79/27 79/28 79/35 80/21 80/30
 81/39
 golfing [2] 76/15 78/28
 gone [4] 48/38 50/25 50/29 52/8
 gotten [5] 22/19 22/26 22/30 36/14 68/35
 government [1] 4/10
 government's [1] 31/24
 governor [2] 3/35 4/2
 governor's [2] 3/15 8/6
 grain [1] 50/18
 grand [1] 53/20
 grant [6] 3/39 5/2 5/12 30/22 30/27 31/11
 granted [1] 24/5
 grants [5] 2/24 2/27 2/29 5/2 40/17
 gray [2] 31/7 31/10
 grazing [1] 48/3
 great [3] 40/19 78/19 78/27
 greater [1] 56/35
 Grijalva [1] 52/7
 group [5] 28/15 37/18 37/38 47/26 52/39
 groups [1] 46/40
 grouse [4] 5/14 47/23 47/39 48/3
 guarantee [2] 58/21 71/6
 guaranteed [1] 66/24
 guarantees [1] 71/32
 guess [12] 19/14 23/3 23/40 24/12 24/16 25/11 31/29 32/17
 61/40 75/35 75/39 87/5
 guidelines [1] 80/35

H

habitable [2] 10/9 10/17
 habitat [1] 48/13
 hair [1] 50/6
 half [1] 81/15
 halfway [1] 69/23
 halter [1] 49/33
 hand [4] 43/31 48/21 56/24 61/5
 handed [1] 79/25
 handing [1] 71/5
 handle [2] 48/26 59/29
 handled [1] 67/26
 hang [1] 65/9
 hanging [1] 40/32
 happen [2] 32/16 55/35
 happened [5] 32/7 44/22 44/24 66/6 73/34
 happens [3] 49/30 50/34 64/3
 happy [2] 4/34 12/4
 hard [4] 51/40 52/12 58/20 67/24
 Harless [3] 28/2 28/8 28/17
 harvested [1] 47/20
 hash [1] 23/27
 hasn't [6] 23/2 23/2 28/40 44/22 44/24 53/12
 hasten [1] 73/26
 Hatch [1] 51/17
 hate [1] 61/40
 have a [1] 19/15
 haven't [10] 25/17 26/39 44/20 52/28 68/34 68/35 68/36 68/37
 69/39 87/13
 having [11] 3/29 23/3 23/18 25/6 26/40 44/9 50/39 51/17
 56/27 60/5 73/38
 hay [1] 50/17
 hazard [2] 4/40 5/7
 headquartered [1] 47/26
 heads [1] 3/23
 headway [1] 69/15
 healthy [1] 31/30
 hear [2] 62/10 72/19
 hearings [1] 84/34
 hearsay [1] 24/2
 heartburn [1] 61/15
 heavily [1] 56/1
 HEC [1] 68/8
 HEC-RAS [1] 68/8
 Hello [1] 85/3
 help [6] 5/9 26/22 45/31 47/32 58/40 79/7
 helped [1] 52/3
 helpful [1] 44/26
 helping [2] 22/26 48/11
 helps [1] 4/10
 HERRERA [3] 1/14 1/21 7/10
 hesitant [1] 26/15
 Hi [2] 65/21 65/38
 high [6] 5/6 18/27 50/17 63/26 63/28 63/34
 high-traffic [1] 18/27
 higher [3] 3/1 18/35 18/39
 highlight [1] 2/37
 highlights [1] 58/18
 highly [1] 57/6
 highway [5] 1/26 68/3 72/21 86/26 86/39
 hint [1] 84/35
 hire [2] 64/33 77/22
 hired [1] 64/4
 history [1] 26/8
 hit [1] 73/35
 hold [5] 11/24 54/33 65/11 65/22 87/25
 holding [2] 31/11 31/18
 holds [1] 73/37
 Hole [3] 75/24 75/30 75/38
 Holly [1] 31/17
 home [2] 8/1 49/23
 homeowners [1] 8/37
 homes [2] 3/37 3/38
 Honestly [1] 11/17
 Honorable [1] 1/1
 hook [4] 23/4 57/18 65/12 65/14
 hooked [1] 23/3
 hookups [1] 23/2
 hope [5] 8/33 30/37 49/15 52/3 60/10
 hopefully [5] 5/8 22/4 30/32 31/4 62/12
 hoping [1] 79/2
 hopper [1] 44/6
 horse [7] 48/5 48/31 49/22 49/22 49/24 49/26 51/7
 horse/burro [2] 48/5 51/7

H

horses [10] 48/35 48/37 48/38 49/7 49/9 50/11 50/12 50/16 50/34 51/23
 horseshoers [1] 49/31
 hospital [5] 2/6 2/7 4/34 4/35 40/16
 hospitality [1] 5/10
 hour [1] 3/30
 hours [2] 26/11 26/23
 house [6] 24/36 24/37 44/13 47/1 51/37 52/15
 houses [2] 72/22 72/28
 Howell [1] 62/30
 HR.3172 [1] 51/6
 HR.4257 [1] 44/7
 HR.963 [1] 51/36
 Hughes [6] 22/12 22/15 22/37 23/12 23/37 24/19
 humbly [1] 60/4
 Humboldt [7] 2/13 8/25 33/27 33/33 34/32 35/9 35/20
 hundred [2] 70/39 76/11
 hundreds [3] 64/11 64/27 71/33
 Hunewill [3] 75/8 75/9 75/11
 hung [2] 28/37 74/13
 Hurricane [2] 73/30 73/35
 hurry [3] 10/40 71/10 73/33
 hurt [1] 47/5
 hydrant [1] 71/7
 hydraulic [7] 55/27 55/30 55/32 59/11 59/20 64/2 64/4
 hydraulics [4] 64/13 64/17 68/38 70/1
 hydrology [4] 64/13 65/6 68/37 70/1

I

I mean [1] 70/20
 idea [10] 23/18 34/6 39/21 48/38 66/15 70/37 73/11 79/1 79/6 83/1
 ideas [1] 60/26
 identify [1] 58/25
 IEPR [1] 64/32
 Ill [1] 1/10
 impact [5] 5/17 43/34 66/15 86/31 86/34
 impacted [1] 67/35
 impartial [1] 64/39
 important [5] 43/36 44/17 53/30 56/7 57/9
 inadequate [1] 57/20
 inappropriate [1] 70/13
 Inc [1] 86/23
 include [2] 48/13 57/31
 included [2] 18/35 72/22
 including [4] 21/40 30/6 30/15 32/36
 inclusive [1] 79/31
 increase [7] 3/9 3/9 44/2 44/3 44/4 44/40 46/4
 increases [2] 46/1 46/3
 incumbent [1] 69/40
 indeed [2] 32/5 61/26
 independent [8] 3/37 3/39 64/5 73/39 76/37 76/39 77/4 77/9
 independently [1] 64/35
 indicated [4] 1/14 44/28 46/31 55/26
 indiscernible [14] 25/1 39/37 55/37 56/26 74/13 74/27 76/31 78/14 81/13 81/25 83/14 83/38 85/5 86/35
 individually [1] 71/39
 inform [2] 57/6 57/10
 information [22] 4/8 4/22 10/29 13/23 25/36 26/18 31/37 31/38 38/29 56/6 57/6 58/4 60/26 61/22 61/28 61/33 62/4 63/34 64/22 69/38 71/29 89/13
 inhabitable [1] 12/29
 initial [3] 49/25 64/28 67/16
 initially [1] 36/1
 injunction [2] 48/19 48/20

inside [7] 34/23 35/8 35/19 36/9 39/36 40/7 75/17
 inspected [1] 37/6
 inspection [3] 37/16 37/19 37/29
 inspections [1] 38/11
 instance [1] 67/5
 instead [2] 18/27 44/9
 insurance [4] 5/6 13/16 37/11 56/12
 insurances [1] 78/25
 int [1] 59/24
 intended [1] 49/36
 intent [1] 35/39
 interest [8] 14/1 14/7 14/12 57/2 57/3 58/16 63/31 64/24
 interested [4] 36/3 48/11 63/24 67/32
 interesting [1] 74/23
 interests [1] 59/4
 Interior [1] 86/16
 interrupted [1] 48/39
 interstate [7] 68/2 68/4 68/10 73/16 73/20 86/27 86/27
 introduced [6] 51/6 51/7 51/19 51/36 52/6 52/17
 inundated [1] 68/2
 inundating [1] 73/16
 inventories [3] 53/1 53/2 53/2
 investments [1] 3/3
 invited [3] 5/11 5/27 87/40
 inviting [1] 55/14
 involved [10] 3/24 46/10 51/36 56/10 59/24 59/26 62/1 64/8 67/29 70/8
 involvement [1] 66/9
 involves [1] 47/13
 issue [10] 22/28 30/19 38/10 47/23 47/40 48/3 48/32 56/8 72/30 86/22
 issued [1] 53/11
 issues [8] 18/29 27/1 34/29 51/33 52/22 52/22 55/31 56/7
 item [12] 5/28 6/7 7/26 19/40 29/17 47/14 48/5 52/12 54/27 55/1 86/12 88/1
 itemized [1] 76/21
 items [8] 5/25 43/35 53/3 58/34 60/2 86/10 86/13 87/38
 ito [1] 69/9

J

J-U-B [3] 31/17 32/8 32/18
 J.D [3] 31/16 31/36 32/21
 jail [1] 70/24
 Jan [2] 22/5 22/35
 January [2] 14/30 29/16
 JAVS [1] 89/9
 Jay [1] 3/23
 Jeanne [2] 29/15 81/34
 Jeff [9] 27/34 54/35 55/2 55/7 60/24 61/21 62/8 62/14 72/12
 job [7] 19/8 22/9 46/32 48/17 51/31 52/21 61/20
 join [1] 1/28
 judgment [1] 51/39
 July [4] 2/28 11/13 11/14 40/11
 July 1st [1] 40/11
 jump [1] 57/9
 jumping [1] 21/28
 June [13] 4/2 11/12 14/25 14/27 14/39 15/33 15/36 15/40 16/5 16/14 16/31 40/10 81/16
 June 1st [1] 81/16
 June 30th [3] 16/14 16/31 40/10
 jurisdiction [2] 51/7 51/24
 Just put [1] 42/26
 justify [1] 47/27
 juvenile [1] 38/35

K

Katrina [2] 73/31 73/35
 keep [14] 3/38 12/4 15/9 15/17 15/20 27/21 34/22 51/14
 52/24 53/30 68/9 79/2 86/26 87/8
 keeping [2] 31/25 49/24
 keeps [1] 48/35
 KEITH [16] 1/12 5/23 13/37 21/6 23/22 27/35 32/34 39/21
 43/21 43/30 48/29 52/39 54/1 60/7 69/30 77/21
 Ken [13] 28/30 28/33 42/37 42/39 43/1 43/4 43/17 43/19
 43/32 49/39 53/36 53/38 54/17
 key [3] 56/8 78/30 80/10
 kid [1] 78/28
 kids [7] 35/10 35/11 35/22 35/23 35/34 35/40 37/40
 Kingston [1] 25/28
 knew [1] 73/34
 knock [1] 61/16
 known [2] 61/26 61/28
 knows [2] 70/16 79/35

L

labor [2] 85/36 85/37
 lacking [1] 64/28
 ladies [4] 6/17 32/30 35/35 42/22
 lady [1] 20/27
 LAKEN [1] 1/13
 land [19] 12/15 12/19 14/2 14/8 16/29 33/40 44/18 44/40 46/9
 46/11 47/14 47/18 47/21 48/12 49/15 49/27 50/23 51/40
 86/17
 land's [1] 50/33
 Lander [44] 1/1 1/2 1/24 1/37 5/4 5/11 6/9 7/21 7/27 8/26 17/5
 17/11 17/19 20/17 20/21 20/26 24/9 24/10 30/23 31/25 32/23
 35/10 35/11 35/22 35/22 35/33 45/7 45/38 46/3 46/25 55/17
 56/38 56/38 57/33 66/37 67/21 67/28 80/6 86/36 88/30 88/31
 88/36 88/39 89/15
 landowner [1] 50/40
 landowners [9] 50/30 50/40 56/28 56/31 56/36 59/22 59/23
 59/26 59/30
 lands [3] 4/21 4/25 50/31
 language [4] 4/14 13/28 23/1 32/37
 Lani [6] 24/12 24/13 24/17 25/37 26/5 26/23
 largely [1] 56/18
 Larry [2] 22/2 22/8
 Las [2] 8/30 86/27
 lastly [1] 59/33
 late [1] 28/39
 lately [1] 21/32
 later [4] 4/38 5/21 47/2 55/32
 Lauren [2] 35/33 36/35
 law [6] 44/35 51/33 52/30 64/6 70/23 70/24
 lawn [9] 33/27 33/32 33/32 33/37 34/1 34/3 34/9 34/31 38/37
 laws [3] 3/21 3/28 51/21
 lawsuit [2] 47/25 47/27
 lawsuits [2] 24/17 26/15
 lawyers [1] 83/20
 lay [1] 53/29
 lead [1] 1/27
 leading [1] 45/40
 leak [2] 21/3 21/3
 learning [1] 32/15
 lease [26] 9/27 9/34 10/10 12/15 12/19 12/24 12/31 12/32
 12/33 12/36 13/16 13/23 35/10 35/11 35/13 35/15 35/21
 35/23 35/24 35/26 40/16 40/17 79/18 79/19 80/1 81/4
 leased [2] 35/14 35/25
 leases [1] 13/20
 leasing [1] 11/24
 least [7] 10/30 21/31 44/3 44/25 67/8 69/22 69/22

leave [4] 15/36 21/8 24/35 74/38
 leaves [1] 25/2
 leaving [1] 4/20
 LEDA [1] 2/10
 left [2] 7/10 26/26
 legal [4] 52/29 53/13 82/2 83/6
 legislation [11] 45/22 45/28 47/13 51/5 51/14 51/19 51/26
 52/5 52/9 52/11 52/17
 legislative [1] 46/37
 legislature [2] 45/23 45/28
 lengthy [1] 4/6
 less [3] 18/20 59/40 78/6
 lessee [2] 76/24 83/26
 lessee/lessor [1] 76/24
 lessons [1] 78/32
 lessor [1] 76/24
 letter [18] 14/1 14/7 14/12 15/20 15/38 17/4 17/11 17/15 27/3
 30/3 30/13 30/24 32/27 32/34 58/8 68/29 70/21 71/28
 letters [2] 15/15 23/22
 levee [14] 5/3 5/6 5/20 54/28 54/36 55/3 62/21 62/25 64/7
 71/13 71/14 72/4 72/31 86/39
 level [1] 73/31
 leveling [1] 18/29
 levels [2] 59/17 73/38
 levied [2] 24/31 25/5
 liability [3] 2/40 32/18 37/11
 liable [3] 56/39 57/11 57/28
 license [6] 4/19 30/33 37/7 37/10 37/15 37/21
 licensed [3] 37/17 40/3 41/26
 licenses [1] 78/25
 licensing [4] 30/30 36/14 37/8 37/13
 life [1] 64/7
 lifted [1] 48/20
 light [3] 57/36 57/36 71/12
 likelihood [1] 58/5
 Likely [1] 37/31
 limited [1] 88/3
 limiting [1] 73/32
 line [10] 5/20 22/32 22/33 22/37 23/4 23/37 25/7 25/20 62/27
 86/18
 lines [1] 27/16
 link [2] 29/17 29/20
 LIQUOR [1] 88/32
 list [5] 15/12 22/36 44/32 47/28 76/17
 listed [3] 6/3 19/6 47/30
 listening [1] 66/36
 listing [2] 47/24 47/36
 lists [1] 70/33
 little [25] 2/40 4/13 4/38 5/21 9/36 21/31 26/14 31/2 38/13
 43/35 44/1 45/11 45/32 46/6 59/13 60/30 61/4 62/4 63/27
 64/25 66/29 72/25 79/8 84/4 84/5
 livestock [5] 17/5 17/12 17/20 48/3 52/24
 living [2] 3/37 3/39
 load [1] 41/23
 load-bearing [1] 41/23
 lobbying [1] 46/39
 local [2] 59/3 67/8
 located [10] 9/26 9/33 22/22 33/27 33/32 34/31 35/8 35/12
 35/20 35/23
 lock [1] 36/23
 locked [1] 36/24
 logic [1] 66/9
 logical [1] 22/30
 LOMR [1] 67/25
 long [8] 11/20 14/20 37/3 52/24 53/16 61/25 67/9 67/29
 longer [1] 56/10

L

lose [3] 31/15 52/12 63/30
 losing [1] 45/26
 losses [2] 2/39 2/40
 lost [1] 32/21
 lot [22] 2/10 2/11 7/40 14/24 22/2 24/1 24/2 39/25 42/12
 45/18 46/21 46/32 46/38 47/19 50/19 59/37 61/11 61/33
 64/28 65/3 69/24 79/24
 lots [4] 11/21 23/8 23/8 23/8
 lowest [2] 19/12 58/6
 lucked [1] 42/6
 lunch [1] 1/37

M

machines [1] 76/20
 made [13] 6/29 9/13 16/34 17/25 19/30 28/20 29/30 32/39
 34/36 45/23 59/22 67/31 88/17
 Maes [1] 22/1
 Maestretti [1] 22/1
 mail [6] 54/9 54/10 63/10 63/18 63/39 63/40
 main [1] 18/26
 mainly [1] 10/12
 maintenance [4] 21/11 34/2 46/30 72/35
 maintenance-wise [1] 21/11
 major [3] 22/13 66/11 72/32
 majority [2] 40/36 76/14
 make a [1] 16/28
 manage [1] 47/35
 managed [2] 47/20 78/18
 management [4] 47/16 60/6 85/37 86/17
 manager [1] 80/6
 mandatory [5] 83/18 83/24 83/27 83/28 83/35
 mane [1] 49/40
 manner [2] 5/32 88/6
 many [7] 2/24 11/18 49/30 61/25 73/37 77/10 77/10
 map [2] 68/30 71/5
 mapped [1] 67/37
 mapping [6] 53/1 68/18 68/36 70/15 70/34 70/38
 maps [3] 21/38 56/12 73/13
 March [1] 20/30
 MARINE [1] 1/13
 market [1] 3/4
 market's [1] 8/30
 marking [1] 58/26
 Mary [4] 17/6 17/12 17/15 17/19
 material [2] 39/25 57/6
 materials [3] 6/9 19/1 43/24
 matter [4] 23/7 50/17 58/16 77/2
 maximize [1] 58/5
 Maxwell [3] 30/2 30/11 32/33
 May 12th [1] 6/12
 May 26th [1] 16/15
 May 9th [1] 3/14
 McAviney [3] 14/2 14/8 16/28
 Meadows [1] 44/13
 meantime [1] 55/39
 measures [1] 37/5
 mechanism [1] 36/23
 media [1] 8/30
 meet [10] 15/33 56/9 56/13 56/18 57/15 57/22 68/24 68/27
 68/32 70/18
 meeting [50] 1/25 2/6 2/10 2/14 2/19 2/20 3/14 4/18 4/20 4/22
 4/25 4/34 4/40 5/21 5/29 6/8 6/13 6/14 6/15 6/27 9/36 14/37
 15/11 15/40 16/9 16/11 16/15 23/17 23/19 27/18 27/21 28/11
 54/12 54/26 67/13 70/19 75/10 78/23 83/18 83/21 83/21
 83/22 83/35 83/35 84/2 84/5 86/5 86/12 88/2 89/11

meetings [3] 2/3 4/31 48/21
 meets [1] 58/21
 members [1] 6/6
 memo [2] 70/6 70/12
 mention [3] 22/20 36/31 72/19
 mentioned [1] 47/12
 mess [1] 32/1
 message [1] 26/26
 messages [1] 8/28
 messing [1] 65/34
 met [2] 1/1 66/30
 method [4] 66/34 66/38 66/40 68/8
 Mexico [1] 52/6
 mezzanine [1] 75/17
 mid [1] 58/36
 mid-price [1] 58/36
 middle [3] 2/28 31/40 39/10
 might have [1] 72/24
 Mike [2] 7/34 8/19
 million [6] 5/8 43/39 43/40 45/19 46/24 53/26
 MILLS [2] 1/11 50/21
 mind [2] 60/26 72/23
 Mine's [1] 84/31
 Mineral [1] 86/32
 Minimal [1] 34/14
 minimum [3] 78/3 79/2 80/40
 mining [5] 23/7 51/33 51/40 52/12 86/22
 minor [1] 34/28
 minus [1] 6/27
 minute [1] 54/20
 minutes [9] 5/29 6/13 6/14 6/15 6/19 6/27 70/12 83/22 88/4
 miss [2] 2/34 84/28
 missing [1] 42/19
 mission [1] 2/25
 mistake [1] 68/20
 mistaking [1] 72/25
 Miteshell [4] 65/30 65/32 85/1 85/20
 mitigation [3] 4/40 5/7 7/35
 mod [1] 60/4
 model [1] 67/7
 modeling [1] 66/34
 models [2] 68/7 68/39
 modifications [2] 3/10 68/33
 modify [4] 60/30 63/35 72/15 72/15
 modifying [1] 68/9
 moment [5] 1/32 1/34 44/20 46/7 46/21
 Monday [7] 22/5 84/32 85/8 85/11 85/12 85/14 85/30
 money [26] 3/34 8/38 24/24 30/22 30/22 30/28 31/11 31/18
 31/22 32/24 34/2 36/4 45/16 45/35 46/26 47/33 57/33 57/35
 58/1 61/12 63/36 70/7 71/22 78/21 80/8 80/30
 monies [1] 19/18
 monitoring [1] 59/38
 monstrosity [1] 47/16
 Montana [3] 45/25 45/31 52/40
 month [24] 3/17 7/22 7/28 7/37 7/40 8/28 8/31 9/3 9/11 10/30
 11/10 14/27 20/29 20/34 22/22 24/25 24/32 37/30 73/30
 76/11 76/30 79/17 79/30 79/40
 monthly [1] 22/34
 months [2] 37/9 50/17
 morning [18] 4/33 7/31 7/32 7/33 10/2 10/4 10/5 18/4 18/6
 18/7 18/8 20/23 20/24 42/39 43/8 76/1 76/2 85/14
 mostly [2] 3/25 36/26
 motion [40] 6/26 6/28 6/29 6/38 9/1 9/2 9/12 9/13 16/28 16/34
 17/18 17/25 19/25 19/26 19/30 28/16 28/19 28/20 29/26
 29/29 29/30 32/31 32/32 32/38 32/39 34/30 34/36 42/24
 60/19 60/20 70/7 80/33 82/7 82/30 82/31 83/3 83/12 87/24

M

motion... [2] 88/15 88/17
 motivate [1] 52/8
 Mountain [39] 1/3 1/25 9/27 9/28 9/33 9/34 30/2 30/4 30/5
 30/12 30/13 30/15 32/34 33/8 33/13 33/28 33/33 34/32 35/9
 35/12 35/12 35/21 35/24 35/24 54/28 54/36 55/3 62/20 62/25
 67/22 67/28 71/7 71/34 73/35 75/1 75/6 75/23 75/28 88/40
 mouthful [1] 35/29
 move [11] 10/28 13/34 20/20 22/7 24/35 38/21 40/36 46/19
 52/10 56/28 63/8
 move forward [1] 10/28
 moved [1] 41/8
 moving [18] 13/11 14/6 21/39 23/15 27/21 36/33 37/14 40/37
 56/31 56/36 66/32 67/12 67/27 68/10 68/16 72/22 73/28
 75/14
 Mr [5] 20/1 20/9 22/15 24/12 86/25
 Mr. [13] 22/12 22/37 23/12 23/37 24/17 24/19 25/37 26/5
 26/23 28/36 62/27 68/16 70/6
 Mr. Bakker [1] 62/27
 Mr. Brown [1] 28/36
 Mr. Eisenberg [1] 68/16
 Mr. Eisenberg's [1] 70/6
 Mr. Hughes [5] 22/12 22/37 23/12 23/37 24/19
 Mr. Lani [4] 24/17 25/37 26/5 26/23
 mustangs [1] 50/12
 myself [1] 12/23

N

name [6] 3/23 8/34 21/35 21/36 43/17 74/30
 name's [1] 20/25
 names [3] 22/20 35/31 89/15
 NAN [10] 1/16 3/12 10/37 10/38 10/39 12/4 39/18 42/5 84/28
 84/30
 national [2] 43/39 56/12
 nationwide [1] 68/17
 natural [2] 47/18 86/20
 nature [1] 64/27
 near [1] 68/13
 necessarily [2] 40/19 61/28
 necessary [5] 18/26 43/34 55/27 55/28 72/23
 need [58] 3/28 3/36 10/13 10/13 10/13 10/34 11/2 11/14
 12/31 12/36 13/7 13/10 13/27 13/31 13/32 16/21 18/25 21/35
 27/4 27/21 32/27 32/31 36/8 36/10 36/21 39/7 40/12 40/13
 41/14 41/25 42/24 43/17 45/3 48/26 51/14 54/5 59/24 59/26
 60/19 60/20 62/39 64/24 68/27 70/38 71/32 72/3 72/9 72/32
 76/9 76/17 76/21 77/16 78/21 78/30 80/33 81/31 83/29 87/9
 needed [6] 41/6 44/16 52/23 72/35 73/1 80/12
 needing [1] 72/26
 needs [12] 9/38 9/39 10/9 13/4 35/13 35/25 36/11 45/5 47/19
 59/35 68/14 87/16
 negotiate [1] 82/36
 negotiations [1] 85/38
 neighboring [2] 50/30 50/40
 neither [3] 80/37 80/38 80/39
 Nevada [23] 1/4 4/3 7/22 7/28 8/7 8/12 9/3 33/28 33/33 34/32
 35/9 35/13 35/21 35/24 45/22 45/23 46/27 47/38 48/6 52/12
 66/30 86/19 88/40
 Nevada's [2] 45/40 47/39
 never [8] 25/19 25/19 38/8 38/11 49/16 64/32 72/22 87/17
 never had [1] 38/8
 news [2] 4/39 44/14
 NHP [1] 3/29
 nice [2] 43/9 52/21
 night [3] 4/19 31/2 32/21
 nine [2] 63/28 81/15
 Nineteen [1] 84/25

no [91]
 nobody [1] 79/1
 nobody's [1] 39/24
 nominal [1] 6/11
 non [4] 5/25 5/28 87/38 88/1
 non-agenda [2] 5/28 88/1
 non-agendized [2] 5/25 87/38
 nonprofit [1] 37/9
 Nope [5] 74/16 74/17 80/26 87/25 88/9
 normal [1] 71/32
 Normally [1] 64/9
 north [3] 44/13 63/21 73/18
 northern [2] 55/35 56/20
 note [3] 13/12 79/8 88/39
 noted [1] 1/22
 notes [1] 21/30
 nothing [7] 2/5 4/19 6/18 27/17 49/24 73/22 76/16
 notice [1] 6/12
 NRS [1] 3/32
 number [39] 7/26 9/31 14/6 15/29 17/10 20/20 21/20 21/24
 21/25 21/26 27/33 27/34 42/38 42/40 43/4 43/37 43/38 54/27
 54/30 55/1 58/15 59/5 59/31 62/24 67/15 67/18 68/5 69/26
 70/5 70/10 70/15 70/26 70/29 71/12 71/24 71/28 72/30 75/27
 86/12
 numbers [6] 46/2 47/7 48/6 49/12 50/22 65/11
 NV [1] 75/12

O

occasionally [2] 44/34 86/30
 occur [1] 68/6
 occurred [1] 24/1
 odd [1] 14/34
 of Engineers [1] 20/6
 offer [1] 60/5
 office [10] 6/10 8/6 17/36 18/1 18/16 26/30 38/36 56/33 65/30
 86/17
 offices [2] 44/27 44/39
 offset [5] 45/12 45/17 45/20 45/20 45/26
 oil [3] 21/2 53/24 53/24
 old [10] 33/27 33/32 34/31 35/8 35/19 35/40 36/12 36/32
 38/35 69/31
 older [4] 3/17 3/18 3/36 4/8
 once [5] 15/33 18/30 42/32 43/26 68/13
 one [71] 2/24 3/32 4/1 6/5 6/12 7/39 11/12 13/7 13/26 14/10
 14/21 16/18 18/20 18/21 18/35 18/35 18/36 18/37 18/38
 19/13 20/10 21/2 21/3 22/12 24/26 29/17 36/25 36/38 38/13
 43/37 43/38 44/9 45/3 45/26 45/40 48/26 51/35 52/38 53/23
 56/8 56/8 57/38 57/38 58/20 60/36 61/34 62/8 63/28 67/5
 67/15 67/36 69/26 70/5 70/10 70/15 71/12 71/24 71/36 73/12
 74/39 75/8 79/1 80/35 80/37 80/38 80/39 81/6 82/7 82/22
 85/19 85/30
 ones [4] 15/10 47/5 73/12 73/13
 ongoing [1] 30/18
 open [6] 37/23 60/33 60/33 76/32 86/3 86/5
 openings [1] 17/16
 operating [1] 76/9
 opinion [3] 47/16 61/40 62/6
 opportunities [1] 79/29
 opportunity [1] 60/9
 opposed [4] 52/11 52/19 52/26 52/36
 option [1] 82/8
 options [2] 57/40 71/22
 oratory [1] 61/30
 order [7] 1/26 41/32 54/26 64/15 72/26 75/37 75/39
 Oregon [1] 44/11
 organization [3] 47/32 53/31 56/22

O

original [3] 29/16 35/39 48/24
 originally [3] 22/15 27/6 67/20
 others [2] 25/28 46/39
 ought [3] 70/4 71/28 71/29
 ours [2] 68/20 82/5
 ourself [1] 30/27
 outside [9] 22/14 36/24 36/25 39/37 39/40 40/8 56/17 60/5
 71/14
 outstanding [1] 23/5
 overall [2] 61/8 63/22
 overex [1] 75/11
 overlay [1] 68/19
 overtime [1] 71/25
 overview [2] 76/5 78/17
 own [7] 3/37 3/38 57/17 59/10 76/18 78/19 78/21
 owner [1] 25/6
 owners [3] 22/13 50/24 59/3

P

pace [1] 73/24
 Pacific [4] 71/36 71/39 72/2 72/6
 pack [1] 30/16
 package [2] 48/24 53/10
 packages [1] 54/4
 packet [6] 20/27 30/7 43/24 43/25 76/21 78/36
 PACT [3] 2/20 2/24 2/27
 page [1] 81/21
 paid [3] 24/24 26/38 60/29
 paint [4] 39/9 39/26 39/34 40/7
 painted [1] 40/23
 painter [2] 40/3 40/4
 painting [2] 39/19 42/7
 Palomino [1] 48/35
 pans [1] 77/17
 paper [4] 15/14 15/16 16/20 16/24
 parallel [3] 55/40 67/21 68/8
 paralleling [1] 72/20
 pardon [1] 50/1
 parks [1] 2/31
 part [17] 5/5 5/19 12/33 20/12 28/10 36/19 36/26 36/32 38/38
 47/31 49/35 64/16 64/36 68/15 70/33 76/14 78/40
 partial [1] 31/1
 PARTICIPANT [1] 89/15
 participate [1] 47/9
 participated [2] 7/36 85/40
 participates [1] 45/39
 participating [1] 8/7
 particular [2] 22/10 60/8
 particularly [2] 47/5 48/6
 parties [2] 21/40 56/3
 Partitions [1] 41/18
 partly [1] 40/31
 party [1] 64/36
 pass [2] 4/8 86/18
 passed [2] 4/11 4/15
 past [6] 7/37 22/32 38/10 48/34 51/40 78/18
 patented [1] 23/7
 patiently [1] 63/15
 Patrick [1] 62/30
 PATSY [10] 1/8 1/27 2/17 4/17 6/29 16/20 16/34 17/25 60/15
 61/3
 pavement [2] 30/2 30/12
 paving [2] 87/15 87/18
 pay [23] 30/26 31/29 44/5 47/32 49/24 51/9 53/29 69/36 70/5
 76/30 77/13 77/18 78/21 79/16 79/18 79/19 79/32 79/38

79/39 79/40 80/2 80/30 82/25
 paying [12] 5/5 5/5 8/37 25/10 49/25 57/25 57/27 57/27 77/13
 81/38 82/20 82/22
 payment [4] 6/15 25/33 27/10 58/25
 payments [3] 20/34 46/24 58/27
 payroll [2] 6/15 53/32
 pays [1] 25/4
 Peak [1] 86/18
 peer [1] 64/5
 pending [1] 26/35
 Penola [2] 10/2 39/33
 per [5] 5/30 35/21 35/22 45/8 88/4
 perceiving [1] 83/22
 percent [11] 30/23 44/1 44/2 45/35 56/40 57/11 57/18 69/27
 69/28 70/17 70/25
 perception [1] 12/30
 performed [1] 58/37
 perhaps [2] 26/23 60/30
 period [6] 24/6 55/18 55/26 59/39 60/1 61/9
 permanent [3] 26/36 44/24 53/14
 permit [2] 55/37 86/22
 permitting [1] 38/9
 Pershing [1] 86/36
 person [3] 5/30 37/12 88/4
 personal [3] 61/40 62/6 73/22
 personnel [1] 80/10
 Persons [2] 5/27 87/40
 persuade [1] 57/12
 PERTAINING [1] 89/15
 phased [1] 58/25
 phone [5] 24/4 65/11 65/12 65/14 65/34
 phones [1] 24/23
 phonetic [1] 75/11
 photos [1] 72/4
 pick [1] 76/13
 picked [1] 53/22
 picky [1] 38/13
 pictures [1] 38/28
 piece [1] 22/33
 piecemeal [1] 52/33
 pieces [5] 47/12 51/5 51/13 52/5 59/38
 pilot [1] 3/21
 PILT [15] 43/37 44/7 44/12 44/16 44/28 44/28 44/34 44/37
 44/38 45/5 45/16 45/19 46/17 47/11 47/11
 pipeline [1] 52/23
 pipes [3] 33/38 34/22 34/22
 Pit [4] 75/24 75/29 75/38 83/3
 place [6] 5/32 67/24 76/17 78/26 88/6 89/11
 placed [2] 5/31 88/5
 plan [7] 4/4 4/5 4/6 16/5 23/22 36/32 37/37
 planning [4] 4/18 22/7 23/16 37/24
 plat [1] 53/4
 play [3] 38/31 46/34 83/2
 playground [3] 36/29 37/4 40/37
 plays [1] 48/14
 please [9] 1/28 1/32 15/29 21/35 32/29 32/31 43/18 53/30
 54/31
 pleased [1] 55/19
 pledge [2] 1/27 1/30
 plenty [1] 63/37
 plus [2] 57/2 57/26
 point [15] 3/9 12/28 14/36 24/20 26/39 36/1 56/35 58/35
 61/23 62/3 67/30 68/24 68/26 69/8 73/8
 pointed [1] 59/14
 Pollution [1] 86/21
 pool [5] 2/20 2/24 2/27 75/9 75/17

<p>P</p> <p>POOL/PACT [3] 2/20 2/24 2/27</p> <p>pop [1] 76/19</p> <p>portion [8] 22/10 55/36 55/38 56/20 56/21 57/25 57/31 63/24</p> <p>position [1] 57/34</p> <p>positions [3] 17/7 17/13 17/21</p> <p>positive [2] 64/24 67/39</p> <p>possibly [7] 2/33 35/14 35/25 50/28 69/6 75/22 75/28</p> <p>posted [2] 85/6 86/38</p> <p>posters [1] 8/27</p> <p>potential [3] 20/31 86/10 86/13</p> <p>pots [1] 77/17</p> <p>power [1] 77/18</p> <p>pre [3] 8/1 8/38 35/27</p> <p>pre-suppression [2] 8/1 8/38</p> <p>prebid [1] 78/23</p> <p>precise [1] 58/9</p> <p>predicate [1] 55/28</p> <p>preference [1] 61/14</p> <p>preliminary [1] 86/22</p> <p>premises [9] 35/10 35/11 35/14 35/15 35/22 35/23 35/25 35/27 37/16</p> <p>prepare [1] 58/32</p> <p>prepared [2] 33/21 59/30</p> <p>preparing [1] 49/6</p> <p>preschool [5] 36/3 36/18 36/33 37/6 37/20</p> <p>preschool's [1] 38/4</p> <p>preschools [1] 36/15</p> <p>presence [3] 1/18 1/19 1/20</p> <p>PRESENT [1] 1/7</p> <p>presentation [1] 8/8</p> <p>presentations [1] 8/23</p> <p>President [1] 52/26</p> <p>pressure [3] 11/39 12/1 49/11</p> <p>pretty [16] 2/40 3/3 21/10 22/11 23/7 36/14 39/14 48/14 48/37 49/4 52/12 53/14 63/32 66/6 76/8 76/28</p> <p>preventing [1] 33/38</p> <p>prevention [4] 7/35 8/1 8/34 8/39</p> <p>previous [5] 30/1 30/11 32/33 61/27 63/7</p> <p>previously [3] 38/14 69/14 69/18</p> <p>price [6] 29/20 50/17 50/18 58/36 61/8 70/39</p> <p>primarily [3] 44/17 47/21 47/24</p> <p>primary [1] 47/30</p> <p>prior [5] 28/14 28/15 37/37 44/37 72/2</p> <p>priorities [1] 3/36</p> <p>private [4] 50/23 50/30 50/31 56/22</p> <p>privy [2] 25/19 69/33</p> <p>pro [1] 78/34</p> <p>probation [1] 38/35</p> <p>problem [14] 37/3 40/21 44/10 45/13 45/20 48/4 48/6 48/10 53/24 53/25 61/36 63/13 64/30 77/10</p> <p>problems [4] 22/15 48/12 61/36 76/37</p> <p>procedure [2] 30/6 30/16</p> <p>procedures [4] 30/21 31/20 31/22 32/36</p> <p>proceed [4] 55/40 56/4 56/30 56/39</p> <p>proceeding [2] 67/14 68/21</p> <p>process [9] 27/3 36/5 37/8 44/14 46/16 46/22 46/39 47/40 53/1</p> <p>proclamation [4] 7/22 7/27 8/5 9/3</p> <p>proclamations [1] 7/38</p> <p>produce [1] 70/1</p> <p>produced [3] 1/5 57/14 57/21</p> <p>producing [2] 57/7 57/17</p> <p>product [2] 66/11 73/40</p> <p>production [3] 47/18 47/18 47/22</p> <p>products [1] 76/19</p>	<p>professional [1] 80/9</p> <p>program [22] 3/21 3/30 8/10 36/18 36/19 44/16 45/3 45/12 45/38 45/39 46/5 46/23 46/35 47/10 47/13 48/17 49/18 49/36 51/7 56/12 65/7 86/33</p> <p>programs [1] 40/16</p> <p>progress [4] 44/15 55/23 55/24 67/32</p> <p>project [88] 5/3 5/6 5/20 17/36 18/1 18/17 19/27 21/38 22/11 23/32 30/3 30/4 30/6 30/12 30/14 30/15 30/25 30/27 32/34 33/9 33/15 52/23 54/28 54/36 55/3 55/17 55/25 55/34 55/36 55/36 55/38 56/5 56/9 56/13 56/16 56/20 56/28 56/30 56/30 56/37 56/39 57/1 57/4 57/5 57/7 57/13 57/14 57/21 57/29 57/30 57/33 57/39 58/1 58/6 58/14 58/26 59/1 59/25 60/6 61/25 62/21 62/25 63/8 63/20 63/22 63/31 64/6 64/9 64/9 64/23 64/27 65/1 65/5 65/6 66/32 71/23 71/24 72/8 72/26 72/29 73/18 73/23 73/25 73/31 75/2 75/6 80/10 86/18</p> <p>projecting [1] 66/21</p> <p>projects [4] 52/40 63/26 68/4 73/32</p> <p>prolong [1] 73/27</p> <p>properly [45] 7/24 7/29 9/28 9/35 12/16 12/20 14/3 14/9 14/13 17/8 17/14 17/37 18/3 20/18 20/22 21/18 21/23 28/3 28/9 28/31 28/34 29/8 29/14 30/7 30/17 33/9 33/16 33/29 33/34 35/16 35/27 43/2 43/6 54/29 54/38 55/5 62/21 62/26 75/2 75/7 75/25 75/30 84/23 84/26 85/38</p> <p>properties [1] 22/36</p> <p>property [19] 2/40 11/25 11/28 21/17 21/22 22/13 22/33 23/2 23/4 24/21 25/6 25/7 25/10 25/21 27/16 59/3 59/4 77/33 77/36</p> <p>proposal [6] 2/8 4/36 58/33 76/6 78/1 79/9</p> <p>proposals [2] 48/18 79/1</p> <p>proposed [1] 86/27</p> <p>prosecution [1] 3/26</p> <p>protect [1] 58/15</p> <p>Protection [1] 86/20</p> <p>protest [9] 30/7 30/16 30/21 31/19 31/21 31/26 31/27 32/14 32/36</p> <p>protesting [1] 31/35</p> <p>provide [6] 36/17 36/18 44/29 44/32 48/22 78/35</p> <p>Provided [2] 78/20 89/15</p> <p>providing [2] 60/6 79/28</p> <p>proving [1] 66/38</p> <p>public [42] 4/21 4/25 5/19 5/25 5/31 5/32 5/34 6/30 9/14 14/2 14/8 15/29 16/29 16/35 17/26 19/31 26/18 26/33 27/27 28/21 29/31 32/40 34/37 44/18 44/40 46/11 47/14 49/26 51/40 74/3 83/13 83/33 84/8 87/28 87/29 87/36 87/38 88/3 88/5 88/6 88/8 88/18</p> <p>puddle [1] 71/19</p> <p>pull [4] 6/18 30/22 31/21 31/22</p> <p>pulled [2] 6/21 68/5</p> <p>pulling [1] 27/5</p> <p>purchase [4] 28/2 28/8 28/11 28/17</p> <p>purpose [2] 45/30 51/39</p> <p>pursuing [3] 56/34 57/40 70/3</p> <p>push [1] 69/5</p> <p>pushing [2] 27/20 44/23</p> <p>puts [1] 29/20</p> <p>putting [6] 3/33 8/27 8/39 12/1 15/14 41/13</p> <p>Q</p> <p>qualifications [1] 80/9</p> <p>quality [1] 64/25</p> <p>quarterly [1] 58/26</p> <p>question [10] 8/19 23/34 32/17 38/2 39/16 44/34 48/31 51/20 60/24 80/29</p> <p>questions [21] 19/24 20/36 20/39 27/16 27/25 32/30 39/6 53/18 55/20 60/12 60/14 60/16 68/26 72/39 74/1 74/14 75/19 75/34 76/4 76/35 80/25</p>
---	---

Q

quick [4] 18/11 26/29 74/39 80/29
 quickly [1] 55/34
 quiet [3] 53/9 53/11 53/13
 quite [14] 4/6 9/39 13/20 22/19 30/35 31/30 37/8 44/27 45/1
 46/34 47/11 59/40 61/5 67/30
 quits [1] 25/10
 quorum [3] 1/18 15/34 15/36
 quote [2] 18/22 19/20
 quoted [1] 19/9
 quotes [9] 9/26 9/32 11/33 18/18 18/34 19/6 19/11 41/31 42/1

R

ra [1] 46/17
 radio [1] 26/33
 rail [1] 73/17
 railroad [16] 59/1 59/2 59/5 59/7 59/9 59/19 59/34 59/39 60/1
 60/35 61/9 71/37 72/4 72/14 72/16 72/20
 rains [1] 71/20
 raise [3] 68/4 70/8 87/19
 raised [1] 3/6
 raising [2] 72/21 72/21
 Ranchers [1] 15/35
 range [3] 50/23 50/24 76/14
 ranged [1] 2/28
 rapidly [1] 67/23
 RAS [1] 68/8
 rash [1] 61/19
 rate [4] 61/14 67/15 67/17 67/35
 rates [1] 70/9
 rather [1] 8/38
 ratified [1] 32/27
 ratify [3] 30/3 30/12 32/34
 ratio [5] 53/7 63/17 63/25 63/35 64/24
 ratios [1] 71/27
 razor [1] 61/19
 re [4] 30/5 30/14 30/38 32/35
 re-advertise [3] 30/5 30/14 30/38
 re-advertising [1] 32/35
 reach [2] 26/9 50/36
 read [2] 70/14 76/12
 ready [3] 23/21 37/39 55/9
 real [9] 44/10 48/3 48/15 58/4 61/35 61/37 67/18 73/11 80/17
 realignment [2] 21/18 21/23
 realm [2] 77/9 77/10
 reapply [1] 14/25
 reappoint [1] 16/4
 reappointed [1] 15/39
 reappointments [2] 16/6 16/7
 rear [1] 21/3
 reason [6] 23/5 45/34 47/30 50/21 64/26 71/3
 reasonable [4] 5/30 58/16 61/8 88/5
 reasons [6] 45/3 49/34 49/34 60/35 60/40 79/1
 reauthorization [2] 44/8 47/6
 reauthorize [1] 46/36
 reauthorized [4] 4/11 46/23 47/3 47/4
 rebid [3] 31/21 32/23 32/35
 recall [1] 72/1
 receive [4] 6/19 8/29 44/1 75/33
 received [8] 5/11 14/12 20/34 43/23 43/25 46/25 64/27 86/15
 receiving [1] 22/21
 recent [1] 55/26
 recently [1] 26/40
 reception [1] 23/17
 receptive [2] 22/11 23/11
 recommendation [5] 19/16 19/17 69/13 70/4 83/6

recommendations [1] 57/37
 reconciled [1] 59/4
 record [10] 1/18 1/19 1/20 15/33 18/11 20/25 57/5 76/3 78/16
 83/14
 recordable [1] 53/3
 recordation [1] 53/3
 recorded [1] 83/16
 recorder [3] 35/40 36/9 38/36
 recorder's [2] 35/8 35/20
 RECORDING [3] 89/11 89/13 89/19
 Recreational [4] 33/9 33/13 75/2 75/6
 redo [2] 32/23 70/38
 reduce [1] 71/2
 reduced [1] 50/22
 reducer [1] 18/37
 redundant [1] 15/34
 reestablished [2] 65/18 65/28
 referring [2] 64/1 64/2
 reflect [3] 1/18 1/19 1/20
 reflective [1] 2/32
 refurbishing [3] 35/7 35/19 36/8
 regard [2] 52/37 56/25
 Regardless [1] 83/9
 Region [4] 66/31 67/2 67/2 67/4
 regular [2] 1/2 26/10
 regularly [1] 66/31
 regulatory [2] 56/19 70/22
 rehab [1] 32/34
 rehabilitation [6] 30/3 30/4 30/6 30/12 30/14 30/15
 reimburse [1] 69/28
 reiterate [1] 61/21
 reiterated [1] 61/26
 rejecting [2] 30/3 30/13
 rejection [2] 30/24 30/24
 relating [1] 44/17
 relationship [2] 60/10 62/11
 relatively [1] 68/22
 released [1] 50/12
 reliability [1] 56/13
 rely [1] 73/20
 remember [5] 14/28 14/31 14/33 31/35 61/34
 removal [3] 33/26 33/32 34/31
 remove [4] 33/40 34/9 36/10 39/22
 removed [2] 39/8 41/8
 removed or [1] 41/8
 removing [2] 33/37 39/19
 renew [3] 60/22 61/14 62/9
 renewal [7] 12/40 13/3 15/15 54/37 55/4 59/33 60/31
 renewed [1] 59/34
 Reno [2] 8/29 18/22
 Reno-Sparks [1] 18/22
 rent [4] 22/22 76/11 76/30 81/4
 rental [1] 76/24
 renting [1] 27/8
 repair [3] 9/26 9/32 18/15
 repaired [1] 21/7
 replace [2] 18/27 38/23
 replacement [1] 18/15
 replacing [4] 18/24 33/28 33/34 34/32
 report [20] 2/5 3/35 55/16 55/27 55/29 55/34 57/14 57/17
 57/21 59/11 59/12 59/20 61/30 64/4 64/10 64/14 64/20 64/28
 71/4 87/6
 REPORTER [1] 89/7
 reports [7] 2/1 2/3 3/34 4/29 4/31 86/10 86/13
 REPRESENTATIVE [1] 1/13
 representatives [1] 85/37

R	S
<p>request [6] 6/7 6/16 18/28 60/31 69/3 86/25 requested [2] 20/1 63/11 requesting [1] 68/38 require [1] 58/32 required [5] 45/29 64/6 64/12 64/12 73/31 requirement [1] 64/8 requirements [7] 56/9 56/11 68/18 70/19 70/22 75/10 75/11 requires [1] 64/13 requiring [1] 56/31 Rescue [1] 21/3 researched [1] 22/23 resignation [4] 17/5 17/11 17/16 17/19 resource [1] 47/18 Resources [2] 66/30 86/20 respect [2] 47/39 53/34 respond [2] 64/12 65/3 responsibility [2] 32/22 32/25 responsible [1] 58/23 rest [4] 6/20 15/21 56/32 81/5 restart [1] 14/23 restaurant [3] 76/14 76/18 78/34 restricted [2] 5/33 88/7 restrictions [4] 5/31 24/6 24/7 88/5 restrictive [1] 47/35 resubmit [1] 32/24 result [1] 60/38 results [2] 59/20 87/14 returned [2] 25/37 49/35 returns [1] 79/6 revenue [10] 20/31 46/14 46/16 46/19 46/27 46/29 47/7 47/7 47/7 47/32 review [13] 64/5 66/7 68/24 70/3 73/31 73/38 73/39 75/22 75/28 83/7 84/22 84/25 86/21 reviewed [3] 24/6 77/8 83/6 revision [1] 68/30 rework [1] 34/1 rewrite [1] 15/38 RFP [2] 76/12 80/5 Rick [7] 20/17 20/21 20/24 20/25 21/1 21/14 21/15 rid [1] 34/3 right out [1] 34/4 rights [1] 3/22 rigorously [1] 4/37 rigs [1] 21/5 River [1] 2/13 RM [3] 17/36 18/2 19/27 RM-28 [3] 17/36 18/2 19/27 road [8] 23/31 39/27 39/30 46/29 46/33 52/40 62/12 69/9 roads [2] 52/38 53/10 Robert [7] 18/7 18/11 18/13 19/39 26/28 26/29 27/9 rock [2] 51/40 52/12 root [1] 58/17 route [2] 1/4 69/14 routes [1] 46/32 routine [1] 6/4 RS [1] 52/38 rubber [1] 18/37 rule [2] 23/40 51/22 Rulon [1] 3/23 rumors [1] 23/13 run [14] 21/5 22/32 25/7 25/20 51/23 77/23 78/29 78/32 79/13 79/35 80/30 81/39 82/21 82/25 running [3] 3/2 24/34 67/21 runs [2] 20/29 64/37 rural [1] 25/25</p>	<p>rush [2] 10/34 10/36</p> <p>S</p> <p>S.1845 [1] 51/6 S.2164 [1] 44/7 S.2254 [1] 51/36 Sacramento [1] 66/12 safe [2] 10/23 46/33 safety [4] 8/1 26/33 37/5 64/7 sage [4] 5/13 47/23 47/39 48/2 sale [1] 25/12 same [18] 8/30 18/40 19/8 19/11 25/29 56/19 56/23 67/7 67/27 67/27 68/20 79/28 79/29 81/3 81/4 81/5 81/39 89/17 San [4] 56/32 66/13 72/32 72/32 satisfied [1] 82/32 satisfy [1] 73/14 save [1] 34/2 saved [2] 8/34 70/7 saving [2] 57/33 57/35 savings [3] 56/21 56/25 56/27 saw [1] 58/17 scenario [2] 55/35 59/18 schedule [1] 58/25 scheduled [1] 73/30 school [4] 46/28 46/32 46/33 46/34 schools [1] 8/23 science [1] 47/28 scope [3] 22/14 57/30 58/9 Scott [6] 78/10 78/16 80/27 81/11 81/12 83/34 Scott's [4] 75/24 75/30 75/38 81/11 seal [1] 21/3 SEAN [3] 1/9 60/7 65/32 second [20] 6/28 9/8 9/12 16/30 16/33 17/23 19/29 22/28 28/19 29/29 32/38 34/35 43/15 57/14 58/30 67/16 67/17 75/39 83/12 88/16 seconded [10] 6/29 9/13 16/35 17/25 19/30 28/20 29/30 32/39 34/36 88/17 secretary'll [1] 54/10 secure [2] 47/11 47/11 seek [1] 58/4 seeking [2] 9/25 9/32 seem [1] 46/21 seems [7] 3/27 21/10 22/11 23/11 31/24 46/34 69/24 seen [7] 25/17 25/19 38/11 68/35 68/36 68/37 69/39 sees [1] 23/30 selected [1] 69/14 selection [1] 80/6 seminars [2] 2/4 4/32 Senate [2] 44/11 51/37 Senator [2] 44/11 51/17 send [7] 25/21 38/28 66/11 69/9 72/8 72/9 75/12 senior [1] 4/10 seniors [1] 3/36 sense [3] 29/24 60/34 64/14 sensitive [1] 59/27 sent [8] 20/33 21/39 30/24 32/35 46/1 48/23 63/10 72/3 separate [3] 24/11 25/14 42/13 separately [1] 6/8 September [1] 37/24 served [2] 46/3 57/31 serves [1] 88/39 service [11] 8/12 23/3 24/23 26/32 37/40 45/15 45/24 45/30 47/27 79/28 79/34 serviced [1] 22/33 services [6] 4/3 4/4 4/11 44/29 44/32 44/33 session [7] 1/2 85/21 85/34 85/36 86/1 86/3 86/5</p>

S

set [6] 60/3 60/6 61/23 69/29 78/2 80/35
 setting [1] 58/8
 settlement [1] 3/34
 Seventeen [1] 35/18
 several [7] 5/13 7/39 8/26 21/40 26/1 44/24 61/38
 sewer [10] 22/17 22/21 22/29 24/6 24/10 24/14 24/28 24/29
 25/30 77/18
 shape [1] 21/1
 share [3] 2/23 3/16 46/20
 shaving [3] 61/4 61/16 61/20
 she's [8] 12/1 26/1 38/14 38/14 38/14 38/14 38/27 38/27
 sheet [1] 58/17
 sheetrock [1] 41/19
 sheriff [4] 22/23 24/3 24/22 27/4
 sheriff's [4] 17/35 18/1 18/16 26/29
 shift [1] 63/27
 shoe [1] 49/31
 shoot [2] 5/8 54/10
 shooting [1] 5/17
 shop [1] 78/34
 short [6] 3/35 5/16 14/26 38/5 58/23 84/31
 show [2] 23/19 32/11
 showed [3] 63/29 84/4 84/5
 showing [1] 58/33
 shows [3] 24/31 81/18 81/19
 side [4] 34/19 61/32 72/31 73/29
 sign [12] 7/23 7/29 9/5 29/8 29/13 29/28 54/38 55/5 72/10
 72/17 72/18 75/13
 signals [1] 24/21
 signature [3] 2/9 8/4 21/40
 signatures [1] 22/6
 signed [3] 22/4 22/15 57/1
 significant [1] 57/5
 significantly [1] 59/6
 silence [2] 1/32 1/34
 Simi [1] 67/7
 similar [2] 5/4 80/20
 Simmons [1] 66/31
 simple [2] 44/30 76/28
 since [6] 51/35 57/1 57/11 67/31 73/30 78/28
 single [1] 36/23
 sir [1] 80/32
 sit [1] 3/32
 site [6] 22/16 22/22 24/4 24/5 75/8 75/14
 sits [1] 71/19
 situation [7] 5/4 5/14 48/4 57/24 59/29 72/5 80/34
 six [2] 5/15 6/15
 Sixteen [1] 33/12
 skip [3] 20/2 20/12 28/39
 slipping [1] 3/27
 slow [2] 55/23 55/24
 slower [1] 71/25
 slowing [3] 58/1 58/1 71/22
 small [4] 52/16 52/33 56/36 65/6
 smaller [1] 64/9
 So we're [1] 38/37
 soaked [1] 48/24
 soften [1] 47/3
 softened [1] 47/1
 soils [2] 67/36 67/38
 solid [1] 41/18
 solve [1] 37/3
 somebody [14] 10/10 15/37 22/19 23/11 25/2 25/10 31/38
 53/29 64/33 70/26 77/22 81/38 82/20 82/25
 somebody's [2] 22/25 69/38

someone [6] 78/29 78/31 79/19 79/28 79/35 82/6
 soon [7] 40/13 40/15 68/11 68/22 69/5 69/6 74/39
 sorry [12] 9/37 14/22 21/27 22/2 25/37 29/2 41/17 55/10 62/8
 65/39 66/13 85/17
 sort [1] 59/38
 sound [3] 42/11 66/10 66/33
 sounds [2] 42/22 70/25
 source [1] 45/37
 south [9] 33/27 33/33 34/31 35/9 35/12 35/20 35/24 63/21
 73/19
 Southern [1] 67/7
 space [3] 8/37 36/29 77/1
 Sparks [1] 18/22
 speak [3] 55/11 55/11 55/15
 speaking [1] 65/31
 special [8] 6/13 8/22 45/15 45/16 45/24 45/30 46/14 85/19
 specific [1] 60/34
 spend [1] 8/38
 spent [2] 47/33 57/1
 spite [1] 3/3
 spoke [5] 3/33 25/38 31/16 31/17 32/20
 spot [2] 8/28 8/30
 spurred [1] 50/19
 SRS [8] 44/8 46/15 46/23 46/37 47/4 47/9 47/11 47/13
 ss [1] 89/2
 stable [2] 2/40 3/8
 staff [3] 4/29 4/31 48/16
 stage [1] 71/17
 standard [2] 72/14 73/36
 standards [5] 56/19 57/15 57/22 58/22 76/10
 standing [1] 69/24
 stands [1] 59/21
 staring [1] 65/35
 start [13] 13/11 13/25 26/4 26/12 36/5 40/13 43/32 43/37
 64/16 75/35 75/37 75/39 79/3
 started [7] 4/9 8/24 14/30 31/35 43/33 66/21 87/13
 starting [3] 11/12 16/26 58/27
 starts [3] 11/14 34/21 40/11
 state'll [1] 51/31
 stated [1] 68/2
 statement [3] 60/13 70/20 71/28
 states [14] 5/15 7/39 45/40 46/11 47/9 47/15 47/37 51/8 51/9
 51/21 51/23 52/21 56/40 86/16
 stations [1] 8/29
 status [6] 33/8 33/13 75/1 75/5 77/12 77/13
 stay [5] 48/2 53/32 57/39 86/29 86/39
 stayed [1] 83/21
 stays [1] 76/32
 steady [1] 3/3
 step [2] 68/23 71/26
 stepping [1] 32/1
 steps [3] 25/12 55/33 59/31
 Steve [6] 6/29 9/13 28/20 29/30 32/39 34/36
 STEVEN [1] 1/7
 Stewart [1] 51/18
 STIENMETZ [1] 1/7
 Stillwater [1] 86/17
 stir [1] 22/25
 stirred [1] 31/28
 stirring [1] 23/12
 stop [1] 27/8
 Storey [1] 5/3
 story [1] 61/32
 straight [1] 70/8
 street [8] 24/34 33/28 33/33 34/32 35/9 35/12 35/21 35/24
 streets [1] 23/9

S

strength [1] 56/13
 strengthen [1] 3/20
 strictly [1] 26/5
 stringent [1] 36/14
 striping [1] 2/32
 strong [1] 44/12
 structurally [1] 36/21
 structure [2] 10/23 63/35
 structures [1] 72/30
 Stryker [1] 2/31
 Stuart [5] 20/4 65/18 74/31 74/32 74/33
 students [1] 46/34
 study [7] 5/18 55/30 64/16 65/6 67/16 68/1 68/37
 stuff [16] 22/25 22/31 23/10 37/9 40/29 60/35 68/15 70/10
 72/9 76/17 76/29 77/25 77/31 78/20 78/33 79/26
 subcommittees [1] 3/32
 subject [3] 58/40 60/39 60/39
 submit [11] 5/27 11/33 17/15 37/15 68/11 68/13 68/23 68/23
 69/5 73/10 87/40
 submitted [7] 11/9 17/6 17/12 53/10 58/36 67/25 68/30
 subordinate [2] 66/12 72/32
 substandard [1] 57/7
 substantial [2] 46/4 47/8
 successful [2] 3/26 3/29
 such [3] 2/29 3/5 61/25
 sudden [1] 50/16
 Suffice [1] 37/2
 suggest [2] 60/5 69/17
 suggesting [1] 61/3
 suit [3] 47/37 47/38 47/39
 SULLIVAN [1] 89/17
 sum [1] 72/38
 summer [1] 5/16
 Summit [37] 21/17 21/22 21/36 24/22 54/28 55/33 55/40
 55/40 56/4 56/8 56/18 56/18 56/39 57/5 57/10 57/13 57/14
 57/19 57/21 57/26 57/27 57/27 57/27 58/8 58/10 58/13 58/23
 58/25 58/32 59/14 61/32 62/2 62/20 62/25 63/4 70/28 70/32
 Summit's [5] 56/1 57/30 58/21 58/29 70/33
 supplement [1] 55/32
 supplied [1] 47/32
 supply [4] 71/33 77/1 77/15 77/17
 supplying [1] 26/35
 support [15] 7/22 7/28 7/37 7/38 8/5 8/11 9/2 44/7 45/11
 45/32 46/5 46/7 46/21 53/19 82/29
 supported [1] 44/13
 supporter [1] 44/12
 supposed [2] 13/15 63/14
 supposedly [1] 24/14
 suppression [2] 8/1 8/38
 sur [1] 38/12
 surcharge [1] 25/5
 surprises [1] 42/20
 surveillance [1] 2/31
 surveying [1] 37/13
 surveyor [1] 38/12
 surveys [1] 73/29
 sustained [1] 2/39
 swap [1] 21/9
 sweet [1] 84/31
 switched [1] 21/5
 system [1] 53/14
 systems [2] 2/30 2/31

tagged [2] 49/39 50/2
 tail [1] 66/2
 taken [7] 2/27 6/7 13/4 22/27 32/25 54/24 58/29
 talk [6] 5/21 19/7 26/15 46/12 59/30 81/35
 talked [10] 11/31 11/31 22/35 24/2 27/12 36/1 49/14 50/29
 76/29 76/37
 talking [7] 4/38 39/37 48/25 66/16 70/16 71/37 72/19
 tamed [1] 49/23
 tank [3] 22/16 24/5 24/5
 tap [1] 23/37
 tapped [1] 24/34
 tasks [2] 58/30 60/34
 tax [1] 79/6
 taxes [1] 25/11
 team [2] 4/37 52/29
 tear [1] 36/35
 technical [2] 64/34 66/7
 Ted [4] 6/39 12/31 81/32 82/1
 Ted's [1] 82/3
 teleconference [3] 1/20 1/21 7/11
 Telephone [2] 65/18 65/28
 television [1] 8/29
 tell [8] 22/32 67/29 68/32 70/7 73/13 73/18 79/8 87/19
 telling [2] 19/5 73/20
 template [3] 32/8 32/10 32/12
 temporary [3] 24/4 24/21 26/31
 ten [3] 79/27 81/12 81/28
 ten-year [2] 79/27 81/28
 tens [1] 32/21
 term [2] 14/26 83/4
 terminated [1] 57/4
 terms [10] 4/35 15/1 15/13 15/33 57/33 57/35 59/8 66/20
 73/36 83/5
 testimony [1] 48/22
 texting [1] 28/36
 that'll [6] 5/9 5/18 12/2 34/1 44/25 45/31
 That's comparable [1] 79/16
 That's correct [1] 34/24
 the agenda [1] 16/9
 the Bap [1] 21/40
 the high [1] 5/6
 the order [1] 75/37
 theme [1] 8/2
 THEODORE [1] 1/14
 theory [1] 53/33
 there's some [1] 33/38
 thin [1] 49/12
 third [1] 64/36
 Thirteen [1] 29/11
 Thomas [1] 35/32
 though [9] 36/30 44/16 46/10 53/31 56/1 59/8 81/4 81/9 83/28
 thought [8] 2/34 14/34 25/33 40/8 61/1 61/37 73/25 74/24
 thoughts [1] 53/28
 thousand [1] 70/40
 thousands [1] 32/21
 threats [2] 24/16 26/15
 three [15] 5/29 6/12 6/13 26/25 44/8 44/25 52/2 58/7 58/25
 75/11 81/6 81/7 82/38 82/40 88/4
 three-year [3] 81/6 82/38 82/40
 thresholds [1] 63/30
 throughout [3] 8/13 8/28 8/31
 thus [1] 86/34
 tie [1] 5/1
 tied [1] 58/28
 Tiffany [3] 1/5 89/7 89/27
 tile [1] 18/27

T

tables [1] 36/27

<p>T</p> <p>till [1] 13/22 timeline [1] 82/12 times [2] 14/34 26/1 timing [1] 37/18 title [6] 53/4 53/4 53/6 53/9 53/11 53/13 to Nan [1] 42/5 tobacco [1] 3/34 today [8] 4/20 4/38 30/33 31/4 42/21 45/1 61/26 84/32 together [7] 3/33 3/35 11/2 42/30 47/31 56/29 58/32 told [8] 11/32 13/14 52/27 68/3 68/6 71/37 71/38 71/38 Tom [16] 21/33 21/36 23/34 27/29 27/31 27/32 63/3 63/4 65/11 69/1 74/8 74/9 74/10 74/28 74/30 86/39 tomorrow [4] 2/13 22/38 30/33 31/5 tone [1] 24/4 Tonopah [3] 4/20 86/28 86/28 took [2] 37/8 89/11 tools [2] 77/1 77/15 top [3] 38/15 86/26 86/29 topo [8] 68/17 68/19 68/34 68/34 70/1 71/3 71/6 71/9 topographic [4] 68/36 70/15 70/38 73/29 topography [2] 57/14 57/17 torn [1] 40/31 total [6] 20/29 20/35 43/39 47/7 58/20 72/38 touch [1] 26/22 touched [1] 70/14 tough [2] 15/37 16/1 tournaments [1] 78/32 towards [3] 55/25 73/22 78/25 tower [9] 22/22 24/21 26/31 26/35 26/36 27/2 27/4 27/7 27/8 towns [1] 88/39 track [1] 61/37 traffic [2] 18/26 18/27 trail [1] 76/15 trained [1] 49/22 training [1] 3/30 TRANSCRIBED [1] 89/9 transcript [2] 1/5 1/15 transfer [4] 47/14 51/7 51/21 51/21 transmission [1] 21/3 transport [1] 46/33 trash [1] 77/18 treasurer [6] 35/8 35/20 35/40 36/9 36/12 38/36 treasurer/courthouse [1] 36/12 treasurer/recorder [3] 35/40 36/9 38/36 treasurer/recorder's [2] 35/8 35/20 tried [3] 23/40 24/12 79/2 trigger [1] 31/20 trouble [2] 77/5 82/28 Trucking [1] 86/23 true [3] 61/9 70/20 89/17 truly [1] 78/37 trust [1] 71/5 try [7] 5/2 49/31 51/15 52/9 62/2 65/39 72/15 trying [12] 3/20 22/25 48/16 49/12 49/17 52/8 52/33 56/29 57/12 59/38 71/26 78/24 Tuesday [3] 85/15 85/18 85/31 Tuesday's [1] 85/19 turn [8] 15/38 27/5 49/15 49/32 56/19 59/25 62/1 62/35 turned [1] 87/10 Twelve [1] 53/10 Twen [1] 51/37 Twenty [1] 40/5 two [43] 3/30 3/34 4/19 5/13 6/13 14/21 17/7 17/13 17/16 17/21 18/19 18/39 20/7 24/11 36/36 37/8 41/19 44/6 45/31 47/12 49/34 49/34 51/5 51/13 52/3 52/5 57/40 58/3 58/21</p>	<p>66/40 67/6 67/14 67/19 68/7 71/21 71/28 72/6 75/9 75/33 78/7 81/2 81/21 82/23 Two-by-fours [1] 41/19 two-flow [2] 66/40 67/6 two-hour [1] 3/30 type [6] 19/8 23/5 32/19 44/10 51/15 68/25 typical [1] 63/26 typo [2] 6/13 81/22</p> <p>U</p> <p>Udall [1] 52/6 Uh-oh [2] 42/2 85/2 ultimately [1] 66/11 Um [1] 35/37 uncomfortable [2] 82/20 82/25 Under the [1] 71/12 undergoing [1] 66/7 understand [15] 24/33 25/8 26/17 31/12 31/18 47/40 52/28 52/29 55/30 65/1 69/26 70/18 78/28 79/18 79/25 Understandable [1] 12/5 understandably [1] 55/23 understanding [3] 56/29 76/13 80/19 understands [3] 60/36 78/31 78/31 understood [1] 25/34 undertake [1] 66/37 underway [2] 37/15 53/1 Unfortunately [1] 45/11 unhappy [2] 82/9 82/38 unincorporated [1] 88/39 union [5] 4/37 71/36 71/39 72/2 72/6 unit [1] 3/22 unit's [1] 3/29 United [2] 56/40 86/16 Unity [1] 8/2 unless [5] 25/17 68/20 69/38 73/16 81/28 unstack [1] 21/30 untrue [2] 22/24 24/26 upcoming [3] 85/37 86/10 86/13 update [33] 5/20 9/36 20/17 20/21 21/17 21/22 28/30 28/33 30/16 33/8 33/12 33/17 43/1 43/4 54/27 54/35 55/2 55/9 62/20 62/24 63/7 63/11 64/13 64/13 64/19 66/29 74/39 75/1 75/5 84/22 84/22 84/25 84/26 updated [1] 30/6 updates [2] 12/9 86/30 upon [6] 5/31 5/32 6/4 6/8 88/6 88/6 ups [1] 3/4 upstream [3] 67/36 68/9 68/39 usable [2] 57/15 57/22 used [2] 12/26 44/17 uses [1] 32/8 using [5] 11/28 47/28 67/16 72/7 73/15 usually [1] 49/2 Utah [7] 28/38 47/37 51/18 53/9 53/11 53/23 89/1 utilities [4] 59/3 72/20 72/20 75/14 utility [1] 75/13 utilize [1] 45/24 utilized [2] 46/29 47/20</p> <p>V</p> <p>vacancy [3] 14/14 15/6 24/35 vacates [1] 25/10 vacation [1] 82/3 Vaisala [3] 29/7 29/12 29/27 Valley [2] 48/35 67/7 valuable [1] 44/16 value [1] 58/20</p>
--	--

V

various [1] 8/12
 vast [1] 44/40
 Vegas [2] 8/30 86/27
 vehicles [2] 2/32 20/40
 vendor [7] 19/1 19/7 19/9 77/3 77/9 77/13 83/4
 vendors [2] 18/19 76/39
 venture [1] 27/7
 verbatim [2] 21/21 33/12
 verifiable [2] 58/4 58/28
 versus [3] 45/1 45/8 50/40
 vet [1] 50/18
 via [2] 1/20 1/21
 VICE [1] 88/29
 VIDEO [2] 89/11 89/19
 View [2] 75/23 75/29
 viewing [1] 6/10
 viewpoint [2] 5/32 88/7
 violate [2] 70/23 70/24
 voting [1] 44/21
 VWB [1] 75/16

W

wait [2] 3/12 11/17
 waiting [11] 30/31 30/32 37/7 47/19 59/19 62/35 63/16 75/12
 75/15 75/15 75/18
 WAITS [2] 1/8 26/37
 walked [1] 83/22
 wall [8] 39/9 39/23 41/8 41/9 41/13 41/16 41/18 42/9
 walls [1] 39/19
 wanting [1] 52/15
 Washington [1] 5/15
 water [34] 2/13 22/16 22/17 22/21 22/28 22/32 22/33 22/37
 23/4 23/37 24/5 24/5 24/5 24/10 24/14 24/28 24/30 24/32
 24/34 24/40 25/7 25/14 25/20 25/30 52/14 52/18 52/22 52/22
 52/30 52/37 59/17 66/30 71/19 77/18
 watered [1] 54/1
 watering [1] 33/38
 waterways [2] 52/16 52/33
 WCA [7] 44/7 44/23 46/5 46/39 47/31 53/27 53/30
 wear [1] 18/26
 website [4] 4/3 4/7 32/9 32/11
 week [9] 2/10 5/1 11/3 11/15 16/26 26/2 42/1 48/34 71/19
 week's [1] 15/16
 weekend [1] 30/38
 weeks [1] 26/25
 well-managed [1] 47/20
 weren't [1] 18/36
 West [3] 7/39 44/17 52/1
 WESTENGARD [2] 1/12 86/26
 western [8] 5/15 28/30 28/34 43/1 43/5 43/19 47/25 52/9
 Westerners [1] 52/6
 Whalen [1] 7/34
 Whereupon [2] 7/10 85/40
 White [2] 47/1 52/15
 Whitman [1] 15/32
 whole [6] 23/20 30/27 37/21 42/12 77/23 84/2
 whose [2] 23/8 51/21
 WIC [2] 35/14 35/26
 wild [4] 48/5 48/31 49/31 50/11
 Wilderness [1] 53/11
 wildfire [7] 7/22 7/28 7/37 7/40 9/4 9/7 9/11
 wildlife [6] 9/3 9/10 47/27 47/34 48/13 52/24
 Wilkin [1] 86/22
 willing [4] 18/19 37/38 61/19 76/12
 window [1] 39/12

Winnemucca [2] 2/14 7/34
 Winnemucca's [1] 80/21
 wise [1] 21/11
 wish [4] 35/15 35/26 62/13 71/9
 withdraw [3] 30/1 30/11 32/33
 withholding [1] 69/38
 without [6] 6/5 44/28 44/33 44/37 44/38 56/30
 wondering [4] 8/21 49/1 49/6 56/27
 word [2] 22/19 52/21
 words [2] 22/3 56/15
 work's [1] 40/36
 workers' [1] 3/8
 workshops [1] 2/20
 World [1] 2/29
 worms [1] 30/35
 worried [1] 47/29
 worry [1] 59/23
 worst [2] 57/34 59/17
 worst-case [1] 59/17
 would be [1] 38/18
 writ [1] 76/7
 writing [5] 5/27 66/24 76/7 76/9 87/40
 written [1] 77/3
 wrong [3] 66/34 66/39 82/27
 Wyden [1] 44/11

X

xeriscape [3] 33/40 34/12 34/33
 xeriscaping [2] 33/29 33/34

Y

year-to-year [1] 44/10
 yesterday [7] 21/7 22/36 30/30 31/2 31/3 63/10 63/40
 Yo [1] 7/15
 young [1] 78/28
 younger [4] 38/14 67/30 69/19 69/24

Z

zone [1] 7/35
 zones [1] 56/11