

1 The Honorable Board of Lander County Commissioners met in
2 special session in the Commission Chambers of the Lander County
3 Courthouse in Battle Mountain, Nevada, on January 30, 2014 at
4 9:00 a.m.

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6 **PRESENT:** STEVEN STIENMETZ, COMMISSIONER
7 BRIAN GARNER, COMMISSIONER
8 DAVID MASON, COMMISSIONER
9 PATSY WAITS, COMMISSIONER
10 SADIE SULLIVAN, COUNTY CLERK
11 NICOLE TING, DEPUTY DISTRICT ATTORNEY
12 ROGENE HILL, FINANCE DIRECTOR
13 JOY SWEENEY, HUMAN RESOURCE DIRECTOR

14
15 **ABSENT:** DEAN BULLOCK, COMMISSIONER

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

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20 Let the record reflect the presence of Austin via telephone
21 conference and the presence of Jeff Fontaine, Executive Director
22 of NACO, via telephone conference.

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24 [Meeting commenced on January 30, 2014 at 9:00 a.m.]

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26 CHAIRMAN GARNER: Call the -- the special meeting of the
27 Lander County Commissioner meeting, Town Board of Battle
28 Mountain, and Austin Board of County Highway Commissioners to
29 order.

30 Lead us in the pledge, Sco -- Steve.

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32 (Pledge of Allegiance)

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35 **APPROVAL OF AGENDA NOTICE**

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37 CHAIRMAN GARNER: We'll have a discussion for possible
38 action regarding approval of the Agenda Notice.

39 COMMISSIONER STIENMETZ: I'll make a motion to approve the
40 Agenda Notice.

1 COMMISSIONER WAITS: I'll second that.
2 CHAIRMAN GARNER: Any public comment?
3 (No comment.)
4 CHAIRMAN GARNER: All those in favor?
5 JOY BRANDT: (Indiscernible.)
6 COMMISSIONER STIENMETZ: Aye.
7 COMMISSIONER WAITS: Aye.
8 COMMISSIONER MASON: Aye.
9 CHAIRMAN GARNER: Aye.

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12 **PUBLIC COMMENT**
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14 CHAIRMAN GARNER: We'll open it now to public comment. Any
15 public comment?

16 RAY WILLIAMS: Commissioner Garner.

17 CHAIRMAN GARNER: Yes.

18 RAY WILLIAMS: This is Ray Williams from Austin.

19 CHAIRMAN GARNER: Yes.

20 RAY WILLIAMS: And I'd just like to make a little bit of a
21 comment. It's in regards to the item that you have on the
22 agenda today.

23 But I sent down a copy of the revenues that we've received
24 from Ormat. And I asked the Clerk to give you a copy of it. I
25 think I also forwarded it to Commissioner Waits. Just so that
26 you have a -- a real firm idea of how much revenue we've -- we
27 have received and will be receiving from Ormat.

28 We've proceeded to prevail in our quest to -- receive the
29 ad valorem taxes from Ormat.

30 But that's all I had to say.

31 Did you receive a copy of that this morning?

32 CHAIRMAN GARNER: Yes, we did, Ray. Thank you.

33 RAY WILLIAMS: Okay. Well, as you move along, I just
34 appreciate you looking at that to see just how much money's
35 involved.

36 CHAIRMAN GARNER: Yep. Thanks. Thanks for your efforts.

37 RAY WILLIAMS: Yeah.

38 CHAIRMAN GARNER: Do I have any other public comment?

39 (No comment.)

40 CHAIRMAN GARNER: With no other public comment, we'll move

1 on to Item Number 1.

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COMMISSIONERS

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- 1) Discussion for possible action regarding providing notice to the Director of the Nevada Office of Energy that the Board of Lander County Commissioners intends to consider an application submitted by ORNI 39, LLC (owned by Ormat Nevada, Inc.), for a partial abatement of taxes imposed pursuant to Chapter 361 of the Nevada Revised Statutes (NRS) submitted pursuant to NRS 701A.365, for the McGinness Hills geothermal power plant located in Lander County; discussion regarding the information that needs to be provided at the February 13, 2014 Commission meeting on whether to approve or deny the application; and other matters properly related thereto.

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CHAIRMAN GARNER: Discussion for possible action regarding providing notice to the Director of the Nevada Office of Energy that the Board of Lander County Commission intends to consider an application submitted by ORNI 37 [sic], LLC (owned by Ormat Nevada, Incorporated), for a partial abatement of taxes imposed pursuant Chapter 361 Nevada Revised Statute submitted pursuant to NRS 701A.365, for the McGinness Hills geothermal power plant located in Lander County; discussion regarding the information that needs to be provided at the February 13, 2014 Commission meeting on whatever to approve or deny the application; and other matters properly related thereto.

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COMMISSIONER WAITS: Mr. Chairman, I just wanted you to know that NACO is staying on top of this. Many of the counties were served this application for the rebate.

And I asked our Executive Director, Jeff Fontaine, to join us.

Sadie, is he on the line?

COUNTY CLERK SULLIVAN: Jeff? Are you there?

JEFF FONTAINE: I am.

COUNTY CLERK SULLIVAN: Okay.

COMMISSIONER WAITS: Thank you.

CHAIRMAN GARNER: Go ahead.

COMMISSIONER WAITS: Okay. Well, according to the

1 application, anyone who wants a rebate now under -- under the
2 new NRS and NAC that was approved by the legislature last year
3 goes through the Office of the Governor of Nevada State Office
4 of Energy.

5 And on January 15th, we were sent out an application. I
6 think it went directly to the Treasurer's Office and Assessors.
7 Am I correct? Both of --

8 LURA DUVALL: Yes.

9 COMMISSIONER WAITS: -- both of those offices received this
10 application.

11 And we have, by statute, 30 days to approve that or decline
12 it. And if we do not take any action, it's automatically
13 approved.

14 DEPUTY DISTRICT ATTORNEY TING: Just to clarify, we -- we
15 have 30 days to send a notice that we're going to consider a
16 recommendation to the Director of the Nevada Office of Energy.

17 [Cell phone ringing.]

18 DEPUTY DISTRICT ATTORNEY TING: So what's actually
19 agendized for this meeting is for you guys to consider whether
20 you want to send notice or not.

21 And then if you do want to send notice, the discussion of
22 what needs to be discussed to -- to make that decision under
23 that statute for -- for the next meeting.

24 CHAIRMAN GARNER: Can you state your name for people on the
25 phone.

26 DEPUTY DISTRICT ATTORNEY TING: Nicole Ting, Deputy
27 District Attorney.

28 COMMISSIONER WAITS: Thank you.

29 In reading, actually, the application cover letter that was
30 sent to us, it does say, if the Board of County Commissioners
31 does not approve or deny the application within 30 days after
32 the Board receives from the Director a copy of the application,
33 the application shall be deemed approved NRS 701A.365 as revised
34 by AB 239-2013. So that tells me that we do have to have the
35 decision in to them within 30 days.

36 DEPUTY DISTRICT ATTORNEY TING: That your --

37 COMMISSIONER WAITS: Not just a letter.

38 DEPUTY DISTRICT ATTORNEY TING: Your recommendation. Well,
39 your decision can be a letter form.

40 COMMISSIONER WAITS: Right. But we have approve it or deny

1 it.

2 DEPUTY DISTRICT ATTORNEY TING: You -- well, you don't have
3 to.

4 COMMISSIONER MASON: No. There's two items on this agenda.
5 One is approval/denial and the other one is to notify the
6 Director of Nevada Office of Energy.

7 DEPUTY DISTRICT ATTORNEY TING: So you have --

8 COMMISSIONER MASON: The first one that we're in -- we're
9 looking at right now.

10 DEPUTY DISTRICT ATTORNEY TING: I understand, --

11 CHAIRMAN GARNER: Yeah.

12 DEPUTY DISTRICT ATTORNEY TING: -- Commissioner.

13 So you have three options. You can approve. You can
14 recommend to approve it. You can recommend to deny it. Or you
15 can do nothing, just like you said.

16 COMMISSIONER WAITS: Right. And if we do nothing, it's
17 deemed approved.

18 DEPUTY DISTRICT ATTORNEY TING: Um, --

19 COMMISSIONER WAITS: That's what it --

20 DEPUTY DISTRICT ATTORNEY TING: Well --

21 COMMISSIONER WAITS: -- says.

22 DEPUTY DISTRICT ATTORNEY TING: Yeah. Yeah. If you look
23 at the other parts of the statute -- the statute is -- is
24 written very poorly. It does say shall, but -- but the ultimate
25 decision is up to -- is up to the -- yeah.

26 COMMISSIONER WAITS: In following the first part, the idea
27 of today is to be able to discuss this. I don't know.

28 DEPUTY DISTRICT ATTORNEY TING: No, the idea today is to
29 send the notice and --

30 COMMISSIONER STIENMETZ: Get your approval for it.

31 DEPUTY DISTRICT ATTORNEY TING: -- to discuss what
32 information needs to be brought forward at the next meeting.

33 COMMISSIONER WAITS: Right.

34 DEPUTY DISTRICT ATTORNEY TING: Yeah. Yeah.

35 COMMISSIONER WAITS: But I don't know whether we will be
36 approving or denying today is what I'm saying. I'm -- I'm not
37 sure what the Commission needs to do --

38 DEPUTY DISTRICT ATTORNEY TING: It's not on the agenda to
39 approve or deny today.

40 COMMISSIONER WAITS: Okay.

1 DEPUTY DISTRICT ATTORNEY TING: Just to send notice that
2 you're considering whether approving or denying.

3 COMMISSIONER WAITS: Okay. Number one, we still have some
4 problems if we do deny because we now have new criteria that we
5 can deny on.

6 In 2010, when this came to the Board, and I've read through
7 the information, you denied it. But you didn't give them any
8 criteria because there wasn't any NRS criteria to deny it on.
9 So we denied it.

10 Now they're saying if we deny it, we have to follow the
11 criteria that is set forth in the NRS. So there is some more to
12 do if we deny it.

13 My concern isn't necessarily just the approval or denial.
14 My concern is one that NACO had pointed out. This application
15 is the same application apparently that we looked at in 2010; is
16 it not?

17 DEPUTY DISTRICT ATTORNEY TING: To go back your earlier
18 concern, Lander County's blessed with an -- an extremely amazing
19 Assessor, Lura Duvall. She has come up with all the numbers
20 that you guys need to assess that 701 subsection A. So that can
21 be looked at the February 13th meeting.

22 COMMISSIONER WAITS: Great. But the concern is whether
23 they can legally come back after the project has already been
24 completed and ask for a rebate.

25 DEPUTY DISTRICT ATTORNEY TING: That issue isn't before the
26 Commission. The only issue that's before you guys is --

27 CHAIRMAN GARNER: We just need a letter.

28 DEPUTY DISTRICT ATTORNEY TING: Yeah. Is --

29 CHAIRMAN GARNER: That's all.

30 COMMISSIONER WAITS: I think it's more than the letter
31 because we asked it to be on the agenda so we could discuss
32 this.

33 DEPUTY DISTRICT ATTORNEY TING: Um --

34 CHAIRMAN GARNER: It's -- it's --

35 DEPUTY DISTRICT ATTORNEY TING: This is what's agendized.
36 And this is what's before the Commission.

37 If you want to go beyond legal advice and discuss something
38 that's not agendized, you can.

39 COMMISSIONER WAITS: Well, I know we're not the only county
40 that they certainly served on this.

1 Jeff, can you enlighten us at all on anything the other
2 counties are doing? Has it come before them yet?
3 JEFF FONTAINE: Um.
4 DEPUTY DISTRICT ATTORNEY TING: Just to -- just to --
5 JEFF FONTAINE: For the record --
6 DEPUTY DISTRICT ATTORNEY TING: -- just to clarify.
7 JEFF FONTAINE: This is Jeff Fontaine --
8 DEPUTY DISTRICT ATTORNEY TING: This is going beyond --
9 JEFF FONTAINE: -- with Nevada --
10 DEPUTY DISTRICT ATTORNEY TING: -- legal --
11 JEFF FONTAINE: Association --
12 DEPUTY DISTRICT ATTORNEY TING: -- advice to --
13 JEFF FONTAINE: -- of Counties.
14 DEPUTY DISTRICT ATTORNEY TING: -- discuss this.
15 JEFF FONTAINE: And I think, Commissioner Waits, you, I
16 think, stated the -- the issues that at least we would be
17 concerned with here at NACO regarding this particular
18 application.
19 And if I may, I just thought it might be helpful to give
20 you a little bit of background about why you even have this
21 application in front of you, if you'd like to sort of get a
22 little bit of background on that.
23 CHAIRMAN GARNER: Hold on, Jeff.
24 JEFF FONTAINE: Can you hear me okay? That's the first
25 thing I want to know.
26 COMMISSIONER STIENMETZ: Yeah, we can hear you, but --
27 CHAIRMAN GARNER: We're waiting on legal. Do --
28 JEFF FONTAINE: Okay. Okay.
29 CHAIRMAN GARNER: It says matters properly related thereto.
30 Can we listen to what he has to say?
31 DEPUTY DISTRICT ATTORNEY TING: Yeah. I'm just -- I'm just
32 concerned that -- that -- that -- you guys aren't -- you guys
33 aren't today making the approve or deny decision.
34 COMMISSIONER STIENMETZ: We're just -- (indiscernible) --
35 the issues --
36 DEPUTY DISTRICT ATTORNEY TING: If he wants to talk about
37 --
38 CHAIRMAN GARNER: I understand that.
39 DEPUTY DISTRICT ATTORNEY TING: -- the -- the -- the
40 matters that you guys want to consider at the next -- basically,

1 what you guys are doing right now is like -- is the next
2 hearing.

3 COMMISSIONER WAITS: We're trying to determine what we need
4 between now and the 13th to go forward; are we not?

5 DEPUTY DISTRICT ATTORNEY TING: Right. But we're not
6 discussing.

7 CHAIRMAN GARNER: We're not discussing it. We're discuss
8 -- what -- the only thing we can discuss today is if we want to
9 do or deny a letter of application.

10 COMMISSIONER WAITS: But it says also -- it said that what
11 needs to be present -- to -- okay -- regarding what needs to be
12 provided at the February 13th, 2014 Commission Meeting.

13 So we need this information in order to approve or deny it
14 at the next meeting; do we not?

15 CHAIRMAN GARNER: But we have the information. And she's
16 -- Lura's --

17 COMMISSIONER STIENMETZ: Providing that for us.

18 CHAIRMAN GARNER: -- providing the information for us.

19 COMMISSIONER WAITS: That's only a small part of it.
20 That's only the criteria. And -- and there's another concern
21 here.

22 DEPUTY DISTRICT ATTORNEY TING: If there's another concern,
23 I think that needs to be agendized.

24 CHAIRMAN GARNER: Let's listen to -- let's listen to what
25 Jeff has to say. And then we'll --

26 Jeff, go ahead.

27 JEFF FONTAINE: Okay. Thank you. So Commissioners, again,
28 this is Jeff Fontaine, for the record.

29 So what's -- what's happening here is in -- in the 2013
30 legislative session, we worked along with the counties and
31 renewable energy industry and others on some changes to the way
32 that renewable energy tax abatements were granted and -- and the
33 county's role in all of that and just a variety of -- of issues
34 related to renewable energy. And all of that was eventually
35 enacted in Assembly Bill 239. And that made various changes to
36 NRS Chapter 701.

37 As it specifically relates to this particular application,
38 a couple of things happened. One is, prior to enactment of AB
39 239, the counties had a role only in deciding whether or not to
40 grant partial tax abatements for the property taxes for

1 geothermal projects.

2 And in this particular case, that's what you did with the
3 Ormat project. You didn't have any approval or denial authority
4 over the sales tax piece, but you did over the property tax
5 piece. And you did that.

6 And under the previous statutes, you really didn't have to
7 have a very detailed or -- there weren't specific findings in
8 statute that you had to make in order to either approve or deny
9 the partial tax abatements for property taxes.

10 What changed in the AB 239 is two things. One, the
11 counties now have the authority to approve or deny partial tax
12 abatements for property taxes for all renewable energy projects,
13 not just geothermal, so that would include solar and wind.
14 That's the first change.

15 The second change is in order to deny a partial tax
16 abatement for property taxes for any renewable energy project,
17 you have to have specific findings and those are enumerated in
18 NRS 701. And I assume that you have those. If not, I can
19 certainly read those to you.

20 And then the third part to AB 239, which is somewhat
21 related to this application, is the fact that prior to enactment
22 of AB 239, if -- if you granted a partial property tax abatement
23 for renewable -- for geothermal energy, you granted not only the
24 55% property tax abatement for 20 years, but on top of that, the
25 remaining 45%, the state took 45% of that remaining 45% for
26 purposes of their budget to operate the Governor's Office of
27 Energy. What changed in AB 239 is they no longer take that
28 portion of the money. They are now charging renewable energy
29 companies application fees.

30 And so if you choose to grant partial tax abatement for
31 this project or if -- even if you don't and you're overruled,
32 instead of losing basically 75% of your property tax revenues
33 for 20 years, it will be 55% of the property tax revenues for 20
34 years.

35 Now -- so what, you know, your authority is and what you
36 would need to do if you want to have a say in this is, one, you
37 need to notify the Office of Energy that you plan on having a
38 hearing on this particular application. And you need to
39 actually conduct a hearing within 30 days after you received
40 the -- the application. And I don't have the application in

1 front of me or when you received it, but it sounded like it
2 needed to be done by February 13th.

3 The other comment I would make is -- and of course, I don't
4 want to substitute my advice for that of your District Attorney,
5 but in my experience, I don't know that it necessarily requires
6 a decision by your governing board to decide whether or not to
7 have this hearing. I mean, that's -- that's, you know, that's a
8 decision that -- that I'm aware of, you know, something that the
9 counties either decided administratively or not to place this
10 item on the agenda for consideration. And -- and -- and so I
11 don't know that you necessarily have to make this a two-step
12 process where you first decide if you even want to have the
13 application heard and then have a second hearing to actually
14 decide on the application.

15 The other comment that I would make about this is, again, I
16 think there really are two issues here. The first has to do
17 with the merits of the project under the new -- under the new
18 requirements.

19 And, you know, setting aside for -- for a minute the fact
20 that you had previously denied this project. If this were a new
21 application for a new project, then you would have, you know,
22 the ability to analyze, you know, the fiscal impacts to your
23 county, you know, the economic impacts, and all those sorts of
24 things, again, that are clearly specified in -- in AB 239. And
25 then you would go through that determination and then make a
26 recommendation. Now, how you do that is -- is something that
27 hasn't been done before and something that is new for all of us.

28 But I would offer a couple of -- of things. One is, in the
29 application, there is information related to the fiscal impacts
30 provided by Ormat; however, the statute also requires that the
31 application be sent to various state agencies, including the
32 Department of Taxation. And they are required to do their own
33 fiscal analysis.

34 And what I would recommend is if you -- if you are planning
35 on hearing this application, is to make sure that you get that
36 information regarding projected tax revenues, projected tax
37 revenue losses. If you grant this application -- grant approval
38 of this application, they will do that analysis. They're
39 required by law to do that analysis. But you need to make sure
40 that, you know, they get you that information so you can use

1 that in your deliberations.

2 Second comment I would make is, we here at NACO hired one
3 of the -- I would call him, I think -- premier economic
4 analytical firms in the state applied analysis to -- to help us
5 with this. It's called applied analysis. And -- and we just
6 spoke with those folks like yesterday. By tomorrow, we expect
7 to have a final draft of a analytical tool, some sort of
8 methodology that the counties can use to help make, you know, to
9 do that analysis and -- and make that determination regarding
10 whether or not you can, you know, deny or approve, you know,
11 deny, primarily, the project based on its merits. I'm hoping
12 that by early next week we will have it, you know, if there are
13 any changes we need to make, have it ready to be sent out to
14 you. So I'm pretty confident that we would be able to have that
15 tool that -- you know -- I would say this, we want to make sure
16 that this is something that, you know, doesn't require a -- you
17 know, a PhD in the mathematics to figure out. It's something
18 that hopefully, you know, is going to be somewhat user-friendly.
19 So we hope to have that out to you by sometime next week if you
20 choose to use it and hear this -- this particular case.

21 The other issue -- so that's sort of the analytical
22 piece -- the other issue, though, is one that we're very
23 concerned about here at NACO. And this is one of two projects
24 that were previous -- were previously denied under the old
25 requirements, the other being in Elko county. And I believe
26 it's also an Ormat project. And I believe those were really the
27 only two geothermal projects that were denied partial tax
28 abatements by the counties under the old -- the old statutes or
29 the previous statutes.

30 It's our opinion -- and again, I'm not going to substitute
31 my judgment for that of your District Attorney's -- but we
32 believe it's clearly not the intent nor is there any -- what's
33 the word I'm looking for? -- nor is there any support for this
34 in statutes to allow a company that is already online to seek a
35 partial tax abatement, especially when they were previously
36 denied.

37 And the reason we say that is because if you go to NRS
38 701A.360, and this was in the original legislation passed back
39 in 2011, it says, a person who intends to locate a facility for
40 the generation of process heat from solar renewable energy or a

1 wholesale facility for the generation of electricity may apply
2 to the Director for a partial abatement of local sales and use
3 taxes, and et cetera et cetera. Clearly, legislative intent --
4 and I can tell you this from my own personal experience in
5 working on AB 522 back in 2011 and again in 2013 on AB 239, the
6 legislature was interested in attracting investment in renewable
7 energy here in the State of Nevada.

8 What -- what Ormat, in our opinion, you know, seems to be
9 interested in doing is applying for a partial tax abatement for
10 a project that they already have in operation.

11 And so, you know, I think that that's something, you know,
12 I mean, if it's something you want to consider, I think it's
13 something you should consider. You know, we talked to Elko
14 County about this as well. We're very concerned about it.
15 We -- we raised this issue when they were adopting new
16 regulations regarding how these applications would be processed.

17 But, you know, we don't believe that the statute, you know,
18 supports this. We certainly don't believe that this is
19 legislative intent.

20 And we're not getting a read from the Energy Office as to
21 whether or not, you know, their position is that they should
22 actually be able to get the tax abatement. And I guess we won't
23 know until, you know, all of this sort of develops and there's
24 hearing on this.

25 And so I do think it's an issue you need to be aware of.
26 Whether or not it's something, you know, you want to take up and
27 consider, I think, you know, that's up to you obviously.

28 The last comment I would make with regard to the
29 application process and your role. AB 239 also says that, you
30 know, you, as a Board of County Commissioners, may without
31 regard to whether the Board has provided notice to the Director
32 of its intent to consider the application, make a recommendation
33 to the Director regarding the application. So you always have
34 the right to do that.

35 But I will say -- I will leave on this note. If you don't
36 participate in this process, then you -- you know, I think
37 you -- this administrative process -- and, again, your District
38 Attorney can advise you on this. This is the administrative
39 process. If you don't participate in the process and follow the
40 steps and the procedures, then you may lose your right to appeal

1 this in District Court should you choose to do that at a later
2 date.

3 So with all that, I'm happy to answer any questions. And
4 again, we -- we stand ready to help Lander County and others
5 in -- in -- in working through this -- this process.

6 CHAIRMAN GARNER: Thanks, Jeff.

7 COMMISSIONER STIENMETZ: Thanks, Jeff.

8 COMMISSIONER WAITS: Thanks you.

9 DEPUTY DISTRICT ATTORNEY TING: And just to clarify, I
10 think the second part of what Jeff was talking about, yeah, I
11 think that's very important for you guys to consider. I was
12 just saying that it's -- it wasn't the forum today to do it.

13 CHAIRMAN GARNER: So we what we need to determine is what
14 -- if we are going to send a letter and --

15 DEPUTY DISTRICT ATTORNEY TING: Right.

16 CHAIRMAN GARNER: -- what we're going to say on this letter
17 is to -- is a denial or approval.

18 DEPUTY DISTRICT ATTORNEY TING: It is -- that you're going
19 to consider it or not.

20 CHAIRMAN GARNER: Or that we're going to consider.

21 DEPUTY DISTRICT ATTORNEY TING: Right.

22 CHAIRMAN GARNER: Exactly.

23 COMMISSIONER MASON: So reading our agenda this morning,
24 we're in Number 1. What are our two options? Just for this
25 agenda to answer it?

26 CHAIRMAN GARNER: She can't answer that.

27 COMMISSIONER MASON: What?

28 CHAIRMAN GARNER: She can't.

29 DEPUTY DISTRICT ATTORNEY TING: Well, I can kind of say, I
30 guess you sort of have --

31 COMMISSIONER STIENMETZ: Approval, denial or do nothing.

32 DEPUTY DISTRICT ATTORNEY TING: -- I guess what the agenda
33 is saying, --

34 COMMISSIONER MASON: Yeah, because it's mixed. It's
35 confusing.

36 DEPUTY DISTRICT ATTORNEY TING: Well, you're welcome to
37 submit the agenda.

38 COMMISSIONER MASON: I'm just asking you, what is the
39 Commission supposed to do with Agenda Number 1 this morning?

40 CHAIRMAN GARNER: We need to approve writing a letter or we

1 need to --

2 COMMISSIONER STIENMETZ: Write a letter approving --

3 CHAIRMAN GARNER: Or denying.

4 COMMISSIONER STIENMETZ: -- or denying or we can just do
5 nothing.

6 CHAIRMAN GARNER: The application.

7 COMMISSIONER STIENMETZ: That's all our --

8 COMMISSIONER MASON: Well, we should do something. So --

9 COMMISSIONER STIENMETZ: Yeah.

10 COMMISSIONER MASON: -- I mean, that's an opinion.

11 CHAIRMAN GARNER: Lura.

12 LURA DUVALL: Lura Duvall, Assessor, for the record. I
13 just wanted to point out, I did provide a spread sheet on --
14 that gave some projected revenue.

15 COMMISSIONER STIENMETZ: Very good.

16 CHAIRMAN GARNER: Yes.

17 COMMISSIONER MASON: I gave one to everybody.

18 LURA DUVALL: I -- I made a phone call to Jan Kelley,
19 Centrally Assessed Mining Division at the Department of Taxation
20 and spoke with her last Friday about this matter, getting some
21 information, direction, asking if they had received the -- the
22 application as well, because they are the ones that are supposed
23 to provide the projections.

24 And she said she -- at that point she wasn't sure, but she
25 was leaving for vacation, would not be back until next Monday.
26 She had thought that possibly had they sent it, it would have
27 gone directly to Terry Rubald, the Director.

28 But whether or not there was enough time to put together
29 those numbers prior to our meeting today, she really didn't
30 think so, since she was herself going to be gone, and she's the
31 supervisor of Centrally Assessed Division.

32 So I took it upon myself, knowing that you probably and
33 obviously did not receive that information from the Department
34 of Taxation for this meeting, just for information purposes
35 only -- I presume that they will provide something prior to the
36 hearing, if we do have the hearing.

37 So what I put together was the existing ad valorem,
38 assessed value of the property, what they payed in the taxes,
39 what they've already been billed, separated the real property
40 from the personal property. And the way I projected it was

1 based on known facts today -- that this is the real property
2 improvements they have in existence. This is the personal
3 property -- I spread that through 20 years based on the current
4 tax rate, which I understand could change and based on the
5 statutory depreciation of one and a half percent per year. What
6 I did not put in there was a projected or estimated cost index
7 factor. Therefore, these numbers should be relatively lower
8 than what it might actually be.

9 CHAIRMAN GARNER: Mm-hm.

10 LURA DUVALL: The personal property I projected out at 5%
11 depreciation decline throughout the 20 years, again, excluding
12 any projected cost index factors. I looked at 25 years cost
13 index factors, and there's only been two occasions where there
14 was actually a decline in the cost index. There was three or
15 four where it was flat lined. It was 1%. And the rest of the
16 period of time, there was an index factor that the improvement
17 costs went up. So I felt this was a comfort -- for -- for just
18 kind --

19 CHAIRMAN GARNER: Yeah.

20 LURA DUVALL: -- of a big picture. This number is just an
21 estimate. And it was done very quickly just based on known
22 facts today. There's a lot of scenarios that could come into
23 play, you know, over the course of 20 years. But just based on
24 what we have today, what they have in existence, what's
25 physically there, what they're being assessed for today, that's
26 where those numbers came from.

27 But again, you will get a different number in the report
28 from the Department of Taxation. I just wanted to make it clear
29 that this is estimates only for -- just for an analysis and
30 discussion purpose. And these are not to be taken as, you know,
31 absolute.

32 CHAIRMAN GARNER: Thank you.

33 COMMISSIONER STIENMETZ: Thanks, Lura.

34 COMMISSIONER MASON: I have a question. Lura, yesterday we
35 talked. And you said a certain number of counties have already
36 disapproved this --

37 LURA DUVALL: No.

38 COMMISSIONER MASON: -- or denied it.

39 LURA DUVALL: What I said was there's been other
40 applications. And from what I was told, there's only -- not --

1 not just this company. Geothermal, renewable energy has been
2 approved in a couple of counties, but has been denied in --
3 in -- in several of the others. I don't have exact numbers.

4 COMMISSIONER MASON: You don't have numbers?

5 LURA DUVALL: No, I sure don't. That was just a general
6 discussion with the department.

7 So we wouldn't be the first one is what I'm saying is -- to
8 approve or deny.

9 CHAIRMAN GARNER: I personally --

10 COMMISSIONER MASON: I think -- I think we ought to
11 continue with the process. Just to let everybody know and
12 not -- that we're interested in how this comes out. And that's
13 what this is asking for in Agenda Item Number 1 -- that we
14 continue.

15 So you want a motion?

16 CHAIRMAN GARNER: Mm-hm.

17 COMMISSIONER MASON: Let's see if we can put this together.

18 COMMISSIONER STIENMETZ: Uh. We want to -- continue, but
19 we want to go pursuant to letting them -- do we decide now
20 whether or we want -- or just that we want to issue a letter --

21 CHAIRMAN GARNER: Yes, that's all we can do now --

22 COMMISSIONER STIENMETZ: Issue a letter.

23 CHAIRMAN GARNER: -- is issue a letter to the department
24 director.

25 COMMISSIONER MASON: We intend to pursue.

26 CHAIRMAN GARNER: That we -- yes.

27 COMMISSIONER STIENMETZ: Yeah, the denial.

28 CHAIRMAN GARNER: Correct. This is going to be in your
29 plate how you word this.

30 DEPUTY DISTRICT ATTORNEY TING: Well, the letter's already
31 worded if you want to send that letter.

32 CHAIRMAN GARNER: I didn't know that.

33 COMMISSIONER MASON: Let me make a motion here.

34 I make a motion the Board of Lander County Commissioners
35 intends to consider an application submitted by ORNI 39, LLC,
36 owned by Ormat Nevada, Inc., for a partial abatement of taxes
37 imposed pursuant to Chapter 361 of the Nevada Revised Statute
38 (NRS) submitted pursuant to the NRS 701A.365 for the McGinness
39 Hills thermal power plant located in Lander County.

40 CHAIRMAN GARNER: Authorize.

1 COMMISSIONER MASON: Pardon?
2 CHAIRMAN GARNER: And authorize the Chair to sign.
3 COMMISSIONER MASON: And authorize the Chairman to sign the
4 letter.
5 COMMISSIONER STIENMETZ: Yeah. We have two letters here
6 drafted. Which one are you looking at?
7 COMMISSIONER MASON: One at a time.
8 COMMISSIONER WAITS: We're looking at the first letter.
9 The second -- the second letter asks for the hearing.
10 COMMISSIONER STIENMETZ: Oh.
11 DEPUTY DISTRICT ATTORNEY TING: Commissioner, can I
12 clarify? Are you --
13 ROGENE HILL: You don't want partial.
14 DEPUTY DISTRICT ATTORNEY TING: Okay. Just to clarify.
15 Can you maybe say that again. What -- what I think -- I think
16 you mean a motion to -- that you intend to consider the
17 application.
18 COMMISSIONER MASON: I just read it off the thing.
19 COMMISSIONER WAITS: But maybe you might want the -- the
20 motion for the letter.
21 COMMISSIONER STIENMETZ: To write -- to send the letter.
22 COMMISSIONER WAITS: The letter that's in your packet.
23 COMMISSIONER MASON: I just -- my motion said, County
24 Commissioners intend to consider an application. So you want me
25 to revise that?
26 DEPUTY DISTRICT ATTORNEY TING: No, I don't want you to do
27 anything.
28 COMMISSIONER MASON: Okay. God, all this technicality.
29 Can't we just talk about this and get it right?
30 COMMISSIONER WAITS: Well, in looking at the first letter
31 that's supplied in our packet, that's -- I think that would
32 probably handle it; however, I also am thinking about the
33 recommendation that NACO just made. Perhaps we should also add
34 some terminology in there and some verbiage such as, the
35 recommendation that we may not --
36 COMMISSIONER MASON: First of all, I'll withdraw my motion.
37 COMMISSIONER WAITS: -- we -- we may not feel that it
38 follows the law to --
39 DEPUTY DISTRICT ATTORNEY TING: Whatever --
40 COMMISSIONER WAITS: -- approve or deny at this time.

1 DEPUTY DISTRICT ATTORNEY TING: -- whatever you guys want
2 to put in the letter just, --
3 COMMISSIONER STIENMETZ: All we've got --
4 DEPUTY DISTRICT ATTORNEY TING: Well --
5 COMMISSIONER STIENMETZ: -- to got to do is approve we're
6 --
7 COMMISSIONER MASON: I -- I --
8 COMMISSIONER STIENMETZ: -- going to send them the letter.
9 COMMISSIONER MASON: I --
10 DEPUTY DISTRICT ATTORNEY TING: Whatever you want to put in
11 there, we'll put --
12 CHAIRMAN GARNER: I think the letter.
13 DEPUTY DISTRICT ATTORNEY TING: -- in there. Just tell us
14 the language.
15 CHAIRMAN GARNER: I don't think you need any of that. I
16 think the letter is correct. We have to have --
17 COMMISSIONER STIENMETZ: We're denying it.
18 CHAIRMAN GARNER: We have to have a --
19 COMMISSIONER MASON: Notice.
20 CHAIRMAN GARNER: Yeah. We have to have -- a hearing.
21 That's basically. That's it. We have to have a hearing on
22 this. That's what we're trying to say with this letter is --
23 COMMISSIONER WAITS: Right.
24 CHAIRMAN GARNER: -- with intent, we -- we want a hearing.
25 COMMISSIONER WAITS: Right, but we might also --
26 CHAIRMAN GARNER: When we get our hearing, we can bring --
27 we can bring all the dogs and all the ponies to the show. But
28 right now, we just need to get this letter in the mail is what I
29 think we're truly after.
30 DEPUTY DISTRICT ATTORNEY TING: I would recommend -- I
31 don't want you to do anything. I would recommend that -- that
32 we send the letter if you -- if you -- that we send this letter,
33 which kind of just starts the process. This letter starts the
34 process and says, hey, we're putting you guys on notice that
35 we're -- that we're going to consider --
36 CHAIRMAN GARNER: Mm-hm.
37 DEPUTY DISTRICT ATTORNEY TING: -- whether to approve or
38 deny.
39 CHAIRMAN GARNER: Then we can draw --
40 DEPUTY DISTRICT ATTORNEY TING: That is the letter.

1 CHAIRMAN GARNER: Then we can draw all of our stuff.
2 COMMISSIONER STIENMETZ: Yeah.
3 CHAIRMAN GARNER: We can draw all of our stuff together to
4 have a hearing and then deny them or approve them based upon
5 everything we can get from the state, what they're putting
6 together through NACO, and what we can get through our
7 Assessor's Office.
8 COMMISSIONER WAITS: I'm okay with that.
9 COMMISSIONER STIENMETZ: All right.
10 COMMISSIONER WAITS: We can address it legally --
11 COMMISSIONER STIENMETZ: All right. I --
12 CHAIRMAN GARNER: Yes.
13 COMMISSIONER WAITS: -- on the 13th also.
14 CHAIRMAN GARNER: Yes. Yes.
15 DEPUTY DISTRICT ATTORNEY TING: Definitely.
16 COMMISSIONER STIENMETZ: So I make a motion that we approve
17 sending the letter in the packet dated July 30th or
18 January 30th, 2014 to Paul Thurmson, Director of Nevada --
19 CHAIRMAN GARNER: Thomsen.
20 COMMISSIONER STIENMETZ: -- of Energy.
21 CHAIRMAN GARNER: Thomsen, correct.
22 COMMISSIONER STIENMETZ: Thom -- yeah. Excuse me.
23 Thomsen, stating our intent to want a hearing as stated in the
24 packet and authorize the Chair to sign.
25 COMMISSIONER WAITS: I'll second that, but I do have a
26 question of whether it goes directly to that gentleman with the
27 Department of Energy. Since he did recuse himself, do we still
28 send it to him?
29 DEPUTY DISTRICT ATTORNEY TING: I was -- I was wondering
30 the same thing. I -- I --
31 COMMISSIONER WAITS: Perhaps --
32 GRACE POWRIE: Grace Powrie, Treasurer from Lander County.
33 I received an e-mail this morning from Paul saying it's so
34 ordered he no longer (indiscernible) --
35 COMMISSIONER WAITS: That's what I'm referring to.
36 GRACE POWRIE: And I gave that to you in the packet this
37 morning -- that first letter.
38 COMMISSIONER MASON: We've got it right here.
39 COMMISSIONER WAITS: So if we send it to the other one
40 that's in charge.

1 GRACE POWRIE: What I'm saying, it's stating he can no
2 longer be --
3 CHAIRMAN GARNER: We've got that.
4 GRACE POWRIE: -- because of the conflict of interest.
5 CHAIRMAN GARNER: Yeah, we've got that.
6 COMMISSIONER STIENMETZ: Yeah.
7 GRACE POWRIE: Okay.
8 COMMISSIONER MASON: It says in that letter --
9 COMMISSIONER STIENMETZ: All right, then we send it to the
10 Deputy Director.
11 COMMISSIONER MASON: It says in that letter, any and all
12 further proceedings in this matter will be handled by --
13 CHAIRMAN GARNER: Brita.
14 COMMISSIONER MASON: Brita Tryggvi.
15 COMMISSIONER STIENMETZ: Tryggvi.
16 COMMISSIONER MASON: Deputy Director --
17 COURT REPORTER: Can you spell that.
18 COMMISSIONER MASON: -- Nevada Office of Energy.
19 CHAIRMAN GARNER: T-R-Y-G-G-V-I.
20 DEPUTY DISTRICT ATTORNEY TING: So the second part that was
21 agendized is you guys can consider what you want to consider at
22 the next meeting. Do you guys want to hire that expert? Or not
23 expert but the consultant that Jeff is talking about?
24 COMMISSIONER WAITS: No, we're still on the motion.
25 CHAIRMAN GARNER: Let's get --
26 DEPUTY DISTRICT ATTORNEY TING: Oh, okay.
27 CHAIRMAN GARNER: We have a motion on the floor.
28 COMMISSIONER STIENMETZ: I change mine to change the person
29 it being sent to this Brita.
30 COMMISSIONER WAITS: Thank you. And I'll second that.
31 CHAIRMAN GARNER: Any public comment?
32 (No comment.)
33 CHAIRMAN GARNER: All those in favor?
34 COMMISSIONER STIENMETZ: Aye.
35 COMMISSIONER WAITS: Aye.
36 CHAIRMAN GARNER: Aye.
37 COMMISSIONER MASON: Aye.
38 CHAIRMAN GARNER: All those opposed?
39 (None opposed.)
40

1 2) Discussion for possible action regarding requesting a
2 presentation by ORNI 39, LLC (owned by Ormat Nevada, Inc.),
3 concerning the McGinness Hills geothermal power plant based
4 upon the application submitted for a partial abatement of
5 taxes pursuant to Nevada Revised Statutes (NRS) 701A.360, and
6 other matters properly related thereto.
7

8 CHAIRMAN GARNER: Moving on to mo -- or to Item 2,
9 discussion for possible action regarding requesting a
10 presentation by ORNI 37 [sic], LLC (owned by Ormat Nevada,
11 Incorporated) concerning the McGinness Hills geothermal power
12 plant based upon application submitted for the partial abatement
13 of taxes pursuant to Nevada Revised Statutes 701A.360, and other
14 matters properly related thereto.

15 DEPUTY DISTRICT ATTORNEY TING: So I'm Nicole Ting, for the
16 record.

17 I think it was Commissioner Waits or was it Jeff that said
18 by statute you guys can request this presentation.

19 I -- I called the -- the person who submitted the
20 application to you guys and said that just a heads up, the
21 Lander County Commissioners might be requesting your presence to
22 make this presentation so if you could make yourself available.
23 So now you guys just decide if you want the presentation or not.

24 CHAIRMAN GARNER: By Ormat.

25 COMMISSIONER WAITS: Thank you.

26 DEPUTY DISTRICT ATTORNEY TING: Yeah, by Or- --

27 CHAIRMAN GARNER: By ORNI.

28 DEPUTY DISTRICT ATTORNEY TING: By ORNI through Ormat?

29 CHAIRMAN GARNER: Yes. Correct.

30 COMMISSIONER WAITS: Thank you.

31 COMMISSIONER MASON: I -- we have the choice is

32 basically -- the plant is already built. They're planning to
33 expand it. They are very successful with what they've already
34 built.

35 We've heard their original presentation a couple of years
36 ago. If we want them back now, it would be to give us an update
37 on how the plant is doing and what it's doing and what their
38 intentions are.

39 CHAIRMAN GARNER: Negative. This would be to discuss this
40 tax abatement process.

1 COMMISSIONER STIENMETZ: Yep, that's all we're --
2 COMMISSIONER MASON: Yep, that too.
3 COMMISSIONER STIENMETZ: But we're not -- we're not -- all
4 we want to do is discuss the tax abatement. We don't --
5 CHAIRMAN GARNER: Yes.
6 COMMISSIONER STIENMETZ: -- care about the rest of it.
7 COMMISSIONER MASON: Okay then.
8 COMMISSIONER WAITS: If we got the analysis from the
9 Department of Taxation, if that comes in too, I think we have a
10 complete --
11 COMMISSIONER STIENMETZ: Yeah, we'll have that to discuss
12 at our meeting. That would be prior to --
13 COMMISSIONER WAITS: We have the criteria to go through.
14 Whether you want them here in front of you is the question.
15 COMMISSIONER MASON: For a presentation.
16 COMMISSIONER STIENMETZ: Just --
17 COMMISSIONER MASON: It's their presentation if we invite
18 them.
19 COMMISSIONER STIENMETZ: Just on why they --
20 CHAIRMAN GARNER: I hope so.
21 COMMISSIONER STIENMETZ: -- think they should get the
22 abatement.
23 CHAIRMAN GARNER: I --
24 COMMISSIONER STIENMETZ: Why do we need them here to tell
25 us --
26 CHAIRMAN GARNER: I personally don't --
27 COMMISSIONER STIENMETZ: I personally don't think we need
28 them here either.
29 COMMISSIONER MASON: I don't either.
30 COMMISSIONER STIENMETZ: So I'll make a motion that we
31 don't request that that -- that ORNI 39, LLC, owned by Ormat
32 Nevada Incorporated, give us a presentation on why they want the
33 partial tax abatement pursuant to Nevada Statute NRS --
34 COMMISSIONER MASON: I'll second that.
35 COMMISSIONER STIENMETZ: -- 701A.360.
36 COMMISSIONER MASON: Second.
37 CHAIRMAN GARNER: Any public comment?
38 RAY WILLIAMS: Yes. I'd like to make a comment.
39 This -- this is Ray Williams from Austin. I think that
40 the -- the presentation that was made to us back in 2010 was

1 very informative. And I -- I listened to what Commissioner
2 Mason said there. And I -- I totally disagree with -- with your
3 vote there.

4 I think that you should proceed and have a formal
5 presentation of what the total operation and intent of -- of
6 Ormat is. You need this information in order to make a -- an
7 informed decision. That's all I have to say. Thank you.

8 CHAIRMAN GARNER: Can I comment?

9 COMMISSIONER MASON: You have a comment on that?

10 CHAIRMAN GARNER: I -- I -- I believe you're right, Ray.
11 But I believe all that we could discuss at this is the abatement
12 process.

13 COMMISSIONER STIENMETZ: Right.

14 CHAIRMAN GARNER: We can't discuss their future -- anything
15 to do with that --

16 RAY WILLIAMS: I think however you agendize it, you can do
17 it. You can do anything you want to do. I think it's --
18 it's -- you need this information --

19 COMMISSIONER STIENMETZ: But that's not what's on the
20 agenda.

21 RAY WILLIAMS: -- to make an informed decision. You don't
22 know --

23 CHAIRMAN GARNER: But that's not what we have in front of
24 us right now.

25 RAY WILLIAMS: You're not making a decision today. You're
26 making the decision as to whether or not to have a formal
27 presentation.

28 COMMISSIONER WAITS: That's correct.

29 RAY WILLIAMS: I don't see how you could make a decision
30 without having all the information. And the company has that
31 information.

32 COMMISSIONER WAITS: Well, Ray, actually we do have --

33 CHAIRMAN GARNER: We have --

34 COMMISSIONER WAITS: -- quite a bit of information. The
35 only thing I think we're missing is the analysis from the
36 Department of Taxation.

37 COMMISSIONER STIENMETZ: Taxation.

38 COMMISSIONER WAITS: But everything else -- Lura supplied
39 the real property, personal property, what it would be over the
40 next --

1 LURA DUVALL: Twenty years.
2 COMMISSIONER WAITS: -- 20 years. We have --
3 COMMISSIONER MASON: The legal opinion.
4 COMMISSIONER WAITS: -- what they've been paying. We --
5 I'm -- I'm looking at all kinds of information here, backgrounds
6 and -- and I -- I think the decision --
7 JEFF FONTAINE: I wonder if I could --
8 COMMISSIONER WAITS: -- of whether we approve.
9 JEFF FONTAINE: -- add a comment if that would be
10 appropriate.
11 CHAIRMAN GARNER: Go ahead, Jeff.
12 JEFF FONTAINE: Yeah, I think by virtue of the fact that
13 you are going to agendi -- you've already decided to have a
14 hearing on this item, I think you've already pretty much
15 established that the applicant has -- has the right to come and
16 make a presentation on their behalf.
17 CHAIRMAN GARNER: Absolutely.
18 JEFF FONTAINE: So I don't know that you necessarily need
19 to make a decision regarding, you know, a formal invitation or
20 not. I -- I don't -- even know that that's required.
21 I think what typically happens -- and again, you know, your
22 District Attorney can -- can help you here -- but I think what
23 typically happens is once use notify the Director of the Office
24 of Energy, or in this case their desig -- designee, that you're
25 going to have this hearing, it's a public hearing on the
26 application. I think -- I think that more or less gives the
27 applicant the right to make --
28 COMMISSIONER STIENMETZ: Right.
29 JEFF FONTAINE: -- a presentation. So --
30 CHAIRMAN GARNER: And that's a --
31 JEFF FONTAINE: -- I don't know how you can deny them
32 making a presentation on their application in public hearing.
33 But again, you want have your District Attorney weigh on that.
34 CHAIRMAN GARNER: Yeah, I understand.
35 COMMISSIONER WAITS: Yeah. Thank you, Jeff. I think we
36 agree with that. It would be agendized. And the --
37 COMMISSIONER STIENMETZ: They're welcome to come and
38 present.
39 COMMISSIONER WAITS: -- the question this morning is
40 whether we were going to request a formal presentation from

1 them. That -- that was the only thing. And I -- I -- that's
2 what we're looking at right now.
3 Other than that, they certainly could --
4 COMMISSIONER STIENMETZ: Right.
5 COMMISSIONER WAITS: -- and probably will.
6 CHAIRMAN GARNER: Do I have any other --
7 COMMISSIONER WAITS: -- show up.
8 CHAIRMAN GARNER: -- public comments?
9 RAY WILLIAMS: Could I -- Ray Williams. Can I just add one
10 more thing?
11 Couldn't you -- you all have this information in your
12 packet, but it's not available to the general public. I guess
13 it will be as -- as your packet is -- when --
14 COMMISSIONER STIENMETZ: Right.
15 RAY WILLIAMS: -- the minutes are approved, and it's part
16 of the minutes.
17 But we live down here in this end of the world.. And we'd
18 just like to hear what Ormat's doing. We don't hear very much
19 about what's going on out there other than through their
20 employees. That's one of the reasons that I would certainly
21 encourage you to proceed with the presentation that we could
22 listen in on. That's all I have to say. Thank you.
23 CHAIRMAN GARNER: Any other public comment?
24 (No comment.)
25 CHAIRMAN GARNER: All those in favor?
26 COMMISSIONER STIENMETZ: Aye.
27 CHAIRMAN GARNER: Aye.
28 COMMISSIONER WAITS: Aye.
29 COMMISSIONER MASON: Aye.
30 CHAIRMAN GARNER: That's all we have for items.
31

32
33 **PUBLIC COMMENT**
34

35 CHAIRMAN GARNER: Do I have any non-agendized public
36 comment?

37 (No comment.)
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ADJOURNMENT

COMMISSIONER STIENMETZ: Seeing none, I make a motion we adjourn.

COMMISSIONER WAITS: I'll second that motion.

CHAIRMAN GARNER: All those in favor?

COMMISSIONER STIENMETZ: Aye.

COMMISSIONER MASON: Aye.

CHAIRMAN GARNER: Aye.

COMMISSIONER WAITS: Aye.



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



**ATTEST: _____
LANDER COUNTY CLERK**

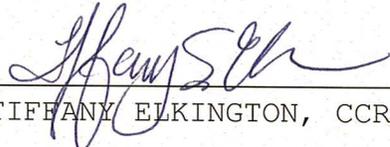
Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.

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STATE OF NEVADA)
) ss.
COUNTY OF LANDER)

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
CERTIFY THAT I WAS PRESENT IN THE COMMISSION CHAMBERS OF THE
LANDER COUNTY COURTHOUSE IN THE STATE OF NEVADA, ON THE 30TH
DAY OF JANUARY 2014, AND REPORTED THE FOREGOING PROCEEDINGS;
THAT THE SAME IS FULL, TRUE, AND CORRECT AS REFLECTED BY MY
ORIGINAL MACHINE SHORTHAND NOTES TAKEN AT SAID PLACE AND TIME
BEFORE THE HONORABLE BOARD OF LANDER COUNTY COMMISSIONERS.

DATED AT BATTLE MOUNTAIN, NEVADA,
THIS 13 DAY OF FEBRUARY 2014.



TIFFANY ELKINGTON, CCR #930