

The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on July 25, 2013 at 9:00 a.m.

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

9:00 A.M.

Chairman Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Jane Bianchi led the Pledge of Allegiance.

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

APPROVAL OF AGENDA NOTICE

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

APPROVAL & ACCEPTANCE OF MINUTES

JUNE 27, 2013 – REGULAR SESSION

JULY 10, 2013 – SPECIAL SESSION

JULY 11, 2013 – REGULAR SESSION

Commissioner Waits approved the minutes of June 27, 2013 regular session as corrected, July 10, 2013 special session as corrected, and July 11, 2013 as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously.

APPROVED

Lander County Board of Commissioners

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Prepared By: Cathy Myers, Executive Secretary

COMMISSIONER REPORTS

Commissioner Waits reported on her attendance of the meeting for the Board of Division for Aging in Carson City on July 24, 2013.

Commissioner Bullock reported on his attendance of the Great Basin Regional Development Authority on July 17, 2013. There will be a meeting with the Army Corp. of Engineers and others affected at Summit Engineering on August 1, 2013 in Reno.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

H.E. HUNEWILL CONSTRUCTION

Commissioner Garner moved to ratify check #45091 in the amount of \$148,894.02 to H.E. Hunewill. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

STATE OF NEVADA

Commissioner Garner moved to ratify check #45147 in the amount of \$40.28 to State of Nevada. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

HARTFORD LIFE INSURANCE

Commissioner Garner moved to ratify check #45092 in the amount of \$50.00 to Hartford Life Insurance. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

DRAKE ROSE & ASSOCIATES

Commissioner Garner moved to ratify check #45090 in the amount of \$15,020.00 to Drake Rose and Associates. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

BUSINESS CARD

Commissioner Garner moved to ratify check #45121 in the amount of \$2,707.60 to Business Card. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

JONES WEST FORD

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Commissioner Garner moved to ratify check #45094 in the amount of \$29,461.25 to Jones West Ford. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

APPROVED

Commissioner Garner moved to approve the submitted expenditures in the amount of \$937,386.38 from check #45142 through #45254. Seconded by Commissioner Waits, the motion was voted and carried with Commissioner Garner abstaining from the vote on check #45155. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee Change Request for employee #616, Negotiated Wage Increase, Part Time Records Clerk, \$16.66 per hour, effective July 8, 2013.
2. Employee Change Request for employee #1368, Promotion, Traffic Clerk I, \$16.60 per hour, effective July 22, 2013.
3. Employee Change Request for employee #789, Promotion, Court Administrator/Clerk, \$25.21 per hour, effective July 22, 2013.
4. Employee Change Request for employee #1327, Negotiated Wage Increase (corrected), Assistant Cook, \$14.25 per hour, effective July 8, 2013.
5. Employee Change Request for employee #1383, Negotiated Wage Increase, (corrected) Van Driver, \$13.94 per hour, effective July 8, 2013.
6. Employee Change Request for employee #1273, Promotion, Maintainer II, \$17.93 per hour, effective July 8, 2013.
7. Employee Change Request for employee #743, Negotiated Wage Increase, Maintainer I, \$16.58 per hour, effective July 8, 2013.
8. Employee Change Request for employee #1292, Negotiated Wage Increase (corrected), Relief Van Driver, \$11.32 per hour, effective July 8, 2013.
9. Employee Change Request for employee #1414, Level Increase, Deputy Sheriff, \$25.29 per hour, effective August 5, 2013.
10. Employee Change Request for employee number 858, Negotiated Wage Increase, Food Service Director, \$18.92 per hour, effective July 8, 2013.
11. Employee Change Request for employee number #1433, Entry Level Change, Maintainer II, \$15.96 per hour, effective July 8, 2013.

Commissioner Stienmetz moved to approve the eleven payroll changes requests as stated. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

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PUBLIC COMMENT

Commissioner Stienmetz commented on the nice job done on the newly paved roads.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director, updated the Board that \$905.00 was collected by the collection agency for the month of June. Of that \$497.00 was Lander County's portion. She also had an email from Shawn at Bank of America, and they do not seem interested in the increase of rent. Ms. Hill does not think they will have the ATM for Bank of America. She also updated the Board that Kim from Drake Rose and Associates will be here the week of July 26th for the single audit on the beginning of the audit process. **UPDATE**

INFORMATION TECHNOLOGY

- 2) **Discussion For Possible Action Regarding Operations & Projects For The IT Department & Other Matters Properly Related Thereto:** Justin Moore, IT Department, updated the Board on flipping the switch that was discussed in a previous meeting.

Commissioner Mason asked Mr. Moore to put a few speakers and a microphone in the Commission Chambers.

Mr. Moors and Sadie Sullivan, Clerk, stated they are working together to update the system, but it will take a bit of time. Mr. Moore said they would try to speed up the process if they can. **UPDATE**

SAFETY

- 3) **Discussion For Possible Action Regarding Operations & Projects Of The Lander County Safety Manager & Other Matters Properly Related Thereto:** Keith Westengard, Safety Manager, updated the Board on the LEPC Committee's Community Response Training. Mr. Westengard also stated Kingston Fire Department is interested in becoming members of LEPC. He has submitted a grant for full LEPC members to attend the Reno Fire Show, and the LEPC Drill has been rescheduled for September. Mr. Westengard updated the Board on the CPR/AED Training. He inspected the Austin Pool and there were a few minor issues that needed to be corrected, and they are working on them. He has also been performing the re-inspections from last month, and things seem to be going well with those. There are a few issues but they are working on those. He has

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about 80% involvement with the County on the monthly tailgate safety sessions. The no smoking policy has been fairly accepted throughout the County. Mr. Westengard has also been looking into the Title 3 Grant funding, and they need to form a Fire Wise Committee. He also updated the Board the OSHA violation on the lift in the Courthouse has been repaired and we are now in compliance. There have also been no reportable incidents since the last meeting. **UPDATE**

9:30 A.M.
PUBLIC HEARING

- 4) **Public Hearing & Discussion For Possible Action Regarding Approval/Disapproval Of Ordinance No. LC 2013-01, An Ordinance Amending Sections 15.24.020, 15.24.030(A)(1), 15.24.030(A)(4), 15.24.030(8), 17.38.010(A), 17.58.020(G), 17.60.010(G), 17.62.020 (J), & 17.64.020(A) Of The Lander County Code To Only Allow Watchman's Quarters, Which Include, But Are Not Limited To, Recreational Vehicles (RV's), In Operating Mining Operations, Operating Farm & Ranch Districts (A-3), Operating Commercial Districts (C-1, TC, & C-2), & Industrial Districts (M); & Other Matters Properly Related Thereto:** Ray H. Williams, Austin, explained when the Austin Master Plan was completed there were provisions in there for affordable housing. This indicated an RV could be used in the back area of town where it is already zoned for mobile homes. Mr. Williams said this ordinance talks about watchman's quarters and makes it sound like one would have to get a special use permit to put a mobile home on a lot. He feels this is confusing, to restrictive and needs more work.

Frank Whitman, Austin Chamber of Commerce President, questioned if watchman quarters was defined as only one or could there be more than one in a particular location. He also asked what prompted the change.

Commissioner Bullock stated this is a recommendation that comes from the Planning Commission.

Donnie Negro, Road and Bridge North, explained there is a problem with stealing fuel and parts from business yards. The vandalism is getting worse in Battle Mountain.

There was discussion on the current ordinance and why commercial use could just be added instead of requiring a special use permit.

Commissioner Mason moved to defer this item until the next meeting until they have Joe Lindsey on board to have as full discussion of this administrative change. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **DEFERRED**

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ROAD & BRIDGE SOUTH

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

ROAD & BRIDGE NORTH

- 6) Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto: Donnie Negro, Road and Bridge North, updated the Board on the completion of 2012-2013 road paving, and the 2013-2014 road paving. They are brushing shoulders and hauling material at the landfill. He is also back on the equipment for the landfill. Going through NJPA and they are getting about a 20% discount.

Commissioner Bullock asked how much of an increase they had at the landfill on the week of the town clean-up.

Mr. Negro said probably about 10%, and pointed out that it is free to dump at the dump all year. It is just as easy to take their stuff to the dump as it is to take it to the dumpster.

There was discussion of setting up a clean-up more than once a year. Mr. Negro also shared his concern about people dumping their household garbage and tires. There was also some discussion on recycling. **UPDATE**

PUBLIC WORKS

- 7) Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto: No Update.
- 8) Discussion For Possible Action Regarding Cancellation Of The "Back Nine (9) Development Project" For The Mountain View Golf Course; Proceeding Only With The Design Plans Of The Back Nine (9); Reapportionment Of Funds From The Back Nine (9) To The "Front Nine (9) Rehabilitation Project"; & Other Matters Properly Related Thereto: Commissioner Garner expressed his concern of putting all the money into the back nine when the front nine need so much work. He feels the front nine need to be copasetic first then they can do the back nine.

Commissioner Mason stated he took a tour of the front nine, and it needs a lot of correction. The sprinkler heads are the wrong heads for the fairways, there needs to be

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some work done on the pumps and there are electrical wires that are exposed. Commissioner Mason does not think they need to cancel the project on the back nine.

Commissioner Garner explained the grass is receding because it is not getting enough water. There are many issues that need to be fixed.

There was discussion on the water rights.

Commissioner Stienmetz moved to defer this item until the next meeting so Jake can be here. Seconded by Commissioner Waits.

Max Bunch stated Rain Bird and other irrigation companies have come to look at the golf course. The sprinkler heads have always been an issue. His concern is they were supposed to put in the right heads when the new greens were done. This would be the greens company that knows what they are doing. The brand new grass that was put in last year is dead because the sprinklers are not hitting the greens. The golf course is being watered off of one pump instead of two. They are watering the softball fields off the other pump because the pump by the softball field was abandoned. Pressure was lost because of this, and he feels the abandoned pump should be brought back on line.

Commissioner Waits asked Nicole Ting, Deputy District Attorney, to look into the contract for the green at the golf course and see if the Company did not fulfill the agreement.

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

COMMISSIONERS

- 9) **Discussion For Possible Action Regarding Presentation & Approval/Disapproval Of The Draft FY 2014-2023 Annual Work Program (AWP) Containing Proposed Betterment Projects From The Nevada Department Of Transportation (NDOT) & Other Matters Properly Related Thereto:** Coy Peacock, Nevada Department of Transportation, introduced those who came with him to the Board. Mr. Peacock asked the Board if their relationship with NDOT is working.

Commissioner Bullock stated it was and commented on the nice job NDOT has done about smoothing out the concrete on the interstate.

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Mr. Peacock informed the Board they are there to update them on the draft update to the STIP process, the Annual Work Program, County Crash Data Trends, Relinquishments, funding, and listening to any new issues the Commissioners may have.

Commissioner Waits questioned if they are actually relocating and converting a sign.

Kevin Lee, District Engineer for District 3, explained they are replacing or placing the chains or snow tire requirement sign to the current standard.

Mr. Peacock explained the lists of projects are needs that have been identified if the funding is available. They may not all be completed this next year.

Mr. Lee stated the chip seal on 306 will happen this year.

Mr. Peacock updated the Board on the Zero Fatality Campaign. There were 245 fatalities in 2011 and 258 in 2012. In 2012 there were three crashes and three fatalities in Lander County. Currently there are zero crashes and zero fatalities. They will continue to work with safety programs.

Commissioner Waits expressed her concern about not having deer crossing signs in the Austin area.

Commissioner Garner expressed his concerns on the rest areas being closed for long periods of time.

Mr. Lee explained there have been water and septic issues at these rest areas.

Mr. Peacock talked about Senate Bill 18 on road relinquishments. When NDOT feels a State Route would be better served by a local agency they will notify the local agency of that request. Until a local agency consents by resolution the transfer cannot take place. NDOT is willing to negotiate on the relinquishments. Mr. Peacock also informed the Board that NDOT will be coming out with local bike plans in all areas of Nevada. They are expecting to receive about the same amount of money from MAP 21 as they have in the past year.

Commissioner Bullock talked about the flood levee and the suggestion that Lander County pay for raising and repaving the road. He expressed his concerns and stated he felt Lander County is being taken advantage of.

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Donnie Negro, Road and Bridge North, complimented Kevin Lee on his work with the RTC for the pedestrian bridge project.

Mr. Peacock stated they will document the issues that have been brought up and provide a letter of response on those issues. He requested the Commission to accept the Lander County Fiscal Year 2014-2023 Work Program and the Fiscal Year 2014-2017 STIP Process.

Austin requested to hold a bike plan meeting in Austin.

Commissioner Waits asked Mr. Peacock if they still had funding in their TAP Program and if Lander County was involved in that in any way with the reimbursement.

Mr. Peacock stated they do still have funding in the Statewide TAP Program and they are in the middle of the application process.

Commissioner Garner questioned the bump in the road by Valmy that is on an earthquake fault line.

Mr. Lee explained they try to work on that every summer. They work with Newmont with that.

Commissioner Mason moved for the Commission to accept the 2014-2023 Annual Work Program and the FY 2014-2017 Statewide Transportation Improvement Program (STIP) Process. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

10) Discussion For Possible Action Regarding Request From Lori Price, Lander County Historical Society, For A Grant In An Amount Not To Exceed \$10,000.00 To Assist With Writing & Research Portion Of The Publication Of A Book Written About The Rich History Of Battle Mountain, & Other Matters Properly Related Thereto: Lori Price, President of the Lander County Historical Society, addressed the Board and explained they have a proposal to have a book written about Battle Mountain. This book will cost approximately \$50,000.00 and they are asking for a portion, in the amount of \$10,000.00, to get the research and the writing process of the book started. Dana Bennett will be the author of the book, and already has a book out on the Midas History.

Dana Bennett addressed the Board and spoke about her Midas book. She explained the Lander County Historical Society will act as the publisher. It will be up to the Museum to sell and distribute the book.

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Ms. Price provided a payment schedule, a timeline, and a list of the chapters to be in the book. She also informed the Board she has requested donated funds from other entities. They would like to sell the book for \$20.00.

There was discussion on this book being accurate on the history of Battle Mountain.

Commissioner Waits shared her concern with the cost, and there are less expensive ways to do a book.

There was discussion on the historical information collected on Battle Mountain will be at the museum, even if the book is not written. There was also discussion on who would retain the rights of this book. Ms. Bennett will keep the copyright but the museum will have the publishing rights.

Frank Whitman explained the book on Austin was done for free and was done by volunteer effort. Austin gets a little royalty as well. He also felt \$50,000.00 was a lot of money.

There was discussion on this not being something that was budgeted, and the money coming out of the Battle Mountain Town Fund.

Commissioner Waits stated they like the idea, but Ms. Price may have to do it on her own.

Commissioner Bullock disagreed and said this is a positive thing and would be great for the town. He does not want the opportunity for a quality book to slide.

Rogene Hill, Finance Director, explained next year they would have funding available that they could budget for, but right now they are limited. The Board could opt to give \$5,000.00 or \$3,000.00.

Judge Max Bunch suggested giving them some know and giving them the remaining in the next budget year. The County could still commit to the \$10,000.00.

Ms. Price questioned if the Board could at least commit.

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Commissioner Mason moved that the Commission approve a grant in the amount not to exceed \$10,000.00 for the Fiscal Year 2014-2015. No second so the motion died.

Commissioner Garner moved to take \$2,000.00 from the Town Fund for Fiscal 2013-14 to apply to the seed money for this and to reapply \$8,000 next 2014-15 for the appropriation of the Battle Mountain book Historical. Seconded by Commissioner Stienmetz the motion was voted and carried with Commissioners Bullock, Stienmetz, Garner, and Mason voting "AYE" and Commissioner Waits voting "NAY". **APPROVED**

11) Discussion For Possible Action Regarding Award Of Bid For The Austin Loneliest Highway Visitors Center Projects To MGM Construction, Inc. , In The Amount Of \$601,224.00 Per Recommendation Of Cynthia Albright Of Stantec Consulting Services, Inc., & Other Matters Properly Related Thereto:

Rogene Hill, Finance Director, updated the Board that on October 23, 2012 there was an amendment #2 that increased the funding agreement by \$105,263.00. This obligates \$716,422.00 out of Federal Funds, and the County match is 5% which is not to exceed \$37,706.00. The total project with this in place is \$754,128. Ms. Hill informed the Board how this amount was broke down. The Construction bid came in at \$601,224.00. There was an estimated budget of \$568,560.00 bringing it \$32,664.00 higher. She is not sure if the additional would be federally funded at the 95% or if the County would have to be responsible. With the additional the project total would be \$786,800.00. Ms. Hill also updated the Board on the amount of money spent, what has been requested as reimbursement, and what has been received.

Commissioner Garner moved for the Commission to accept the bid for \$601,224.00 from the MGM Construction Company out of Las Vegas. Seconded by Commissioner Stienmetz the motion was voted and carried unanimously. **APPROVED**

12) Discussion For Possible Action Regarding Approval/Disapproval Of The Standard Agreement For Consulting Services Between Lander County & Summit Engineering Corporation, In An Amount Not To Exceed \$244,000.00, For GIS Services For The Lander County Minor Road Mapping Project, Phase 1, Task 2, & Phase 2 Additional Services, & Other Matters Properly Related Thereto:

Jim McGuire, Summit Engineering, explained this is the same proposal that was deferred earlier in the year until they were able to complete Task 1 of the mapping. They have now been able to determine the actual cost. Task 1 was completed at a cost of about \$114.00 per mile. Under Task 2 they are anticipating more time for the field mapping due to having more mountainous areas. Task 2 will cost about \$130.00 per mile. Their goal is to have the entire field

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mapping, for the entire County, done by October 1, 2013. He provided estimates of companies that print maps.

There was discussion on the amount budgeted and where the remaining amount would come from.

Commissioner Garner moved to approve the Standard Agreement for Consulting Services between Lander County and Summit Engineering Corporation, in an amount not to exceed \$244,000.00, for GIS Services for the Lander County Minor Road Mapping Project, Phase 1, Task 2, and Phase 2. Seconded by Commissioner Mason.

Ray Williams, Chairman of the Public Lands Board, wanted to make sure all the cherry stemmed roads that extend into the forest where included in this mapping project.

Mr. McGuire stated they have obtained all the data on those roads from the Forest Service and they will be included on the map.

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

13) Discussion For Possible Action Regarding Update By Summit Engineering Corporation On The Status Of The Austin Boundary Line Adjustment Project & Other Matters Properly Related Thereto: Jim McGuire, Summit Engineering, updated the Board on the current status and progress of the boundary line adjustments in Austin. **UPDATE**

14) Discussion For Possible Action Regarding Approval/Disapproval Of The Agreement Between Lander County & Haaglund Manufactured Home Service, In An Amount Not To Exceed \$14,000.00, For Relocation Of A Modular Classroom Unit From Battle Mountain Junior High School To The Austin Airport, & Other Matters Properly Related Thereto: Commissioner Waits moved for the Commission to approve the agreement between David Haaglund, Haaglund Manufactured Home Service, for the relocation of the modular classroom unit from Battle Mountain Junior High school as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

15) Discussion Fro Possible Action Regarding The Appropriation Of \$5,000.00 For Membership In The Great Basin Regional Development Authority & Other Matters Properly Related Thereto: Commissioner Bullock said this is not really a membership, it is start up fees for the administration that is taking place in putting all of this together. Each County has been asked to put in \$5,000.00.

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Commissioner Garner moved for the appropriation of \$5,000.00 for the membership in the Great Basin Regional Development Authority. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

BOARD APPOINTMENTS

- 16) **Discussion For Possible Action Regarding Appointment Of Paula Tomera To The 2013-2014 Category 3 Lander Economic Development Authority & Other Matters Properly Related Thereto:** Commissioner Garner moved to accept the letter of reappointment to the 2013-2014 Category 3 Lander Economic Development Authority Board. Seconded by Commissioner Stienmetz the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

- 17) **Discussion For Possible Action Regarding Update By Phil Hanna, Battle Mountain General Hospital CEO, On The Emergency Medical Services In Lander County, & Under Administration By The Lander County Hospital District (LCHD), & Other Matters Properly Related Thereto:** Commissioner Stienmetz moved to defer this item until the next meeting. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **DEFERRED**

COURTHOUSE/ADMINISTRATION BUILDING PROJECT

- 18) **Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto:** Max Bunch, Argenta Justice of the Peace, updated the Board he was just on the phone with the Architects and they have met with their group on the design. There is a potential meeting on Wednesday, July 31st with the Building Committee to look at a few different things on the two story option. The Building Committee will listen to any concerns and will make recommendation to the Commission in the August 8th Commission meeting. Judge Bunch also updated the Board that CORE has been working on some of the internal things, the rocks that will be used on the outside of the building, and the elevation issues. He explained they are looking into the JAVS system, not only for the Court, but for the Commission Chambers as well. **UPDATE**

LANDER COUNTY LAW ENFORCEMENT EMPLOYEES ASSOCIATION

- 19) **Discussion For Possible Action Regarding Request Form Employee #1311 For An Extension Of The Ninety (90) Calendar Day Full Compensation Provision Of Article 11, Job Connected Injuries, In The Agreement Between Lander County & The Lander**

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County Law Enforcement Employees Association, & Other Matters Properly Related Thereto: Deputy Steven Smith addressed the Board and stated it was his understanding that the Commission tabled this item to get more direction from the Sheriff or Undersheriff.

Commissioner Bullock stated one concern was, to his understanding, Deputy Smith did not speak with the Sheriff or the Undersheriff regarding this matter.

Deputy Smith said he had and the Undersheriff was the one who instructed him on how to request an agenda item and come before the Commission.

A letter was presented to the Board by Sheriff Unger and is as follows:

"Honorable Commissioners,

Please forgive me for not attending the July 25, 2013 Commissioners Meeting in person. Prior engagements prevent me from doing so. However, I felt it necessary that I provide input on this agenda item as it affects all members of my agency.

I was recently informed through the Lander County Human Resource Director that Employee #1311 of the Sheriff's Office was seeking an extension of the full compensation provision of Article 11 of the Collective Bargaining Unit Agreement (CBA).

I cannot speak on the specifics of the employee's request, as I was not approached by the employee or their representative regarding the extension request. That being said, I urge caution by the Commission in granting this type of request.

It is the current policy of the Sheriff's Office to consider Transitional Duty for any workers compensation injury that is not classified as temporary total disability. Employee #1311 used the initial (90) ninety days of full compensation granted in the Collective Bargaining Unit Agreement (CBA). Afterwards, Employee #1311 was offered and accepted working in a reduced capacity under the Sheriff's Office Transitional Duty policy.

Employee #1311 has adequate Short Term Disability and Annual Leave to allow him to receive full compensation, when coupled with the Worker's Compensation benefit, for the anticipated temporary total disability timeframe. Additionally, the current CBA allows for a Catastrophic Leave provision to permit other employees to donate their leave to an employee in just this type of situation.

If the Commission were to grant Employee #1311 the (90) ninety day allowable extension, it would be setting a precedent that I believe is unwarranted at this time. During this (90) ninety day extension, no other leave could be charged against the employee, including FMLA.

Respectfully,
Ron Unger
Sheriff"

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Commissioner Bullock said he was confused why this was not worked out with the Sheriff or the Undersheriff.

Deputy Smith explained he was following the contract that stated he needed to bring this request before the Commissioners. He did not want to violate the contract.

Scott Fullerton explained the contract is between the Employee's Association and the County, not the Law Enforcement Agency and the Sheriff's Department. He did not feel it was the intent of Deputy Smith to bypass the authority of the Sheriff. He was just following the contract. Mr. Fullerton also explained Article 11 has a clause in there that the leave extension may be granted in the case of medical need. In Deputy Smith's case the injury occurred in January and a leave based on that. He eventually went to light duty in an attempt to rehab this injury. Deputy Smith's Doctor has now said the only way to solve the issues is with surgery. This now becomes the medical need.

There was discussion of Workman's Compensation. If the County does not approve the extended 90 days, Deputy Smith will have to exhaust his sick leave and vacation. There was also discussion on if Deputy Smith could come back before the Board after all his vacation and sick leave is exhausted, and request again. The Board was informed the catastrophic bank, where an employee may donate some of their time to another, is not a guarantee. Workman's Compensation only covers sixty-six and two thirds percent and the other thirty three and one thirds percent would need to be paid out of the Sheriff's budget, or Deputy Smith has to use his sick leave and vacation time.

Commissioner Mason moved for the Commission to not grant the extension at this time. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **NOT APPROVED**

COMMISSIONERS

20) Correspondence/Reports/ Potential Upcoming Agenda Items:

1. LANDER COUNTY HOSPICE, to Lander County Board of Commissioners, thank you card expressing appreciation for generous donation.
2. JANE BOOMHOWER, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Joe Gallegos, Barrick Gold Exploration Inc., e-mail regarding modified permit and updated reclamation cost estimate for Barrick Gold Exploration Inc.'s Hilltop Project, Permit 01000, BLM Case No. NVN-67812.

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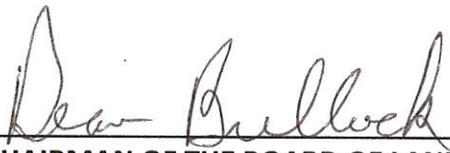
3. GENE SEIDLITZ, BUREAU OF LAND MANAGEMENT, to Permittee, Stakeholder & Interested Public, letter regarding Winnemucca District Drought Detection Monitoring Plan and Drought Response Actions.
4. US FOREST SERVICE, Public Scoping and Notice of Proposed Action and Opportunity to Comment, Big Spring Gold Exploration Project, Humboldt-Toiyabe National Forest, Austin Ranger District.
5. RURAL NEVADA DEVELOPMENT CORPORATION (RNDC), Housing Report Ending June 30, 2013.
6. XAVIER TARAHGO-CASTORENA, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Amanda Appelt, Western Energetix, letter regarding notification of new case officer.

PUBLIC COMMENT

No public Comment

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of July 25, 2013. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **ADJOURNED**



**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.

Lander County Board of Commissioners
Meeting of July 25, 2013
Prepared By: Cathy Myers, Executive Secretary