

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse in Battle Mountain, Nevada, on July 9, 2015, at 9:00
4 a.m. Transcript produced by Tiffany Elkington, C.C.R., #930.

5
6 **PRESENT: PATSY WAITS, COMMISSIONER**
7 **SEAN BAKKER, COMMISSIONER**
8 **ART CLARK III, COMMISSIONER**
9 **DOUG MILLS, COMMISSIONER**
10 **SADIE SULLIVAN, COUNTY CLERK**
11 **THEODORE HERRERA, DISTRICT ATTORNEY**
12 **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**

13
14 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**
15 **NAN ANCHO, FINANCE DIRECTOR**

16
17 Let the record reflect the presence of a quorum of four
18 commissioners.

19
20 Let the record reflect the presence of Austin via telephone
21 conference.

22
23 [Meeting commenced on July 9, 2015, at 9:00 a.m.]

24
25 [The meeting was called to order.]

26
27 [The Pledge of Allegiance was recited.]

28
29 [A moment of silence was observed.]

30
31 VICE CHAIRWOMAN WAITS: Thank you. And good morning to my

32
33 UNIDENTIFIED PARTICIPANT: Good morning.

34 VICE CHAIRWOMAN WAITS: -- fellow commissioners, --

35 UNIDENTIFIED PARTICIPANT: Good morning.

36 VICE CHAIRWOMAN WAITS: -- and our staff and elected
37 officials and our public.

38 Good morning, Liz.

39 Thank you all for joining us.

40

1 COMMISSIONER REPORTS

2
3 VICE CHAIRWOMAN WAITS: We will start out with our
4 commissioner reports on our meetings and conferences attended.
5 And Commissioner Mills, I'll start with you.

6 COMMISSIONER MILLS: Okay. I do have a couple of things.
7 We did do our rec center meeting, but I'll let Sean talk about
8 that.

9 Went to a LEDA meeting on July 1st. As of July 1st, we are
10 now officially part of NNRDA. So that is all done.

11 The only other thing on there, I'd like to mention is that
12 they did elect a new treasurer. And Gina Little will be the
13 treasurer for LEDA.

14 I sat in on a phone conference call with the Corps of
15 Engineers pertaining to the levee. And there are several things
16 pertaining to that that may be of interest.

17 And it's like where to start because the mess there just
18 never ends.

19 As you know, they only want to deal with the central
20 portion of the levee between Interstate 80 and the railroad, in
21 that area. The other areas, they're not interested in working
22 on.

23 They did tell us that with the northern portion of the
24 levee that if we go through with what they call a 408 process,
25 we can then submit to them a plan on how we want to repair the
26 levee and they could approve that. And then we could go ahead
27 and fix it.

28 So I've talked with Tom Gallagher at Summit Engineering,
29 and we're going proceed with that.

30 They also claim that for the southern portion of the levee,
31 -- and this is the portion that Corps of Engineers has nothing
32 to do with. This is all on us -- they're stating that we may
33 need what they call a 404 clean water permit.

34 And Tom Gallagher thinks that we will not need that because
35 that mainly deals with waters of the USA or waters of the United
36 States. And he doesn't think this applies. So we may not need
37 to do that. So we're going to find out.

38 Corps of Engineers is stating that they needed a -- a topo
39 study of the area. And they first -- they started off with a
40 two-foot topo when they first started. For every two feet they

1 wanted to know what the elevations are for the whole basin down
2 here in the -- in the -- as the -- as the river comes through
3 Battle Mountain.

4 When Tom Gallagher told them that he had that, he could
5 send it to them, they changed their mind to say they needed a
6 one-foot topo.

7 So Tom Gallagher asked one of his employees to go check to
8 see if they had one already. And a few minutes later, the
9 employee came back and said, yep, they do have a one-foot topo.
10 And that Tom Gallagher -- I talked to him subsequently. And he
11 said within an hour of that meeting that had been sent to Corps
12 of Engineers.

13 But Corps of Engineers still seemed reluctant to accept the
14 topography that Tom Gallagher had done.

15 So hopefully, they accept that, because that alone will cut
16 a lot of time off the process.

17 Corps of Engineers also said that after they completed all
18 of their engineering work, it would take them a year to
19 double-check it. And by this time, everybody's just pulling
20 their hair out. I don't know why -- I don't know why it takes
21 so long.

22 We did find -- we asked them how long it would take to get
23 this -- all this stuff done and when they plan on building
24 the -- and fixing the levee. And they said they planned on
25 budgeting it for 2017.

26 We asked if -- we're still trying to find out if the levee
27 is built to FEMA standards, if FEMA will relieve the townspeople
28 of Battle Mountain from having to pay flood insurance. So we
29 asked Corps of Engineers if their construction is going to match
30 FEMA standards. And they said, no, it will match the Corps of
31 Engineers' standards, but FEMA will accept that. So in a
32 roundabout way, they said yes.

33 So we're still going to work on that and find out. And we
34 -- we're going to -- Tom's going to get in contact with FEMA and
35 get some input from them.

36 They did another hydrology study. And they did determine
37 that Interstate 80 will not need to be raised. That as
38 Interstate 80 currently sits now that it will not be breached or
39 overtopped by any flood waters, which is a good sign.

40 What else? Oh.

1 They -- Corps of Engineers did indicate that they're going
2 to have to come to the county for a -- what they call a PCA
3 contract with a new money amount limit from 7 million to
4 \$10 million, which, again, is just annoying. If they'd have
5 done this stuff years ago, it would have cost way less than it's
6 costing now.

7 They're talking that they may need -- need more land
8 acquisition. Because as they widen the base of the levee to get
9 to the height that they want, they may need to go and get some
10 more land acquisitions.

11 They're talking that the design may be done by the end of
12 this year. But, again, they're not planning on budgeting it
13 until 2017.

14 They're also saying that in order to complete it, they're
15 going to have to work with the railroad to shut down the
16 railroad to work on the levee that abuts the railroad. And they
17 -- they're saying that that may be a fight.

18 So I don't know. They just keep coming up with more and
19 more excuses.

20 And they're also saying they're going to have to do some
21 geo-tech studies for earthquake stuff. And they've asked the
22 county to provide a -- an excavator so they can come out and dig
23 a bunch of holes to do their studies.

24 So one thing I want to do is put on our agenda to discuss
25 completing the southern portion of the levee as soon as possible
26 to get it done. And then separately, to work on the northern
27 part of the levee, working through that 408 process and see if
28 we can get approval through Corps of Engineers and get that part
29 of it done.

30 And I'm hoping that by doing so, we can put some pressure
31 on Corps of Engineers to hurry them up. And maybe they'll
32 complete that center section.

33 So I'm going to pursue getting that onto our agenda so we
34 can discuss it about pursuing that. And --

35 VICE CHAIRWOMAN WAITS: Thank you.

36 COMMISSIONER MILLS: -- last thing I've got is that I do
37 have a hospital board meeting this afternoon. So I can report
38 on that the next meeting. That's all I've got.

39 VICE CHAIRWOMAN WAITS: Thank you.

40 COMMISSIONER BAKKER: Thanks, Doug.

1 VICE CHAIRWOMAN WAITS: Commissioner Bakker.
2 COMMISSIONER BAKKER: We had a rec center meeting on
3 Tuesday.
4 UNIDENTIFIED PARTICIPANT: Want that?
5 COMMISSIONER MILLS: Sure.
6 COMMISSIONER BAKKER: And the rec center committee has
7 decided to move the rec center. Everybody want one?
8 UNIDENTIFIED PARTICIPANT: Yeah.
9 COMMISSIONER BAKKER: Okay. You may have to share here.
10 UNIDENTIFIED PARTICIPANT: No share.
11 VICE CHAIRWOMAN WAITS: Good morning.
12 COMMISSIONER CLARK: Good morning.
13 COMMISSIONER BAKKER: And it's going where the existing
14 pool is.
15 And I'm hoping by our next meeting Van Woert will be here and
16 they can do a whole presentation on everything. But right now,
17 this is where we're at.
18 We're going to have to tear down the pool, which hopefully
19 will start this spring. And it won't be --
20 COMMISSIONER MILLS: Next spring.
21 COMMISSIONER BAKKER: -- or next spring. Yeah.
22 COMMISSIONER CLARK: This fall.
23 COMMISSIONER BAKKER: No. And so right now, this is where
24 we're at, the design layout of the building right now as far as
25 where it's going to be positioned. It can -- probably will be a
26 little farther into the park, but not much. Just right where
27 that tree line is. And right now, that's all we've got.
28 Any questions?
29 COMMISSIONER CLARK: Good job.
30 VICE CHAIRWOMAN WAITS: Thank you.
31 COMMISSIONER CLARK: Me?
32 VICE CHAIRWOMAN WAITS: Commissioner Clark.
33 COMMISSIONER CLARK: I had a public lands meeting on
34 Monday. And we did get some good news. It's been determined
35 that if the federal government decides that they want to reclaim
36 any riparian areas that it has to be passed through Congress
37 first. That's the way it stands right now.
38 The other thing that came out during the public lands
39 meeting is that there is a push by Eureka County on the elk plan
40 to have no elk north of Highway 50. I -- I don't know how

1 that's going to be accomplished.

2 Last night at the planning commission, the planning
3 commission asked me if I would be in favor of a workshop between
4 department heads and the planning commission and have me present.
5 And I -- I said it was a good idea at the time, but after talking
6 to the DA, I'm -- I'm of a different opinion because that's not
7 the process.

8 So I'll go back to the planning commission, and I'll talk
9 to them again next month and explain what the process should be.

10 Hopefully Mr. Herrera can be there to help me with that.

11 VICE CHAIRWOMAN WAITS: Thank you.

12 I did have a NACO board meeting on the 26th of June. We
13 actually discussed and did a briefing on the bills that were
14 affecting the counties. And I did pass out a copy of those last
15 time for you with the general bills that affected the different
16 counties that we will be working on.

17 There are some under the budget items that actually are
18 making a little bit of a difference and an impact.

19 One is the child protective services and under the
20 governor's budget, the cost shift to the counties on how we do
21 our assessment is going to make an increase in what we need to
22 pay. They're looking for some other ways to fund that right
23 now. But that's where it is to start with.

24 The governor had in an extra \$163,000 of cost to the county
25 for the mentally ill and housing them. NACO opposed that
26 greatly and actually it ended up coming out of the budget. So
27 that's a little bit of a plus on that side.

28 We had a couple board presentations. One was from Jeff
29 Hardcastle, who is the Nevada state demographer. And then we
30 had the presence of Mr. John Ruhs, who is the interim state BLM
31 director.

32 And he was just there basically to introduce himself and --
33 and give us a little bit of his history on where he's been with
34 BLM. And he has been all over the country, from Washington,
35 D.C. to Montana to everywhere. And we asked if he would like to
36 stay in Nevada. And he was very, very tactful. He said, I'll
37 go wherever the BLM sends me.

38 So -- so we don't -- we don't know his preference on -- on
39 that part at all. But it was nice to meet him in person and
40 have him there. And we thanked him for his cooperation in our

1 last crisis that we had with our local ranchers.

2 On the lawsuit of the wild horses and the Department of
3 Interior, that continues on. We actually were going to a
4 mediation the last time we spoke and had a report, about a month
5 or so ago. But the Department of Interior's holding really tight
6 to the idea that we are too far apart, that we want all the horses
7 removed from -- from the west. Duh. No, we don't. They always
8 will roam free. And that's a part of our western spirit. But the
9 management is what the lawsuit is about. And apparently, nobody's
10 getting the crux of that.

11 So we are continuing on now with our appeal. And the
12 briefing is all -- the briefs are due in September.

13 SB 29, which is the home rule, and they changed that a
14 little bit. We'll see how that will affect us. NACO is doing a
15 round table and asked for a lead person to attend. And I talked
16 to our executive director about that. So I think he might be
17 representing us on that one and going in there.

18 The other item of interest, which does affect us, would be
19 the agenda. And there was some concern about how the agendas are
20 posted.

21 And if you check your agendas on the very back, when they say
22 they are actually subscribed and sworn to me, on this day we
23 posted this, and here is the witness.

24 The point on that is when you send it other places to be
25 posted and you don't physically post it yourself, we're not
26 getting the confirmations back. And they are recommending that we
27 do that with another affidavit of posting so that it will be our
28 backup material. So we're working on that right now.

29 So when we send it to Austin, whoever posts it in Austin --
30 different people do, depending who's there that day when it
31 comes in -- will sign the affidavit. And that will be our
32 record.

33 If we post it in the post office and it comes down, and
34 they say, you've never posted this, then very often someone will
35 take it. So that's our backup that it was done properly, the
36 way we said it was. So we're looking into that.

37 The other item I have, and Keith was going to report on it,
38 I believe, but that's our Payment in Lieu of Taxes and our PILT
39 payments that actually were made June 24th. They were
40 released for this year. And I double-checked with Nan and with

1 Grace. And we did receive both PILT payments on June 24th. One
2 was for \$816,985 and an additional one for 72,552.

3 In the National Defense Authorization Act, Congress
4 appointed -- actually pro-created another \$37 million to be
5 available in October 2015. But it looks like since that's after
6 the fiscal year of 2015, those payments won't actually be made in
7 2016 fiscal year. So we'll look at that for the fall and later
8 on, but there will be some additional coming.

9 And that is my report.

10
11
12 **STAFF REPORTS**

13
14 VICE CHAIRWOMAN WAITS: So we go into staff reports.
15 Counselor, good morning.

16 DISTRICT ATTORNEY HERRERA: Good morning.

17 I don't know anything about the staff reports, but I -- but I
18 can bring you up to date on -- on -- well, we haven't formed a
19 committee to -- to discuss the breakup of the Sixth Judicial
20 District Court, specifically Leighton Hall and stuff. We're in
21 process of doing that. As a matter of fact, it's on the agenda
22 today to -- to appoint one or two commissioners to enter into the
23 negotiation phase.

24 Now, this -- it's not a committee because a committee --
25 and it's not something that we have -- we would have any right
26 to make decisions on. Otherwise, it would have to be agendized
27 and be part pursuant -- go pursuant to open meeting laws. But
28 it's a negotiation phase.

29 And today at 3:00 o'clock, myself and whatever
30 commissioners are going to be with me, are going to meet with
31 Mike McDonald in -- in Winnemucca. And we're going to have
32 the DA from Pershing County on the phone.

33 And to open up or break the ice and do the first part of --
34 of probably developing a strategy to form a committee to then
35 negotiate.

36 So -- so we haven't got to the committee phase yet. But we
37 do have it agendized today for the one or two county
38 commissioners to be with me on -- on these negotiations. And
39 that's starting today.

40 And -- what else do we have going? We have -- that's about

1 it that I've got.

2 VICE CHAIRWOMAN WAITS: Thank you.

3 BECKY JOHNSON: Becky Johnson, human resource director.

4 I'm filling in for Keith. I think I'm just keeping his seat

5 warm because I really have nothing to update you on.

6 I've been gone. When I got back, he had to leave. So --

7 VICE CHAIRWOMAN WAITS: Well, thank you for stepping in for

8 us. We appreciate you being here this morning.

9

10

11 PUBLIC COMMENT

12

13 VICE CHAIRWOMAN WAITS: Okay. We'll move on to public

14 comment. This is for non-agendized items only. And we invite

15 anyone from the public that would like to step up for a few

16 minutes.

17 JOHN FULLER: I need to --

18 COMMISSIONER CLARK: Come on up, John.

19 VICE CHAIRWOMAN WAITS: John, come on up.

20 JOHN FULLER: My name is John Fuller. I reside at 354 West

21 Second Street here in Battle Mountain.

22 The reason I come before you this morning is to thank you

23 for allowing us, the VFW, to do the parade.

24 I received a comment from Red Ripley. He said he had never

25 seen that many people attend that function. And then when I met

26 him over in the park, he said he had never seen the park so filled

27 with people. So that was a nice comment there.

28 We wish to thank you for everything that you've done for

29 us.

30 And thank you.

31 COMMISSIONER BAKKER: Thank you.

32 JOHN FULLER: Now, can I speak on another item right now

33 in --

34 VICE CHAIRWOMAN WAITS: Sure.

35 JOHN FULLER: -- public comment? Okay, one of the things

36 that's on the agenda here is about the MS system that we here in

37 Battle Mountain.

38 VICE CHAIRWOMAN WAITS: If we're talking about something

39 that's on the agenda, we need to discuss that on the agenda

40 then.

1 JOHN FULLER: Okay. I'll step off.
2 VICE CHAIRWOMAN WAITS: Are you going to stay around for
3 it, John?
4 JOHN FULLER: Yeah.
5 VICE CHAIRWOMAN WAITS: Okay. Thank you. Yeah, this is
6 just for public comment for non-agendized items.
7 COMMISSIONER CLARK: Thanks, John. I got a lot of good
8 reports on the VFW doing the parade too.
9 JOHN FULLER: Thank you.
10 VICE CHAIRWOMAN WAITS: And we appreciate you sharing that
11 with us. Thank you.

12
13
14 **CONSENT AGENDA**

15
16 VICE CHAIRWOMAN WAITS: We're moving on to the consent
17 agenda.
18 All matters listed under the consent agenda are considered
19 routine and may be acted upon by the Board of County
20 Commissioners with one action, without extensive discussion.
21 Any member of the board or any citizen may request that an item
22 be taken from the consent agenda, discussed, and acted upon
23 separately during the meeting. Consent agenda materials are
24 available at the Lander County clerk's office for viewing. And
25 copies are available for a nominal large.

26 On the consent agenda, we have the agenda notice for today,
27 July 9th, 2015; June 11th, 2015, regular meeting minutes;
28 June 25th, 2015, regular meeting minutes; payment of bills; and
29 the paym- -- payroll change request.

30 We did not receive the minutes from June 25th; so I will ask
31 that that be pulled.

32 Is there anything else that anyone would like pulled from
33 here?

34 COMMISSIONER BAKKER: Okay.

35 VICE CHAIRWOMAN WAITS: Hearing none, I'll entertain a
36 motion to approve the balance.

37 COMMISSIONER BAKKER: I'll make a motion to approve agenda
38 notice, July 9th, 2015; June 11th, 2015, regular meeting
39 minutes; payment of bills; and payroll change requests.

40 COMMISSIONER MILLS: I'll second.

1 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
2 Commissioner Bakker and seconded by Commissioner Mills we
3 approve the Consent Agenda minus the June 25th regular meeting
4 minutes.

5 Any other discussion?

6 (No comment.)

7 VICE CHAIRWOMAN WAITS: All those in favor?

8 COMMISSIONER BAKKER: Aye.

9 COMMISSIONER MILLS: Aye.

10 COMMISSIONER CLARK: Aye.

11 COMMISSIONER WAITS: Aye.

12 Thank you.

13
14
15 **FINANCE**

- 16
17 1) Discussion for possible action to approve Resolution No.
18 2015-14, a resolution directing apportionment of net proceeds
19 received in the month of June 2015, and other matters
20 properly relating thereto.

21
22 VICE CHAIRWOMAN WAITS: We now have Finance. Discussion
23 for possible action to approve a Resolution No. 2015-14, a
24 resolution directing apportionment of net proceeds received in
25 the month of June 2015, and other matters properly relating
26 thereto.

27 And this is a regular act that we do when we receive the net
28 proceeds and we need to apportion them properly, which does need
29 to be -- the motion needs to cover the full resolution with the
30 amounts that are listed in there for us.

31 COMMISSIONER BAKKER: I'll make a motion to approve the net
32 proceeds of mineral -- mineral taxes on June 3rd, 2015, the
33 total amount of \$689,318.84. This resolution provides for
34 commission authorization, direction to apportion the total of
35 net proceeds tax receipt among the entities within Lander County
36 according to the *ad valorem* tax. I've got to read -- I messed
37 that up. Hold on. We've got to read all these in here, huh?

38 DISTRICT ATTORNEY HERRERA: Yes.

39 VICE CHAIRWOMAN WAITS: We do need to.

40 COMMISSIONER BAKKER: Yeah.

1 VICE CHAIRWOMAN WAITS: Do you want to start over?
2 COMMISSIONER BAKKER: Yeah.
3 VICE CHAIRWOMAN WAITS: And you also need to ap- -- to
4 approve the resolution number when you --
5 COMMISSIONER BAKKER: Yeah.
6 VICE CHAIRWOMAN WAITS: Yeah. It's a long one.
7 COMMISSIONER BAKKER: Yeah.
8 VICE CHAIRWOMAN WAITS: Thank you.
9 COMMISSIONER BAKKER: I'll make a motion to approve and
10 adopt the Resolution No. 2015-14, the resolution directing
11 apportionment of the net proceeds and mineral taxes received on
12 June 3rd in the amount of \$689,318.84, to the entities within
13 Lander County according to: Commission Fees/General Fund 3%,
14 \$20,679.57 in Fund 001-000-38045; Assessor Tech Fees 2%,
15 \$13,786.38 to Fund 300-000-32223; China Springs in the amount of
16 \$649.24 to the Fund 001-000-38040; State Medical Indigent in the
17 amount of \$14,175.05 to the Fund 004-000-38040; State Indigent
18 (NACO) in the amount of \$3,246.20 to the Fund 004-000-38041;
19 Capital Acquisition in the amount of \$6,492.39 to the Fund
20 031-000-38040; Landfill in the amount of \$10,820.65 to the Fund
21 011-000-38040; Hospital in the amount of a hundred --
22 \$105,037.16 to the Fund 060-000-38040; School District in the
23 amount of \$154,194.30 to the Fund 070-000-38040.
24 Discretionary CCP in the amount of \$360,237.92 to the Fund
25 055-000-38040 for a total of \$689,318.84.
26 COMMISSIONER MILLS: I'll second.
27 DISTRICT ATTORNEY HERRERA: One more.
28 COMMISSIONER MILLS: Oh, you've got a --
29 DISTRICT ATTORNEY HERRERA: Whereas...
30 COMMISSIONER BAKKER: Whereas, the Lander County Board of
31 Commissioners desires to use Discretionary Net Proceeds to fund
32 infrastructure projects, Fund 055.
33 Am I good? Okay.
34 COMMISSIONER MILLS: Do you have to approve to sign? Or is
35 that just --
36 Okay, I'll second.
37 VICE CHAIRWOMAN WAITS: Yeah, we do have to sign that;
38 don't we? Yeah, it's a resolution. I'm sorry.
39 DISTRICT ATTORNEY HERRERA: Yeah, so it --
40 COUNTY CLERK SULLIVAN: Authorize the vice chair --

1 DISTRICT ATTORNEY HERRERA: -- needs to be signed.
2 COMMISSIONER BAKKER: Authorize the vice chair to sign.
3 COMMISSIONER MILLS: Is it all commissioners sign?
4 DISTRICT ATTORNEY HERRERA: All commissioners --
5 COMMISSIONER BAKKER: All commissioners --
6 DISTRICT ATTORNEY HERRERA: -- sign.
7 COMMISSIONER BAKKER: -- sign. Okay.
8 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
9 Commissioner Bakker that we approve the resolution for the net
10 proceeds and seconded by Commissioner Mills.
11 Any other discussion?
12 (No comment.)
13 VICE CHAIRWOMAN WAITS: All those in favor?
14 COMMISSIONER BAKKER: Aye.
15 COMMISSIONER MILLS: Aye.
16 COMMISSIONER CLARK: Aye.
17 COMMISSIONER WAITS: Aye.
18 Thank you.
19 We know that's a long one. We appreciate that.

20
21
22 **EXECUTIVE DIRECTOR**

23
24 2) **Discussion and action regarding the performance evaluation of**
25 **the executive director, and other matters properly relating**
26 **thereto.**
27

28 VICE CHAIRWOMAN WAITS: Under the Executive Director, we
29 have discussion and action regarding the performance evaluation
30 of the executive director, and other matters properly relating
31 thereto.

32 And we were looking at a six months' evaluation. But that
33 has gone by the wayside. That was in March. So now we're looking
34 at a nine month. But we still need to do the evaluation.

35 And how we do it is why it's on the agenda today.
36 What -- what's your pleasure of putting that together?

37 I do know that some of you received a copy of an
38 evaluation. I believe that came from POOL/PACT for us to fill
39 out. I think it was in your boxes with some general information
40 too. And it is a copy in here.

1 The thing about that is that there's a -- we don't have the
2 day-to-day interaction with our executive director, of course.
3 So we're looking for perhaps some additional input.

4 So my question is: Would you like to send, like, a modified
5 version out to the admin staff? or the admin and elected staff?
6 or people that -- that deal with him in the county level so that
7 we have some more input?

8 COMMISSIONER CLARK: So you want a 360 evaluation?

9 VICE CHAIRWOMAN WAITS: That would be a consideration.

10 Yes.

11 What's your -- what's your pleasure? What's your thoughts?

12 COMMISSIONER CLARK: I think it's our responsibility to
13 evaluate the executive director, not his subordinates, unless
14 you're going to enter into a formal 360 evaluation and you have
15 it designed by someone that understands what it's for.

16 VICE CHAIRWOMAN WAITS: As far as the designing, that would
17 be POOL/PACT that could assist us very -- (indiscernible).

18 And yes, you are absolutely right, it is ours. However,
19 I'm looking to see if you would like some additional input from
20 people that do deal with him on a regular basis. How you take
21 that into consideration is totally up to the commissioners that
22 are present that will be doing the evaluating.

23 COMMISSIONER CLARK: That's like unfounded complaints,
24 Patsy. Somebody complains to county about a property issue or
25 whatever and they don't sign their name to it. It's the same
26 thing. You're going to have gripes. So I -- I think that the
27 county commissioners need to evaluate Mr. Westengard based upon
28 what we observe. That's my perspective --

29 VICE CHAIRWOMAN WAITS: Okay.

30 COMMISSIONER CLARK: -- at this time.

31 VICE CHAIRWOMAN WAITS: That's why it's on the agenda.

32 Gentlemen?

33 COMMISSIONER MILLS: I -- I'm more concerned about the
34 time. And I think that the sooner we do this, the better off
35 we're going to be. And if we just do it ourselves, we'll be
36 able to get it done and be able to move on without any delays or
37 any -- we're already behind. I think we just need to get it
38 done.

39 COMMISSIONER BAKKER: I'm going to agree with Doug right
40 now. And then maybe our next one, when it comes up, we can

1 discuss how we want it to be done. You know what I mean?

2 VICE CHAIRWOMAN WAITS: Okay. With that then, with the
3 information that you have is that your -- your idea that we go
4 ahead and fill this out and then we have the evaluation on the
5 agenda at our next and it will be a closed session to start with
6 and then we open it up. But it all will be on the agenda for
7 the next meeting, the end of July. Is that what you'd like?

8 COMMISSIONER CLARK: Is it a closed session or is it an
9 open session when we evaluate?

10 VICE CHAIRWOMAN WAITS: We do a closed session to the -- to
11 speak with him. And then it opens up to the public on what the
12 findings are.

13 COMMISSIONER CLARK: On the decision?

14 VICE CHAIRWOMAN WAITS: Uh-huh.

15 DISTRICT ATTORNEY HERRERA: Right. It's -- today, you
16 needed -- just like Patsy -- Commissioner Waits is pointing out
17 you need to decide. Because it needs -- we need to agendize the
18 closed session, --

19 COMMISSIONER CLARK: Right.

20 DISTRICT ATTORNEY HERRERA: -- if that's the approach
21 you're going to take. So if that's the approach you're going to
22 take, then in the agenda, we would agendize the closed session.
23 When you agendize a closed personnel session, there's certain
24 statutory obligations --

25 COMMISSIONER CLARK: Okay.

26 DISTRICT ATTORNEY HERRERA: -- and mandates pursuant to NRS
27 that you have to follow that allows the -- the person mentioned
28 in the closed session. And you have to agendize it so that his
29 name is mentioned and the purpose of it.

30 Then you go into closed session. And that's when you discuss
31 with the individual his stuff.

32 Then you open it up, like Commissioner Waits pointed out,
33 and let the public make any comments or anything they wanted to,
34 and then you're done.

35 And if that's -- if that's the plan you want to employ,
36 that's what Commissioner Waits is asking you. So you need to say
37 you make a motion to, yes, this is how we want to do it. And then
38 we need to be seconded and voted on and --

39 COMMISSIONER BAKKER: That we want a closed session?

40 DISTRICT ATTORNEY HERRERA: Yes. We want --

1 COMMISSIONER BAKKER: Yeah.
2 DISTRICT ATTORNEY HERRERA: -- a closed personnel --
3 COMMISSIONER MILLS: A closed session.
4 DISTRICT ATTORNEY HERRERA: -- session to discuss with him
5 his evaluation.
6 COMMISSIONER CLARK: And then we go back into open
7 session --
8 DISTRICT ATTORNEY HERRERA: Yes.
9 COMMISSIONER CLARK: -- for the final part of the
10 evaluation?
11 DISTRICT ATTORNEY HERRERA: Yes.
12 COMMISSIONER CLARK: Satisfactory or unsatisfactory.
13 DISTRICT ATTORNEY HERRERA: Yes.
14 COMMISSIONER CLARK: Okay.
15 COMMISSIONER MILLS: And I would think if -- as you brought
16 up going out to department heads or other elected officials to
17 give an evaluation -- they do have that public comment section
18 to do that.
19 I know it's different in a public meeting than it is to send
20 him a -- something that they can send in that's more private, but
21 at least they'll have an opportunity then to do that.
22 That makes sense.
23 DISTRICT ATTORNEY HERRERA: Well, -- but there's nothing
24 that prevents anybody in this county from talking to any
25 individual county commissioners on any complaints or any
26 observations or anything else at any time.
27 And as Commissioner Mills points out, if any of these county
28 employees would like to -- to approach the subject or any subject
29 about his job performance at the -- at the end of the closed
30 meeting and at the initiation of the open meeting, they can do
31 that.
32 So there's a number of ways that the people -- the employees
33 in this county can get their thoughts known.
34 COMMISSIONER BAKKER: Motion?
35 COMMISSIONER MILLS: So do we need -- so do we need to make
36 a motion?
37 DISTRICT ATTORNEY HERRERA: Yes.
38 VICE CHAIRWOMAN WAITS: Yes.
39 COMMISSIONER MILLS: Okay.
40 Actually not sure where this motion's going to go here.

1 DISTRICT ATTORNEY HERRERA: Commissioner Mills, the motion
2 should be, if in fact that's the direction you're looking, it
3 should be basically that, I move that -- that we have an
4 evaluation of Keith Westengard, executive director, in closed
5 session and where we will do the evaluation.

6 COMMISSIONER MILLS: Well, the commissioners will do the
7 evaluation.

8 DISTRICT ATTORNEY HERRERA: Yes.

9 COMMISSIONER MILLS: Yeah. Okay. So I move that the
10 commissioners would do an evaluation of Keith Westengard as the
11 executive director in closed session.

12 And -- do we need to fol- -- are we going to follow this --

13 COMMISSIONER CLARK: Format.

14 COMMISSIONER MILLS: -- performance evaluation outline as
15 given in our packet?

16 COMMISSIONER CLARK: Now, will we -- I'll wait for public
17 comment.

18 COMMISSIONER BAKKER: Second.

19 COMMISSIONER CLARK: Okay. Will we fill this out prior to
20 or during?

21 DISTRICT ATTORNEY HERRERA: You -- you may --

22 COMMISSIONER BAKKER: You are.

23 DISTRICT ATTORNEY HERRERA: -- or you may want to question
24 him and then, --

25 COMMISSIONER BAKKER: Yeah.

26 DISTRICT ATTORNEY HERRERA: You guys can do it any way that
27 you want?

28 COMMISSIONER CLARK: Okay.

29 DISTRICT ATTORNEY HERRERA: But with -- by the terms of
30 this motion, it will be done in closed session. And you'll
31 follow this guideline. That's all you're making a motion to do.

32 How you do that is up to you as long as you don't -- don't
33 meet -- meet in public or in private and discuss it. That --
34 that's one thing you can't do. But aside --

35 COMMISSIONER MILLS: Right.

36 DISTRICT ATTORNEY HERRERA: -- from that.

37 VICE CHAIRWOMAN WAITS: The other thing, if you want to
38 think about doing it this way, is fill it all out and we turn it
39 in, like, to an uninterested party, like NACO or something.
40 And -- and they come back with the guidelines -- of the four of

1 you, three of you marked this one, one of you marked like this.
2 If you want do it individually and we still get to discuss
3 it with the executive director. But that tells you how
4 everybody has actually put it together to give you an idea. Or
5 you can just bring it, as he said, unfilled out or filled out
6 ahead of time. And we just do it orally, verbally, whatever is
7 your pleasure.

8 COMMISSIONER MILLS: Well, again, in -- I think in the
9 interest of time to get it done that we can take care of all
10 this stuff ourselves and just knock --

11 VICE CHAIRWOMAN WAITS: Okay.

12 COMMISSIONER MILLS: -- it out.

13 VICE CHAIRWOMAN WAITS: It's moved that we do agendize the
14 formal performance evaluation for our executive director. And
15 that will be on our next agenda, and seconded.

16 Any other discussion?

17 (No comment.)

18 VICE CHAIRWOMAN WAITS: Okay, commissioners will be doing
19 that at the next one.

20 All in favor?

21 COMMISSIONER BAKKER: Aye.

22 COMMISSIONER MILLS: Aye.

23 COMMISSIONER CLARK: Aye.

24 COMMISSIONER WAITS: Aye.

25 And that passes. Thank you.

26
27
28 TREASURER

29
30 3) Discussion and possible action regarding approval/disapproval
31 of the following adjustments to the tax roll: a) adjustments
32 to the 2009-10 unsecured tax roll; b) adjustments to the
33 2010-2011 unsecured tax roll; c) adjustments to the 2011-12
34 unsecured tax roll; d) adjustments to the 2012-13 unsecured
35 tax roll; e) adjustments to the 2013-14 unsecured tax roll;
36 f) adjustments to the 2014-15 unsecured tax roll; and other
37 matters properly related thereto.

38
39 VICE CHAIRWOMAN WAITS: We are to the treasurer.
40 Discussion and possible action regarding approval or disapproval

1 of the following adjustments to the tax roll: adjustments to
2 the 2009 unsecured tax roll; b) adjustments to the 2010-2011
3 unsecured tax roll; c) adjustments to the 2011-12 --

4 COMMISSIONER BAKKER: You got another one for me, Grace --

5 VICE CHAIRWOMAN WAITS: -- unsecured tax --

6 COMMISSIONER BAKKER: -- this go around?

7 VICE CHAIRWOMAN WAITS: -- roll; d) adjustments to the
8 2012-13 unsecured tax roll; e) adjustments to the 2013-14
9 unsecured tax roll; f) adjustments to the 2014-15 unsecured tax
10 roll; and other matters properly related thereto.

11 Good morning, Grace.

12 GRACE POWRIE: Good morning, Commissioners. How are you?

13 These are the unsecured adjustments to the roll through
14 June 30th of 2015 to finalize everything for the '14/'15 tax year.

15 VICE CHAIRWOMAN WAITS: So you need it read into the
16 minutes exactly as we set it along with the amounts; is that
17 correct?

18 GRACE POWRIE: Please.

19 VICE CHAIRWOMAN WAITS: Okay. Thank you.

20 COMMISSIONER BAKKER: I make a motion to approve the
21 adjustments to the unsecured roll as following: approve
22 adjustment to 2009-2010 unsecured roll, a negative \$68.82;
23 approve adjustment to 2010-2011 unsecured roll in the amount of
24 negative \$70.59; approve adjustment to 2011-2012 unsecured roll
25 in the amount of negative \$69.69; approve adjustment to
26 2012-2013 unsecured roll in the amount of negative \$85.94;
27 approve the adjustment to 2013-2014 unsecured roll in amount of
28 negative \$14,124.18; approve adjustment to 2014-2015 unsecured
29 roll in the amount of negative \$1,157,254.96. Total combined
30 adjustment for the unsecured roll during 2014-2015 fiscal year
31 is negative one million, one hundred seventy-one dollars, six
32 hundred seventy-four dollars -- no, hold on -- \$1,171,674.18.

33 COMMISSIONER MILLS: Second.

34 VICE CHAIRWOMAN WAITS: Thank you. The motion has been
35 made by Commissioner Bakker and seconded by Commissioner Mills
36 to approve the adjustments to the unsecured rolls as read into
37 the -- the record.

38 Any other discussion?

39 (No comment.)

40 VICE CHAIRWOMAN WAITS: Any public comment?

1 (No comment.)
2 VICE CHAIRWOMAN WAITS: All those in favor?
3 COMMISSIONER BAKKER: Aye.
4 COMMISSIONER MILLS: Aye.
5 COMMISSIONER CLARK: Aye.
6 COMMISSIONER WAITS: Aye.
7 GRACE POWRIE: Thank you.
8 VICE CHAIRWOMAN WAITS: Thank you, Grace. That takes care
9 of this year?
10 GRACE POWRIE: Yes.
11 VICE CHAIRWOMAN WAITS: We're all set. Thank you.
12
13

14 DISTRICT ATTORNEY

- 15
16 4) Discussion and possible action to appoint a commissioner to
17 represent the county along with the district attorney to
18 enter into negotiations with Pershing and Humboldt County on
19 the Leighton Hall juvenile detention facility operation, and
20 other matters properly related thereto.
21

22 VICE CHAIRWOMAN WAITS: On Item Number 4, discussion and
23 possible action to appoint a commissioner to represent the
24 county along with the district attorney to enter into
25 negotiations with Pershing and Humboldt County on the Leighton
26 Hall juvenile detention facility separation, and other matters
27 properly related thereto.

28 And this is what --

29 COMMISSIONER CLARK: And I'll be glad to volunteer along --

30 VICE CHAIRWOMAN WAITS: -- our attorney --

31 COMMISSIONER CLARK: -- with Commissioner Bakker.

32 VICE CHAIRWOMAN WAITS: I don't --

33 COMMISSIONER BAKKER: I'll do it.

34 COMMISSIONER CLARK: I'll do it.

35 DISTRICT ATTORNEY HERRERA: Yes.

36 VICE CHAIRWOMAN WAITS: When -- when Judge Wagner was here,
37 he said we were looking at one commissioner and a district
38 attorney from every county; is that correct?

39 COMMISSIONER BAKKER: Yeah, but we can do two.

40 DISTRICT ATTORNEY HERRERA: Judge Wagner is a consultant of

1 Jim Shirley. Judge Wagner has nothing to do with this. What --
2 what -- in talking to the district attorneys of the other two
3 counties, they're going to have one, probably two, people
4 there -- one county commissioner and in Winnemucca, they're
5 going to have the -- I don't know. They have different people
6 there, but their finance person there.

7 So what I'm suggesting is that we have two commissioners in
8 case one commissioner is unavailable. Instead of an alternate,
9 I'd just rather have two commissioners.

10 And -- and we -- we do this initial talk. And if we need
11 the finance person or anything at a later date, then -- then we
12 can do that. I -- we just don't know. Until today at
13 3:00 o'clock, we don't know. So today I would like to have two
14 commissioners to be available.

15 VICE CHAIRWOMAN WAITS: My concern with that is that I
16 don't want -- I don't want us overpowering the other counties
17 we're working with this. It's tri-counties that are putting
18 this, --

19 COMMISSIONER BAKKER: The other thing --

20 VICE CHAIRWOMAN WAITS: -- finishing it up --

21 COMMISSIONER BAKKER: -- to think about is Lovelock can
22 only have one.

23 VICE CHAIRWOMAN WAITS: Well, with some. I mean, they only
24 have three commissioners so --

25 COMMISSIONER BAKKER: But Mineral --

26 VICE CHAIRWOMAN WAITS: -- if they appoint two --

27 COMMISSIONER BAKKER: -- can only have one.

28 COMMISSIONER CLARK: Well, they don't need --

29 COMMISSIONER BAKKER: Humboldt --

30 COMMISSIONER CLARK: -- to appoint two.

31 COMMISSIONER BAKKER: -- can have two.

32 COMMISSIONER CLARK: This is a local decision. We'll have
33 two commissioners from Lander County so that we always have one
34 available, an alternate.

35 DISTRICT ATTORNEY HERRERA: They don't -- they don't
36 necessarily have to go to each one. We're not going to
37 overpower them because Humboldt County's probably going to have
38 three or four people there, Patsy, at every -- at every meeting.

39 So -- but we're going to find out more today at 3:00 o'clock.
40 I'd rather have two appointed today rather than have to

1 re-agendize to have another one appointed in the future.

2 VICE CHAIRWOMAN WAITS: Well I agree there. I just didn't
3 know why we just didn't have one. And if you're afraid one
4 won't show up, then we can do an alternate. But as I said, if
5 they have three commissioners, they can't appoint two because
6 then they have to, you know, agendize --

7 DISTRICT ATTORNEY HERRERA: There's --

8 VICE CHAIRWOMAN WAITS: -- everything. So...

9 DISTRICT ATTORNEY HERRERA: -- not going to be any
10 overpowering. At this point, it's just the district attorneys,
11 as a matter of fact, that were supposed to meet today.

12 And then -- then Mr. McDonald and I decided that he's going
13 to have two other people there. And I said, I may have one to
14 two other commissioners with me today.

15 So there's -- we're just going open it up for discussion.
16 We're just going to listen to see how we're going to develop a
17 plan of action for the future. And it has to be pretty immediate
18 because two issues that need to be discussed is -- is number one,
19 the immediate one, is what services are we going to get for the
20 \$226,000?

21 VICE CHAIRWOMAN WAITS: Oh, Counselor, I understand why
22 we're doing this. I'm just -- I'm just voicing that -- that
23 they did request that we put together this committee. And I
24 know that, well, it's on the record, was one commissioner and --
25 and our district attorney. And I was just questioning the
26 number of people who wanted to --

27 DISTRICT ATTORNEY HERRERA: You're relying on a consultant
28 who just made a recommendation to the county. He's -- he's not
29 the judge.

30 COMMISSIONER BAKKER: Humboldt County apparently will have
31 commissioners and their executive director there.

32 COMMISSIONER CLARK: Uh-huh.

33 COMMISSIONER BAKKER: This is coming from a reliable
34 source.

35 COMMISSIONER CLARK: When would you --

36 DISTRICT ATTORNEY HERRERA: They're going to be
37 underwhelmed if anything.

38 COMMISSIONER CLARK: Yeah.

39 VICE CHAIRWOMAN WAITS: I'm fine with that.

40 DISTRICT ATTORNEY HERRERA: I'm -- I'm -- let me know. All

1 the information I have -- and if we have two commissioners, we
2 are not going to overwhelm anybody. We will still be
3 underwhelmed.

4 VICE CHAIRWOMAN WAITS: Okay.

5 DISTRICT ATTORNEY HERRERA: We're going to probably have --
6 we're going to speak to Pershing County today by telephone.

7 I don't know how many people are going to be on the other
8 end of that --

9 VICE CHAIRWOMAN WAITS: Okay.

10 DISTRICT ATTORNEY HERRERA: -- telephone.

11 VICE CHAIRWOMAN WAITS: Then let me ask this. The way that
12 we put it on the agenda was to appoint a commissioner. Are we
13 out of the agenda if we --

14 DISTRICT ATTORNEY HERRERA: No.

15 VICE CHAIRWOMAN WAITS: -- appoint two?

16 DISTRICT ATTORNEY HERRERA: No.

17 VICE CHAIRWOMAN WAITS: Okay.

18 COMMISSIONER CLARK: Why would you think that we would
19 overpower them?

20 I mean, I don't understand why you would --

21 VICE CHAIRWOMAN WAITS: Well, and --

22 COMMISSIONER CLARK: -- think that.

23 VICE CHAIRWOMAN WAITS: Because at the last meeting we had,
24 we know that we've been paying a lot of money for several years
25 to -- to Leighton. And we don't use Leighton Hall as much.

26 And so our 20 percent that we've been paying has been a lot
27 of money. So we're working to get the very best deal we can for
28 the county.

29 COMMISSIONER CLARK: So how --

30 VICE CHAIRWOMAN WAITS: We also know that --

31 COMMISSIONER CLARK: But how's that -- how's having two
32 commissioners overpowering? You didn't answer my question.

33 VICE CHAIRWOMAN WAITS: Well, if everyone else appoints
34 one, as they requested we do, with the DA and we appoint two,
35 that sounds like we're overpowering with more commissioners.

36 COMMISSIONER CLARK: Having an alternate is overpowering?

37 VICE CHAIRWOMAN WAITS: We're not doing an alternate.

38 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

39 VICE CHAIRWOMAN WAITS: He wants two.

40 DISTRICT ATTORNEY HERRERA: If I may. If we're going to

1 rely on -- on something that the judiciary told us, you need to
2 understand that we're -- this negotiation is at odds with the --
3 with the judiciary.

4 We are going to negotiate with the county commissioners and
5 the district attorneys. The judiciary -- we should not be
6 listening to the judiciary. We've been listening to the
7 judiciary for 25 years. And financially, it's not -- it's not
8 improved our situation.

9 So the last person I would like us to rely on is -- is the
10 judiciary. We need to rely on ourselves.

11 COMMISSIONER CLARK: Yeah.

12 VICE CHAIRWOMAN WAITS: I understand your point, Counselor.
13 I was just trying to clarify their idea of who was going to be
14 put on the committee. That's all.

15 DISTRICT ATTORNEY HERRERA: They're not part --

16 VICE CHAIRWOMAN WAITS: If you're --

17 DISTRICT ATTORNEY HERRERA: -- of the negotia- --

18 VICE CHAIRWOMAN WAITS: -- fine with two, --

19 DISTRICT ATTORNEY HERRERA: The judiciary's not --

20 VICE CHAIRWOMAN WAITS: -- make the motion --

21 DISTRICT ATTORNEY HERRERA: -- part of the --

22 VICE CHAIRWOMAN WAITS: -- and go.

23 DISTRICT ATTORNEY HERRERA: -- negotiations. So I don't
24 think we should take their counsel.

25 And I'm advising you, I'd like to. And if you don't want to,
26 that's fine.

27 VICE CHAIRWOMAN WAITS: That's fine. No, that's what we
28 want is your input.

29 COMMISSIONER BAKKER: I'll make a motion that we appoint
30 Sean Bakker and Art Clark to represent Lander County along
31 with --

32 VICE CHAIRWOMAN WAITS: Excuse me. Commissioner Mills,
33 that's not going to work.

34 COMMISSIONER MILLS: Why?

35 VICE CHAIRWOMAN WAITS: Because if you put both of them in
36 the same motion, we only have -- we can't pass it. It's not a
37 quorum. Because they can't vote on themselves.

38 DISTRICT ATTORNEY HERRERA: Two separately.

39 COMMISSIONER CLARK: One at a time.

40 COMMISSIONER MILLS: Oh, I see.

1 DISTRICT ATTORNEY HERRERA: Two motions.
2 COMMISSIONER MILLS: Okay. Right. So I'll make a motion
3 that we appoint Sean Bakker to represent Lander County in
4 negotiations with Pershing and Humboldt County pertaining to
5 Leighton Hall detention facility separation.
6 COMMISSIONER CLARK: Second.
7 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
8 Mills, seconded by Commissioner Clark that we approve
9 Commissioner Bakker for one of the appointments. Any other
10 discussion?
11 (No comment.)
12 VICE CHAIRWOMAN WAITS: All those in favor?
13 COMMISSIONER MILLS: Aye.
14 COMMISSIONER CLARK: Aye.
15 VICE CHAIRWOMAN WAITS: Aye.
16 COMMISSIONER BAKKER: Abstain.
17 VICE CHAIRWOMAN WAITS: That passes. And Commissioner
18 Bakker abstains. Okay.
19 COMMISSIONER MILLS: I'll make a motion that we appoint Art
20 Clark to represent Lander County in discussions with Pershing
21 and Humboldt County on the Leighton Hall juvenile detention
22 facility separation.
23 COMMISSIONER BAKKER: Second.
24 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
25 Mills, seconded by Commissioner Bakker that we approve
26 Commissioner Clark.
27 Any other discussion?
28 (No comment.)
29 VICE CHAIRWOMAN WAITS: All those in fa- -- in favor?
30 COMMISSIONER MILLS: Aye.
31 COMMISSIONER BAKKER: Aye.
32 VICE CHAIRWOMAN WAITS: Aye.
33 Thank you. That passes. And Commissioner Clark has
34 abstained.
35 Thank you.
36
37
38
39
40

1 COMMISSIONERS

2
3 5) Update from Phil Hanna regarding EMS in Lander County and
4 other matters properly related thereto.

5
6 VICE CHAIRWOMAN WAITS: Moving on to Number 5.
7 Update from Phil Hanna regarding the EMS in Lander County and
8 other matters properly related thereto.

9 That's a nice, general topic, Mr. Hanna.

10 COMMISSIONER CLARK: Morning, gentlemen.

11 PHIL HANNA: Good morning.

12 COMMISSIONER BAKKER: Good morning.

13 RICK BELL: Commissioners.

14 PHIL HANNA: This is --

15 COMMISSIONER MILLS: Good morning.

16 PHIL HANNA: I'm Phil Hanna from the Battle Mountain
17 General Hospital.

18 COMMISSIONER CLARK: And...

19 RICK BELL: Rick Bell, Lander County Hospital EMS. Forgot
20 who I was.

21 PHIL HANNA: Well, as we start to talk about the revised
22 reporting process, we have some information to share with you
23 that one of the things that I wanted to do was get a really a
24 good, clear understanding.

25 I've had a number of conversations with Keith Westengard.
26 But like I said, I wanted to get a good understanding from the
27 board exactly the information that you're looking for so that we
28 report the information that you want.

29 Like I said, because I know the quarterly report, I guess,
30 that I had been doing or that the last commission had asked me for
31 is not what you're looking for anymore.

32 And like I said, I just wanted to sit down with you and
33 make sure that then, you know, we're all on the same page and
34 I'm meeting your expectations as far as the information you'd
35 like to have about the EMS service.

36 VICE CHAIRWOMAN WAITS: And we -- we appreciate that. And
37 we appreciate you being here. But I guess my question is, the
38 quarterly reports have been so far behind on everything that we
39 truly haven't got a handle on, like, there's nothing in our
40 packets today. What was the last report that you sent in?

1 PHIL HANNA: I believe it was just prior to the election.
2 So it would be just about six months ago.

3 VICE CHAIRWOMAN WAITS: And we're supposed to be getting
4 quarterly reports?

5 PHIL HANNA: Yeah. Well, no, one of the things that we had
6 been discussing that it was my understanding that you would like
7 to go to a monthly report. And, like I say, I just wanted to
8 make sure then that -- like I say, and --

9 COMMISSIONER BAKKER: We're talking about financial report;
10 right?

11 PHIL HANNA: Uh-huh.

12 COMMISSIONER BAKKER: Yeah. I would --

13 PHIL HANNA: Yeah, and you know --

14 COMMISSIONER BAKKER: -- like to see --

15 PHIL HANNA: -- the number of --

16 COMMISSIONER BAKKER: -- the monthly financial report on --

17 PHIL HANNA: -- values and, like I say, --

18 COMMISSIONER BAKKER: -- you guys.

19 PHIL HANNA: -- just exactly what you wanted to see and how
20 you wanted to see it.

21 COMMISSIONER BAKKER: How do you usually do it?

22 RICK BELL: So --

23 COMMISSIONER BAKKER: When you print out your month end's
24 report, how does it usually look?

25 PHIL HANNA: That it has information as far as the charges
26 that were generated for the service. And then it has the
27 expenses listed for the services that were incurred in that
28 month. And then in addition to that, when I had been, you know,
29 putting that into a quarterly report format, then I had looked
30 at the projection -- projected collection rate, the stipend that
31 the county was paying, and then our ability to add any of the
32 uncompensated expenses to our cost report and that, you know,
33 had been projecting that we would receive about 30 percent of
34 that, which is something that only, you know, only the
35 critical-access hospital has the authority to submit a cost
36 report any longer.

37 But, like I said, it's just I don't want to provide
38 information that is confusing. And like I say, I want to make
39 sure and report information that's going to be useful so that,
40 like I say, you can look at it and say, yes, this is what I need

1 to know.

2 VICE CHAIRWOMAN WAITS: I think the disturbing part is that
3 we haven't seen any reports. I don't believe this commission
4 has seen any at all. So they don't even have anything to go by
5 to even say, this is how he has been. Let's have him change it.
6 And that's -- that was concerning even for the past couple of
7 years, Mr. Hanna. We're just -- we need to have them. And
8 whether I say quarterly or monthly, if you're not giving it to
9 us, we aren't accomplishing what we need.

10 COMMISSIONER BAKKER: Here's what I'm going to suggest.
11 The last seven -- we haven't gotten a report in -- what? -- the
12 last seven months? So we need to get the last seven months on
13 your financials --

14 PHIL HANNA: Uh-huh.

15 COMMISSIONER BAKKER: -- and then starting here on out, it
16 needs to be monthly going forward. So our next packet will have
17 the seven month and your one month.

18 COMMISSIONER MILLS: But he's still asking specifically
19 what he wants reported. So in answer to that, I would think we
20 would want to know how many ambulance runs, --

21 PHIL HANNA: Uh-huh.

22 COMMISSIONER MILLS: -- how many of those are billable.

23 COMMISSIONER BAKKER: Actual collections, --

24 COMMISSIONER MILLS: Actual --

25 COMMISSIONER BAKKER: -- not projected.

26 COMMISSIONER MILLS: Yeah, actual numbers, what was billed,
27 what was received. I don't think projections are going to do us
28 any good.

29 PHIL HANNA: Okay.

30 COMMISSIONER MILLS: And then I would also probably like to
31 see the billing that is 30 days old, 60 days old, 90 days old
32 that hasn't been collected.

33 PHIL HANNA: The -- the --

34 COMMISSIONER MILLS: Just some pretty typical --

35 PHIL HANNA: The accounts receivable in general.

36 COMMISSIONER MILLS: Yeah, so some pretty typical -- I
37 would think -- typical type of financial reportings that are
38 done.

39 I think also it would include some of the, you know, some
40 profit and loss information, how much you're making, how much

1 you're spending.

2 PHIL HANNA: Uh-huh.

3 COMMISSIONER MILLS: And I don't know how -- well, some of
4 the details should be -- some of the details and the expenses
5 should be there. But, like, payroll should be like a lump sum,
6 not a -- not separated out individually, of course, --

7 COMMISSIONER BAKKER: It's going to be --

8 COMMISSIONER MILLS: -- because we don't -- we don't really
9 want to know individually who made what. But --

10 PHIL HANNA: Yeah, oh, no, the --

11 COMMISSIONER MILLS: -- but some -- some totals on that
12 anyway and some, you know, what it's making, what it's costing,
13 some typical financial information.

14 COMMISSIONER BAKKER: And the money we're paying every
15 month, I'd like see where it's going, what you're using it for.

16 COMMISSIONER MILLS: Yeah, a little -- a little more detail
17 on the expenses, you know, what's -- what's repairs on
18 ambulances, kind of -- kind of some costs on what you're --

19 VICE CHAIRWOMAN WAITS: We do all --

20 COMMISSIONER MILLS: -- supplies are costing --

21 VICE CHAIRWOMAN WAITS: -- the repairs, --

22 COMMISSIONER MILLS: -- some things --

23 VICE CHAIRWOMAN WAITS: -- Commissioner.

24 COMMISSIONER MILLS: -- like that.

25 COMMISSIONER BAKKER: Yeah.

26 VICE CHAIRWOMAN WAITS: So if you want our --

27 COMMISSIONER MILLS: Right.

28 VICE CHAIRWOMAN WAITS: -- finance reports at the same
29 time. Because we -- we're paying for all of that. So --

30 COMMISSIONER MILLS: Oh, that's right.

31 VICE CHAIRWOMAN WAITS: -- we have our own separate that we
32 may ask Nan for.

33 COMMISSIONER MILLS: Well, aren't we --

34 RICK BELL: Commissioner Waits, --

35 COMMISSIONER MILLS: Aren't we changing that --

36 COMMISSIONER CLARK: That's changing.

37 COMMISSIONER MILLS: -- in this last contract or this --
38 the next contract?

39 COMMISSIONER BAKKER: There's a cap. We're still paying
40 for it.

1 COMMISSIONER CLARK: Yeah, we have a --
2 COMMISSIONER BAKKER: Just a --
3 COMMISSIONER CLARK: -- cap.
4 COMMISSIONER BAKKER: -- cap.
5 COMMISSIONER MILLS: Oh, we're paying up to the cap.
6 COMMISSIONER BAKKER: Uh-huh.
7 COMMISSIONER MILLS: Okay. I'm trying to remember how that
8 was going to go.
9 COMMISSIONER CLARK: We were paying everything. But then
10 we have Item 6 --
11 COMMISSIONER MILLS: Right.
12 COMMISSIONER CLARK: -- to discuss --
13 COMMISSIONER MILLS: It's the next item.
14 COMMISSIONER CLARK: -- that.
15 VICE CHAIRWOMAN WAITS: The next one.
16 COMMISSIONER MILLS: Okay.
17 VICE CHAIRWOMAN WAITS: Yes.
18 COMMISSIONER CLARK: The cap.
19 VICE CHAIRWOMAN WAITS: Yes.
20 COMMISSIONER MILLS: I couldn't remember --
21 VICE CHAIRWOMAN WAITS: Commander?
22 COMMISSIONER MILLS: -- which direction that went.
23 RICK BELL: I think they covered it. Nan keeps a running
24 tally. And like Commissioner Waits said, she keeps all routine
25 maintenance there and major components, engine, whatever --
26 COMMISSIONER MILLS: Right.
27 RICK BELL: -- that's a high expenditure item. So anytime
28 we want those numbers, I'm sure Nan can produce them.
29 COMMISSIONER MILLS: Right.
30 RICK BELL: Which I think it's fairly easy to get.
31 And if I can, I'd like to give the commissioners a packet.
32 It's going to be a little confusing. But -- excuse me.
33 COMMISSIONER MILLS: Okay.
34 RICK BELL: But the first draft is -- is the runs for this
35 year. And if you look at the dates at the top, after that,
36 you'll see graphs that's actually the numbers you're -- that you
37 want to look at.
38 COMMISSIONER MILLS: (Indiscernible.)
39 COUNTY CLERK SULLIVAN: Yeah, I just need a copy off of
40 that, please.

1 RICK BELL: Okay.
2 COMMISSIONER MILLS: That's the same thing twice.
3 COMMISSIONER BAKKER: Uh-huh.
4 COMMISSIONER MILLS: Same thing.
5 PHIL HANNA: You can have mine.
6 RICK BELL: You can have those.
7 COUNTY CLERK SULLIVAN: Okay. Thank you.
8 PHIL HANNA: Look on yours.
9 RICK BELL: Date on the top left. It'll tell you the dates
10 and give you the run numbers.
11 If you run a report from the sheriff's office, you're going
12 to see that number differentiate and here's why. There's a
13 couple of different reasons.
14 One, ambulance is paged out to a motor vehicle accident
15 down the road or to Patsy's neck of the woods or whatever. They
16 generate a run number for us. We go down there. There's four
17 people involved. We pick up all four. We can bill them once we
18 separate them out. So this program I had four patients.
19 COMMISSIONER MILLS: Yeah.
20 RICK BELL: That's four bills. So that's why you're going
21 to see a difference in the number if you run it down there.
22 Anyway, from 7/1/14 to 6/30/15, you'll see we've done 33
23 runs. But the month -- so far this month, year to date's from
24 January 1 until now. And that's only this year on all the graphs.
25 Other than that, the only number to look at in the subsequent
26 drafts are the top left where it says 7/1/13 --
27 COMMISSIONER MILLS: It looks like all three --
28 RICK BELL: -- to 7/1- --
29 COMMISSIONER MILLS: -- of these graphs are the same. Is
30 that supposed to be that way?
31 RICK BELL: Yeah. That's what I was explaining.
32 COMMISSIONER MILLS: Okay.
33 RICK BELL: But here, let me -- let me make it easier. I'm
34 sorry. Just because it won't print a graph on both the time
35 frames. So the second time frame, you got this one, 7/1/14,
36 7/1/15. That's the last fiscal year. Here's the previous
37 fiscal year. And the call volume, the rest of this stuff.
38 COMMISSIONER MILLS: Oh, I see.
39 RICK BELL: It's a way to generate those numbers.
40 COMMISSIONER CLARK: How do you have the same numbers on

1 the graph?
2 RICK BELL: Well, just look right here.
3 COMMISSIONER MILLS: Art, see -- he's saying this -- this
4 part doesn't --
5 RICK BELL: On each one. That's what's different.
6 COMMISSIONER CLARK: Oh, the graph doesn't matter, huh?
7 COMMISSIONER MILLS: Yeah. Okay.
8 RICK BELL: The graph matters for this specific year.
9 COMMISSIONER CLARK: That's just the top numbers here,
10 here, and here.
11 VICE CHAIRWOMAN WAITS: Commander Bell, how difficult is it
12 to -- to give us the actual numbers broken down between southern
13 Lander County and northern Lander County?
14 RICK BELL: This is not broken down. It's just for Lander
15 County EMS.
16 VICE CHAIRWOMAN WAITS: No, I'm asking --
17 RICK BELL: I can break those --
18 VICE CHAIRWOMAN WAITS: -- how difficult is it for you to
19 --
20 RICK BELL: I can break those down for you.
21 VICE CHAIRWOMAN WAITS: -- do those numbers. I would like
22 to see that on the --
23 COMMISSIONER CLARK: Me too.
24 VICE CHAIRWOMAN WAITS: -- future ones.
25 RICK BELL: It's actually increasing substantially, the
26 county side of it.
27 VICE CHAIRWOMAN WAITS: Okay. Does anybody have any other
28 questions?
29 COMMISSIONER BAKKER: Nope.
30 COMMISSIONER CLARK: You have everything you need?
31 PHIL HANNA: I believe so.
32 RICK BELL: Yeah.
33 COMMISSIONER CLARK: Need. Need.
34 RICK BELL: Yeah.
35 COMMISSIONER CLARK: Okay.
36 RICK BELL: We're good.
37 PHIL HANNA: Yeah, so that we can get everything tied up.
38 And like I said, it's -- it's interesting that actually it's
39 going to be easier to do it monthly than quarterly.
40 COMMISSIONER CLARK: Okay.

1 VICE CHAIRWOMAN WAITS: Okay. We are going to move on to
2 Number 6.

3 Oh, I'm sorry. I should ask for public comment on that
4 before I move on to Number 6. Did anybody else have any
5 questions? Yes.

6 JUDIE ALLEN: Judie Allen. Rick, I've got a question for
7 you on your little run breakout. Do you differentiate when they
8 page fire and page ambulance also, when an ambulance isn't
9 necessary. But basically what you're doing is you're increasing
10 your run report by paging ambulance with the fire department.

11 RICK BELL: What I'm doing is protecting my firemen here in
12 town. And Ron and I got together. And we do reasonably start
13 launching and it was not to increase numbers. I could care less
14 about numbers. I want to protect the firemen on the fire,
15 unless it's out of town, 20 miles and grass fires.

16 JUDIE ALLEN: So basically you're running -- do you bill
17 anybody for that?

18 RICK BELL: No.

19 JUDIE ALLEN: So it's basically all volunteer?

20 RICK BELL: It's kind of broke out, called standbys. So
21 they stand by.

22 JUDIE ALLEN: But it does increase your run count?

23 RICK BELL: The number you're seeing.

24 JUDIE ALLEN: Okay. That's all I'm asking.

25 RICK BELL: No problem.

26 VICE CHAIRWOMAN WAITS: Any other public comment?

27 COMMISSIONER CLARK: I just have a question. I know you're
28 the EMS guy, Rick, but are you responsible for the finance end
29 and doing the billings and all that? Or do you report that to
30 the hospital? How -- how does that part go?

31 RICK BELL: Actually, the hospital does the billing. My
32 guys get done with the run, they do a report. They've got to do
33 it right away.

34 As soon as they're done, by 10 o'clock in the morning,
35 however many runs they have, they take it over and give it to
36 the coders. The coders have to go through it. The coder makes
37 sure it's coded right.

38 COMMISSIONER CLARK: Okay.

39 RICK BELL: They take it to the business office. It goes
40 through the hospital. So do I know those numbers? No. I can

1 get them.

2 COMMISSIONER CLARK: So you have an ambulance run and then
3 you just fill out your form and then that goes to the hospital
4 and then they -- they take care of the billing and all that?

5 RICK BELL: Yes, sir.

6 COMMISSIONER CLARK: Okay.

7 PHIL HANNA: And the key -- and the key responsibility for
8 the EMS staff is thorough documentation of what happened. And
9 like I said, then it goes to the coders.

10 COMMISSIONER CLARK: Okay.

11 PHIL HANNA: And we put ICD-9 codes that become ICD-10
12 codes. And I can really confuse everybody and myself talking
13 about that. But, like I said, the key responsibility I look to
14 Rick for is that we have a good, thoroughly documented EMS
15 run --

16 COMMISSIONER CLARK: Okay.

17 PHIL HANNA: -- for liability purpose for --

18 COMMISSIONER CLARK: Yeah.

19 PHIL HANNA: -- everyone involved and also then for coding
20 and billing.

21 VICE CHAIRWOMAN WAITS: Judie?

22 JUDIE ALLEN: I'm sorry. Rick, I have one more question.

23 RICK BELL: Yes, ma'am.

24 JUDIE ALLEN: You mentioned that, you know, grass fires 20
25 miles out of town, how do you determine, when you're protecting
26 the firemen, what fires to protect them on? Wouldn't a grass
27 fire be just as hazardous as any other fire?

28 RICK BELL: I'd say you're right. It probably could be.
29 But taking it on a case-by-case incident.

30 Should I take my resources out of town for 20 miles out when
31 B- -- waiting for BLM to catch up?

32 JUDIE ALLEN: So you're making a call on someone's life?
33 You know. You're making a call on a potential incident based on
34 what's convenient.

35 RICK BELL: It's not what's convenient. It's what's in the
36 best for this community is what I base it on.

37 JUDIE ALLEN: Okay. Thank you.

38 VICE CHAIRWOMAN WAITS: Thank you.

39 COMMISSIONER MILLS: I got a -- I have a question.

40 What's -- what's the average charge for a billable ambulance

1 run? What's an average charge that we're charging?
2 PHIL HANNA: It's about \$1900.
3 COMMISSIONER CLARK: Whoa.
4 COMMISSIONER MILLS: \$1900. Okay.
5 And it's -- well, --
6 What -- what factors make that change? Is it the amount of
7 supplies you've used?
8 PHIL HANNA: Well. Yes, it is.
9 COMMISSIONER MILLS: Is it a time factor? What kind of
10 things --
11 PHIL HANNA: It's a --
12 COMMISSIONER MILLS: -- because I don't know how that
13 works.
14 PHIL HANNA: It's affected by the distance that is
15 traveled.
16 COMMISSIONER MILLS: Okay.
17 PHIL HANNA: And then it's also affected by, you know, the
18 supplies used. That if someone called, you know, there would be
19 a 911 call. And it just -- while we see a vehicle off the road
20 and there's unknown injuries. When we get there, it could be
21 someone with a few scrapes and lumps and bumps.
22 COMMISSIONER MILLS: Uh-huh.
23 PHIL HANNA: And we'll take care of that. Or if it's a
24 multiple trauma situation for that individual, then there will
25 be a much more intense use of supplies and personnel time coming
26 back to the hospital. So like I said, it's all -- it's all
27 driven on the severity of the patient condition.
28 COMMISSIONER MILLS: Okay. So is this where that reporting
29 you're talking about, as soon as the run's over, --
30 PHIL HANNA: Uh-huh.
31 COMMISSIONER MILLS: -- the EMS crew does the reporting
32 and -- so part of the billing is based off the reporting? Is
33 that --
34 RICK BELL: It's all based --
35 COMMISSIONER MILLS: -- what I'm hearing?
36 RICK BELL: -- off of --
37 PHIL HANNA: Yeah.
38 RICK BELL: It's all based off of the reporting.
39 COMMISSIONER MILLS: Okay.
40 PHIL HANNA: It's all based off that. Because, like I say,

1 we just function in a world that if it's not documented, it
2 didn't happen.

3 COMMISSIONER MILLS: Okay.

4 PHIL HANNA: You know, all -- all four --

5 COMMISSIONER MILLS: Right.

6 PHIL HANNA: -- of you could see it and say, yes, that
7 happened. If it's not documented, it didn't happen.

8 COMMISSIONER MILLS: Okay.

9 COMMISSIONER CLARK: I have another question. And kind of
10 cringing about this because it's kind of a dumb question. But I
11 need an answer.

12 If you -- if you go to a call and you have one person, is
13 that one fee? But then if you had four or five people, that'd
14 be a different fee?

15 RICK BELL: Yes.

16 COMMISSIONER CLARK: Okay, that's what --

17 RICK BELL: You get hit by --

18 COMMISSIONER CLARK: -- I was --

19 PHIL HANNA: It depends on how the patient's treated.

20 COMMISSIONER CLARK: Okay.

21 COMMISSIONER MILLS: It's each patient.

22 RICK BELL: Not necessarily --

23 COMMISSIONER CLARK: So --

24 RICK BELL: -- treated, but transported.

25 COMMISSIONER CLARK: -- it's driven by the number of people
26 that you assist and the intensity of the situation?

27 RICK BELL: Not that we assist. That we transport.

28 COMMISSIONER CLARK: The what?

29 RICK BELL: Only the patients we transport we get to --

30 COMMISSIONER CLARK: Right. Not the ones who say, no, I
31 refuse services.

32 RICK BELL: Exactly.

33 COMMISSIONER CLARK: Okay. Okay.

34 RICK BELL: Yeah. Just a rule of thumb. Thinking about
35 it. If you get a call -- excuse me -- \$850 out the door and 27
36 bucks a mile. That's how you figure it, basically, with
37 supplies.

38 COMMISSIONER CLARK: Okay.

39 RICK BELL: Limited supplies.

40 VICE CHAIRWOMAN WAITS: The other key factor in there is

1 even though he's giving you averages, --
2 COMMISSIONER MILLS: Right.
3 VICE CHAIRWOMAN WAITS: -- there are agreements with
4 Medicare, PPO, and such that don't pay the full amount, that pay
5 the other amount that's designated --
6 RICK BELL: Yeah, --
7 COMMISSIONER MILLS: Right, but we do --
8 VICE CHAIRWOMAN WAITS: -- that's reasonable and customary.
9 COMMISSIONER MILLS: -- go -- we bill the patient --
10 VICE CHAIRWOMAN WAITS: So -- so all that varies too. Yes,
11 we --
12 RICK BELL: No, you can't bill Medicare, Medicaid.
13 VICE CHAIRWOMAN WAITS: We have another --
14 COMMISSIONER MILLS: Well, not -- okay.
15 VICE CHAIRWOMAN WAITS: -- public comment.
16 COMMISSIONER MILLS: But with private --
17 RICK BELL: Yes.
18 COMMISSIONER MILLS: -- we would.
19 PHIL HANNA: Well, the first thing that we do is bill
20 insurance. And then when that's settled up, then if there's
21 anything remaining that is -- that we refer to as the patient
22 liability, --
23 COMMISSIONER MILLS: Uh-huh.
24 PHIL HANNA: -- then the patient is billed for that amount.
25 COMMISSIONER MILLS: Right.
26 PHIL HANNA: Like I said, we -- we settle up with the
27 insurance, like I say, in the case of Medicare and Medicaid,
28 that they're, you know, their requirements are that, no, you
29 bill us; we'll pay you. Everything's done. And then what is
30 left, we write off. And it's referred to as a contractual
31 allowance.
32 COMMISSIONER MILLS: Right.
33 VICE CHAIRWOMAN WAITS: John, you had another comment?
34 JOHN FULLER: Mr. Clark took care of it.
35 VICE CHAIRWOMAN WAITS: Okay.
36 JOHN FULLER: John Fuller, for the record. But when you
37 have people -- I'm a retired fireman. And we went on many
38 calls. Probably 80 percent of our calls were medical. And I
39 will tell you that when you go out there, you assist the guy,
40 you help him along, and then we says, we need to transport you,

1 and he says, I'm not going. You take your form out. He signs
2 it. You load everything up in the ambulance and you come back.
3 And so you're out the cost.

4 VICE CHAIRWOMAN WAITS: That's right. No one is billed --

5 COMMISSIONER MILLS: Right.

6 VICE CHAIRWOMAN WAITS: -- on those.

7 COMMISSIONER MILLS: And that --

8 VICE CHAIRWOMAN WAITS: Absolutely.

9 COMMISSIONER MILLS: -- would be a non-billable run.

10 VICE CHAIRWOMAN WAITS: Correct.

11 RICK BELL: Right.

12 PHIL HANNA: That's to a non-billable response. But, like
13 I say, just as a general comment, there are specific examples
14 to, you know, to discuss anything. But as a general comment, as
15 I look at statistics, and, you know, just based on my, you know,
16 past experience with EMS that in larger communities, there is a
17 great concern about, you know, people calling for the ambulance.
18 I was in one community, a larger community. And they got a 911
19 call and said we need an ambulance at this location. And they
20 responded out there. And literally, the individual was standing
21 on the curb with their suitcase to get a ride to the hospital.

22 COMMISSIONER CLARK: Yeah.

23 PHIL HANNA: But, like I say, fortunately, --

24 COMMISSIONER MILLS: Expensive ambulance.

25 PHIL HANNA: -- that type of thing --

26 COMMISSIONER MILLS: Or expensive taxi.

27 PHIL HANNA: -- is not happening here. You know the --
28 it's not -- the service is not being abused the way it, like I
29 said, I've seen it in larger communities. Like I said, when
30 it's terrible -- that we're on the responses and, like I say,
31 the standbys and so forth that it runs -- just about 50 percent
32 of those become billable. And like I said, I've seen some
33 communities where it's, you know, 15 to 20 percent are billable,
34 like I say, because there's just a staggering amount of abuse.

35 And you know, if it's happening in this town, I never heard
36 about it. And like I say, --

37 COMMISSIONER MILLS: That's good.

38 PHIL HANNA: -- the numbers tend to reflect that, no, it is
39 not being -- the service isn't being abused for just people's
40 convenience.

1 DISTRICT ATTORNEY HERRERA: To follow up on that,
2 Commissioners, the abuse is -- is basically an abuse of the 911
3 emergency call, which is a criminal violation.

4 The abuse of the EMS services is -- is a direct consequence
5 of the abuse of the 911 call. And that's why it's criminal.
6 And that's why the district attorney's office is actively out
7 there. And if anyone abuses 911 calls, we know what the direct
8 consequences are. And that's what Phil's talking about. So we
9 will prosecute those vigorously. Just for your information.

10 VICE CHAIRWOMAN WAITS: Thank you.

11 COMMISSIONER CLARK: Thank you. That cleared up my next
12 question.

13 VICE CHAIRWOMAN WAITS: Okay.

14 COMMISSIONER MILLS: So just to give you some kudos, I've
15 seen you guys around a lot. I've seen you at sporting events.
16 And I've seen you a lot. And I'm glad to see that. And I've
17 been hearing good things about response times. And it's --
18 sounds that -- like the service and the -- and the arrival times
19 and all those kinds of things you're doing are really good. And
20 I'm really encouraged to hear that stuff.

21 RICK BELL: I appreciate it, Commissioner Mills. Thank
22 you.

23 COMMISSIONER CLARK: You have another question.

24 UNIDENTIFIED PARTICIPANT: Patsy.

25 VICE CHAIRWOMAN WAITS: John, one more question.

26 JOHN FULLER: Yes, one of the things that you will see
27 here, is you'll see this gentlemen, when a call comes in, he
28 takes the staff car, as I call it, he buzzes out to the scene to
29 see what else is needed and have everything come in.

30 And also when a 911 call comes in and there's nobody on the
31 other end of the phone line --

32 COMMISSIONER CLARK: You have to respond.

33 JOHN FULLER: -- I'm not talking about our dispatcher. I'm
34 talking about the caller -- and you don't hear anything, you
35 have an ambulance that has to go. You have a fire truck that
36 has to go. The boys from the sheriff's office have to respond
37 too. And in the larger cities, you have the tow trucks all go
38 one -- one right after the other.

39 VICE CHAIRWOMAN WAITS: That's true because you still think
40 there's an emergency. And --

1 JOHN FULLER: That's right.
2 VICE CHAIRWOMAN WAITS: -- hopefully it's -- yeah.
3 JOHN FULLER: So those are additional calls.
4 VICE CHAIRWOMAN WAITS: Yeah.
5 RICK BELL: Yeah.
6 COMMISSIONER CLARK: Sheriff?
7 PHIL HANNA: Those all have to be treated as emergencies.
8 COMMISSIONER CLARK: Do we roll the ambulance and the fire
9 company on a 911 with a hang-up?
10 SHERIFF RON UNGER: No, sir, just --
11 COMMISSIONER CLARK: We send an officer and then they
12 assess it; right?
13 SHERIFF RON UNGER: Yeah, we --
14 COMMISSIONER CLARK: Okay.
15 SHERIFF RON UNGER: -- get them there. We're immediately
16 there.
17 VICE CHAIRWOMAN WAITS: Thank you. That was Sheriff Unger
18 that question was directed to.
19

20 6) Discussion and possible action to approve or disapprove a
21 contract between Lander County and Lander County Hospital
22 District for Emergency Medical Services, and other matters
23 properly related thereto.
24

25 VICE CHAIRWOMAN WAITS: Okay. Moving on to Number 6.
26 Discussion and possible action to approve or disapprove a
27 contract between Lander County and Lander County Hospital
28 District for Emergency Medical Services, and other matters
29 properly related thereto.

30 So with the contract that we have had, we have a few changes
31 that are before you, gentlemen. And we were negotiating this.
32 And apparently --

33 DISTRICT ATTORNEY HERRERA: The changes that have been
34 made, Commissioner Waits, are under the background.

35 And it's a cap on maintenance of \$15,000, any major repairs
36 other than routine maintenance are shared by the hospital and the
37 county, and one-year contract with no automatic rollover.

38 Those are the changes. And that's what the contract --
39 we've made those changes in my office -- and that's what it
40 looks at.

1 Now if I can draw your attention to Exhibit A, scope of
2 work for Emergency Medical Services on page two of three, on the
3 last paragraph -- one, two, three, four, five, six -- seven
4 lines down on the last paragraph. It says LCHD shall report on
5 to Lander County on a quarterly basis.

6 Now it's been discussed here today that you want these
7 monthly reports. So in the last five or ten minutes, I've had
8 my staff go out and change that language in that one sentence on
9 a monthly basis. So you have the option to do the quarterly or
10 the monthly. I prepared both ways. And if you decide to do the
11 monthly, I'll hand this document to Sadie and it will be
12 attached to -- as Exhibit A to the contract.

13 PHIL HANNA: And as I said, I'm -- I just need to know from
14 the com- -- if you want quarterly, we can do quarterly. If you
15 want monthly, we can do monthly. It's just one of those strange
16 things that monthly is actually -- might be a little bit --

17 VICE CHAIRWOMAN WAITS: And your board is okay with --

18 PHIL HANNA: Yeah.

19 VICE CHAIRWOMAN WAITS: -- our changes --

20 PHIL HANNA: Uh-huh. Yes.

21 VICE CHAIRWOMAN WAITS: -- that we've made on our
22 negotiations? Okay.

23 COMMISSIONER MILLS: And you're saying monthly might be
24 what? You didn't finish the sentence.

25 PHIL HANNA: Oh, I'm sorry. That monthly is a little less
26 time consuming.

27 COMMISSIONER MILLS: Okay. Good.

28 PHIL HANNA: Like I said, it just makes things a little bit
29 easier, and I'm good with easy.

30 VICE CHAIRWOMAN WAITS: So in the motion, if you approve
31 the contract that we have before you, you need to just make the
32 change to monthly.

33 DISTRICT ATTORNEY HERRERA: Yes.

34 COMMISSIONER MILLS: Okay. So I'll make a motion that we
35 approve the contract between Lander County.

36 VICE CHAIRWOMAN WAITS: Excuse me. It's an interlocal
37 agreement actually --

38 COMMISSIONER MILLS: Is it an interlocal --

39 VICE CHAIRWOMAN WAITS: -- for the terminology.

40 COMMISSIONER MILLS: -- agreement?

1 VICE CHAIRWOMAN WAITS: I'm sorry.
2 Right?
3 COMMISSIONER MILLS: Is it a -- it's an interloc- --
4 DISTRICT ATTORNEY HERRERA: Yes.
5 COMMISSIONER MILLS: -- interlocal agreement.
6 RICK BELL: For Emergency Medical Service.
7 COMMISSIONER MILLS: Okay. So I make motion we approve the
8 interlocal agreement between Lander County and Lander County
9 Hospital District For Emergency Medical Services, including a
10 change to Exhibit A to include monthly reports and approve the
11 vice chair to sign.
12 COMMISSIONER BAKKER: Second.
13 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
14 Mills with the changes and seconded by Commissioner Bakker.
15 Any other discussion?
16 COMMISSIONER CLARK: Yeah. I have a question on the first
17 page on this motion. A cap on maintenance, 15,000 to -- okay, I
18 see. Three. There should have been a comma before the three.
19 Okay. No questions.
20 VICE CHAIRWOMAN WAITS: Your pink page is little bit more
21 self-explanatory.
22 COMMISSIONER CLARK: Yeah.
23 VICE CHAIRWOMAN WAITS: Okay. Any other public comment?
24 (No comment.)
25 VICE CHAIRWOMAN WAITS: All those in favor?
26 COMMISSIONER BAKKER AND COMMISSIONER MILLS: Aye.
27 COMMISSIONER CLARK: Aye.
28 COMMISSIONER WAITS: Aye.
29 Thank you, gentlemen.
30 PHIL HANNA: Okay.
31 RICK BELL: Thank you for your time.
32 VICE CHAIRWOMAN WAITS: And we are going to take a --
33 COMMISSIONER MILLS: Thank you.
34 COMMISSIONER CLARK: Thank you.
35 VICE CHAIRWOMAN WAITS: -- ten-minute break.
36
37 (Break taken between 10:13 a.m. and 10:25 a.m.)
38
39 VICE CHAIRWOMAN WAITS: Okay, we're going to call the
40 meeting back to order.

1 We've got Austin?

2 COUNTY CLERK SULLIVAN: Yep. You're there, Miteshell?

3 MITESHELL LANHAM: I'm here.

4 COUNTY CLERK SULLIVAN: Okay, thank you.

5 VICE CHAIRWOMAN WAITS: Thank you.

- 6
7 7) Discussion and possible action regarding contract for
8 services with RAFI to prepare a redevelopment district study
9 for Lander County, and other matters properly related
10 thereto.

11
12 VICE CHAIRWOMAN WAITS: Agenda Item Number 7. And this is
13 the one with the contract for services with RAFI for the new
14 redevelopment district study.

15 And in talking with our executive director and some of the
16 admin, we decided we didn't have a hundred percent commitment
17 from commissioners so we are pulling this.

- 18
19 8) Discussion for possible action regarding Austin food service
20 agreement renewal, terms and length between Lander County and
21 the Lander County School District, and other matters properly
22 related thereto.

23
24 VICE CHAIRWOMAN WAITS: We move right on to Agenda Item
25 Number 8. Discussion for --

26 COMMISSIONER MILLS: Well, that's nice.

27 VICE CHAIRWOMAN WAITS: -- possible action regarding Austin
28 Food Service Agreement renewal, terms and length, between Lander
29 County and the Lander County School District, and other matters
30 properly related thereto.

31 COMMISSIONER CLARK: What? What did the -- what does this
32 cover, Patsy?

33 VICE CHAIRWOMAN WAITS: Actually, the senior center does
34 the food preparation for the school.

35 COMMISSIONER CLARK: Okay.

36 VICE CHAIRWOMAN WAITS: So this determines what -- what is
37 theirs and what is ours for equipment and authorizes them to
38 bill us. We pay --

39 COMMISSIONER CLARK: Oh, okay.

40 VICE CHAIRWOMAN WAITS: -- for it.

1 COMMISSIONER BAKKER: So we just need to -- this is an
2 annual agreement, huh?
3 VICE CHAIRWOMAN WAITS: Yes. Yes. They provide it to the
4 Austin school. That's who fixes their lunches.
5 COMMISSIONER BAKKER: Okay.
6 DISTRICT ATTORNEY HERRERA: Okay, you need to -- you need
7 to put the current -- and you'll notice on page 5 of the -- of
8 the prospective contract that we've included in -- in your
9 books.
10 VICE CHAIRWOMAN WAITS: July 1st, 2015, until...
11 DISTRICT ATTORNEY HERRERA: Until blank. So you need to
12 discuss how long you want this to go. And we did put --
13 COMMISSIONER BAKKER: What was the last one?
14 DISTRICT ATTORNEY HERRERA: -- a 30 days' termination
15 clause --
16 COMMISSIONER BAKKER: So it's already in here?
17 DISTRICT ATTORNEY HERRERA: -- and extensions are required
18 on the new contract. Those are terms that you made clear you
19 want in all contracts. But you -- you need to decide,
20 basically, if you want this to be one year or two years or three
21 years, whatever.
22 COMMISSIONER CLARK: And we have no representatives from
23 the school district present?
24 COMMISSIONER BAKKER: Well, --
25 COMMISSIONER CLARK: Okay.
26 VICE CHAIRWOMAN WAITS: Nor the senior center.
27 COMMISSIONER MILLS: Or the senior center.
28 VICE CHAIRWOMAN WAITS: You know, it's just a routine
29 contract.
30 DISTRICT ATTORNEY HERRERA: Yeah.
31 VICE CHAIRWOMAN WAITS: We usually do year-to-year -- do we
32 not? -- on this? I believe so.
33 DISTRICT ATTORNEY HERRERA: Yes.
34 COMMISSIONER BAKKER: You want year-to-year or two years?
35 COMMISSIONER MILLS: So does it need to go to the end of
36 the year or just the end of the school year?
37 VICE CHAIRWOMAN WAITS: We just --
38 COMMISSIONER CLARK: Well, I just --
39 VICE CHAIRWOMAN WAITS: -- put it through to the end --
40 COMMISSIONER MILLS: Does it matter?

1 VICE CHAIRWOMAN WAITS: -- of the year.
2 DISTRICT ATTORNEY HERRERA: Probably until --
3 COMMISSIONER MILLS: Does it make --
4 DISTRICT ATTORNEY HERRERA: -- June 30th.
5 COMMISSIONER MILLS: -- make any difference?
6 COMMISSIONER BAKKER: You want a year, Patsy, you think? or
7 two years?
8 VICE CHAIRWOMAN WAITS: I'm okay with a year. You never
9 know what's -- what's going to change --
10 COMMISSIONER MILLS: What's going to change?
11 VICE CHAIRWOMAN WAITS: -- as we go along. So it's
12 pretty --
13 COMMISSIONER MILLS: Yeah, some of the stuff --
14 VICE CHAIRWOMAN WAITS: -- routine.
15 COMMISSIONER MILLS: -- for the school down there's been
16 kind of --
17 VICE CHAIRWOMAN WAITS: I would say July 1st --
18 COMMISSIONER MILLS: -- in flux anyway.
19 VICE CHAIRWOMAN WAITS: -- until June 30th, 2016.
20 DISTRICT ATTORNEY HERRERA: And I'll -- and I'll have my
21 staff put -- make those changes now. And they'll be ready in
22 about two minutes for -- for the -- if the motion will include
23 for the vice chair to sign, we'll have all the terms up to date
24 and be able to sign it and date it by the end of this meeting.
25 VICE CHAIRWOMAN WAITS: Thank you.
26 COMMISSIONER MILLS: So I'll move to approve the contract
27 between Austin food service for the -- for the Austin food
28 service agreement renewal with the term ending June 30th, 2016,
29 and approve the vice chair to sign.
30 COMMISSIONER BAKKER: Second.
31 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
32 Mills, seconded by Commissioner Bakker that we do approve the
33 Austin food service agreement.
34 Any other discussion?
35 (No comment.)
36 Public comment?
37 COMMISSIONER CLARK: Yeah, I have question. How do they
38 transport the -- who's responsible to transport the food from
39 the senior center to the school?
40 VICE CHAIRWOMAN WAITS: I believe the senior center staff

1 does that.

2 COMMISSIONER CLARK: Okay.

3 DISTRICT ATTORNEY HERRERA: Yeah. This contract gives them
4 the obligation to --

5 COMMISSIONER CLARK: Okay.

6 DISTRICT ATTORNEY HERRERA: -- cook the food and take it
7 over there.

8 COMMISSIONER CLARK: Okay.

9 VICE CHAIRWOMAN WAITS: All those in favor?

10 COMMISSIONER BAKKER: Aye.

11 COMMISSIONER MILLS: Aye.

12 COMMISSIONER CLARK: Aye.

13 COMMISSIONER WAITS: Aye.

14 Thank you. That passes.

15

16 9) Discussion for possible action to approve the Lander County
17 Senior Center grant for transportation in the amount of
18 \$15,000 with a \$2,250 county match, and other matters
19 properly related thereto.
20

21 VICE CHAIRWOMAN WAITS: Number 9. Discussion for possible
22 action to approve the Lander County Senior Center grant for
23 transportation in the amount of \$15,000 with a \$2,250 county
24 match, and other matters properly related thereto.

25 Again, this is every year. It is an annual grant that
26 comes to us. And we do have to match this with just the amount
27 listed, 2,250.

28 DISTRICT ATTORNEY HERRERA: And as it points out in the
29 background, the 2250 has already been approved for the senior
30 center budget.

31 VICE CHAIRWOMAN WAITS: In the budget. Thank you.

32 DISTRICT ATTORNEY HERRERA: So this is just basically a
33 okay. We've already approved this.

34 COMMISSIONER CLARK: So we need to approve 12,750?

35 COMMISSIONER BAKKER: 2250.

36 VICE CHAIRWOMAN WAITS: No, it's -- yeah, just the -- we
37 approved the grant. We have to accept the grant. We approved
38 the grant --

39 COMMISSIONER CLARK: Oh.

40 VICE CHAIRWOMAN WAITS: -- with the matching funds of --

1 yeah -- 2250.

2 COMMISSIONER BAKKER: I'll make a motion to approve the
3 Lander County Senior Center grant for transportation, matching
4 in the amount of \$2,250.

5 COMMISSIONER MILLS: Second.

6 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
7 Bakker, seconded by Commissioner Mills that we approve that
8 Lander County senior grant for the transportation.

9 Any other discussion?

10 (No comment.)

11 VICE CHAIRWOMAN WAITS: All those in favor?

12 COMMISSIONER BAKKER: Aye.

13 COMMISSIONER MILLS: Aye.

14 COMMISSIONER CLARK: Aye.

15 COMMISSIONER WAITS: Aye. Thank you, and that passes.

16
17 **10) Discussion and possible action to renew YESCO Media lease**
18 **agreement expiring on August 31, 2015, located at I-80 0.57**
19 **mi E/O MM 10 SS, and other matters properly related thereto.**
20

21 VICE CHAIRWOMAN WAITS: Moving on to Number 10. Discussion
22 and possible action to renew the YESCO Media lease agreement
23 expiring on August 31st, 2015. This is located at I-80,
24 0.57-mile marker E/O mile marker 10 SS, and other matters
25 properly related thereto.

26 I see the one that we have in here is the old one.

27 I know that we've been working on the new lease. But I
28 don't see that here.

29 So -- Counselor?

30 DISTRICT ATTORNEY HERRERA: Yes.

31 VICE CHAIRWOMAN WAITS: On the YESCO leases, is that one
32 ready to go?

33 DISTRICT ATTORNEY HERRERA: No.

34 COMMISSIONER BAKKER: Shall we defer that?

35 DISTRICT ATTORNEY HERRERA: Let me give you some background
36 on the YESCO leases. There -- there's six -- YESCO leases in
37 existence. And those are leases between Lander County and YESCO
38 and they're for pieces of property so they can put their
39 billboards on them.

40 Now, these are ten-year leases each. But they're

1 staggered.

2 Two years ago, this county commission, not the same
3 embodied county commission we have presently, but the prior --
4 your predecessors, if you will, agreed to renew four of the six
5 for ten years.

6 So you have to understand that four out of six leases have
7 already been approved. And they're going -- they have a life span
8 of eight more years. We can't touch them. We can't redo them.
9 We can always renegotiate them and they can just laugh and chuckle
10 and whatever they want, because they've already got the leases.

11 The other two came up this year. And under the terms of
12 these leases, all six of them, in fact, it says if they send a
13 letter to the county by a certain date, then they're
14 automatically renewed for another ten years.

15 They sent those two letters. So technically, even though
16 we haven't signed the -- the new agreements, they haven't sent
17 them to us yet, they're automatically renewed already.

18 So we really don't have any say in that.

19 The only thing the county commissioner can do, they can act
20 like they do have a say. Yeah, we agreed to this. But it's
21 basically the same terms as it was ten years ago.

22 And the option the county has at this point -- and Jan is
23 talking to YESCO and trying to negotiate in a very inhospitable
24 climate -- legal climate.

25 But the bottom line is we -- if we don't like it, we can
26 send letters now out to say they will not automatically renew
27 eight years from now and ten years from now.

28 COMMISSIONER BAKKER: Yeah.

29 DISTRICT ATTORNEY HERRERA: And then we can revisit them
30 eight years from now and ten years from now, unless YESCO says,
31 oh, that's wonderful. We'll pay a lot more money to the county
32 for -- and get nothing back in return. I really doubt they are
33 going to take that position.

34 If I was their legal counsel, I certainly would advise
35 against it. So I really doubt if the negotiation that Jan is --
36 is trying hard to do will accomplish anything.

37 But you need to understand that if you want to change the
38 terms, absent Jan doing -- you know, I don't know what, a
39 miracle -- absent a miracle, if you want to change them, you'd
40 have to advise my -- me right now and I can send letters on all

1 six of them that says, when these four, in eight years, you
2 know, we need to renegotiate. We're not going to accept the
3 same terms.

4 And the two that we're talking about now, the same thing.

5 COMMISSIONER BAKKER: Ted, will you send some letters out
6 to YESCO?

7 DISTRICT ATTORNEY HERRERA: Would I?

8 COMMISSIONER BAKKER: Yeah.

9 DISTRICT ATTORNEY HERRERA: I could, but you're going to
10 have to make --

11 COMMISSIONER BAKKER: Make a --

12 DISTRICT ATTORNEY HERRERA: -- a motion.

13 COMMISSIONER BAKKER: -- motion.

14 COMMISSIONER MILLS: Do these include -- do these include
15 automatic increases in the rates?

16 DISTRICT ATTORNEY HERRERA: No.

17 COMMISSIONER MILLS: No?

18 DISTRICT ATTORNEY HERRERA: YESCO made these leases. I do
19 not know why they were -- I do not know why the county was not
20 advised -- the county commission was not advised of this two
21 years ago. Legally. But that's the situation where in.

22 COMMISSIONER MILLS: And these are for billboards? Is that
23 what these are for?

24 COMMISSIONER BAKKER: You know, the billboards on 80.

25 DISTRICT ATTORNEY HERRERA: Yeah.

26 COMMISSIONER MILLS: Okay.

27 VICE CHAIRWOMAN WAITS: So the two that are up, are the two
28 on our 10 and 11 that we're looking at --

29 DISTRICT ATTORNEY HERRERA: Yes.

30 VICE CHAIRWOMAN WAITS: -- the difference. Okay. There's
31 nothing on the agenda for the others. So can we use them with
32 the "other matters properly relating --

33 DISTRICT ATTORNEY HERRERA: You can use --

34 VICE CHAIRWOMAN WAITS: -- thereto" when we do the letters
35 on the --

36 DISTRICT ATTORNEY HERRERA: You can say that --

37 VICE CHAIRWOMAN WAITS: -- motion?

38 DISTRICT ATTORNEY HERRERA: -- we want all further YESCO
39 leases --

40 VICE CHAIRWOMAN WAITS: Okay.

1 DISTRICT ATTORNEY HERRERA: -- to terminate. So we can
2 terminate with -- at the length -- at the end of the lease
3 agreement so that we can renegotiate.
4 That's the only way out of these things.
5 VICE CHAIRWOMAN WAITS: I -- do we want to get out of them?
6 Why -- why wouldn't --
7 COMMISSIONER BAKKER: How much are we making a year?
8 VICE CHAIRWOMAN WAITS: -- why wouldn't we just continue?
9 Yeah.
10 COMMISSIONER CLARK: A thousand dollars --
11 DISTRICT ATTORNEY HERRERA: Well, you could.
12 COMMISSIONER CLARK: -- for ten years.
13 DISTRICT ATTORNEY HERRERA: You don't -- the letter doesn't
14 have to say that we want to get out of them.
15 COMMISSIONER BAKKER: A thousand dollars a year?
16 DISTRICT ATTORNEY HERRERA: Yeah, we're getting a
17 thousand --
18 COMMISSIONER CLARK: Yeah.
19 DISTRICT ATTORNEY HERRERA: -- dollars a year.
20 The letter --
21 COMMISSIONER MILLS: Well, they're getting a lot more --
22 DISTRICT ATTORNEY HERRERA: -- can say that --
23 COMMISSIONER MILLS: -- than that out of a billboard.
24 DISTRICT ATTORNEY HERRERA: -- we're giving --
25 COMMISSIONER CLARK: Yes.
26 DISTRICT ATTORNEY HERRERA: -- notice --
27 COMMISSIONER CLARK: All of them --
28 DISTRICT ATTORNEY HERRERA: -- that we're --
29 COMMISSIONER CLARK: -- for a thousand dollars a year.
30 DISTRICT ATTORNEY HERRERA: -- not going to automatically
31 renew the leases out on the same terms, and we would like to
32 negotiate.
33 That's what the letter should say.
34 COMMISSIONER CLARK: Nego- -- negotiate to raise the price
35 when they have a contract in place.
36 DISTRICT ATTORNEY HERRERA: Well, we're -- the negotiation
37 won't be taking place until eight -- eight, ten years down the
38 line.
39 COMMISSIONER CLARK: Okay.
40 DISTRICT ATTORNEY HERRERA: You just need to understand

1 that.

2 VICE CHAIRWOMAN WAITS: But it is on two of them right now?

3 DISTRICT ATTORNEY HERRERA: No. No. Automatically

4 renewed. They sent their letters.

5 VICE CHAIRWOMAN WAITS: Okay. So it's just putting

6 everybody on notification, the other six and these two. That's

7 all. But down the road --

8 DISTRICT ATTORNEY HERRERA: Yes.

9 VICE CHAIRWOMAN WAITS: -- we may want to renegotiate, --

10 DISTRICT ATTORNEY HERRERA: But you should --

11 VICE CHAIRWOMAN WAITS: -- but not automatically renew.

12 DISTRICT ATTORNEY HERRERA: Right. But we need to send

13 those letters out now, because it's going to fall through the

14 cracks if we don't.

15 VICE CHAIRWOMAN WAITS: I understand.

16 DISTRICT ATTORNEY HERRERA: If that's how we want to do it.

17 VICE CHAIRWOMAN WAITS: I understand.

18 DISTRICT ATTORNEY HERRERA: If you want to just say, no, no

19 we're going to do it like we've always done it, that's not hype.

20 I'm just telling you your options. And we don't have better

21 ones.

22 COMMISSIONER BAKKER: Go ahead.

23 ELIZABETH HEIMBEGNER: Liz Heimbegner. Are these the signs

24 out on the Frontage Road that are by the airport?

25 COMMISSIONER CLARK: Yeah. East of Airport Road.

26 ELIZABETH HEIMBEGNER: There's only six on the property?

27 DISTRICT ATTORNEY HERRERA: You're asking the wrong person,

28 Liz, if you're asking me.

29 ELIZABETH HEIMBEGNER: Pardon me.

30 DISTRICT ATTORNEY HERRERA: I'm just looking at the

31 contracts.

32 ELIZABETH HEIMBEGNER: On the little racetrack and on the

33 airport property.

34 It's only a thousand dollars a year that you get in rent?

35 DISTRICT ATTORNEY HERRERA: Yes.

36 COMMISSIONER BAKKER: Pretty sweet deal.

37 COMMISSIONER CLARK: Pretty sweet --

38 DISTRICT ATTORNEY HERRERA: There? Yes.

39 COMMISSIONER CLARK: -- deal. Yeah, that's a real sweet

40 deal.

1 DISTRICT ATTORNEY HERRERA: Particularly when we sign their
2 leases that they made up with the automatic renewal clause and
3 no changes to the terms.
4 So they've -- they've been paying the same price for a
5 20-year period.
6 VICE CHAIRWOMAN WAITS: Did I just --
7 COMMISSIONER CLARK: Wow.
8 COMMISSIONER BAKKER: Yeah, they make that, what they pay
9 in 20 years, off one sign in a year.
10 DISTRICT ATTORNEY HERRERA: Yes.
11 COMMISSIONER BAKKER: More.
12 COMMISSIONER MILLS: That billboard can be a thousand a
13 month.
14 COMMISSIONER BAKKER: Yeah, or --
15 VICE CHAIRWOMAN WAITS: Okay.
16 COMMISSIONER BAKKER: -- more.
17 VICE CHAIRWOMAN WAITS: So on the motion, we do need to
18 approve this, because it's automatically approved.
19 DISTRICT ATTORNEY HERRERA: Yeah, it's --
20 VICE CHAIRWOMAN WAITS: Okay. So each one has to be
21 approved. Then we can make the notation that the letter go out
22 on these and plus the other past six. Okay.
23 Gentlemen?
24 COMMISSIONER MILLS: So how many lease agreements? We're
25 doing two lease agreements right now?
26 COMMISSIONER BAKKER: Yeah.
27 VICE CHAIRWOMAN WAITS: Yeah.
28 COMMISSIONER BAKKER: It's on --
29 VICE CHAIRWOMAN WAITS: Number 10 --
30 COMMISSIONER BAKKER: -- the next one.
31 VICE CHAIRWOMAN WAITS: -- and Number 11.
32 COMMISSIONER BAKKER: Just make a motion to approve --
33 COMMISSIONER MILLS: So --
34 COMMISSIONER BAKKER: Hey, Ted, in here, it doesn't have
35 the ten year, like it says, expiring on August 31st, 2015. And
36 it says to approve the media lease agreement expiring on
37 August 31st, 2015. Do we need to put 2020? Approving the YESCO
38 lease agreement until two thousand --
39 DISTRICT ATTORNEY HERRERA: No, what it says is --
40 COMMISSIONER BAKKER: -- twenty-five or whatever's --

1 DISTRICT ATTORNEY HERRERA: -- it --
2 COMMISSIONER BAKKER: -- in here?
3 DISTRICT ATTORNEY HERRERA: -- expires on August 31st. And
4 then on September 1st, it automatically renews.
5 COMMISSIONER BAKKER: Right.
6 DISTRICT ATTORNEY HERRERA: So since it's the same terms
7 and the same contract, we can certainly go it either way.
8 VICE CHAIRWOMAN WAITS: You don't have to mention the ten
9 years. You can just say it's automatically renewing for the --
10 COMMISSIONER BAKKER: Okay.
11 VICE CHAIRWOMAN WAITS: -- terms in the contract. But the
12 letter will be sent to them for notice. But if we're not --
13 COMMISSIONER BAKKER: We can do that on the last one,
14 though; right?
15 VICE CHAIRWOMAN WAITS: -- automatically renewing again --
16 yeah.
17 DISTRICT ATTORNEY HERRERA: Yeah, for all six of them.
18 COMMISSIONER BAKKER: We're going to do that on the next
19 agenda item?
20 DISTRICT ATTORNEY HERRERA: You can do it whenever you
21 wish.
22 VICE CHAIRWOMAN WAITS: Either way.
23 COMMISSIONER BAKKER: Okay. I'll make a motion to renew
24 the YESCO Media lease agreement expiring on August 31st, 2015,
25 located at I-80, 0.57 miles east of mile marker 10 SS and to
26 also send a termination letter out for a non-automatic renewal
27 to YESCO for all lease agreement contracts.
28 COMMISSIONER MILLS: I'll second that.
29 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
30 Commissioner Bakker, seconded by Commissioner Mills we renew the
31 automatic renewal lease and that we send a letter out that they
32 will not be renewed again or any of the other leases that we
33 have, which would include the other seven.
34 DISTRICT ATTORNEY HERRERA: For -- so all of them; right?
35 COMMISSIONER BAKKER: Yeah.
36 COMMISSIONER MILLS: All of them. Yeah.
37 VICE CHAIRWOMAN WAITS: Any other discussion?
38 (No comment.)
39 VICE CHAIRWOMAN WAITS: All those in favor?
40 COMMISSIONER BAKKER: Aye.

1 COMMISSIONER MILLS: Aye.
2 COMMISSIONER CLARK: Aye.
3 COMMISSIONER WAITS: Aye.
4 Thank you.
5

6 **11) Discussion and possible action to renew YESCO Media lease**
7 **agreement expiring on July 31, 2015, located at I-80 0.57 mil**
8 **E/O MM 10 SS, and other matters properly related thereto.**
9

10 VICE CHAIRWOMAN WAITS: Moving on to Number 11. Discussion
11 and possible action to renew the YESCO Media lease agreement
12 expiring on July 31st, 2015, located at I-80, 0.57 miles east of
13 mile marker 10 SS.

14 COMMISSIONER BAKKER: Just got to put the lease agreement.

15 COMMISSIONER MILLS: Make a motion to approve the YESCO
16 Media lease agreement located at I-80, 0.57 miles east of mile
17 marker 10 SS.

18 COMMISSIONER BAKKER: Second.

19 VICE CHAIRWOMAN WAITS: Moved by Commissioner Mills,
20 seconded by Commissioner Bakker.

21 Any other discussion?

22 (No comment.)

23 VICE CHAIRWOMAN WAITS: All those in favor?

24 COMMISSIONER MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER BAKKER: Aye.

27 VICE CHAIRWOMAN WAITS: Aye.

28 Thank you. And that passes too.

29 COMMISSIONER CLARK: You're in New York time zone.

30 VICE CHAIRWOMAN WAITS: So you will be handling that for
31 us, Counselor?

32 DISTRICT ATTORNEY HERRERA: Yes, we'll send out a letter --

33 COMMISSIONER MILLS: Did you get --

34 DISTRICT ATTORNEY HERRERA: -- for -- (indiscernible).

35 VICE CHAIRWOMAN WAITS: And the approval for all -- all
36 six?

37 DISTRICT ATTORNEY HERRERA: Yes.

38 VICE CHAIRWOMAN WAITS: All six of them.

39 COMMISSIONER BAKKER: You got a --

40 VICE CHAIRWOMAN WAITS: Okay.

1 COMMISSIONER BAKKER: -- hospital board meeting today.

2
3 12) Update regarding status of the Lander County
4 courthouse/administration building project, and other matters
5 properly related thereto.
6

7 VICE CHAIRWOMAN WAITS: Number 12. Update regarding status
8 of the Lander County courthouse/administration building project,
9 and other matters properly related thereto.

10 Nice to see you, gentlemen.

11 JUDGE MAX BUNCH: Nice to see you. Sorry, I was gone at
12 the last meeting. I was at training. Casey stood in and did a
13 great job for me, I understand. So -- you didn't have any
14 questions. I think that was good. If you did, he answered
15 them.

16 COMMISSIONER BAKKER: He did a good job.

17 JUDGE MAX BUNCH: Okay. All right. So where we're at on
18 the courthouse -- Max Bunch, for the record. Casey Gunther,
19 from CORE Construction, for the record, also (indiscernible).

20 And the site work is ongoing, which is the outside of the
21 building.

22 We have started -- it was officially set to go on July 27th,
23 which has to do with the air conditioning, air handling units up
24 on the roof. This had to be pushed back. I understand Casey
25 explained to you that it was going to happen at a different date,
26 a couple weeks ago, and had to be pushed back. They had some
27 design issues. So we're working towards that.

28 The ceramic tile in the bathrooms will be finished probably
29 this week. Bathroom accessories and partitions will be completed
30 this week also. I'm hoping.

31 Transaction countertops and surrounds will be starting next
32 week.

33 The interior doors and hardware installation will also start
34 next week.

35 Low voltage cabling runs will be pulled at the jail next
36 week. And I think that CORE's communicating with the sheriff's
37 office on that, making sure that we have -- we have access.

38 The remainder of the concrete floor grinding will begin next
39 week also.

40 The CORE National Safety director was -- visited the site

1 again. And he was very, very, very pleased with what he saw. So
2 -- or ecstatic, however you want to say it.

3 Or the most recent AGC Safety Site score was 98.6. And they
4 are on site again today to do another visit for safety.

5 As I understand it, this building could be the -- I'll let
6 you explain it.

7 CASEY GUNTHER: The AGC Safe Site of the year. It's an
8 award given out each year for the safest project for the state.

9 JUDGE MAX BUNCH: And so we are obviously in the top
10 running of that, as we understand it.

11 COMMISSIONER BAKKER: That's cool.

12 JUDGE MAX BUNCH: That's very, very --

13 COMMISSIONER BAKKER: Good job, guys.

14 JUDGE MAX BUNCH: -- very, very impressive that -- I call
15 them my A team out there. And they are the A team as far as
16 we're concerned so -- they've done a great job.

17 I need to talk about a couple of other things. I think that
18 Lura -- Lura was going to come?

19 COMMISSIONER CLARK: Who?

20 JUDGE MAX BUNCH: I thought Lura was going to potentially
21 give an update.

22 So is there anybody can run upstairs and see if Lura can
23 come down on that?

24 COMMISSIONER MILLS: Oh, on the -- on the tech side?

25 JUDGE MAX BUNCH: Yeah, on the tech side.

26 There was a couple of things that we -- we probably need to
27 think about doing here in the future.

28 We're probably looking at an October date.

29 We have an area upstairs that we have set aside for a
30 public defender office.

31 Because you guys have an independent public defender, we
32 don't need that office for the public defender until we get to
33 that point.

34 So my thought is, is instead of leaving the space empty, we
35 could potentially rent it out. I have been approached by the
36 Nevada Highway Patrol about potentially renting that area in the
37 building to them, which that rent obviously could offset the
38 electric bill for the building. I think they are getting ready to
39 move out of the area that they're at out there. And it does a
40 couple of things. It allows for some security safety-wise with

1 people in the building. And Mr. Herrera may have a different
2 opinion.

3 DISTRICT ATTORNEY HERRERA: I do.

4 JUDGE MAX BUNCH: But it also -- but I'm looking for the
5 betterment of Lander County, not for any other issues. And it
6 hasn't ever been. So you have somebody that's in and out,
7 safety security-wise it's pretty good.

8 COMMISSIONER BAKKER: Next time.

9 JUDGE MAX BUNCH: Sorry my face probably read something
10 else.

11 All right.

12 COMMISSIONER BAKKER: All of ours does that sometimes.

13 JUDGE MAX BUNCH: So just something to think about. If --
14 if we are thinking about it, we ought to put it on the agenda
15 for August, sometime in August agenda if we want to do that.

16 So I will leave that up to you guys to see if you have a
17 thought process about doing that.

18 DISTRICT ATTORNEY HERRERA: It's a good financial move to
19 make. I see no safety and security benefit, but financially,
20 it's -- it's an excellent move to make. Because right now we
21 have an independent contractor -- what we have for the last 21
22 years, is an independent contractor, public defender, which
23 means we're not under any obligation, the county is not, to
24 provide them office space. As long as we have an independent
25 contractor public defender, then -- then this office space will
26 stand empty. Why do that when we can make a financial -- get a
27 financial benefit out of it? And that's what Judge Bunch is
28 saying.

29 But I -- I -- the security benefit? That -- that's --
30 that's.

31 JUDGE MAX BUNCH: Kind of then.

32 DISTRICT ATTORNEY HERRERA: It's not. You know it's not.

33 JUDGE MAX BUNCH: Sure. They've got guns. They're there.
34 Something goes wrong, they're there.

35 COMMISSIONER MILLS: It's a hazard.

36 JUDGE MAX BUNCH: Yeah.

37 COMMISSIONER BAKKER: Could be a hazard.

38 JUDGE MAX BUNCH: Could be a hazard.

39 DISTRICT ATTORNEY HERRERA: More of a hazard than a plus.

40 COMMISSIONER BAKKER: The financial thing sounds good

1 though.

2 DISTRICT ATTORNEY HERRERA: We're talking about the highway
3 patrol, --

4 COMMISSIONER BAKKER: Yeah.

5 DISTRICT ATTORNEY HERRERA: -- a state agency. Come on.

6 JUDGE MAX BUNCH: And in addition to that, you know, we
7 could put a 90-day out on the clause. I know you kind of do
8 30-day out. But if you're looking at that, probably ought to
9 look at a 90-day out, so that they'd have more time to -- and we
10 might get our tickets a lot faster since it's just down the hall
11 from us instead of across town. That would be another financial
12 benefit for us who actually receive the tickets.

13 COMMISSIONER CLARK: It's such a long drive.

14 JUDGE MAX BUNCH: It is a long drive, but let me tell you
15 what.

16 COMMISSIONER CLARK: I know.

17 JUDGE MAX BUNCH: So -- and then -- and then one of the
18 other things that we need to start thinking about and
19 potentially, when we're getting ready to make the move, how are
20 we going to make the move from this building to the other
21 building?

22 One of the things I've been thinking about through this
23 process and been talking to different people, we -- about
24 potentially closing up the -- the courthouse, except for those
25 offices that are statutorily required to be available.

26 And Lura was supposed to be here to talk about the technology
27 and how we have a subcontractor that she's hired somebody to try
28 and work. Because one IT person isn't going to be able to get it
29 done.

30 COMMISSIONER CLARK: Wow.

31 JUDGE MAX BUNCH: So we've got people who have moved 900
32 people out of Newmont corporate headquarters that we have that
33 is ready to go with PC performance to take and move our stuff as
34 we go.

35 So having everything set up there and then taking the
36 computers. And they said any time you take a computer and you
37 move it, something seems to happen to it. We don't know what it
38 happens. But evidently the shaking or whatever it is, going from
39 one place to the other, it doesn't know where it's at and doesn't
40 know what it's supposed to be doing. So -- so I don't understand

1 on the technical part of that, but that's kind of what happens on
2 occasion.

3 And so we want to be prepared for that. And Lura wants to
4 make sure that we have that all set up.

5 So a lot of departments already have brand new computers.
6 And so those computers are going to have to go. Those departments
7 that have old computers that we're getting new computers for,
8 they'll already be able to put them in over there. And we've got
9 IP addresses that have to be changed. And so there's a lot of
10 stuff going on, on the tech side, and that's going to take us some
11 time.

12 VICE CHAIRWOMAN WAITS: As far as the update and what
13 you're saying, this is all critical and things we want to know.
14 But we don't have to agendize to discuss any of it. You're
15 taking care of all of it and just keeping us apprized?

16 JUDGE MAX BUNCH: The only --

17 VICE CHAIRWOMAN WAITS: Is that right?

18 JUDGE MAX BUNCH: -- thing we need to have agendized is the
19 NHP.

20 VICE CHAIRWOMAN WAITS: Right. That we've got.

21 JUDGE MAX BUNCH: Okay.

22 VICE CHAIRWOMAN WAITS: I'm talking about all this other.

23 JUDGE MAX BUNCH: I'm just --

24 VICE CHAIRWOMAN WAITS: This is -- great.

25 JUDGE MAX BUNCH: -- updating you and trying --

26 VICE CHAIRWOMAN WAITS: Great.

27 JUDGE MAX BUNCH: -- to tell you. But there's going to
28 have to be a decision potentially. And what we are thinking is
29 that if we conducted business during the workweek of Monday and
30 Tuesday. And we put a notice out that we would be very limited,
31 if at all. Some offices may be closed. But some would be open
32 on Wednesday, Thursday, Friday. And we would move Wednesday,
33 Thursday, Friday and give us Saturday and Sunday also, to be
34 able to open up business on a Monday at the courthouse whenever
35 we get to that point.

36 DISTRICT ATTORNEY HERRERA: That will be need to be
37 agendized.

38 VICE CHAIRWOMAN WAITS: That needs to be --

39 COMMISSIONER CLARK: Okay.

40 JUDGE MAX BUNCH: So -- so that's -- that -- I mean, but we

1 need to think about it. And I'm happy to discuss with any of
2 the commissioners. I know during budget process, I was asked
3 that question.

4 We were talking about renting the -- the con crew from
5 Winnemucca, running two of them, having one at this building and
6 one at the other building, unloading this building onto trailers
7 and having our staff here and our staff there taking it there. So
8 they do the labor, taking it down the stairs, putting it on the
9 trailers. We take it over to the other building. The other con
10 crew takes it to that area. So that person over there with the
11 county knows where that's supposed to go and they send it to that
12 office and help get it organized.

13 So we've got two crews and -- and, truly and honestly, it
14 looks like the most economical and most reasonable way to do it.

15 I've got x-amount of money in the budget to be able to pay
16 for movers. And I think this is really a cheaper portion than
17 actually bringing in professional movers.

18 Because it's going to be us, the elected officials and the
19 employees that are actually making sure it gets onto the trailer
20 correctly. And we'll be taking the trailer on the back of the
21 pickup or we rent U-Hauls or whatever it is and we drive it over
22 there to put the stuff in the building and then unload it. And
23 we'll have our personnel there to help move it into the
24 building.

25 So that's kind of the plan that I've been working through.
26 If somebody has something better, please let me know. I'll be
27 happy to -- to listen. And I'd be happy if somebody else wanted
28 to take it over.

29 COMMISSIONER BAKKER: I don't want to take it over, but
30 I've got four trailers we can use so --

31 JUDGE MAX BUNCH: Okay.

32 DISTRICT ATTORNEY HERRERA: I'd like to point out, for the
33 record, that Judge Bunch is doing an admirable job. And I don't
34 think anyone can fill his shoes.

35 That being said, I did talk to Lura. And she does have
36 a -- and I'm going to develop an independent contractor
37 agreement to allow that three-day move for the tech part of it.
38 She does have it well in hand. It's well thought out. She has
39 some experienced people on board. And -- and I'm very impressed
40 by what her and Judge Bunch are doing.

1 JUDGE MAX BUNCH: And in addition to that, the phone
2 system -- we are still in the process of working on the phone
3 system. So that, you know, she's hired somebody through the
4 state contract to do this -- through the state of Nevada -- What
5 is it called? State of Nevada -- it's under the state of Nevada
6 contract. It's Vonage or Voyage. Via. Via. V-a-y-a. Vaya.
7 So it's Vaya phone system. And it's -- it's so that we can have
8 that over there.

9 We're still processing through that because we've got
10 numerous, numerous amounts of -- of phones that have to go in
11 there.

12 So -- so and we're trying to play catch up to CORE
13 Construction, which is like leaving us -- getting way ahead of us.
14 And we're trying to play catch up. And so they're working so fast
15 they're working out past us, to be honest with you.

16 So --

17 DISTRICT ATTORNEY HERRERA: Did -- did CORE get its
18 employees back on this project from the other project?

19 JUDGE MAX BUNCH: We're -- we're in the process.

20 DISTRICT ATTORNEY HERRERA: But they haven't. So that
21 answer's no.

22 JUDGE MAX BUNCH: We're still -- we have a game plan. And
23 we're in the middle of producing that plan, getting that plan
24 approved.

25 So --

26 CASEY GUNTHER: I'm working on it, for the record.

27 JUDGE MAX BUNCH: So we are.

28 DISTRICT ATTORNEY HERRERA: For the commissioners'
29 edification is that -- that certain employees from one project
30 were moved over to another project. So that's what we're
31 talking about. We're trying to get them back.

32 JUDGE MAX BUNCH: There's a lot of budgets going on. And
33 subcontractors need to be in too many places at once and they're
34 not -- (indiscernible).

35 VICE CHAIRWOMAN WAITS: Understand.

36 JUDGE MAX BUNCH: So we're trying to supplement their
37 manpower there with professional installers.

38 Okay. And as far as visitation -- visiting the site, we're
39 still good to go.

40 So --

1 COMMISSIONER MILLS: What kind of -- what kind of plans do
2 you have for an open house?

3 JUDGE MAX BUNCH: You know, I'm just starting in that phase
4 to try to figure out the open house. I mean, I think we have
5 something there.

6 COMMISSIONER MILLS: Some time after the building's moved
7 into and open?

8 JUDGE MAX BUNCH: If that's the pleasure of the commission
9 or if we want to do it just prior to --

10 COMMISSIONER MILLS: Before the -- before the building's
11 open?

12 COMMISSIONER BAKKER: We can do it before or --

13 COMMISSIONER MILLS: What do you want to do?

14 JUDGE MAX BUNCH: Well, my thought is, is that once we get
15 in there, you've got all this search warrants. You've got
16 private documents. You've got DMV license plates. All those
17 things you don't want to have access for the public to -- to be
18 able to just -- and if somebody's not paying attention and
19 somebody could walk up and peak in a cabinet and it could
20 actually be something that they shouldn't be looking into.

21 COMMISSIONER MILLS: Okay.

22 JUDGE MAX BUNCH: You know, and so the thought process is
23 maybe doing it just prior to --

24 COMMISSIONER MILLS: Prior to --

25 JUDGE MAX BUNCH: -- prior to --

26 COMMISSIONER MILLS: -- the move.

27 JUDGE MAX BUNCH: -- the move. Prior to the move.

28 COMMISSIONER BAKKER: The cleaning people go in afterwards.

29 COMMISSIONER MILLS: Okay.

30 COMMISSIONER CLARK: We --

31 COMMISSIONER MILLS: Do an open house, clean it, and then
32 --

33 COMMISSIONER BAKKER: Yeah.

34 JUDGE MAX BUNCH: Correct.

35 COMMISSIONER BAKKER: Is the idea.

36 COMMISSIONER CLARK: But do we need to agendize that since
37 probably we'd have --

38 DISTRICT ATTORNEY HERRERA: Yes.

39 COMMISSIONER CLARK: Okay.

40 JUDGE MAX BUNCH: The open house portion of it?

1 COMMISSIONER CLARK: Yeah.
2 JUDGE MAX BUNCH: Yes, that would --
3 COMMISSIONER CLARK: Okay.
4 JUDGE MAX BUNCH: -- that would have to be one that would
5 have to be agendized to --
6 COMMISSIONER CLARK: Okay.
7 JUDGE MAX BUNCH: -- approve the open house date.
8 DISTRICT ATTORNEY HERRERA: To approve it. We don't need
9 to agendize the open house. We don't have to -- that's not
10 going to be an open meeting.
11 COMMISSIONER CLARK: Okay.
12 DISTRICT ATTORNEY HERRERA: It's just we'd agendize the
13 fact that we would have one and when.
14 COMMISSIONER CLARK: Okay, so just as long as --
15 JUDGE MAX BUNCH: We put in the paper.
16 COMMISSIONER CLARK: As long as we're just -- we're
17 covered. Because I'm sure all four of us will be there, maybe
18 five.
19 DISTRICT ATTORNEY HERRERA: No discussing it. Don't
20 deliberate.
21 JUDGE MAX BUNCH: So do you have any questions for us?
22 COMMISSIONER BAKKER: Keep it up. Good job.
23 JUDGE MAX BUNCH: Okay.
24 VICE CHAIRWOMAN WAITS: Awesome.
25 JUDGE MAX BUNCH: Thank you.
26 COMMISSIONER MILLS: Thank you.
27 COMMISSIONER BAKKER: Thank you.
28 VICE CHAIRWOMAN WAITS: Thank you.
29

30 **13) Correspondence/reports/potential upcoming agenda items.**

31
32 VICE CHAIRWOMAN WAITS: Item Number 13. Correspondence,
33 reports, potential upcoming agenda items.
34

35 (The following correspondence was received:

- 36 1. NDEP to Damon Borden, Battle Mountain Truck Stop, LLC,
37 product monitoring and recovery report.
38 2. BLM to Interested Party, the BLM signed the Record of
39 Decision for the Winnemucca District Resource Management Plan
40 and Environmental Impact Statement.

1 3. Department of Conservation & Natural Resources,
2 Division of Environmental Protection, Bureau of Mining
3 Regulation & Reclamation to Permittee, Water Pollution Control
4 Permit.

5 4. Nevada Division of Environmental Protection, Notice of
6 Workshop to Solicit Comments on a Proposed New Program in Nevada
7 Administrative Code Chapter 445B - Air Pollution.

8 5. BLM to Interested Public, Environmental Assessment on
9 the impacts of the proposed Barrick Cortez, Inc., fiber optic
10 cable project, located approximately 34 miles south of Beowawe
11 in Eureka County, Nevada.

12 6. BLM to Interested Public, Decision of Record and
13 Finding of No Significant Impact, both dated March 5, 2015, for
14 the Environmental Assessment for the Horse Canyon Cortez Unified
15 Exploration Project that is located 35 miles southwest of Battle
16 Mountain in Eureka and Lander Counties.

17 7. BLM to Interested Public, Public Consultation Proposed
18 Temporary Range Improvements for Authorization #2700138.

19 8. Nevada Division of Environmental Protection, Notice of
20 Intent -- Bureau of Mining Regulation and Reclamation.)

21
22 COMMISSIONER CLARK: I have one.

23 DISTRICT ATTORNEY HERRERA: We just heard two of them.

24 COMMISSIONER BAKKER: Yeah.

25 COMMISSIONER CLARK: I have --

26 COMMISSIONER BAKKER: NHP and the courthouse.

27 COMMISSIONER CLARK: I have one.

28 I would like, if it's possible, by our next meeting, if not
29 the meeting after that, I'd like a pie chart. And I'd like to
30 see what percentage of the revenue goes to different departments
31 and agencies.

32 VICE CHAIRWOMAN WAITS: You want it on the agenda to
33 discuss? Is that it?

34 COMMISSIONER CLARK: Well, however, --

35 COMMISSIONER MILLS: You can talk to Nan.

36 COMMISSIONER CLARK: I just --

37 VICE CHAIRWOMAN WAITS: I mean, you can request a pie
38 chart --

39 DISTRICT ATTORNEY HERRERA: You can --

40 VICE CHAIRWOMAN WAITS: -- or anything. But, I mean --

1 DISTRICT ATTORNEY HERRERA: -- from the finance -- the
2 finance director.

3 COMMISSIONER CLARK: Well, I would like to see that. I'd
4 like to see how much this agency is -- is using out of the total
5 revenue, how much this department gets -- uses out of the -- do
6 I need to -- I don't have -- I can just ask Nan to do that?

7 DISTRICT ATTORNEY HERRERA: Yeah, and --

8 COMMISSIONER CLARK: Okay.

9 DISTRICT ATTORNEY HERRERA: -- and, I mean, what you can do
10 is you can -- you can -- you can agendize it for a vote to do
11 what you could do anyway. I mean, why do that? If it's -- if
12 it's the county commissioner's wish to see where the finances
13 are going, you have the finance director that should be able to
14 provide you with that.

15 COMMISSIONER CLARK: Okay.

16 DISTRICT ATTORNEY HERRERA: And I'm sure Becky can tell it
17 to you too.

18 COMMISSIONER CLARK: Yeah, that's just the easiest way to
19 look at it.

20 COMMISSIONER BAKKER: Also the 21st -- I think it's the
21 21st -- Heather, did -- I think it went out in the paper. The
22 21st is going to be our --

23 HEATHER HILL: Open house.

24 COMMISSIONER MILLS: Open house.

25 COMMISSIONER BAKKER: -- at the civic --

26 HEATHER HILL: Open house, the meeting?

27 COMMISSIONER BAKKER: The meeting on the courthouse?

28 UNIDENTIFIED PARTICIPANT: For the courthouse. Yeah.

29 COMMISSIONER BAKKER: Yeah.

30 COMMISSIONER MILLS: Yeah. The admin building.

31 COMMISSIONER BAKKER: Get the town's input on what they
32 want to do. At the civic center at 6:00 o'clock.

33 DISTRICT ATTORNEY HERRERA: Now, I'm glad you brought that
34 up. Because if we are just listening to what the citizens would
35 like to do with county property, --

36 COMMISSIONER BAKKER: Right.

37 DISTRICT ATTORNEY HERRERA: -- and there's no decisions
38 made, and it's just fact finding and to present the whole thing
39 to the commission, then -- then that meeting doesn't have to
40 be -- doesn't have to go under the open meeting laws.

1 If -- if this committee, subcommittee, if they are
2 deliberating, rejecting some -- if they even say, no, that's so
3 stupid, we're not even going to present it.
4 COMMISSIONER BAKKER: No, I think it would be more taking
5 in everything and then we'd -- the committee would have their
6 own private --
7 DISTRICT ATTORNEY HERRERA: No, then they have to follow
8 under the open meeting law. No, all they can do is collect
9 information and pass it through.
10 Otherwise, they have to agendize that meeting. And it has to
11 fall under the open meeting laws. If they make any decisions
12 then --
13 COMMISSIONER BAKKER: Right then and there. If they make
14 any decisions right then --
15 DISTRICT ATTORNEY HERRERA: Or even reject anything.
16 VICE CHAIRWOMAN WAITS: Even later.
17 DISTRICT ATTORNEY HERRERA: Reject or -- or accept.
18 COMMISSIONER MILLS: It'll be safer to --
19 DISTRICT ATTORNEY HERRERA: It's got to be a pass-through.
20 COMMISSIONER MILLS: It'll be safer to agendize it because
21 it's going to be really difficult to keep people making comments
22 and --
23 COMMISSIONER BAKKER: So let's agendize it.
24 DISTRICT ATTORNEY HERRERA: Well, that's fine. I'm just
25 saying, if you're planning on then closing it --
26 COMMISSIONER BAKKER: I actually don't know how it's going
27 to go.
28 DISTRICT ATTORNEY HERRERA: Yeah, if you --
29 COMMISSIONER BAKKER: Kind of rolling --
30 DISTRICT ATTORNEY HERRERA: -- plan on --
31 COMMISSIONER BAKKER: -- the dice here.
32 DISTRICT ATTORNEY HERRERA: -- having the committee meet
33 separately, say, no, that was so absurd. We're not even going
34 to accept. Boom. You've deliberated and made a decision, and
35 it's subject to the opening meeting laws.
36 COMMISSIONER BAKKER: We have plenty of time to agendize
37 it.
38 DISTRICT ATTORNEY HERRERA: Yes.
39 COMMISSIONER BAKKER: So let's agendize it, put it out to
40 the public, and go from there.

1 DISTRICT ATTORNEY HERRERA: All right.
2 COUNTY CLERK SULLIVAN: The 21st is -- (indiscernible) --
3 COMMISSIONER BAKKER: At 6:00 o'clock at the civic center.
4 COUNTY CLERK SULLIVAN: -- (indiscernible) -- I just need
5 the trial staff. That's why it was something I brought up to
6 legal to make sure it was going to be agendized to make sure I
7 have somebody there to be able to record and that.
8 COMMISSIONER BAKKER: You can give me a recorder. I'll do
9 it for you.
10 COUNTY CLERK SULLIVAN: Will you do the minutes for me
11 please, --
12 COMMISSIONER BAKKER: Yeah.
13 COUNTY CLERK SULLIVAN: -- Commissioner Bakker?
14 COMMISSIONER BAKKER: Yeah. Sure.
15 COUNTY CLERK SULLIVAN: Great.
16 COMMISSIONER BAKKER: Everyone will have to talk a little
17 bit slower while I type.
18 DISTRICT ATTORNEY HERRERA: If you agendize, then both our
19 departments could be participating in that under the open
20 meeting laws.
21 COMMISSIONER BAKKER: Okay.
22 DISTRICT ATTORNEY HERRERA: So that that -- but again, and
23 I'll emphasize, it's -- it's got to be pass-through information
24 or agendized. It's that simple.
25 COMMISSIONER BAKKER: Agendize it. Just to be safe.
26 DISTRICT ATTORNEY HERRERA: Okay.
27 UNIDENTIFIED PARTICIPANT: So you are putting it under the
28 open meeting law as a committee?
29 DISTRICT ATTORNEY HERRERA: Yes, subcommittee.
30 VICE CHAIRWOMAN WAITS: Subcommittee.
31 COMMISSIONER BAKKER: Okay. I was just reminding
32 everybody.
33 VICE CHAIRWOMAN WAITS: Okay. Anything else on the
34 upcoming agendas?
35 COMMISSIONER MILLS: Just that I want some discussion on
36 the levee and proceeding with the southern.
37 VICE CHAIRWOMAN WAITS: Would you like that on the next one
38 or the one after?
39 COMMISSIONER MILLS: The next one.
40 VICE CHAIRWOMAN WAITS: The next one is the 23rd of July.

1 So the levee -- so we can discuss that.
2 COMMISSIONER MILLS: And at least I want it separate. I
3 want the southern part of the levee to be a separate from the
4 northern part because Corps of Engineers still has control of
5 the northern part. I don't want them tied together and then put
6 the kibosh on it and have to wait on the southern part.
7 VICE CHAIRWOMAN WAITS: Okay.
8 COMMISSIONER MILLS: If that makes sense.
9 DISTRICT ATTORNEY HERRERA: Maybe we should agendize the --
10 the highway patrol.
11 VICE CHAIRWOMAN WAITS: For next time too?
12 DISTRICT ATTORNEY HERRERA: Yeah. Might as well get these
13 over with.
14 VICE CHAIRWOMAN WAITS: Sure, the sublease.
15 COMMISSIONER MILLS: That will give them time to figure
16 out --
17 COMMISSIONER CLARK: Yeah.
18 COMMISSIONER MILLS: -- and get a --
19 COMMISSIONER BAKKER: You could have an amount and
20 everything that you want on the cont- -- rent agreement between
21 the highway patrol?
22 DISTRICT ATTORNEY HERRERA: Well, we need to agendize the
23 fact of whether we want to allow them --
24 VICE CHAIRWOMAN WAITS: Just for discussion. And we can
25 bring up some points.
26 DISTRICT ATTORNEY HERRERA: And again, if the county
27 commission decides, yeah, that sounds like a good idea, then you
28 instruct Max or somebody to enter into negotiations.
29 COMMISSIONER CLARK: Right.
30 DISTRICT ATTORNEY HERRERA: Or me or whatever.
31 VICE CHAIRWOMAN WAITS: You're not approving any contract.
32 You're just discussing.
33
34
35 **PUBLIC COMMENT**
36
37 VICE CHAIRWOMAN WAITS: Okay.
38 Moving on then to public comment for any non-agendized items.
39 Anyone else that has --
40 PASTOR JON LAYDEN: I just have one real quick. Pastor Jon

1 Layden from Battle Mountain Assembly, for the record.

2 I just want to say thank you for the Fourth of July. I
3 thought it was a great event. People had fun. I'm sure -- I
4 didn't see any of you guys there, but it was a really good
5 event. And I just want to appreciate you guys allowing us to
6 serve our community that way. I wish the weather cooperated
7 just a little bit more. But it sounded and it looked like a lot
8 of people had fun. So anyways, thank you guys so much.

9 COMMISSIONER BAKKER: Thank you.

10 PASTOR JON LAYDEN: And that was it.

11 VICE CHAIRWOMAN WAITS: Thank you for handling it all.

12 Okay. With no other public comment and hearing none from
13 Austin...

14
15
16 **ADJOURNMENT**

17
18 COMMISSIONER BAKKER: I'll make a motion to adjourn.

19 COMMISSIONER MILLS: Second.

20 COMMISSIONER CLARK: Aye.

21 COMMISSIONER BAKKER: Aye.

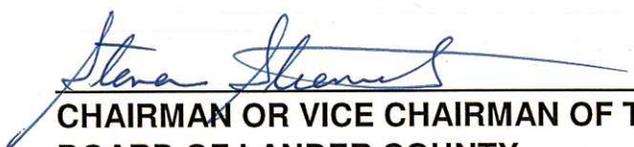
22 VICE CHAIRWOMAN WAITS: Aye.

23 COMMISSIONER MILLS: Aye.

24 VICE CHAIRWOMAN WAITS: Thank you. That passes.

25 COUNTY CLERK SULLIVAN: Thank you, Miteshell.

26 VICE CHAIRWOMAN WAITS: We are adjourned.

27
28
29
30
31
32
33
34
35
36
37
38
39
40

**CHAIRMAN OR VICE 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.