

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 June 25, 2015, at 9:01
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 **NAN ANCHO, FINANCE DIRECTOR**
13 **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**

14
15 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**

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 June 25, 2015, at 9:01 a.m.]

24
25 VICE CHAIRWOMAN WAITS: All right. It's 9:00 o'clock. And
26 we are calling to order the Lander County commissioner's
27 meeting, Town Board of Battle Mountain, and Austin Board of
28 Highway Commissioners for June 25th, 2015.

29 And we have Austin on. Austin?

30 MITESHELL LANHAM: Yes.

31 VICE CHAIRWOMAN WAITS: Thank you. Okay, we'll start out
32 with our Pledge of Allegiance. And Commissioner Mills, if you
33 will lead us in our Pledge of Allegiance this --

34 COMMISSIONER MILLS: Okay.

35 VICE CHAIRWOMAN WAITS: -- morning.

36
37 (Pledge of Allegiance.)

38 VICE CHAIRWOMAN WAITS: Thank you.

39 And a welcome to everyone this morning: our fellow
40

1 commissioners and our staff and our public. Thank you for joining
2 us.

3 If you will honor us with just a moment of silence, please.

4
5 (Moment of silence.)

6
7 VICE CHAIRWOMAN WAITS: Thank you.

8
9
10 **COMMISSIONER REPORTS**

11
12 VICE CHAIRWOMAN WAITS: We'll move on to our commissioner
13 reports.

14 And Commissioner Clark, I'll start with you this morning.

15 COMMISSIONER CLARK: And I do have something to report. I
16 went to a meeting in Reno with Nevada Works, a very worthwhile
17 time that I spent there with them. The agency provides services
18 for people to learn skills to be employed.

19 John Thurman is the head of the agency. He will be coming
20 to Lander County to make a presentation in the future. So I'm not
21 going to belabor the point.

22 My road got paved. Absolutely amazing. They ground my
23 road up and turned it into a concrete block. Just cement. And
24 then they came back over and they paved it. Now you can land an
25 airplane there.

26 COMMISSIONER BAKKER: I, actually, don't have anything to
27 report this go around. Been haying for the last week and
28 haven't been in town.

29 COMMISSIONER MILLS: Well, yesterday I went to a class that
30 was put on by the Nevada Commission on Ethics. And so I attended
31 an ethics class. That was actually pretty good. I got some --
32 hopefully got some questions answered about how some of those
33 things work.

34 And the only other thing I have is that today, after this
35 meeting, I've got a hospital board meeting. So I'll be doing
36 that one.

37 VICE CHAIRWOMAN WAITS: Thank you.

38 COMMISSIONER BAKKER: What time is that at?

39 COMMISSIONER MILLS: 4:30.

40 VICE CHAIRWOMAN WAITS: I do --

1 COMMISSIONER MILLS: Should have time.
2 VICE CHAIRWOMAN WAITS: -- have a couple of things to
3 share.
4 COMMISSIONER CLARK: We should be done by then.
5 COMMISSIONER MILLS: It should be over at the new building.
6 VICE CHAIRWOMAN WAITS: On June 17th, I did attend the
7 Kingston Town Board meeting. They're setting aside their --
8 their big picnic, of course, for the fundraiser for the Kingston
9 Fire Department, which is on August 1st.
10 And they also addressed the -- the governor's drought forum
11 declaration, which is kind of interesting on their agenda. And
12 they said that they are going to look at a water conservation
13 plan, possibility of implementing some of this plan in Kingston,
14 which I thought was a very nice way to handle it and start it off.
15 On June 20th, we did have the Austin museum open house.
16 And Commissioner Clark and his lovely wife Cindy were also there
17 for that grand opening.
18 And it was indeed lovely. They have done such a job. The
19 display cases are beautiful. And -- and one of our deputies,
20 Deputy Derek Zacharias, has gone back in history 150 years in
21 law enforcement with Lander County and putting together some
22 shields and badges and such. And so that was very nice. Ron
23 Unger was there to honor that.
24 We had several people from out of town, out of state too,
25 that have been great-grandchildren of some of the sheriffs and
26 such. So it was -- it was a very nice festive occasion.
27 I did attend the ethics class with Commissioner Mills
28 yesterday.
29 And also, I did want to mention, I know we all got
30 invitations, but today is a ribbon-cutting and grand opening in
31 Elko. And that's for their local cancer care for northeastern
32 Nevada. And it's a radiation/oncology center. And it's the
33 first one in Nevada for the cancer care. And that's pretty
34 exciting to have close to us. And people that have had that
35 type of -- of medical requirements have had to travel great
36 distances. We've got Salt Lake, which is fairly close to you
37 folks. But that's still a long ways away when you're there for
38 weeks on end to do this type of thing. And then, of course,
39 Arizona for some of our southern part of the state and
40 California. So this is exciting for Nevada everywhere.

1 Information on Austin. June 24th through the 28th, we have
2 the -- the land sailing folks back again. They often are there at
3 Smith Creek for all kinds of events. But this particular one is
4 the second largest land sailing event in North America. And
5 that's open to public and -- and invitations are open there too.

6 UNIDENTIFIED PARTICIPANT: What's the date again?

7 VICE CHAIRWOMAN WAITS: It's the 24th through the 28th.
8 It's going on right now. They haven't had a lot of wind, but
9 they're hoping for more so they can get a -- but it's as we
10 speak.

11
12
13 **STAFF REPORTS**

14
15 VICE CHAIRWOMAN WAITS: Okay. We will move on to staff
16 reports. Good morning, gentleman.

17 KEITH WESTENGARD: Good morning. I also attended the
18 ethics meeting, or tried to attend it, yesterday, but was all in
19 and out so much, I ended up just having to leave and take care
20 of some county business.

21 We do have the swimming pool is closed currently. We had an
22 inspection done by POOL/PACT late last week and found out we were
23 in violation of a federal law. It had to do with grates over
24 our drains.

25 VICE CHAIRWOMAN WAITS: Excuse me. Is this Battle Mountain
26 and Austin?

27 KEITH WESTENGARD: Just -- just Battle Mountain.

28 VICE CHAIRWOMAN WAITS: Thank you.

29 KEITH WESTENGARD: So currently, the pool's closed. Like I
30 said, we're in violation of this federal law. The grates have
31 been ordered. As soon as the grates get here, it's a fairly
32 simple install. Should be done fairly quickly. And our pool
33 should be opened back up. We're hoping that the pool will be
34 open back up before the Fourth of July weekend. We're -- LEDA's
35 working really hard on it. So if you get calls, refer them to
36 me if you'd like.

37 I did -- I did get in contact with Heather to try to get
38 something in the paper. We were a little late. There will be
39 something in the paper next week. But by the time it's in the
40 paper next week, I'm hoping the pool will be reopened.

1 I would like to set up a public meeting on June [verbatim]
2 21st at 6:00 o'clock at the civic center to go over our -- what
3 we're going to do with our courthouse and have our first public
4 meeting. So we'll get that put out so we can start getting our
5 comments, input from the public.

6 COMMISSIONER CLARK: What's the date again?

7 KEITH WESTENGARD: July the 21st at 6:00 o'clock at the
8 civic center.

9 And we'll get some input from the public.

10 COMMISSIONER BAKKER: Who's all on that board? Ted?
11 Because he went to school here.

12 VICE CHAIRWOMAN WAITS: Committee.

13 KEITH WESTENGARD: It's Ted, myself.

14 COMMISSIONER BAKKER: Yeah. The committee.

15 DISTRICT ATTORNEY HERRERA: What are we talking --

16 KEITH WESTENGARD: This is the ad hoc committee for the --
17 the courthouse. It's Ted, myself, you, Art, and --

18 COMMISSIONER CLARK: Liz Heimbigner.

19 KEITH WESTENGARD: Thank you. Those were the five. Yes.

20 So once we get our input from the committee -- or the
21 community, we'll have an ad hoc representative come to the
22 commission and let you know what we found out for the commission
23 side of what we're going to do with these buildings.

24 COMMISSIONER BAKKER: Do we need to agendize that?

25 KEITH WESTENGARD: It will be agendized as well. Yes.

26 COMMISSIONER BAKKER: Okay.

27 COMMISSIONER MILLS: Also --

28 KEITH WESTENGARD: And I'll be at the hospital board
29 meeting tonight.

30 COMMISSIONER MILLS: Oh. Good.

31 KEITH WESTENGARD: Right after my physical therapy. So I
32 do want to say that.

33 If I'm up walking around, I'm not trying to be rude. But I
34 still have a little stiffness going on. So I might be getting up
35 and walking around a little bit during our long meeting today.

36 COMMISSIONER MILLS: That -- that hospital board meeting is
37 supposed to be at the new building.

38 KEITH WESTENGARD: Oh, okay. At 4:30 still?

39 COMMISSIONER MILLS: Yes.

40 KEITH WESTENGARD: Okay.

1 VICE CHAIRWOMAN WAITS: Thank you.

2 KEITH WESTENGARD: And that's all I have.

3 VICE CHAIRWOMAN WAITS: Thank you. Ted?

4 DISTRICT ATTORNEY HERRERA: All I have today is -- is I
5 want to point out that Judge Shirley is going to be here this
6 afternoon, ostensibly to give the county commission an update.

7 But I would like you to use the time today to ask those
8 questions that are near and dear to our county where it concerns
9 the Eleventh Judicial District Court, which will be -- will rise
10 up on July 1st, 2015, and become a legal entity.

11 And there is a lot of work to be done in the next six
12 months concerning Leighton Hall, which we -- we have to be part
13 of for the next year.

14 We had to budget that. And we went through that at the
15 budget hearing.

16 But there are a lot of pertinent questions that can be
17 asked today of the judge, since he will be here. And -- and I
18 -- I hope you take advantage of it and ask those questions that
19 will need to be asked.

20 VICE CHAIRWOMAN WAITS: Thank you.

21 DISTRICT ATTORNEY HERRERA: That's it.

22 VICE CHAIRWOMAN WAITS: And you will be here too. So --
23 right?

24 DISTRICT ATTORNEY HERRERA: Yes, I will.

25 VICE CHAIRWOMAN WAITS: All right. Thank you.

26 COMMISSIONER BAKKER: Very vague.

27
28
29 **PUBLIC COMMENT**

30
31 VICE CHAIRWOMAN WAITS: This is the time we set aside for
32 public comment. This is for non-agendized items only.

33 And anyone that would like to come up and speak to the board
34 for -- we do set a time limit of three minutes, but if there is
35 something special that they would like to -- to report on? Anyone
36 in the public? Okay.

37 Hearing none, we will move on to our consent agenda.

1 CONSENT AGENDA

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

12 On this, we do have the agenda notice, June 25th, 2015;
13 June 11th, 2015, regular meeting minutes; May 28th, 2015,
14 regular meeting minutes; the payment of bills; and the payroll
15 change request.

16 With that, we will be taking out the June 11th regular
17 meeting minutes, as we don't have those to approve.

18 Anything else anyone wants to pull out?

19 Then I would like to pull out the payroll change request for
20 discussion later.

21 COMMISSIONER MILLS: Okay.

22 VICE CHAIRWOMAN WAITS: So that leaves us -- one, two,
23 three.

24 If somebody would like to make a motion we approve the
25 consent agenda?

26 COMMISSIONER MILLS: I'll make a motion to approve the
27 consent agenda minus the June 11th meeting minutes and the
28 payroll change request.

29 COMMISSIONER BAKKER: Second.

30 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
31 Commissioner Mills, seconded by Commissioner Bakker that we
32 approve those on the consent agenda that have not been taken
33 out.

34 Any other discussion?

35 (No comment.)

36 VICE CHAIRWOMAN WAITS: All those in favor?

37 COMMISSIONER MILLS: Aye.

38 COMMISSIONER BAKKER: Aye.

39 COMMISSIONER CLARK: No.

40 VICE CHAIRWOMAN WAITS: Aye. Okay. That does pass.

1 And we will be discussing the payroll change requests.
2 I have a couple on here. And I don't know -- can we refer to
3 them --
4 DISTRICT ATTORNEY HERRERA: Individually?
5 VICE CHAIRWOMAN WAITS: -- individually? Well, first of
6 all -- yeah -- Number 19.
7 DISTRICT ATTORNEY HERRERA: Yeah. You -- you certainly may
8 and you should.
9 VICE CHAIRWOMAN WAITS: Okay. Number 19 is approval of
10 employee change request, new hire. Employee Number 1321 and
11 that actually isn't our department. So that would come under
12 the Lander County Convention and Tourism. Is that correct, Nan?
13 NAN ANCHO: Yes. That's correct. (Indiscernible.)
14 COMMISSIONER MILLS: Hm.
15 VICE CHAIRWOMAN WAITS: Okay. So we'll take that one out.
16 And the other one I have -- and I don't have the number for, but
17 it is Number 1151. And I went to the back part because that is
18 our executive director. And I just needed a clarification on
19 this.
20 I was under the understanding that when we -- when we gave
21 this extra amount at your end-of-the-six-month period, that we
22 weren't going to go the 4 percent increase. Was that your
23 understanding, Keith?
24 KEITH WESTENGARD: No.
25 DISTRICT ATTORNEY HERRERA: It was -- was my understanding,
26 Commissioner, in the meeting minutes, that it was discussed and
27 it was agreed -- or it was -- the understanding that he was also
28 getting the 4 percent and that he would not be -- be asking for
29 anything -- he would not be certain of anything thereafter.
30 That was my understanding.
31 Now -- and I looked at the minutes. And -- and after reading
32 the minutes, I still have that understanding.
33 VICE CHAIRWOMAN WAITS: Okay.
34 DISTRICT ATTORNEY HERRERA: Now -- unless you've read
35 something to the contrary.
36 VICE CHAIRWOMAN WAITS: No, I just wanted the
37 clarification. Because I remember saying that we were going to
38 be getting the 4 percent -- and my understanding was -- and I
39 haven't --
40 DISTRICT ATTORNEY HERRERA: You asked -- Commissioner

1 Waits -- you asked specifically. So does that mean he's getting
2 the \$5,000 and the 4 percent? That was discussed. And you did
3 bring that up. So that's probably what's in your memory.
4 VICE CHAIRWOMAN WAITS: It is. It's in my mind.
5 DISTRICT ATTORNEY HERRERA: And then it was -- it was
6 decided, yes, he was to be getting both, but --
7 VICE CHAIRWOMAN WAITS: Okay.
8 DISTRICT ATTORNEY HERRERA: -- that's it. This -- this
9 (indiscernible) been cut off after -- thereafter.
10 VICE CHAIRWOMAN WAITS: Okay.
11 DISTRICT ATTORNEY HERRERA: Except for merit; right?
12 KEITH WESTENGARD: Merits by -- given by this commission.
13 DISTRICT ATTORNEY HERRERA: Yes.
14 VICE CHAIRWOMAN WAITS: Okay.
15 KEITH WESTENGARD: Upon --
16 VICE CHAIRWOMAN WAITS: Merit raises from now on?
17 DISTRICT ATTORNEY HERRERA: Right.
18 KEITH WESTENGARD: That is correct.
19 VICE CHAIRWOMAN WAITS: So --
20 DISTRICT ATTORNEY HERRERA: No automatic raises.
21 KEITH WESTENGARD: No automatic --
22 VICE CHAIRWOMAN WAITS: Okay.
23 KEITH WESTENGARD: -- raises.
24 VICE CHAIRWOMAN WAITS: That means then -- then when we
25 have an automatic raise at 4 percent or 3 percent or whatever
26 next year that you don't get that either?
27 KEITH WESTENGARD: That is correct.
28 VICE CHAIRWOMAN WAITS: Okay. So this is the one time and
29 --
30 DISTRICT ATTORNEY HERRERA: It's all merit based for the --
31 VICE CHAIRWOMAN WAITS: From this point.
32 DISTRICT ATTORNEY HERRERA: -- executive --
33 KEITH WESTENGARD: From now on.
34 VICE CHAIRWOMAN WAITS: Okay. Thank you.
35 COMMISSIONER BAKKER: So he may not have another raise for
36 the next four years.
37 KEITH WESTENGARD: Or five or ten.
38 COMMISSIONER BAKKER: Or five or six.
39 KEITH WESTENGARD: Or --
40 COMMISSIONER BAKKER: I mean, you never know.

1 VICE CHAIRWOMAN WAITS: Thank you.
2 KEITH WESTENGARD: That's my understanding.
3 VICE CHAIRWOMAN WAITS: Okay.
4 COMMISSIONER CLARK: But this does not exclude the
5 executive director from getting a raise that the commissioners
6 agree upon.
7 VICE CHAIRWOMAN WAITS: Right. It's a merit raise.
8 COMMISSIONER CLARK: It's not --
9 COMMISSIONER MILLS: It's the -- that's the --
10 COMMISSIONER CLARK: -- an automatic.
11 COMMISSIONER MILLS: -- only way for him to get a raise.
12 VICE CHAIRWOMAN WAITS: Right.
13 COMMISSIONER CLARK: That's the only thing -- it's the
14 standard increase to get off probation plus this 4 percent.
15 And then after that, we will decide when it is time --
16 DISTRICT ATTORNEY HERRERA: Based on merit.
17 COMMISSIONER CLARK: -- on merit, we will decide when it's
18 time and how much Keith will get an increase.
19 DISTRICT ATTORNEY HERRERA: That's my understanding,
20 Commissioner Clark.
21 COMMISSIONER BAKKER: Yep.
22 VICE CHAIRWOMAN WAITS: Thank you. I appreciate the
23 clarification.
24 COMMISSIONER CLARK: That's why I voted no. I didn't want
25 Keith singled out on this.
26 VICE CHAIRWOMAN WAITS: Well, we do need things clarified.
27 And voting no still didn't help with Number 19 that we have to
28 pull out so thank you.
29 COMMISSIONER CLARK: I was crystal clear up here.
30 VICE CHAIRWOMAN WAITS: Okay.
31 Then I'm looking for a motion to approve Consent Agenda
32 Number 5 pulling out number 19.
33 COMMISSIONER BAKKER: I'll make a motion to approve the
34 Consent Agenda Number 5, pulling out Number 19.
35 COMMISSIONER MILLS: Second.
36 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
37 Bakker, seconded by Commissioner Mills. Any other discussion?
38 (No comment.)
39 VICE CHAIRWOMAN WAITS: Any public comment?
40 (No comment.)

1 VICE CHAIRWOMAN WAITS: All those in favor?
2 COMMISSIONER BAKKER: Aye.
3 COMMISSIONER MILLS: Aye.
4 COMMISSIONER CLARK: Aye.
5 COMMISSIONER WAITS: Aye.
6 Thank you.

7
8
9 **FINANCE**

10
11 1) Discussion for possible action regarding budget review,
12 contracts, financial update, and other matters properly
13 relating thereto.
14

15 VICE CHAIRWOMAN WAITS: Then we move on to Finance. Update
16 on budget review, contracts, financial update, and other matters
17 properly related thereto.

18 NAN ANCHO: Good morning.

19 VICE CHAIRWOMAN WAITS: Good morning, Nan.

20 COMMISSIONER BAKKER: Good morning, Nan.

21 COMMISSIONER CLARK: Morning, Nan.

22 NAN ANCHO: Nan, Finance.

23 Okay. So I have Accounts Receivable for the month of May.

24 VICE CHAIRWOMAN WAITS: Excuse me, just a minute.

25 Gentlemen, excuse me. This does pick up on the recorder.

26 Excuse me.

27 KEITH WESTENGARD: We were discussing (indiscernible).

28 VICE CHAIRWOMAN WAITS: Thank you. Nan?

29 NAN ANCHO: Okay. So for Accounts Receivable for the month
30 of May, we have Water at 17- -- outstanding, I should say --
31 Water, \$17,134; Sewer, 18,704; Miscellaneous Water Sewer \$27;
32 Landfill, \$11,118, for a total of \$46,982.

33 I have a transfer that I need to read into the minutes. And
34 it is from the assessor, Lura Duvall. She's requested to move
35 funds from her Technology Fund to the CCP Fund for the new
36 administrative building IT upgrades.

37 So we'll be debiting \$57,226 from account 300-068-54010.
38 Credit to the General Fund 001-003-39003. Then we'll debit the
39 General Fund, dash 001-050-59980 and credit it to the revenue of
40 the CCP Fund, 055-000-39097, for the expense line item

1 055-000-54015. And that's for the -- the new courthouse.

2 COMMISSIONER BAKKER: Good job.

3 NAN ANCHO: Aw.

4 I've completed the annual fiscal report for Lander County,
5 Battle Mountain town, Austin town. And they were published in
6 the newspaper on June 16th. That is a requirement by the
7 Department of Taxation.

8 Just so you all know, I will not be at the next commission
9 meeting. I'm going to be on vacation. So...

10 I do have an agenda item that will be on there. And Keith
11 will take care of that for me. Just in case he didn't know.

12 KEITH WESTENGARD: (Indiscernible) -- sign the --
13 (indiscernible).

14 NAN ANCHO: Oh, yeah. It's already been signed. Yes. And
15 that's all I have.

16 COMMISSIONER BAKKER: Thanks, Nan.

17 VICE CHAIRWOMAN WAITS: Thank you.

18 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
19
20

21 ROAD AND BRIDGE NORTH

- 22
23 2) Discussion and possible action to approve an extension of
24 time for Hunewill Construction to complete the 2014/15 Road
25 Rehabilitation Project, and other matters properly related
26 thereto.
27

28 VICE CHAIRWOMAN WAITS: We will move on to Agenda Item
29 Number 2. Discussion and possible action to approve an
30 extension of time for Hunewill Construction to complete the
31 2014-2015 road reha- -- rehabilitation project, and other
32 matters properly related thereto.

33 DONALD NEGRO: Donald Negro, for the record. Road and
34 Bridge North.

35 VICE CHAIRWOMAN WAITS: Good morning, Donnie.

36 DONALD NEGRO: How are you?

37 COMMISSIONER BAKKER: Good morning.

38 DONALD NEGRO: What I have here is, when we did our
39 contract, I didn't get -- didn't get the notice to proceed in
40 the contract together. We missed about three weeks. You know,

1 they were separate. So what I'd like to do is give Hunewill
2 Construction 30 days to complete their project. We're moving
3 right along. And they're doing a good job, but, you know, it
4 was -- it was my screwup -- my screwup.

5 But -- but I've talked to Nitán. Bert and I sat down
6 with Tom Gallagher and talked. And to -- to not have this
7 problem -- problem happen again is that we're going to -- Summit
8 Engineering is doing all the advertising. They're doing
9 everything on this next project.

10 So I'm asking for 30 days' extension.

11 VICE CHAIRWOMAN WAITS: And Nan, we're okay with the
12 finance on that?

13 NAN ANCHO: Yes. Yes, we did allocate --

14 VICE CHAIRWOMAN WAITS: We rolled it over?

15 NAN ANCHO: -- for the '14/'15 paving.

16 COMMISSIONER MILLS: What -- what percentage of that
17 project is done now?

18 DONALD NEGRO: I'd say probably 75.

19 COMMISSIONER MILLS: Seventy-five?

20 DONALD NEGRO: Yeah.

21 COMMISSIONER MILLS: So that'll give -- that 30 days will
22 give them enough time?

23 DONALD NEGRO: Yeah.

24 COMMISSIONER MILLS: It seems like they didn't start too
25 long ago. And they're moving pretty fast.

26 DONALD NEGRO: Yeah. They're moving pretty fast. And, you
27 know, we're at the -- back to the -- starting late on this
28 project, we're at the mercy of, you know, they're pulling out to
29 finish another projects, and then they come back.

30 COMMISSIONER MILLS: Okay.

31 DONALD NEGRO: But they'll be back on Monday to pave for
32 another two days. And then they'll go away and then they'll be
33 back -- back and forth.

34 COMMISSIONER MILLS: So if we give them 30 days, is that
35 going to slow them down?

36 DONALD NEGRO: No.

37 COMMISSIONER MILLS: Okay.

38 DONALD NEGRO: I won't let that happen.

39 COMMISSIONER MILLS: Just wondering if they're going to use
40 that.

1 DONALD NEGRO: And then --
2 COMMISSIONER MILLS: If we gave them 15 days, could they
3 finish in 15 days? Would that make them finish faster?
4 BERT RAMOS: Well, there's some work that's going to slow
5 it down. Bert Ramos, for the record. There's some work that's
6 going to slow them down a little bit. We've got some
7 infiltrators that got to go in. The paving goes really fast.
8 COMMISSIONER MILLS: Right.
9 BERT RAMOS: But the infiltrators take a little bit more
10 time.
11 COMMISSIONER CLARK: Yeah.
12 COMMISSIONER MILLS: So there's other -- other factors
13 involved other than --
14 BERT RAMOS: Yes.
15 COMMISSIONER MILLS: -- paving?
16 DONALD NEGRO: Yeah.
17 BERT RAMOS: Yeah.
18 DONALD NEGRO: And just for your information, Bert and I
19 set a timeline on the next project which is coming out. And it
20 will -- it'll advertise June 30th -- June 30th and June 7th.
21 And it will open it on July 10th.
22 And then the -- the noti- -- it'll be on the commissioners'
23 meeting the 23rd. And the notice to proceed will be July 24th.
24 And it will be 90 days to do that project also. And this is
25 a \$3 million project, which was budgeted for --
26 COMMISSIONER MILLS: Oh, right.
27 DONALD NEGRO: -- '15/'16.
28 COMMISSIONER BAKKER: What roads are those doing?
29 BERT RAMOS: Tree streets, --
30 COMMISSIONER MILLS: We got a list.
31 COMMISSIONER CLARK: Willow, --
32 BERT RAMOS: -- Forest.
33 COMMISSIONER CLARK: -- Second Street, South Mountain.
34 BERT RAMOS: Yeah, Lemaire.
35 COMMISSIONER CLARK: Tule.
36 BERT RAMOS: Broyles Ranch. All that.
37 COMMISSIONER CLARK: And as far as the -- the speed and
38 getting work done, it's amazing. They ground up my road in one
39 hour and seventeen minutes.
40 DONALD NEGRO: This is the '15/'16 project that's --

1 COMMISSIONER BAKKER: Thanks, Donnie.
2 BERT RAMOS: It's retirement.
3 VICE CHAIRWOMAN WAITS: Okay. So we need a motion to
4 extend the Hunewill Construction to give them additional 30
5 days; is that correct?
6 DONALD NEGRO: Yes, ma'am.
7 COMMISSIONER BAKKER: I'll make a motion to approve an
8 extension of 30 days for Hunewill Construction to complete the
9 2014/2015 road rehabilitation projects.
10 COMMISSIONER MILLS: I'll second.
11 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
12 Commissioner Bakker we extend that 30 days and seconded by
13 Commissioner Mills. Any other discussion?
14 COMMISSIONER CLARK: I have a question.
15 On the tree streets, I don't see Good Street listed -- listed
16 here. Is that -- that's being done and then --
17 DONALD NEGRO: It's being done.
18 COMMISSIONER MILLS: Good.
19 COMMISSIONER CLARK: Okay.
20 COMMISSIONER MILLS: Good Street's getting done right now.
21 DONALD NEGRO: Yeah.
22 COMMISSIONER CLARK: Okay. Because Good Street was not
23 good.
24 DONALD NEGRO: Yeah.
25 VICE CHAIRWOMAN WAITS: Any other public comment?
26 (No comment.)
27 VICE CHAIRWOMAN WAITS: All those in favor?
28 COMMISSIONER BAKKER: Aye.
29 COMMISSIONER MILLS: Aye.
30 COMMISSIONER CLARK: Aye.
31 COMMISSIONER WAITS: Aye.
32 DONALD NEGRO: Thank you.
33 VICE CHAIRWOMAN WAITS: Thank you.
34 COMMISSIONER BAKKER: Thank you, guys.
35
36
37
38
39
40

1 ASSESSOR

- 2
- 3) Discussion and possible action regarding amending Resolution No. 2012-02, Exhibit A, to renew the Exhibit A, hourly service rate, terms, and length; and other matters properly related thereto.
- 7

8 VICE CHAIRWOMAN WAITS: We now are moving to the assessor, which is Number 3. Discussion and possible action regarding amending Resolution No. 2102-02, Exhibit A, to renew the Exhibit A, an hourly service rate, terms, and length; and other matters properly related thereto.

13 And this is for a parcel maintenance between the Lander County Assessor's Office and Carson City Assessor's Office to provide countywide parcel project by Carson City Assessor's Office.

17 Do you have more information on that for us, Keith?

18 DISTRICT ATTORNEY HERRERA: I -- I can provide some.

19 This is basically -- and the way I -- I worded the agenda item -- is that we are going to amend the resolution. And, basically, Exhibit A is what we're renewing. But the contract's still in existence. And Exhibit A are the new terms.

23 VICE CHAIRWOMAN WAITS: And we are amending Exhibit A to read how?

25 Is that --

26 DISTRICT ATTORNEY HERRERA: I just --

27 VICE CHAIRWOMAN WAITS: -- that's still -- that's still several pages. Just the date?

29 DISTRICT ATTORNEY HERRERA: Well, it depends on what terms the -- the county commission wants them -- it's a -- Jeanne?

31 JEANNE FALZONE: Hi. Jeanne Falzone with the district attorney's office. This is an interlocal agreement with Carson City.

34 They do all of Lura's planning and parceling maps and stuff like that. It is something that is mandated.

36 And it takes a special person to do this. Not just anybody can do it. And Carson City has been doing it for us for the last four years, I believe.

39 Their agreement ended back in Febru- -- February, so all we're doing is extending the Exhibit A to go for two years to --

40

1 from July 1st this year to June 30th, 2017.
2 VICE CHAIRWOMAN WAITS: Okay. That was my question. We're
3 just amending the day?
4 JEANNE FALZONE: Uh-huh.
5 VICE CHAIRWOMAN WAITS: We could amend anything, --
6 DISTRICT ATTORNEY HERRERA: Yes.
7 VICE CHAIRWOMAN WAITS: -- but we're just amending the
8 days.
9 JEANNE FALZONE: Okay. Thank you.
10 VICE CHAIRWOMAN WAITS: Yeah, I have that written in here.
11 Thank you.
12 COMMISSIONER BAKKER: Oh. I'll make a motion to approve
13 the amending Resolution No. 2012-02, Exhibit A, to renew the
14 Exhibit A hourly service rate.
15 And do I -- hey, do I need to authorize the chair or vice
16 chair to sign?
17 COUNTY CLERK SULLIVAN: I do have a spot -- Sadie Sullivan,
18 for the record -- on this one here that Jeanne had brought down
19 for the signature. I know it just states that first of July of
20 2015. So I'll just make sure we do correct that on that page.
21 But I do have it.
22 COMMISSIONER BAKKER: Spot for someone to sign? And
23 authorize the vice chair to sign.
24 COUNTY CLERK SULLIVAN: Yes, please.
25 COMMISSIONER MILLS: I'll second.
26 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
27 Commissioner Bakker to amend Exhibit A on that resolution for
28 the date and then extends it to 2017?
29 It's been seconded by Commissioner Mills. Any other
30 discussion?
31 COMMISSIONER CLARK: Yeah. I have a question. Didn't we
32 hire somebody in the assessor's office to do work like this? We
33 approved a position?
34 COMMISSIONER BAKKER: Yeah, but the -- they haven't filled
35 it yet.
36 COMMISSIONER CLARK: Huh?
37 COMMISSIONER BAKKER: Yeah, we did. But they -- we didn't
38 fill it yet.
39 DISTRICT ATTORNEY HERRERA: Right.
40 COMMISSIONER CLARK: Oh.

1 DISTRICT ATTORNEY HERRERA: We approved it. Hopefully
2 Lander County can do this on our own.
3 COMMISSIONER CLARK: Well, that was what I thought the
4 position was for.
5 DISTRICT ATTORNEY HERRERA: Well, they didn't appr- --
6 didn't fill it yet.
7 COMMISSIONER CLARK: Okay.
8 DISTRICT ATTORNEY HERRERA: So we don't have a person. So
9 we need it done.
10 COMMISSIONER CLARK: Okay. So we just pay this person \$55
11 an hour until we hire somebody?
12 DISTRICT ATTORNEY HERRERA: Basically.
13 COMMISSIONER CLARK: Okay.
14 VICE CHAIRWOMAN WAITS: And this has a 30-day clause for
15 termination if we do hire somebody?
16 DISTRICT ATTORNEY HERRERA: I --
17 COMMISSIONER MILLS: The problem being finding somebody
18 qualified to do the job --
19 DISTRICT ATTORNEY HERRERA: I'm not sure.
20 COMMISSIONER MILLS: -- to work here.
21 VICE CHAIRWOMAN WAITS: So as far as this agreement, on the
22 first one -- a period of two years unless either party provides
23 written notice that it does not intend to renew the agreement at
24 least 30 days prior. So it looks like we have --
25 COMMISSIONER CLARK: A year.
26 VICE CHAIRWOMAN WAITS: Well, two years.
27 DISTRICT ATTORNEY HERRERA: Two years.
28 COMMISSIONER CLARK: Two years.
29 VICE CHAIRWOMAN WAITS: Two years if we do this.
30 DISTRICT ATTORNEY HERRERA: Right.
31 VICE CHAIRWOMAN WAITS: Oh, there's another one. It's also
32 under mutually agreed. One paragraph down.
33 No, that's the one I read.
34 DISTRICT ATTORNEY HERRERA: Right.
35 COUNTY CLERK SULLIVAN: And this is the new one.
36 VICE CHAIRWOMAN WAITS: Okay. So the new one reads the
37 same way that if we renew, we renew for two years. And we can
38 only terminate 30 days prior to that two years.
39 So what happens if we hire somebody?
40 COMMISSIONER CLARK: Some- -- yeah. Right. That was my

1 question. Part of it.
2 DISTRICT ATTORNEY HERRERA: Well, --
3 COMMISSIONER MILLS: Is that the way it's word- ? We can
4 only terminate someone 30 days prior to the end of the two
5 years?
6 But we can term --
7 VICE CHAIRWOMAN WAITS: That's --
8 COMMISSIONER MILLS: We can --
9 VICE CHAIRWOMAN WAITS: And look at your --
10 DISTRICT ATTORNEY HERRERA: And we have to give 30 days'
11 notice that --
12 COMMISSIONER BAKKER: Or it's just 30 days' notice to
13 terminate?
14 VICE CHAIRWOMAN WAITS: No. No.
15 DISTRICT ATTORNEY HERRERA: Prior to the termination, that
16 we will not renew --
17 COMMISSIONER CLARK: Right.
18 DISTRICT ATTORNEY HERRERA: -- the contract.
19 COMMISSIONER CLARK: Prior to the end of this.
20 DISTRICT ATTORNEY HERRERA: So not that we can -- we can't
21 terminate the contract.
22 VICE CHAIRWOMAN WAITS: Now, there's not a 30-day clause in
23 there.
24 DISTRICT ATTORNEY HERRERA: No, there isn't.
25 VICE CHAIRWOMAN WAITS: It's the 30 days prior to renewal.
26 DISTRICT ATTORNEY HERRERA: Correct..
27 COMMISSIONER MILLS: Oh.
28 VICE CHAIRWOMAN WAITS: That's why we're questioning it.
29 COMMISSIONER CLARK: Yeah. I --
30 COMMISSIONER MILLS: See, now --
31 COMMISSIONER BAKKER: How are they paid though? Isn't it
32 by how much work they do?
33 COMMISSIONER CLARK: Per hour.
34 COMMISSIONER MILLS: Yeah, it's an hourly rate.
35 DISTRICT ATTORNEY HERRERA: They -- they --
36 COMMISSIONER BAKKER: Don't send them the maps --
37 DISTRICT ATTORNEY HERRERA: They invoice.
38 COMMISSIONER BAKKER: And have our own person do it and
39 then the contract runs out.
40 COMMISSIONER CLARK: Well, that was the idea behind the

1 position --

2 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

3 COMMISSIONER CLARK: -- that we don't have the position.

4 COMMISSIONER MILLS: Oh.

5 COMMISSIONER BAKKER: See what I'm saying?

6 COMMISSIONER MILLS: Well if we se- -- if we don't send
7 them any work, then --

8 COMMISSIONER BAKKER: Yeah.

9 COMMISSIONER MILLS: -- there's no charge.

10 COMMISSIONER BAKKER: The contract runs out. Yeah.

11 DISTRICT ATTORNEY HERRERA: Right.

12 COMMISSIONER CLARK: But then we're held up for two years
13 by this contract without hiring somebody.

14 COMMISSIONER MILLS: No, we're not.

15 COMMISSIONER CLARK: It would appear to me.

16 DISTRICT ATTORNEY HERRERA: Why?

17 COMMISSIONER BAKKER: Why? Yeah.

18 DISTRICT ATTORNEY HERRERA: We --

19 COMMISSIONER CLARK: Well, if we hire somebody to do this
20 job and we have a contract with these folks to do the work, you
21 can't -- you can't terminate this contract until 30 days prior
22 to the end of it.

23 DISTRICT ATTORNEY HERRERA: You don't need to send them any
24 work either.

25 COMMISSIONER CLARK: You what?

26 DISTRICT ATTORNEY HERRERA: You don't need to send them any
27 work either.

28 COMMISSIONER CLARK: Okay.

29 VICE CHAIRWOMAN WAITS: So if the person didn't work out
30 and quit six months later we still have a --

31 DISTRICT ATTORNEY HERRERA: There's no --

32 VICE CHAIRWOMAN WAITS: -- contract in --

33 DISTRICT ATTORNEY HERRERA: -- exclusivity.

34 VICE CHAIRWOMAN WAITS: -- place.

35 DISTRICT ATTORNEY HERRERA: There's no exclusivity clause
36 here that I've found.

37 VICE CHAIRWOMAN WAITS: Okay.

38 COMMISSIONER CLARK: Okay.

39 COMMISSIONER MILLS: Well, Number 2 says, either party may
40 terminate the agreement without cause upon 30-day written

1 notice. We have a 30-day clause in there.
2 VICE CHAIRWOMAN WAITS: What -- what part are you reading?
3 COUNTY CLERK SULLIVAN: The Number 2.
4 COMMISSIONER MILLS: It's the second. It's the next --
5 Number 2, --
6 VICE CHAIRWOMAN WAITS: I've got so many number twos, --
7 COMMISSIONER MILLS: On that --
8 VICE CHAIRWOMAN WAITS: -- Commissioner.
9 COMMISSIONER MILLS: It's on that --
10 VICE CHAIRWOMAN WAITS: I'm sorry.
11 COMMISSIONER MILLS: page you're looking at.
12 VICE CHAIRWOMAN WAITS: I'm looking at the one that says,
13 it is mutually agreed.
14 COMMISSIONER MILLS: Right. The next one down, Number 2.
15 Right there where your pen's pointing.
16 VICE CHAIRWOMAN WAITS: Oh, the second one down.
17 COUNTY CLERK SULLIVAN: Yes.
18 DISTRICT ATTORNEY HERRERA: Correct.
19 COUNTY CLERK SULLIVAN: That's the one.
20 DISTRICT ATTORNEY HERRERA: The point is, we have something
21 in place to get the work done.
22 COMMISSIONER MILLS: Yeah.
23 DISTRICT ATTORNEY HERRERA: If -- if we then hire a county
24 employee, --
25 COMMISSIONER MILLS: We're okay.
26 DISTRICT ATTORNEY HERRERA: -- we can do one of two things.
27 We can terminate this. Or we can not send them any work because
28 they do work on an hourly basis.
29 So I believe we're covered.
30 COMMISSIONER BAKKER: I agree.
31 VICE CHAIRWOMAN WAITS: Okay. With that, is there any
32 other public comment?
33 (No comment.)
34 VICE CHAIRWOMAN WAITS: Okay. I'll call for the question.
35 All in favor?
36 COMMISSIONER BAKKER AND COMMISSIONER MILLS: Aye.
37 COMMISSIONER CLARK: Aye.
38 COMMISSIONER WAITS: Aye.
39 Thank you. And that resolution, Exhibit A, passes with the
40 amendment of the new date.

1 DISTRICT ATTORNEY

- 2
3 4) Discussion and possible action to create a position for civil
4 secretary in the DA's office at grade level 23 for \$20.14 an
5 hour, effective July 6, 2015; and other matters properly
6 related thereto.
7

8 VICE CHAIRWOMAN WAITS: We are now on to Number 4, District
9 Attorney. Discussion and possible action to create a position
10 for a civil secretary in the DA's office at a grade level 23 for
11 \$20.14 an hour, effective July 6th, 2015; and other matters
12 properly related thereto.

13 DISTRICT ATTORNEY HERRERA: And what --

14 VICE CHAIRWOMAN WAITS: I guess our first question to you,
15 Counselor, is do we have a civil attorney?

16 DISTRICT ATTORNEY HERRERA: No.

17 VICE CHAIRWOMAN WAITS: Oh.

18 DISTRICT ATTORNEY HERRERA: That's why I am trying to
19 create a civil secretary position. We used -- Lander County
20 DA's office has always had a civil secretary position, except in
21 the last four years.

22 My predecessor reclassified all the positions to secretary
23 2.

24 Now, I've been given a position for a civil attorney and
25 been given the money for that in the next year's budget. I've
26 been unable to find one at this point in time.

27 What I would like to do with this move is create a civil
28 secretary position so I can get an experienced civil secretary
29 who's very helpful to me.

30 And I'm not -- I'm not exchanging a secretary 2 position
31 for a civil secretary position. What I'm doing is creating a
32 new position. And if I -- and I'm going to fill it. So if I
33 can't find a civil deputy district attorney, then I'll just fill
34 the other secretary 2 position. And I'll have the civil
35 secretary helping me, which would be a savings to the county of
36 \$45,000. Either way, it's not going to cost the county a dime
37 doing this, not one dime. I'm just -- I'm just making sure that
38 I have options, if I can't find a deputy district attorney who's
39 willing to come out to Lander County at the money I have to pay.

40 So I'm going to get the job done another way, if I have to.

1 VICE CHAIRWOMAN WAITS: I understand your option, but I
2 guess I'm still a little bit confused. In the budget, we
3 authorized the money for a civil deputy DA.

4 DISTRICT ATTORNEY HERRERA: I have a secretary 2 position
5 that's open, that's been budgeted for, Commissioner Waits.

6 I will not be asking for any more money on this.

7 VICE CHAIRWOMAN WAITS: Okay, so it's -- it's just, you're
8 changing the name? Is that all you're doing?

9 DISTRICT ATTORNEY HERRERA: I'm -- what I'm doing is
10 creating a position. I'm not asking the commission to budget
11 for it.

12 VICE CHAIRWOMAN WAITS: Okay. You're creating a position
13 and -- to replace the other one? Or you're still holding the
14 other one open?

15 DISTRICT ATTORNEY HERRERA: No, I'm still holding the other
16 one open. I'm either go to find -- I'm either going to hire two
17 secretaries or one secretary and one attorney. If I can't hire
18 the attorney, I'm going to have two secretaries to do the job.
19 And it's already been budgeted for. Either option's been
20 budgeted for.

21 VICE CHAIRWOMAN WAITS: Okay. But the -- but the budget is
22 coming out of the civil deputy if we don't hire one. Is that
23 correct? Because you're creating a new position. And we didn't
24 have it in the budget.

25 And you're saying it's not going to cost us any more money.

26 DISTRICT ATTORNEY HERRERA: If I have to hire -- to answer
27 your question -- if I have to hire a civil secretary, which I
28 plan on hiring because it's -- they're very helpful. If I
29 cannot get a deputy district attorney, I will fill the secretary
30 2 position that will still be available. And I won't have the
31 deputy district attorney. So instead of spending \$85,000 next
32 year, I'll spend approximately \$40,000 next year.

33 If I hire a deputy DA, I will not hire a secretary 2.

34 And I won't ask for any more money because I don't need it.

35 So no matter what, I will not be asking for any more money.

36 VICE CHAIRWOMAN WAITS: Okay. So we have three positions.
37 And we're only going fill two at one time, is what you're
38 saying?

39 DISTRICT ATTORNEY HERRERA: Yes.

40 VICE CHAIRWOMAN WAITS: Got it.

1 Okay. All right. My concern then is, what if we find a
2 civil deputy? Then we'll come back and take a look at it at that
3 time. Because we're still looking. And I know you're going to
4 still look.

5 DISTRICT ATTORNEY HERRERA: If I find one, then I won't
6 fill the secretary 2. I won't need to. And I won't need any
7 more money.

8 COMMISSIONER BAKKER: You're not asking for more money,
9 though.

10 DISTRICT ATTORNEY HERRERA: No, I'm not.

11 VICE CHAIRWOMAN WAITS: No. He's not asking for more
12 money. I can see him saying, I didn't find one. Here's my two.
13 And then we stop advertising -- that's what I'm saying --
14 because he filled it with the two. I understand your intent.

15 DISTRICT ATTORNEY HERRERA: No, I'm not stopping
16 advertis- -- I'm still looking.

17 VICE CHAIRWOMAN WAITS: We're still looking for the --

18 DISTRICT ATTORNEY HERRERA: But -- but until --

19 VICE CHAIRWOMAN WAITS: -- other one.

20 DISTRICT ATTORNEY HERRERA: -- I get one, I need some
21 assistance.

22 VICE CHAIRWOMAN WAITS: Oh, I understand that.

23 DISTRICT ATTORNEY HERRERA: And this --

24 VICE CHAIRWOMAN WAITS: Absolutely.

25 DISTRICT ATTORNEY HERRERA: -- is going to get it for me.

26 VICE CHAIRWOMAN WAITS: Okay.

27 DISTRICT ATTORNEY HERRERA: So I'm not asking for money.

28 And I -- and in all likelihood, it'll save the county money
29 next year.

30 VICE CHAIRWOMAN WAITS: If --

31 DISTRICT ATTORNEY HERRERA: If I don't get a deputy DA.

32 VICE CHAIRWOMAN WAITS: But that's unfortunate too, because
33 I know we're behind on some of the civil things. And that's a
34 whole --

35 DISTRICT ATTORNEY HERRERA: But I'm --

36 VICE CHAIRWOMAN WAITS: -- different --

37 DISTRICT ATTORNEY HERRERA: -- catching up, --

38 VICE CHAIRWOMAN WAITS: -- expertise.

39 DISTRICT ATTORNEY HERRERA: -- Commissioner Waits. I'm
40 catching up with the -- with the person I have working for me on

1 the interim basis.

2 She's -- she's got a -- over a decade of experience in -- in
3 civil work in -- in the DA's office. And I've done more civil
4 work in the last month than been done in that office for
5 four-and-a half years.

6 COMMISSIONER BAKKER: Yeah. And it shows. We've got quite
7 a few dockets.

8 With that, I'll make a motion.

9 DISTRICT ATTORNEY HERRERA: And I don't know how it's the
10 same.

11 VICE CHAIRWOMAN WAITS: Thank you.

12 COMMISSIONER BAKKER: I'll make a motion to approve the
13 creating position for civil secretary in the DA's office at
14 grade level 23, for \$20.14 an hour, effective July 6th, 2015.

15 COMMISSIONER MILLS: I'll second.

16 VICE CHAIRWOMAN WAITS: It's been moved by Commissioner
17 Bakker that we approve the new position for the district
18 attorney's office and seconded by Commissioner Mills.

19 Any other discussion?

20 (No comment.)

21 VICE CHAIRWOMAN WAITS: Any public comment?

22 (No comment.)

23 VICE CHAIRWOMAN WAITS: All in favor?

24 COMMISSIONER BAKKER: Aye.

25 COMMISSIONER MILLS: Aye.

26 COMMISSIONER CLARK: Aye.

27 VICE CHAIRWOMAN WAITS: Aye. Thank you.

28
29
30 COMMISSIONERS

- 31
32 5) Discussion and possible action regarding
33 acceptance/non-acceptance of the renewal proposal from the
34 Nevada Public Agency Insurance Pool (POOL/PACT) and approval
35 for payment of the premium in the amount of \$310,631.49 from
36 FY 2015-2016 funds, and other matters properly related
37 thereto.

38
39 VICE CHAIRWOMAN WAITS: Number 5, under Commissioners. We
40 have discussion and possible action regarding acceptance or

1 nonacceptance of the renewal proposal from Nevada Public Agency
2 Insurance Pool, which is our POOL/PACT, and approval for the
3 payment of the premium in the amount of \$310,631.49 from the
4 fiscal year 2015-2016 funds, and other matters properly related
5 thereto.

6 Ladies, --

7 ANN WISWELL: Good morning.

8 VICE CHAIRWOMAN WAITS: -- good morning.

9 ANN WISWELL: For the record, Ann Wiswell, from the Nevada
10 Public Agency Insurance Pool.

11 SUSIE DAVIS: Susie Davis from Hanica Insurance, --

12 COMMISSIONER BAKKER: Good morning.

13 SUSIE DAVIS: -- your local agent.

14 VICE CHAIRWOMAN WAITS: Good morning, ladies.

15 ANN WISWELL: I believe you have the member coverage
16 summary in your packets.

17 I'm just going to briefly review some of the coverage
18 limits, your deductibles, liability limits, and so forth, just
19 to remind you of the coverage that you have through the pool.

20 This is your property casualty program. Your property
21 enrollments are on a group basis. You're sharing a \$300 million
22 blanket limit with all of the other public entities that are
23 members of the risk pool. Your deductible is \$1,000 for all
24 perils.

25 And this year, the pool -- when negotiating the property
26 conditions with underwriters in London, we were able to actually
27 negotiate for higher earthquake and flood limits. So those were
28 increased from 125 million up to a 150 million. So your coverage
29 has actually been broadened a little bit this year.

30 And I always like to remind folks that the deductible that
31 applies to your quake and flood, the catastrophic coverage, is
32 the same deductible that applies to any other type of property
33 loss. And that is a very unique feature of this property
34 program.

35 Typically, under a quake policy, you have a deductible
36 that's equal to 10 or 15 percent of the loss or 10 or 15 percent
37 of the building's value.

38 So to have your deductible for a catastrophic loss set at a
39 thousand dollars is -- is a pretty wonderful feature of your
40 property insurance program.

1 Under your liability coverage, you have a \$10 million
2 combined single limit. So for those of you who may be accustomed
3 to looking at commercial insurance policies, and when you
4 typically see a commercial general liability, a commercial auto
5 policy, a public officials liability, and then an employment
6 practices liability, all of these under separate policies, what
7 you have is a combined single limit that applies to all of those
8 coverages. And -- and the limit is \$10 million.

9 Two years ago, we added a cybersecurity event coverage. This
10 covers the district for identity theft. Should someone breach
11 your network and access personally identifiable information, such
12 as credit card information, social security numbers, you know,
13 identity theft -- enough information to put together a personally
14 identifiable information file and the district is then involved in
15 some kind of lawsuit for negligence, this covers the cost of
16 investigating the scope of the breach and performing the necessary
17 notifications to people who had their records compromised.

18 So that's a new coverage that Nevada did a couple years ago.

19 Overall, your total program cost this year is \$310,631.49.
20 That's up about 5 percent from last year. But this is not
21 attributed to any type of rate increase. This is an increase in
22 ratable exposures: building limits, numbers of vehicles, payroll,
23 that sort of thing, so...

24 Can I answer any questions regarding the coverage itself?

25 COMMISSIONER MILLS: On your -- I'm curious about some of
26 your -- your ratings that --

27 ANN WISWELL: Mm-hm.

28 COMMISSIONER MILLS: How much of this is pool rated and how
29 much is experience rate? Do you have any idea?

30 ANN WISWELL: Experience rate?

31 COMMISSIONER MILLS: Yeah, based on our county's --

32 ANN WISWELL: Loss --

33 COMMISSIONER MILLS: -- past --

34 ANN WISWELL: -- experience?

35 COMMISSIONER MILLS: -- loss experience. Yeah.

36 ANN WISWELL: So there was no increase attributed to your
37 loss experience.

38 COMMISSIONER MILLS: Okay.

39 ANN WISWELL: Yeah.

40 COMMISSIONER MILLS: Did we have claims?

1 ANN WISWELL: No.
2 COMMISSIONER MILLS: We had no claims last year?
3 ANN WISWELL: I don't believe you had any claims last year.
4 VICE CHAIRWOMAN WAITS: I think I -- I actually gave that
5 report on our --
6 ANN WISWELL: Yeah.
7 VICE CHAIRWOMAN WAITS: -- at the last POOL/PACT --
8 ANN WISWELL: It looks like --
9 VICE CHAIRWOMAN WAITS: -- meeting.
10 COMMISSIONER MILLS: Oh, did you?
11 ANN WISWELL: If you look at the chart at the very back of
12 the proposal there, you'll see a -- a graph of your claims.
13 VICE CHAIRWOMAN WAITS: We did have.
14 ANN WISWELL: In 2014, it looks like you may have had one.
15 And it was --
16 COMMISSIONER BAKKER: Holy smokes.
17 ANN WISWELL: -- a very small claim. These are claims paid
18 in dollar amounts. So 2014 was a very good year for you.
19 COMMISSIONER BAKKER: 2012 wasn't so good.
20 ANN WISWELL: Yeah.
21 Yeah.
22 KEITH WESTENGARD: Would the rate increase -- is that --
23 can we expect that annually? The pricing?
24 ANN WISWELL: So there was no rate increase. The increase
25 is attributed to an increase in your exposures, what we apply
26 the rate to.
27 So you take your rate times your exposure to get your total
28 premium.
29 Your exposures are all of your -- so for instance, on your
30 liability, that's going to be the number of people working here,
31 --
32 KEITH WESTENGARD: Oh, I see.
33 ANN WISWELL: -- your total annual payroll. The property
34 premium is based on your total insured values. And we have an
35 appraiser look at that every year.
36 KEITH WESTENGARD: Right.
37 ANN WISWELL: And those are trended for inflation. And
38 then we look at the number of autos and your total annual
39 revenues. So those are the rating bases [verbatim].
40 DISTRICT ATTORNEY HERRERA: So --

1 ANN WISWELL: And when those increase, then your total
2 premium increases.
3 DISTRICT ATTORNEY HERRERA: So since -- since we're
4 building new buildings in the county, --
5 ANN WISWELL: Yes.
6 DISTRICT ATTORNEY HERRERA: -- we can anticipate --
7 ANN WISWELL: Yes.
8 DISTRICT ATTORNEY HERRERA: -- an increase in the next few
9 years --
10 ANN WISWELL: Yes.
11 DISTRICT ATTORNEY HERRERA: -- because our infrastructure
12 is increasing.
13 ANN WISWELL: Correct. Just had the same conversation with
14 the school district. Yeah. It's not --
15 COMMISSIONER BAKKER: So the new --
16 ANN WISWELL: Because they just --
17 COMMISSIONER BAKKER: -- building will be --
18 ANN WISWELL: -- built a new building.
19 COMMISSIONER BAKKER: -- included in this year's POOL/PACT
20 for insurance?
21 ANN WISWELL: No. So what we do is we cover any new
22 building stock automatically without any increase in premium.
23 We don't add anything midterm and charge you during the fiscal
24 year. We just cover it automatically. And then we true up in
25 the new year.
26 So if you buy new vehicles during the year, you buy new
27 buildings, we're covering them automatically. And we're not
28 charging you anything for that period of time.
29 COMMISSIONER BAKKER: Good deal.
30 KEITH WESTENGARD: But the --
31 VICE CHAIRWOMAN WAITS: So Nan, --
32 KEITH WESTENGARD: Oh, sorry.
33 VICE CHAIRWOMAN WAITS: Nan, when we pay this and we -- we
34 pay it all at once?
35 NAN ANCHO: Yes. You pay it July 1st.
36 VICE CHAIRWOMAN WAITS: That's why. Because it's not paid
37 monthly, --
38 ANN WISWELL: Right.
39 VICE CHAIRWOMAN WAITS: -- we aren't adding anything. We
40 pay it. That's it.

1 ANN WISWELL: Mm-hm.
2 VICE CHAIRWOMAN WAITS: Everything added is fine until the
3 following year.
4 ANN WISWELL: Right.
5 VICE CHAIRWOMAN WAITS: Because we pay up front.
6 ANN WISWELL: Uh-huh.
7 VICE CHAIRWOMAN WAITS: Okay. Thank you.
8 COMMISSIONER CLARK: I have a question.
9 ANN WISWELL: Yes.
10 COMMISSIONER CLARK: We're going pay one lump sum?
11 VICE CHAIRWOMAN WAITS: Yes.
12 COMMISSIONER BAKKER: Yeah.
13 ANN WISWELL: Uh-huh.
14 COMMISSIONER CLARK: We get a better rate doing that?
15 Because with my insurance, if I pay monthly, it winds up --
16 ANN WISWELL: Yeah.
17 COMMISSIONER CLARK: -- being more at the end. You cut
18 10 percent off for a one-time payment?
19 ANN WISWELL: So the reason you pay this in one lump sum is
20 that all of the public entities in the state have essentially
21 pooled together and made a group purchase. So you have a
22 portion of that assessment that goes into the pool's loss fund
23 and then a portion of that assessment that is used to pay our
24 reinsurance carriers.
25 And we can get a better group rate for you. And we can do
26 things like getting you a \$1000 deductible on your earthquake and
27 flood because we're paying all of these carriers in one lump sum
28 once annually.
29 VICE CHAIRWOMAN WAITS: So to answer your question, that
30 discount has already been --
31 COMMISSIONER CLARK: Yeah.
32 VICE CHAIRWOMAN WAITS: -- calculated in. No. No, that's
33 --
34 COMMISSIONER CLARK: Hey, I'm just trying to save the
35 citizens some money. That's all.
36 VICE CHAIRWOMAN WAITS: I --
37 COMMISSIONER CLARK: I mean, look at the difference between
38 2012 and 2014 on the claims. I mean, we're doing our part.
39 COMMISSIONER MILLS: Uh-huh.
40 COMMISSIONER CLARK: It's --

1 DISTRICT ATTORNEY HERRERA: We're also building more
2 infrastructure and -- and hiring more people.

3 COMMISSIONER CLARK: I thought you were on my side, Ted.
4 Just trying to save money.

5 KEITH WESTENGARD: But now we want the --

6 DISTRICT ATTORNEY HERRERA: But I agree --

7 KEITH WESTENGARD: -- possibility --

8 DISTRICT ATTORNEY HERRERA: -- with you that we --
9 (indiscernible).

10
11 (Simultaneous indiscernible crosstalk between District
12 Attorney Herrera and Keith Westengard.)

13
14 KEITH WESTENGARD: -- (indiscernible) some buildings too.

15 ANN WISWELL: Sure.

16 KEITH WESTENGARD: So --

17 ANN WISWELL: Yeah. So if --

18 KEITH WESTENGARD: -- would that be (indiscernible).

19 ANN WISWELL: -- you take some buildings off of your
20 schedule locations, we would adjust that rate and basis.

21 VICE CHAIRWOMAN WAITS: I do have a question, not
22 necessarily with the renewal, but --

23 ANN WISWELL: Uh-huh.

24 VICE CHAIRWOMAN WAITS: -- but with POOL/PACT -- hopefully
25 can answer for me -- because it's on the same line that
26 Commissioner Clark is asking. You have so many different
27 programs you give us all year. And Lander County has not always
28 been on the top of the list there, actually taking advantage of
29 them.

30 ANN WISWELL: Uh-huh.

31 VICE CHAIRWOMAN WAITS: So one of them was the Loss Control
32 Excellence Program, --

33 ANN WISWELL: Uh-huh.

34 VICE CHAIRWOMAN WAITS: -- which would mean a savings to
35 this county. And my understanding is we have not done that yet?

36 ANN WISWELL: Correct.

37 VICE CHAIRWOMAN WAITS: Is that something you can do to
38 work with our folks to --

39 ANN WISWELL: Yeah.

40 VICE CHAIRWOMAN WAITS: -- to start that so we can get on

1 that? Because that is a savings, --

2 ANN WISWELL: Yeah.

3 VICE CHAIRWOMAN WAITS: -- and we need the look there.

4 ANN WISWELL: Yeah. There are a lot of things that the
5 risk pool offers to the county to help you prevent claims from
6 happening and ultimately maintain a stable premium that all of
7 our member entities can budget for.

8 That's -- that's the whole purpose of -- of pooling is to
9 level out that annual premium so that you're not dealing with
10 these, you know, wild fluctuations in your insurance premiums that
11 are really more a factor of the financial markets.

12 So aside from the Loss Control Excellence Program, which is
13 basically a comprehensive, self-audit that somebody here at that
14 the county does. It's available for download on our website. It
15 looks at all of your risk management practices. You go through
16 that audit. It's going to look at your employment practices, your
17 internal fraud controls, your building safety, your auto fleet
18 safety, all of your recreational programs, road maintenance,
19 utilities. All of these things are going to be audited.

20 And then that's reviewed by our loss control committee. And
21 if it looks like you're adhering to all of the best practices that
22 we would recommend, then we present you with a check for \$7500 and
23 a plaque of recognition.

24 So it doesn't result in a discount directly to your
25 insurance coverage. We give you cash to help you fund your own
26 safety committee and -- and get things done. Okay?

27 We also have two grant programs that we administer. One is
28 an educational grant. The district is eligible for up to five
29 training grants of \$2,000 each. So if you have employees that you
30 would like to send to safety conferences or liability conferences,
31 anything related to risk management, safety awareness, they can
32 apply for an educational grant. We will provide you with up to
33 \$10,000 in safety training funding every year.

34 We also have a risk management grant program. If you have
35 some type of a safety condition that is discovered that needs to
36 be fixed right away and it's not in your budget, you can submit
37 a risk management grant application. We consider those end of
38 July and end of January every year.

39 And we have provided funding for things, such as cameras on
40 school buses, perimeter fencing, up to six-floor recreational

1 facilities, ADA access at community buildings, putting in ramps
2 where accessibility was a question, fixing slip and fall
3 hazards, walking surfaces, addressing fire systems in buildings,
4 anything that's related to reducing or preventing a claim from
5 happening.

6 We have funding available to members. And we've funded
7 things as low as, you know, a thousand dollars to buy some
8 personal protective equipment for the safety guys all the way up
9 to \$50,000 worth of camera systems.

10 So keep that in mind. I -- I was actually going to suggest
11 that if you didn't have that money in your budget to deal with the
12 -- the drains on the swimming pools that that was something you
13 could apply for funding for. So we should really look at the --
14 the Austin pool too.

15 KEITH WESTENGARD: Okay.

16 ANN WISWELL: Because the inspector didn't get up to that
17 pool. It's not on his schedule for this year.

18 KEITH WESTENGARD: Okay.

19 ANN WISWELL: But I'm kind of concerned that perhaps that
20 one doesn't --

21 KEITH WESTENGARD: I'm sure --

22 ANN WISWELL: -- have to --

23 KEITH WESTENGARD: -- it's probably in the same --

24 ANN WISWELL: Yeah.

25 KEITH WESTENGARD: -- condition.

26 ANN WISWELL: Yeah.

27 KEITH WESTENGARD: Okay.

28 ANN WISWELL: Yeah.

29 COMMISSIONER BAKKER: Good deal.

30 VICE CHAIRWOMAN WAITS: Thank you so much. We
31 appreciate --

32 ANN WISWELL: Absolutely.

33 VICE CHAIRWOMAN WAITS: Appreciate it --

34 ANN WISWELL: Thank you.

35 VICE CHAIRWOMAN WAITS: -- while you're here. Okay. We're
36 ready for a motion, gentlemen.

37 COMMISSIONER BAKKER: I'll make a motion to accept the --
38 the renewal proposal from the Nevada Public Agency Insurance
39 Pool and approve for a payment of the premium in the amount of
40 \$310,631.49 from fiscal year 2015-16 fund --

1 COMMISSIONER MILLS: I'll second.
2 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
3 Bakker that we accept this renewal proposal and seconded by
4 Commissioner Mills.

5 Any other discussion?

6 (No comment.)

7 VICE CHAIRWOMAN WAITS: Any public comment?

8 (No comment.)

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.

15 SUSIE DAVIS: Thank you.

16 ANN WISWELL: Thank you.

17 VICE CHAIRWOMAN WAITS: Safe traveling.

18 COMMISSIONER BAKKER: Thank you.

19 COMMISSIONER CLARK: You can save 15 percent with GEICO.

- 20
21 6) Discussion and possible action regarding
22 acceptance/nonacceptance of renewal of airport liability
23 insurance policies for the Austin, Battle Mountain, and
24 Kingston airports for the period of July 1, 2015, through
25 July 1, 2016, approval for payment of the premium in the
26 amount of \$4,023 from FY 2015-2016 funds, and other matters
27 properly related thereto.

28
29 VICE CHAIRWOMAN WAITS: Number 6. Discussion and possible
30 action regarding acceptance/nonacceptance of renewal of airport
31 liability insurance policies for the Austin, Battle Mountain,
32 and Kingston airports for the period of July 1st, 2015, through
33 July 1st, 2016, approval for payment of the premium in the
34 amount of \$4,023 from fiscal year 2015-2016 funds, and other
35 matters properly related thereto.

36 COMMISSIONER CLARK: Make a motion.

37 VICE CHAIRWOMAN WAITS: Did we --

38 COMMISSIONER BAKKER: I'll make a motion to accept the
39 renewal of airport liability insurance policies for the Austin,
40 Battle Mountain, and Kingston airports for the period July 1st,

1 2015, through July 1st, 2016, and approval of the payment of the
2 premium in the amount of \$4,023 from fiscal year 2015-16 funds.

3 COMMISSIONER MILLS: Second.

4 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
5 Bakker that we approve that premium for the airport, seconded by
6 Commissioner Mills.

7 Any other discussion?

8 (No comment.)

9 VICE CHAIRWOMAN WAITS: Any public comment?

10 (No comment.)

11 VICE CHAIRWOMAN WAITS: All those in favor?

12 COMMISSIONER BAKKER: Aye.

13 COMMISSIONER MILLS: Aye.

14 COMMISSIONER CLARK: Aye.

15 VICE CHAIRWOMAN WAITS: Aye. Thank you.

16
17 **7) Discussion and possible action regarding Mueller Land and**
18 **Cattle Company, LLC, lease of water rights agreement, terms**
19 **and length, and other matters properly related thereto.**
20

21 VICE CHAIRWOMAN WAITS: Agenda Item Number 7. Discussion
22 and possible action regarding Mueller Land and Cattle Company,
23 LLC, lease of our water rights agreement, terms and length, and
24 other matters properly related thereto.

25 COMMISSIONER CLARK: Is this the 3,000 acre-feet?

26 DISTRICT ATTORNEY HERRERA: Yes.

27 COMMISSIONER CLARK: Okay.

28 COMMISSIONER MILLS: (Indiscernible.)

29 VICE CHAIRWOMAN WAITS: And we have a gentleman with us
30 today.

31 ROBERT MUELLER: Yeah. My name's Bob Mueller.

32 VICE CHAIRWOMAN WAITS: Hi, Mr. Mueller.

33 COMMISSIONER CLARK: Is he on the white bridge?

34 COMMISSIONER BAKKER: (Indiscernible.)

35 COMMISSIONER CLARK: How you doing?

36 ROBERT MUELLER: Good. How you doing?

37 COMMISSIONER CLARK: Good. Is this for the white bridge?

38 ROBERT MUELLER: Yes.

39 DISTRICT ATTORNEY HERRERA: For some backup. This is a
40 three-year contract. It expires June 30th, 2015. And it's

1 for \$5,000 per year. So it's due to expire.

2 These -- it says, this agreement shall automatically renew
3 after June 30th, 2015, for one-year terms unless terminated.

4 So it's put on the agenda so you can decide if you want to,
5 first, renew. Second, do you want to renew for a one-year term
6 with an automatic renewal clauses, considering you told me to take
7 those out of these contracts? Or do you want to do it for three
8 years?

9 So -- so we agendized it under -- that you have the -- the
10 opportunity to discuss whether you want to do it and the terms and
11 lengths of this contract. So that's what the issue is.

12 COMMISSIONER CLARK: Are you Mr. Mueller?

13 ROBERT MUELLER: Yes.

14 COMMISSIONER CLARK: You -- you own the -- the ranch --

15 ROBERT MUELLER: Yes.

16 COMMISSIONER CLARK: -- out there.

17 ROBERT MUELLER: The Lincoln Ranch. Yes.

18 COMMISSIONER CLARK: You're the guy that stays in the
19 trailer occasionally?

20 ROBERT MUELLER: That's right.

21 COMMISSIONER CLARK: Okay. I'm just trying to figure out

22 --

23 VICE CHAIRWOMAN WAITS: I know one of the -- one of the
24 concerns that we're looking at is -- is the proper amount and
25 the amount that you are paying for the water rights and is that
26 fair market value?

27 DISTRICT ATTORNEY HERRERA: Current -- current --

28 VICE CHAIRWOMAN WAITS: And we do review that; did we not,
29 Counselor?

30 DISTRICT ATTORNEY HERRERA: Yes. Yes, Commissioner Waits.
31 That's a good question. We asked Bert to look into it. Bert
32 looked into it. And he advised me that this is a fair market
33 value --

34 COMMISSIONER CLARK: Okay.

35 DISTRICT ATTORNEY HERRERA: -- for the water rights.

36 COMMISSIONER MILLS: So I'm kind of curious. Where's --
37 where's the water coming from?

38 COMMISSIONER CLARK: The Humboldt.

39 ROBERT MUELLER: The Humboldt River.

40 COMMISSIONER MILLS: Is this surface water that you're

1 pumping?

2 ROBERT MUELLER: Yeah.

3 COMMISSIONER MILLS: Or you -- is a well?

4 ROBERT MUELLER: Yeah. We have a dam.

5 COMMISSIONER MILLS: Oh, you have -- okay. So you're
6 pumping surface water? And is this just north of town here?

7 ROBERT MUELLER: Yes.

8 COMMISSIONER MILLS: Okay.

9 And this is -- these are water rights that Lander County
10 owns?

11 DISTRICT ATTORNEY HERRERA: Yes.

12 COMMISSIONER MILLS: And you're leasing them from us?

13 ROBERT MUELLER: Yes.

14 COMMISSIONER MILLS: What's our -- what's our outlook for
15 future needs for water? Is this water going to be necessary for
16 anything else?

17 JAY FISCHER: Jay Fischer with Reese River Hydrologic. I
18 manage the water right -- mostly ground water rights for the
19 county. But these surface rights -- these 3,000 acre-feet are
20 also in the county portfolio.

21 And originally the -- the water rights were purchased for
22 the -- the Rock Creek Dam project, a recreational project.

23 COMMISSIONER MILLS: Oh.

24 JAY FISCHER: And then that -- that waylaid --

25 COMMISSIONER MILLS: Right.

26 JAY FISCHER: -- and off the books. Just a bit of history
27 here. And so ever since that project has gone away, the -- the
28 water rights have been leased to Tomeras and now Mr. Mueller.

29 COMMISSIONER MILLS: Okay.

30 JAY FISCHER: And so we could use those. Future, we have
31 plenty of other water rights, ground water rights from wells.
32 So the county's elected to, over the years, hold on to these
33 water rights because they are of value.

34 COMMISSIONER MILLS: By leasing them, they keep them --
35 they keep our water rights active and in use --

36 JAY FISCHER: Yes.

37 COMMISSIONER MILLS: -- and out of danger of being taken
38 away.

39 JAY FISCHER: These are like real properties.

40 COMMISSIONER MILLS: Right.

1 JAY FISCHER: So surface water rights and ground water
2 rights are two completely different animals here.

3 So we're not in jeopardy of losing these things. We could
4 sell them. We're leasing them. The county's leasing them to
5 Mr. Mueller.

6 And it's all surface water off the Humboldt River. And it's
7 diverted and flood irrigated, as I understand, out in the Lincoln
8 Ranch area there.

9 COMMISSIONER MILLS: Okay. So no real future need for
10 these at this point?

11 JAY FISCHER: No. No, not that I see. But you don't
12 know -- we -- we honor them. There's no reason unless somebody
13 is knocking us down --

14 COMMISSIONER MILLS: Right.

15 JAY FISCHER: -- and stuffing money in our pocket for them.
16 I don't see any reason to relinquish them, or --

17 COMMISSIONER MILLS: Right.

18 JAY FISCHER: -- you know, selling them. I think this is
19 an equitable deal.

20 COMMISSIONER MILLS: Okay. Do we have --

21 DISTRICT ATTORNEY HERRERA: Do you consider it a fair
22 market value for the cost of 3,000 acre-feet?

23 JAY FISCHER: I do.

24 I've looked at water right values in the Virgin Valley. I
25 mean, it's -- it's like comparing home prices between here and
26 Reno.

27 DISTRICT ATTORNEY HERRERA: It is.

28 JAY FISCHER: You know, whether the need -- what's the
29 value here versus the same placed house in Reno. So it's --
30 it's difficult to compare.

31 If people were dealing water rights here regularly it would
32 be easier to come up with a value to compare here.

33 But I -- I believe this is a -- a reasonable price for
34 these -- these -- these water rights in the least that we're,
35 the county's currently considering here.

36 VICE CHAIRWOMAN WAITS: Thank you, Jay.

37 Mr. Mueller, I know with -- with the drought situations and
38 all, one of our concerns was the time frame, whether the one-year
39 and two-year of what we're considering. We've been changing most
40 of our contracts to one year. If we did that, is -- do you

1 foresee anything that would make a difference to you with the one-
2 or two-year, something you're doing to expand or something that
3 may cause a hardship?

4 ROBERT MUELLER: No.

5 VICE CHAIRWOMAN WAITS: Okay.

6 ROBERT MUELLER: No. I think we would prefer a three-year
7 term, but whatever works for you.

8 VICE CHAIRWOMAN WAITS: Thank you.

9 COMMISSIONER BAKKER: I'm fine with a three-year contract

10 --

11 COMMISSIONER CLARK: Me too.

12 COMMISSIONER BAKKER: -- if we put a 30-day clause in there
13 (indiscernible) --

14 COMMISSIONER MILLS: Yeah. Is there a termination clause
15 in there anywhere?

16 COMMISSIONER BAKKER: Yeah.

17 COMMISSIONER MILLS: In case we have to.

18 DISTRICT ATTORNEY HERRERA: We can certainly put one in.

19 COMMISSIONER BAKKER: Yeah.

20 DISTRICT ATTORNEY HERRERA: If we have a three-year
21 contract, --

22 COMMISSIONER MILLS: And --

23 DISTRICT ATTORNEY HERRERA: -- I would suggest that -- that
24 you probably would -- with water rights you probably could go to
25 a -- a 90-day clause.

26 VICE CHAIRWOMAN WAITS: Gentlemen, -- excuse me -- the new
27 one in front of you is a two-year; is it not? We had a three,
28 but the new one we wrote up is a two, I believe.

29 COUNTY CLERK SULLIVAN: Sadie Sullivan, --

30 COMMISSIONER BAKKER: I have a --

31 COUNTY CLERK SULLIVAN: -- for the --

32 COMMISSIONER BAKKER: -- three-year in --

33 COUNTY CLERK SULLIVAN: -- record.

34 COMMISSIONER BAKKER: -- front of me.

35 COUNTY CLERK SULLIVAN: It was one that I set on your desk
36 this morning. So it will not be in your binder. And on the top
37 it says, lease of water right agreements. It's a draft that the
38 DA's office, Jeanne Falzone, has put before us so you can kind
39 of look over that and make any corrections or changes. That --

40 COMMISSIONER BAKKER: Two --

1 COUNTY CLERK SULLIVAN: -- you may --
2 COMMISSIONER BAKKER: -- years --
3 COUNTY CLERK SULLIVAN: -- need.
4 COMMISSIONER BAKKER: -- works. It don't matter.
5 DISTRICT ATTORNEY HERRERA: And in this one, it's a
6 two-year contract subject to earlier termination.
7 And the earlier termination is --
8 We did not put an earlier termination clause until we -- we
9 had some understanding from the commissioners.
10 So -- so if you give us what you want. And we just
11 presented a two-year contract to you. And -- and we put in the
12 words -- wait -- wait a second. Oh, there it is on two of four.
13 It says that Lander County may terminate this agreement, and
14 Mueller waives any and all claims for damages, effective upon
15 receipt of 30 days' written notice if for any reason Lander
16 County's funding from state, county, and/or federal sources is
17 not appropriated or is withdrawn, limited, or impaired. So we
18 do have that in there. And --
19 COMMISSIONER BAKKER: Okay.
20 DISTRICT ATTORNEY HERRERA: -- this is just a suggestion.
21 This is -- we did this up.
22 And these are the terms we -- we put in and subject to your
23 approval or change.
24 VICE CHAIRWOMAN WAITS: We do have a motion on the floor.
25 No second on the three-year.
26 COMMISSIONER MILLS: Well, before we do that, I -- I would
27 like to eliminate the automatic renewal. How -- how do you feel
28 about that, Mr. Mueller?
29 ROBERT MUELLER: Again, we would prefer a three-year deal
30 with a --
31 COMMISSIONER MILLS: Well, I'm --
32 ROBERT MUELLER: -- termination --
33 COMMISSIONER MILLS: Well, what I --
34 ROBERT MUELLER: -- clause.
35 COMMISSIONER MILLS: -- would like to do a three-year deal,
36 eliminate the automatic renewal, and make sure that we have a --
37 some sort of a termination clause in there of 30 or 90 days.
38 And then I --
39 ROBERT MUELLER: That's fine.
40 COMMISSIONER MILLS: Okay.

1 VICE CHAIRWOMAN WAITS: So that would take the sample one
2 that you have before us, to change it to three years, and
3 everything else stays the same.

4 COUNTY CLERK SULLIVAN: You might --

5 DISTRICT ATTORNEY HERRERA: Well, you --

6 COUNTY CLERK SULLIVAN: -- want to --

7 COMMISSIONER MILLS: Well, we have to eliminate the --

8 VICE CHAIRWOMAN WAITS: We did.

9 COMMISSIONER MILLS: -- automatic renewal.

10 VICE CHAIRWOMAN WAITS: We did.

11 DISTRICT ATTORNEY HERRERA: It's eliminated.

12 VICE CHAIRWOMAN WAITS: It is eliminated.

13 COMMISSIONER MILLS: Oh, that's already --

14 VICE CHAIRWOMAN WAITS: Yes.

15 COMMISSIONER MILLS: -- eliminated.

16 VICE CHAIRWOMAN WAITS: It is --

17 DISTRICT ATTORNEY HERRERA: That's what --

18 VICE CHAIRWOMAN WAITS: -- eliminated.

19 DISTRICT ATTORNEY HERRERA: -- what I'm saying. You have
20 to decide how many days for early termination, 30 or 90.

21 COUNTY CLERK SULLIVAN: On page 2 of 4, -- Sadie Sullivan,
22 for the record -- it has 30 days here. So we would just need to
23 know that correction for the DA's office to be able to do that.

24 COMMISSIONER MILLS: I want 30, 90. I don't care which one
25 it is. I just want one in there.

26 DISTRICT ATTORNEY HERRERA: Well, I -- I understand, but --

27 COMMISSIONER BAKKER: Sixty.

28 DISTRICT ATTORNEY HERRERA: -- it's got to put if you want
29 -- you have to have --

30 COMMISSIONER MILLS: Okay.

31 DISTRICT ATTORNEY HERRERA: -- a motion if you want it. I
32 don't care either.

33 COMMISSIONER MILLS: So --

34 VICE CHAIRWOMAN WAITS: Okay. Well, the motion on the
35 floor dies. Let's keep discussing here with what you'd like --

36 COMMISSIONER MILLS: Yeah.

37 VICE CHAIRWOMAN WAITS: -- to do.

38 COMMISSIONER BAKKER: Just put a 60-day clause.

39 COMMISSIONER MILLS: All right. Well, I'd -- I'll make a
40 motion that we --

1 COMMISSIONER BAKKER: Three year.
2 COMMISSIONER MILLS: -- we approve a three-year lease with
3 Mueller Land and Cattle Company for water rights and have a
4 60-day termination clause included.
5 COMMISSIONER BAKKER: And vice chair to sign.
6 COUNTY CLERK SULLIVAN: Authorize the chair to sign.
7 COMMISSIONER MILLS: Authorize the chair to -- or vice
8 chair to sign.
9 COMMISSIONER BAKKER: Second.
10 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
11 Commissioner Mills, seconded by Commissioner Bakker.
12 Any other discussion?
13 All those in -- oh.
14 Public comment?
15 JUDIE ALLEN: Yeah, Judie Allen, for the record.
16 I don't know what Mr. Mueller uses this water for. But
17 obviously it's summertime and he needs to water.
18 Would you consider maybe a 90-day termination clause?
19 So that would give him the summer to utilize the water at the
20 critical point of his usage period.
21 You know, you don't want to cut his water off in the middle
22 of the summer if he's haying and he needs that to grow hay or, you
23 know, farming, ranching, whatever. You know, if you give him 60
24 days, you're kind of shortening him three months on -- on a
25 growing season that --
26 COMMISSIONER BAKKER: He's actually getting 30 more days
27 than the rest of the people we've only given 30.
28 JUDIE ALLEN: That was just my comment is --
29 COMMISSIONER BAKKER: I'm just saying, we've given him 30
30 more days than everyone else that --
31 JUDIE ALLEN: And I just --
32 COMMISSIONER BAKKER: -- did it.
33 JUDIE ALLEN: -- my -- my comment was possibly consider 90.
34 VICE CHAIRWOMAN WAITS: We do appreciate your comments, Ms.
35 Allen.
36 And along with that, because it is a concern, and we all
37 try and work with our neighbors, let me just add that by time we
38 would even consider this and be talking to Mr. Mueller, by time
39 we get it on the agenda, by the time we do the notice, et
40 cetera, so it would be well -- well into that.

1 COMMISSIONER MILLS: Yeah.
2 COMMISSIONER BAKKER: Yeah.
3 VICE CHAIRWOMAN WAITS: So we have --
4 COMMISSIONER BAKKER: About 90 days.
5 VICE CHAIRWOMAN WAITS: -- a motion on the floor.
6 Any other public discussion?
7 (No comment.)
8 VICE CHAIRWOMAN WAITS: All those in favor?
9 COMMISSIONER BAKKER: Aye.
10 COMMISSIONER MILLS: Aye.
11 COMMISSIONER CLARK: Aye.
12 COMMISSIONER WAITS: Aye.
13 Thank you, Mr. Mueller.
14 COMMISSIONER CLARK: Can we take a break for --
15 ROBERT MUELLER: Thank you.
16 COMMISSIONER CLARK: -- five minutes?
17 VICE CHAIRWOMAN WAITS: We're going take a quick break for
18 five minutes.

19
20 (Break between 10:06 a.m. and 10:23 a.m.)

21
22 VICE CHAIRWOMAN WAITS: Okay. We'll call the meeting back
23 to order.
24 COUNTY CLERK SULLIVAN: Oh, just a moment. Patsy.
25 VICE CHAIRWOMAN WAITS: Check --
26 COUNTY CLERK SULLIVAN: Just a moment.
27 VICE CHAIRWOMAN WAITS: We're checking to see if Austin is
28 on. We lost them.

29
30 (Re-establishing telephonic communication with Austin.)

31
32 8) Discussion and possible action regarding approval of grant
33 request for FY '15/'16 for Austin Medical Clinic, and other
34 matters properly related thereto.

35
36 VICE CHAIRWOMAN WAITS: Thank you. We're on Agenda Item
37 Number 8. Discussion and possible action regarding approval of
38 the grant request for FY '15/'16 for Austin Medical Clinic, and
39 other matters properly related thereto.
40 Good morning. Who do we have on from the rural health

1 centers?

2 LISA DETTLING: This is Lisa Dettling. And I'm the vice
3 president of Mission Strategy.

4 And I work in the development department and marketing
5 department here at Nevada Health Center.

6 VICE CHAIRWOMAN WAITS: Thank you, Lisa.

7 Now, I know this is a -- a new item for our new commissioners
8 here. So we'll go ahead and give them a little bit of background.

9 Keith, do you want to...

10 KEITH WESTENGARD: I'm not fully aware of this. Is this an
11 existing grant request?

12 COMMISSIONER CLARK: Thank you, Nan.

13 VICE CHAIRWOMAN WAITS: Oh, okay. Thank you.

14 This is -- this is our -- our rural health centers. They
15 actually -- they rent the space from the Lander County Convention
16 and Tourism Board.

17 KEITH WESTENGARD: Right.

18 VICE CHAIRWOMAN WAITS: And in most counties, to have them
19 in, they provide the space for them free of charge.

20 So we -- and sometimes to their physicians if they have
21 physicians that live in town or PAs. We do not. So the county
22 has been offsetting that to -- for the rent they're paying to the
23 Lander County Convention and Tourism Board. That's been --

24 COMMISSIONER BAKKER: Is -- that's --

25 VICE CHAIRWOMAN WAITS: -- the basic history.

26 Nan, that's six -- 6,000 of that how much we paid last
27 year?

28 KEITH WESTENGARD: 6600.

29 NAN ANCHO: No, they came before us during the budget
30 workshop. And they submitted a grant for 6,600. You
31 potentially funded 6,000. Now they're coming back to get the
32 final approval for that grant.

33 COMMISSIONER BAKKER: Well, if we only approved 6,000...

34 NAN ANCHO: Yeah, you only approved -- you potentially
35 approved 6,000. This was their original grant request that they
36 put in here for 6600. That's what they originally requested.

37 COMMISSIONER BAKKER: Okay. How much did they get the
38 following year?

39 NAN ANCHO: Last year, the commissioners gave them 6,000.
40 This year you potentially approved 6,000.

1 COMMISSIONER BAKKER: So the same amount?

2 NAN ANCHO: Yes.

3 COMMISSIONER MILLS: Right.

4 COMMISSIONER BAKKER: Okay.

5 COMMISSIONER MILLS: Yeah.

6 COMMISSIONER CLARK: It was 6,600.

7 VICE CHAIRWOMAN WAITS: Lisa, tell us just a -- real quick
8 how we're doing at the Austin clinic. I know the -- the PA and
9 doctors are coming in from Eureka still once a week.

10 LISA DETTLING: They are coming in once a week. Just so
11 you know, we have spent some time really -- we've got some new
12 leadership in place within the organization with our rural
13 communities partners. And we've spent some time working on the
14 Austin clinic. We did have some concerns brought forward that
15 people were not aware of the official hours. And we had done
16 some postcard communication out to the residents in that area.
17 And we also did a survey to everyone who's been a patient in the
18 clinic, just to get some feedback about their experiences there
19 and how things, you know, were going, about some reservations
20 they had. And we had a wonderful response. And I think we sent
21 out a little over a hundred surveys. And we had about 30, 35 of
22 them returned. It was very, very positive feedback.

23 So we know that the health center is valued. And we know
24 it contributes greatly to that community.

25 Certainly, the rent, we are looking for an opportunity to
26 offset some of the rent. And then we've put in our request to
27 have two laptops for the staff there. Currently, they use
28 computers that are fixed, you know, at -- at their work space.
29 And they can just get a lot more efficient service and care to
30 more people if they have laptops that they can be more mobile with
31 and work throughout the center. So that was how we were hoping to
32 spend the dollars through this grant request.

33 VICE CHAIRWOMAN WAITS: Thank you.

34 Do you have any additional questions?

35 Okay.

36 COMMISSIONER MILLS: Uh-uh.

37 COMMISSIONER BAKKER: I'll make a motion to approve the
38 grant request for fiscal year '15/'16 for Austin Medical Clinic
39 for \$6,000.

40 COMMISSIONER MILLS: Second.

1 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
2 Bakker that we approve that grant for 6,000 and seconded by
3 Commissioner Mills.

4 Any other discussion?

5 (No comment.)

6 VICE CHAIRWOMAN WAITS: Any public comment?

7 (No comment.)

8 VICE CHAIRWOMAN WAITS: All those in favor?

9 COMMISSIONER BAKKER: Aye.

10 COMMISSIONER MILLS: Aye.

11 COMMISSIONER CLARK: Aye.

12 COMMISSIONER WAITS: Aye.

13 Thank you, Lisa.

14 LISA DETTLING: You are welcome. Thank you.

15 COMMISSIONER BAKKER: Thank you.

16 COUNTY CLERK SULLIVAN: Have a good day.

17 VICE CHAIRWOMAN WAITS: Thank you, all.

18 LISA DETTLING: Thank you. Be in touch.

19
20 9) Discussion for possible action regarding contract for
21 services with RAFI to prepare a redevelopment study for
22 Lander County, and other matters properly related thereto.
23

24 VICE CHAIRWOMAN WAITS: Agenda Item Number 9. Discussion
25 for possible action regarding contract for services with RAFI,
26 R-A-F-I, to prepare a redevelopment study for Lander County, and
27 other matters properly related thereto.

28 This is what we discussed at our last commissioners' meeting
29 that we would go ahead and -- and approve the study. It was being
30 paid for, financed by LEDA. And my understanding is this -- these
31 are the folks that are doing that in several different areas, as
32 our backup information.

33 And I believe that's the only one that submitted anything to
34 us to do that type of a study.

35 JAN MORRISON: I'm just here -- Jan Morrison -- in case you
36 need something answered.

37 Rex Massey is out of the state on meetings. But I think
38 that he answered all the questions you had.

39 Have LEDA members here too if you have any questions.

40 COMMISSIONER MILLS: Well, have a seat. I think we've got

1 some extra questions.

2 JAN MORRISON: Oh, okay. Jan Morrison, community services
3 officer for Lander County and liaison to LEDA.

4 COMMISSIONER MILLS: Okay.

5 There are some concerns about -- that this study seems to put
6 the county under some requirements. Because it says -- I have to
7 find it in here -- or there are some things that they're asking
8 the county to do. Oh, yeah.

9 On the Lander County responsibilities -- and there's quite a
10 list of the things that Lander County's responsible for -- and
11 these -- this is new to us. We didn't know that Lander County was
12 going to be on the hook for this.

13 We thought LEDA was taking care of this, that there was the
14 grant, and this place that was doing the survey was going to
15 take care of all this stuff. And now we're seeing that Lander
16 County is going to end up having a bunch of responsibilities to
17 do a bunch of things. So there's some concern about that.

18 JAN MORRISON: The -- there are -- there are a lot of
19 things that LEDA has already done that'll be incorporated to
20 this. And that -- that's -- quite a few studies have been done
21 in the past couple of years. And all that data we'll give to
22 them.

23 So as -- as for cost containment, we didn't want to pay a
24 company to come into Lander on a frequent basis. So most of
25 that stuff is already in my office. LEDA already has it. It's
26 just a matter of turning it over to them.

27 So...

28 COMMISSIONER MILLS: So what about these things that the
29 county's supposed to be responsible for?

30 JAN MORRISON: And I'm so sorry.

31 And I thought -- oh -- can you tell me specifically which
32 ones?

33 COMMISSIONER MILLS: Um.

34 JAN MORRISON: Thank you very much.

35 COMMISSIONER MILLS: Preparation of a preliminary plan;
36 conduct blight analysis survey of existing conditions; --

37 JAN MORRISON: Yeah.

38 COMMISSIONER MILLS: -- provide legal description and
39 verification of area boundary limits; review, amend all
40 requirements associated with the existing master plan; create

1 final plan.

2 I thought -- I thought all these things were things that
3 were --

4 COMMISSIONER BAKKER: LEDA was supposed to do.

5 JAN MORRISON: They are and --

6 COMMISSIONER MILLS: -- being done by.

7 JAN MORRISON: -- many of these things have already been
8 done.

9 COMMISSIONER MILLS: Okay.

10 JAN MORRISON: So, for example, blight analysis has already
11 been done. That was done last fall by LEDA when they had the
12 community listening sessions.

13 And I don't -- I don't know that you necessarily would have
14 attended those because you weren't --

15 COMMISSIONER MILLS: No.

16 JAN MORRISON: -- on them. So LEDA did a survey of all --
17 all the areas, sent letters out, had several public meetings,
18 had several individual listening meetings. And we did have
19 several commissioners come to them. They were past
20 commissioners.

21 And so there's quite a bit of data there that will go into
22 this. A lot of this is moving forward as a result of the
23 feasibility study. And that would all be on us if we decide to
24 do it. As far as holding meetings during the feasibility study,
25 I think those are absolutely essential because -- although we've
26 had great feedback that the business community wants this. When
27 we actually get into the feasibility study and if we have
28 listening sessions and they say, we don't want this, those --
29 those will be held. So --

30 COMMISSIONER MILLS: Well, I think the likelihood of
31 somebody saying they don't want this is pretty slim.

32 JAN MORRISON: Well, I think it's slim, but --

33 COMMISSIONER MILLS: If we proceed with this, we're --
34 we're on the road doing --

35 JAN MORRISON: Yeah.

36 COMMISSIONER MILLS: -- the RDA.

37 COMMISSIONER CLARK: Yep.

38 JAN MORRISON: So those things in there are normal things
39 that we already have or that normally we'd be doing anyway. But
40 it's on the ground. You don't do a lot of this stuff until the

1 feasibility study. So definitely more of my time will be used,
2 but that's what I do anyway. I need to be out in the community
3 --

4 COMMISSIONER MILLS: Okay.

5 JAN MORRISON: -- anyway.

6 COMMISSIONER MILLS: So when it says -- with this list of
7 things, you're accomplishing these things, not a whole bunch of
8 various county employees?

9 JAN MORRISON: Oh, no. No. No.

10 When you get down to an actual legal document -- so if the
11 feasibility study goes. And you would decide -- you as the
12 commission -- would decide we want to go forward, then you
13 actually get an actual legal description of the areas. We have
14 that. Our county assessor does it. There will be some cost
15 involved in that, minuscule because it's pretty much already done.

16 COMMISSIONER BAKKER: So the majority of the work's already
17 done.

18 JAN MORRISON: The majority of the work is already done
19 that goes into --

20 COMMISSIONER BAKKER: So what's --

21 JAN MORRISON: -- this study. But we're --

22 COMMISSIONER CLARK: So you --

23 JAN MORRISON: -- not --

24 COMMISSIONER BAKKER: -- what is LEDA --

25 JAN MORRISON: -- doing the study --

26 COMMISSIONER BAKKER: -- paying for?

27 JAN MORRISON: -- itself. Because they -- well, first of
28 all, it's required by NRS. But they do a comprehensive study.
29 They pull -- I don't have the expertise to do this. So you have
30 a company that comes in and does the feasibility study, pulls
31 all this raw data together. And they'll be doing a lot
32 themselves. And then analyzes it and brings it to you? So...

33 COMMISSIONER CLARK: So the course has already been set by
34 virtue of the work being done. And the direction that Lander
35 County's going to go in has already been decided.

36 JAN MORRISON: I don't think so. I think that's --

37 COMMISSIONER CLARK: Well, --

38 COMMISSIONER BAKKER: No.

39 COMMISSIONER CLARK: -- that's -- that's what's here. You
40 said that a lot of the work's already been done.

1 JAN MORRISON: Well, data work, the trench work, getting
2 the information ready. I can't say that I'm an authority to say
3 we need to go forward because I'm not.

4 COMMISSIONER MILLS: Right.

5 JAN MORRISON: So it'd be the same. I don't know how to
6 make an analogy. But if you -- if you hired an engineer to do
7 things, an attorney to do things, you still have to give them
8 the background data. And that's what this is.

9 COMMISSIONER CLARK: It comes down to what entity is going
10 to advance \$25,000 without expectations?

11 That's -- that's how I sum it up for -- for myself. There
12 are expectations attached to this \$25,000 study. That's how I see
13 it.

14 JAN MORRISON: Yeah, and that's --

15 COMMISSIONER CLARK: And it's proved right here in the
16 packet, what we've been discussing right here, these
17 expectations of using our people.

18 COMMISSIONER MILLS: Yeah.

19 JAN MORRISON: And that's true. And LEDA has stepped up to
20 make that. They've -- they've committed the 25,000.

21 COMMISSIONER MILLS: The county's --

22 JAN MORRISON: I have (indiscernible) --

23 COMMISSIONER MILLS: -- the county's not paying that
24 \$25,000.

25 JAN MORRISON: Yeah, the county --

26 COMMISSIONER MILLS: And in essence, you're paying \$25,000
27 to grant us the legal status of being an RDA so that we can
28 receive grant moneys. Isn't --

29 JAN MORRISON: Redevelopment district.

30 COMMISSIONER MILLS: -- that about what's happening?

31 JAN MORRISON: Yeah. So LEDA -- LEDA believes in this.

32 And by the way, --

33 COMMISSIONER MILLS: Right.

34 JAN MORRISON: -- there's enough throughout Nevada and the
35 rural areas. This is a great, useful tool for rural areas.

36 So yes, LEDA's willing to put their \$25,000 up, knowing that
37 the --

38 COMMISSIONER MILLS: Right.

39 JAN MORRISON: -- final decision --

40 COMMISSIONER MILLS: Because you have to --

1 JAN MORRISON: -- is with you.

2 COMMISSIONER MILLS: -- you have to do the study to open
3 the door, --

4 JAN MORRISON: That's right.

5 COMMISSIONER MILLS: -- to become a legal entity in order
6 to receive the grant moneys --

7 JAN MORRISON: Yeah.

8 COMMISSIONER MILLS: -- to proceed with some projects.

9 JAN MORRISON: Rex said the same thing to LEDA that's --
10 that he said to you. The -- the downside is that -- there's no
11 impact on the county at all -- the downside, if this board
12 decides not to go forward with redevelopment district, is that
13 LEDA has paid for a study that basically goes nowhere.

14 So that's --

15 COMMISSIONER MILLS: Right.

16 JAN MORRISON: -- that's the only downside. But it is
17 LEDA's money.

18 And I will say that the money that LEDA has that's being
19 used for this is \$2500 of a grant that -- a matching grant that
20 I got from NV Energy for their rural partners program.

21 But the money that they're using is money, basically, that,
22 primarily, that the mines have contributed towards economic
23 development, re-stabl- -- re-stabilization, whatever you want to
24 call it.

25 COMMISSIONER MILLS: Right.

26 VICE CHAIRWOMAN WAITS: I think that's one of the --

27 COMMISSIONER MILLS: So --

28 VICE CHAIRWOMAN WAITS: -- things that we do have to -- to
29 think about is this is -- LEDA's mission is economic
30 development.

31 COMMISSIONER MILLS: Right.

32 VICE CHAIRWOMAN WAITS: And that's what they're doing. So

33 --

34 COMMISSIONER MILLS: Right.

35 VICE CHAIRWOMAN WAITS: -- they've done the background for
36 us. So, of course, we've done a lot of background that come in
37 automatically with all our county studies. These are the things
38 that are important to them for the feasibility study.

39 It's still our final decision if we decide to do the RDA.

40 But they're doing what they're supposed to be doing in giving --

1 COMMISSIONER MILLS: That's right.
2 VICE CHAIRWOMAN WAITS: -- us the opportunity --
3 COMMISSIONER MILLS: So LEDA's --
4 VICE CHAIRWOMAN WAITS: -- to make our decisions.
5 COMMISSIONER MILLS: -- actually doing their job.
6 VICE CHAIRWOMAN WAITS: That's right.
7 COMMISSIONER MILLS: And now they're presenting to --
8 JAN MORRISON: Yeah, and --
9 COMMISSIONER MILLS: And that's -- and that's the way I see
10 it is we're going to -- LEDA's going to spend \$25,000 to go
11 through the process to make us a legal entity to run an RDA.
12 JAN MORRISON: I --
13 COMMISSIONER MILLS: That's what's happening.
14 JAN MORRISON: Yeah. I'm sorry. It's a redevelopment
15 district.
16 COMMISSIONER MILLS: A redevelopment district.
17 JAN MORRISON: And it's still the ultimate decision is --
18 rests with this board.
19 COMMISSIONER MILLS: Right. Now that brings up the other
20 concern about starting a redevelopment district because they
21 have certain authorities and certain abilities that I think some
22 of the commission members are uncomfortable with. And that has
23 to do with the ability to tax. Or --
24 COMMISSIONER CLARK: Bonds.
25 COMMISSIONER MILLS: -- or to receive tax moneys to create
26 bonds and do these other -- to do these other activities --
27 COMMISSIONER BAKKER: To keep our taxes.
28 COMMISSIONER MILLS: -- that there's some concern amongst
29 some of the members of the commission.
30 VICE CHAIRWOMAN WAITS: I think we -- I think you're right
31 on, --
32 COMMISSIONER MILLS: But --
33 VICE CHAIRWOMAN WAITS: -- Commissioner. We addressed
34 those concerns with the -- who will be the authority and with
35 this --
36 COMMISSIONER MILLS: Right.
37 VICE CHAIRWOMAN WAITS: -- decision will be made.
38 COMMISSIONER MILLS: I think -- I think --
39 VICE CHAIRWOMAN WAITS: And it's nothing that we're going
40 to take lightly after --

1 COMMISSIONER MILLS: Right.
2 VICE CHAIRWOMAN WAITS: -- we are given all --
3 JAN MORRISON: Right.
4 VICE CHAIRWOMAN WAITS: -- our information.
5 COMMISSIONER MILLS: I think --
6 VICE CHAIRWOMAN WAITS: I can assure you.
7 COMMISSIONER MILLS: -- some of our commission members
8 believe that the commission should be in charge of the RDA and
9 not put it out to another --
10 JAN MORRISON: Oh, the --
11 COMMISSIONER MILLS: -- group to manage.
12 JAN MORRISON: All right. But I need to make this very
13 clear because the commission will be in charge [verbatim].
14 LEDA has -- has no -- other than an advisory position, which
15 that's all they are, --
16 COMMISSIONER MILLS: That's right.
17 VICE CHAIRWOMAN WAITS: -- has no intentions of running a
18 redevelopment district.
19 COMMISSIONER MILLS: Well, as -- as Rex Massey talked to us
20 about last time he was here and talked to us, he said we could
21 appoint a commission to run the RDA.
22 JAN MORRISON: Well, we're hoping that --
23 COMMISSIONER MILLS: That doesn't --
24 JAN MORRISON: -- we don't.
25 COMMISSIONER MILLS: -- necessarily mean it had to be LEDA.
26 JAN MORRISON: No, we're hoping that you -- if you decide
27 to go forward with the redevelopment district, --
28 COMMISSIONER MILLS: Right.
29 JAN MORRISON: -- we're planning on you -- it being --
30 COMMISSIONER MILLS: Now, the other --
31 JAN MORRISON: -- the county commission.
32 COMMISSIONER MILLS: The other concern that brings up is
33 that as a commission, we -- I think most of us think, at
34 least -- that the commission should run it. But this commission
35 could change. So --
36 COMMISSIONER CLARK: Yeah.
37 COMMISSIONER MILLS: -- in -- in my opinion, if we do start
38 an RDA, it should be of a limited term. It should have a
39 definite end date put on it.
40 JAN MORRISON: Well, and I --

1 COMMISSIONER MILLS: So --
2 JAN MORRISON: -- think -- yeah.
3 COMMISSIONER MILLS: So it doesn't go into another
4 commission who has a different opinion and then would go out
5 and -- and create bonds or create --
6 COMMISSIONER BAKKER: Exactly.
7 COMMISSIONER MILLS: -- possible debt for the county and
8 those kinds of things. Because that's one of the things that
9 we're concerned about. We don't want debt. We -- we enjoy
10 having no debt --
11 JAN MORRISON: Right.
12 COMMISSIONER MILLS: -- in Lander County. And we don't
13 want any.
14 JAN MORRISON: And -- and that's part of the process that
15 you will be able to set those. And I anticipate a pretty
16 in-depth redevelopment workshop before you move forward.
17 Because I think LEDA feels the same. I think everybody feels
18 the same.
19 COMMISSIONER MILLS: Okay.
20 JAN MORRISON: Yeah.
21 COMMISSIONER MILLS: Jay.
22 VICE CHAIRWOMAN WAITS: Jay.
23 JAY FISCHER: Jay Fischer, LEDA board member.
24 I -- I just wanted to say that -- let's not get too far
25 ahead of ourselves here. What's on the agenda here is -- is --
26 is approval for a feasibility study -- that --
27 DISTRICT ATTORNEY HERRERA: That's not accurate.
28 JAY FISCHER: -- is -- no?
29 COMMISSIONER MILLS: The --
30 DISTRICT ATTORNEY HERRERA: This package outlines what's on
31 the agenda. What's on the agenda is to pay \$25,000 for the
32 process of putting this in place, --
33 COMMISSIONER CLARK: Uh-huh.
34 DISTRICT ATTORNEY HERRERA: -- not just for the study.
35 It -- and in the last page of this packet on the pricing, it
36 says, this cost has been cut with the commitment from the county
37 to use existing staff and consultants for items mentioned
38 previously.
39 JAY FISCHER: For a study.
40 DISTRICT ATTORNEY HERRERA: Doesn't say study. It says --

1 JAY FISCHER: Well, I just --
2 DISTRICT ATTORNEY HERRERA: Well, where does it say study
3 in here?
4 You find it, Jay.
5 JAY FISCHER: On Item Number 9 it says, to prepara- -- RAFI
6 to prepare a redevelopment study.
7 DISTRICT ATTORNEY HERRERA: That's what it says, but the --
8 the --
9 JAY FISCHER: But obviously --
10 DISTRICT ATTORNEY HERRERA: But the packet does not back
11 that up; does it?
12 JAY FISCHER: I don't know. I don't -- I haven't
13 seen what's in the --
14 DISTRICT ATTORNEY HERRERA: Well, okay.
15 JAY FISCHER: -- in the packet.
16 JAN MORRISON: The motion could simply reflect. Because
17 LEDA has no intentions of going into a redevelopment district
18 either at this time. Just has intentions -- I'm sorry --
19 JAY FISCHER: Well, --
20 JAN MORRISON: -- intentions of the study.
21 JAY FISCHER: That's -- that's -- that was my understanding
22 was that this was a -- this was a study to explore a potential
23 redevelopment district that -- based on that study, the
24 commission could consider whether it wanted to proceed with the
25 redevelopment district or establish it or not.
26 VICE CHAIRWOMAN WAITS: That's --
27 JAY FISCHER: But I might be (indiscernible) --
28 VICE CHAIRWOMAN WAITS: -- mostly correct, Mr. Fischer.
29 The difference is that we've already approved the study. And
30 this is to give the contract for the study --
31 JAY FISCHER: Yes.
32 VICE CHAIRWOMAN WAITS: -- to RAFI; --
33 JAN MORRISON: So --
34 VICE CHAIRWOMAN WAITS: -- is that correct?
35 JAN MORRISON: -- very comfortable simply stating it's the
36 study. Because we don't want to jump ahead at all. We want
37 that feasibility study --
38 COMMISSIONER MILLS: Now if --
39 JAN MORRISON: -- done.
40 COMMISSIONER MILLS: -- that's the case that makes us more

1 comfortable. I think Ted's got some disagreement with that
2 based on...

3 DISTRICT ATTORNEY HERRERA: This -- this packet --

4 COMMISSIONER CLARK: Yeah, it's right here.

5 DISTRICT ATTORNEY HERRERA: -- from RAFI has not -- not
6 presented a price or a package for a study.

7 They presented \$25,000 costs and it says that's from -- from
8 the first step to the last step, this is what needs to be
9 accomplished to put the redevelopment district in place.

10 COMMISSIONER MILLS: But isn't that what the study's --

11 JAN MORRISON: If you are -- so --

12 COMMISSIONER MILLS: -- supposed to do?

13 DISTRICT ATTORNEY HERRERA: Well, the study is going -- is
14 supposed -- it was told to the county commission to --

15 COMMISSIONER MILLS: Uh-huh.

16 DISTRICT ATTORNEY HERRERA: -- see the viability of putting
17 the process in place.

18 This actually puts the process in place.

19 COMMISSIONER CLARK: Right. This is an expectation --

20 COMMISSIONER MILLS: Oh, I see. Okay.

21 JAN MORRISON: Oh, I don't s- -- oh, okay.

22 COMMISSIONER CLARK: This is an expectation --

23 DISTRICT ATTORNEY HERRERA: Well, --

24 COMMISSIONER CLARK: -- attached to the \$25,000 that's
25 going to be spent.

26 DISTRICT ATTORNEY HERRERA: Right.

27 COMMISSIONER CLARK: And --

28 DISTRICT ATTORNEY HERRERA: It has --

29 COMMISSIONER CLARK: -- this is why I didn't like this from
30 the very beginning. Because --

31 DISTRICT ATTORNEY HERRERA: Well, if RAFI was here, --

32 COMMISSIONER CLARK: -- there's expectations.

33 DISTRICT ATTORNEY HERRERA: -- they could probably explain
34 this.

35 JAN MORRISON: Well, I think if you just simply say it's a
36 study only. And because this is a pro- -- I mean, this is a
37 common process used by all redevelopment possibilities. You
38 have to go through the study.

39 And there are many steps after a study that you would have to
40 take to become a redevelopment district.

1 And that's all set forth by NRS. The study can't tell you
2 what to do.
3 I mean, it just studies it. And the (indiscernible) --
4 COMMISSIONER MILLS: And we can't become an RDA until the
5 study's done --
6 DISTRICT ATTORNEY HERRERA: My point --
7 JAN MORRISON: That's right. You can't. Well, you c- --
8 you can't become a redevelopment district until you decide to
9 become one, regardless of this study. We could have 25 studies
10 and you could still say no.
11 DISTRICT ATTORNEY HERRERA: That's right.
12 COMMISSIONER MILLS: But we have to do the study before we
13 --
14 JAN MORRISON: You have to do the study.
15 COMMISSIONER MILLS: We have to have a study done --
16 JAN MORRISON: NRS requires a study --
17 COMMISSIONER MILLS: -- before --
18 JAN MORRISON: -- first. Right.
19 COMMISSIONER MILLS: -- we can start a redevelopment --
20 JAN MORRISON: Yeah.
21 COMMISSIONER MILLS: -- district.
22 JAN MORRISON: So there's a long ways before you decide if
23 you want a redevelopment district and what you want in the
24 redevelopment district. It could be limited to one block.
25 COMMISSIONER MILLS: Right.
26 JAN MORRISON: It could be limited to -- you know, you get
27 to decide. And it could be specifically for only the purpose of
28 XYZ grants or whatever.
29 DISTRICT ATTORNEY HERRERA: This -- this -- this proposed
30 contract does not just cover the study, is the only point I'm
31 making.
32 VICE CHAIRWOMAN WAITS: Okay. Then at this point, to make
33 it really clear, if we just authorize RAFI to prepare the study,
34 then they will come back with the contract and we can go over
35 that contract to be sure; --
36 JAN MORRISON: Well, --
37 VICE CHAIRWOMAN WAITS: -- right?
38 DISTRICT ATTORNEY HERRERA: But we've already done that.
39 You've already done that. They just haven't presented a package
40 and a contract for just a study. They presented one for the

1 whole process.
2 COMMISSIONER CLARK: Yep.
3 DISTRICT ATTORNEY HERRERA: And that's what you need to
4 understand.
5 This is not --
6 VICE CHAIRWOMAN WAITS: Well, I do understand. But I
7 don't -- I don't think that's -- this doesn't look like a total
8 contract.
9 DISTRICT ATTORNEY HERRERA: Well, it's --
10 VICE CHAIRWOMAN WAITS: It looks like a lot of mix up of
11 what they've been doing with all the other cities and
12 everything --
13 DISTRICT ATTORNEY HERRERA: Well, they --
14 VICE CHAIRWOMAN WAITS: -- and their --
15 DISTRICT ATTORNEY HERRERA: -- tell you --
16 VICE CHAIRWOMAN WAITS: -- philosophy.
17 DISTRICT ATTORNEY HERRERA: -- what their obligations are
18 and what the county's obligations are. And they tell you what
19 the price is based on.
20 VICE CHAIRWOMAN WAITS: Right.
21 DISTRICT ATTORNEY HERRERA: It says -- it states --
22 VICE CHAIRWOMAN WAITS: So they're preparing everything for
23 us if we wish to go ahead.
24 DISTRICT ATTORNEY HERRERA: That's what we'd be paying for,
25 --
26 JAN MORRISON: They're just giving --
27 DISTRICT ATTORNEY HERRERA: -- the whole --
28 JAN MORRISON: -- you a study.
29 DISTRICT ATTORNEY HERRERA: -- process, not just the study.
30 The process, including the study, if that's how you want to put
31 it Commissioner Waits, but not just the study.
32 This proposal is for the whole package.
33 COMMISSIONER CLARK: Right.
34 JAN MORRISON: But it still --
35 COMMISSIONER MILLS: Is it --
36 VICE CHAIRWOMAN WAITS: No.
37 JAN MORRISON: -- gives them no --
38 VICE CHAIRWOMAN WAITS: So we would --
39 JAN MORRISON: -- authority.
40 VICE CHAIRWOMAN WAITS: -- be ready --

1 JAN MORRISON: It's just --
2 COMMISSIONER MILLS: Isn't that --
3 VICE CHAIRWOMAN WAITS: -- to go forward, --
4 JAN MORRISON: Yeah.
5 COMMISSIONER MILLS: -- required --
6 VICE CHAIRWOMAN WAITS: -- if we so --
7 COMMISSIONER MILLS: -- before we --
8 VICE CHAIRWOMAN WAITS: -- choose.
9 COMMISSIONER MILLS: -- can --
10 JAN MORRISON: Yeah.
11 COMMISSIONER MILLS: -- authorize the start of an --
12 regional development district?
13 DISTRICT ATTORNEY HERRERA: Yes, it is. But this -- my --
14 COMMISSIONER MILLS: Okay.
15 COMMISSIONER BAKKER: -- understanding and reading the
16 minutes to make sure, this commission authorized a study only.
17 It was then presented with a proposal that included far more
18 than a study. And that's the only --
19 COMMISSIONER CLARK: Yes.
20 DISTRICT ATTORNEY HERRERA: -- point I'm making.
21 COMMISSIONER CLARK: It's already overreach.
22 DISTRICT ATTORNEY HERRERA: And if RAFI was here, --
23 COMMISSIONER MILLS: Okay.
24 DISTRICT ATTORNEY HERRERA: -- they could explain that.
25 COMMISSIONER MILLS: I suppose that would depend on how --
26 when we approved it before to -- to be a study, I mean, what --
27 what would the -- we'd have to kind of define what the -- that
28 means. A study means...
29 To get the process started up until the point that we then
30 either approve or disapprove opening a --
31 DISTRICT ATTORNEY HERRERA: Well, Commissioner --
32 COMMISSIONER MILLS: -- redevelopment district.
33 DISTRICT ATTORNEY HERRERA: -- Mills, if RAFI was here,
34 they could answer these questions. But they're not.
35 COMMISSIONER MILLS: Okay.
36 DISTRICT ATTORNEY HERRERA: As --
37 UNIDENTIFIED PARTICIPANT: But isn't --
38 DISTRICT ATTORNEY HERRERA: -- as it's presented, it's not
39 just the study.
40 COMMISSIONER MILLS: Right.

1 DISTRICT ATTORNEY HERRERA: That's all I'm saying.
2 COMMISSIONER CLARK: Yeah.
3 COMMISSIONER MILLS: But isn't this what's required?
4 DISTRICT ATTORNEY HERRERA: If you want to go -- now --
5 COMMISSIONER MILLS: If we're going to continue down the
6 road to start a redevelopment --
7 DISTRICT ATTORNEY HERRERA: If --
8 COMMISSIONER MILLS: -- district.
9 DISTRICT ATTORNEY HERRERA: -- you're going down the road.
10 COMMISSIONER MILLS: We are on that path.
11 COMMISSIONER CLARK: Yeah. No, you're on the road.
12 DISTRICT ATTORNEY HERRERA: You're on that path.
13 COMMISSIONER MILLS: Yeah.
14 DISTRICT ATTORNEY HERRERA: But the county commissioner
15 [verbatim] haven't voted to be on that path. They --
16 (indiscernible) --
17 COMMISSIONER MILLS: They voted for the study. And that's
18 on the path.
19 COMMISSIONER CLARK: And this is what the --
20 DISTRICT ATTORNEY HERRERA: Yes.
21 COMMISSIONER CLARK: -- study brought --
22 COMMISSIONER MILLS: Okay.
23 COMMISSIONER CLARK: -- forth were -- were the expectations
24 attached to the study.
25 These are the things --
26 JAN MORRISON: Well, --
27 COMMISSIONER CLARK: -- we expect you to do with this
28 study.
29 That -- that was --
30 DISTRICT ATTORNEY HERRERA: A study is only one part of the
31 process that they're giving the county for \$25,000. That's all
32 I'm saying. It's just one piece of all this other stuff.
33 VICE CHAIRWOMAN WAITS: So for your 25,000, they are --
34 COMMISSIONER MILLS: So --
35 VICE CHAIRWOMAN WAITS: -- getting you on the road to being
36 a development.
37 DISTRICT ATTORNEY HERRERA: Yes.
38 VICE CHAIRWOMAN WAITS: They're preparing a lot more --
39 DISTRICT ATTORNEY HERRERA: They're doing --
40 JAN MORRISON: Well, --

1 VICE CHAIRWOMAN WAITS: -- which means you're getting --
2 JAN MORRISON: They're there --
3 VICE CHAIRWOMAN WAITS: -- more than --
4 JAN MORRISON: -- for whatever you need --
5 VICE CHAIRWOMAN WAITS: -- you thought.
6 JAN MORRISON: They're there for whatever you need through
7 the whole process. They are -- they are --
8 DISTRICT ATTORNEY HERRERA: The whole process.
9 JAN MORRISON: -- there. May not use them as much. We
10 just need the study.
11 COMMISSIONER CLARK: And this study --
12 JAN MORRISON: And ultimately nobody can make the decision
13 except this board.
14 COMMISSIONER CLARK: This study in the future could very
15 well be rolling the dice for Lander County as far as how it's
16 going to be constructed.
17 DISTRICT ATTORNEY HERRERA: Well, we don't know.
18 COMMISSIONER MILLS: I'm not sure what that means.
19 DISTRICT ATTORNEY HERRERA: If you approve the study --
20 usually people come in and say, this is how much the study will
21 cost. And this is what it entails.
22 COMMISSIONER CLARK: Right.
23 DISTRICT ATTORNEY HERRERA: But what they presented -- and
24 with nobody here to back it up -- is this is how much the whole
25 process will cost.
26 COMMISSIONER CLARK: Right.
27 DISTRICT ATTORNEY HERRERA: So we want you to approve the
28 whole process.
29 COMMISSIONER CLARK: Right.
30 DISTRICT ATTORNEY HERRERA: There -- there's a difference.
31 And you need to understand it. There's a big difference. Study
32 versus the process.
33 This is the quote for the process, --
34 COMMISSIONER CLARK: Right.
35 DISTRICT ATTORNEY HERRERA: -- not for the study.
36 COMMISSIONER CLARK: So this is where -- well, you know how
37 I feel about this. This is not good as far as I'm concerned.
38 DISTRICT ATTORNEY HERRERA: So you need a --
39 COMMISSIONER MILLS: But --
40 DISTRICT ATTORNEY HERRERA: -- proposal for a study,

1 Commissioner Mills. And it's not in here.
2 VICE CHAIRWOMAN WAITS: Well, their study --
3 DISTRICT ATTORNEY HERRERA: That's all I'm saying.
4 VICE CHAIRWOMAN WAITS: -- includes more than just a study.
5 DISTRICT ATTORNEY HERRERA: Yes.
6 JAN MORRISON: That's right.
7 DISTRICT ATTORNEY HERRERA: Yes.
8 VICE CHAIRWOMAN WAITS: That's what we're saying.
9 JAN MORRISON: And you (indiscernible) --
10 VICE CHAIRWOMAN WAITS: It was kind of a --
11 JAN MORRISON: The study has --
12 VICE CHAIRWOMAN WAITS: -- surprise.
13 JAN MORRISON: -- get going. You --
14 VICE CHAIRWOMAN WAITS: So they're giving us more than we
15 asked for. You still don't have to take it.
16 JAN MORRISON: That's right. You don't.
17 VICE CHAIRWOMAN WAITS: And it's going to be there. And if
18 you want to use them and continue or if we say, no dice, it
19 stops.
20 DISTRICT ATTORNEY HERRERA: As long as you know what's in
21 there.
22 VICE CHAIRWOMAN WAITS: As long -- yeah, and --
23 DISTRICT ATTORNEY HERRERA: I'm just telling you what's in
24 there.
25 VICE CHAIRWOMAN WAITS: They -- for 25,000, --
26 COMMISSIONER MILLS: Okay.
27 VICE CHAIRWOMAN WAITS: -- they will stay with us all the
28 way through to get us on the road. Period.
29 COMMISSIONER MILLS: Is there an ability --
30 VICE CHAIRWOMAN WAITS: Is that it?
31 COMMISSIONER MILLS: -- for RAFL to give us --
32 JAN MORRISON: You know, --
33 COMMISSIONER MILLS: -- just this study and not the whole
34 process?
35 JAN MORRISON: I think what -- I'm sorry. My opinion is
36 we're getting hung up and getting this derailed. We have a time
37 frame. We're not going to be able to apply for any CDBG funding
38 if we don't get this study underway. And that will severely --
39 COMMISSIONER MILLS: Okay.
40 JAN MORRISON: -- impact us, not only in what we do for

1 businesses, but road improvements, all those things that we
2 could possibly be accessing. We won't have any chance for at
3 least another year.

4 It's a very simple study. And I'm sorry, it's been done --
5 this is the same formula that's been done in other places.

6 COMMISSIONER MILLS: Right.

7 JAN MORRISON: The authority always lies with this body.
8 Always.

9 And so --

10 COMMISSIONER MILLS: Because --

11 JAN MORRISON: I don't know what else to say on that.

12 COMMISSIONER MILLS: Do we have -- because -- what's --
13 what's the extra part beyond the study that this process is
14 including?

15 DISTRICT ATTORNEY HERRERA: Well, it takes more than just
16 doing the study to im- -- to put in -- and what you're doing is
17 creating a redevelopment district. It takes more than the
18 study.

19 And Jan's even pointing that out.

20 All I'm saying -- and -- and I'm not saying do it or don't do
21 it.

22 COMMISSIONER MILLS: So -- right.

23 DISTRICT ATTORNEY HERRERA: I'm saying that --

24 COMMISSIONER MILLS: But I'm asking --

25 DISTRICT ATTORNEY HERRERA: -- the proposal --

26 COMMISSIONER MILLS: -- beyond -- beyond a study, what is
27 required --

28 DISTRICT ATTORNEY HERRERA: All the --

29 COMMISSIONER MILLS: -- to complete the --

30 DISTRICT ATTORNEY HERRERA: -- steps are outlined in this
31 -- in this --

32 COMMISSIONER MILLS: Okay.

33 DISTRICT ATTORNEY HERRERA: -- proposal?

34 JAN MORRISON: Yeah.

35 UNIDENTIFIED PARTICIPANT: There's a lot --

36 COMMISSIONER MILLS: So these are things that need to be
37 done in order for us to become -- to open a redevelopment
38 district.

39 DISTRICT ATTORNEY HERRERA: Most of them are done after the
40 study. But they're included in this proposal, is what I'm

1 saying.

2 COMMISSIONER MILLS: Okay.

3 DISTRICT ATTORNEY HERRERA: You -- you guys --

4 COMMISSIONER MILLS: But they --

5 DISTRICT ATTORNEY HERRERA: -- said, --

6 COMMISSIONER MILLS: -- these are steps --

7 DISTRICT ATTORNEY HERRERA: -- we agree to --

8 COMMISSIONER MILLS: -- that still need to be done.

9 DISTRICT ATTORNEY HERRERA: -- go through a study.

10 COMMISSIONER MILLS: Right.

11 DISTRICT ATTORNEY HERRERA: The proposal is not for a

12 study. It's for the process. That's all I'm pointing out.

13 You were not given what you asked for.

14 COMMISSIONER BAKKER: Yeah, I made it very clear last

15 meeting. Very clear.

16 JAN MORRISON: And I'm sorry, but I think this fulfills

17 what you asked for. It's the first step. There are many.

18 There are so many questions along the way. And they can't be

19 answered until you have a feasibility study. And that -- that's

20 the purpose of this, to get going. There will be a lot of pros,

21 a lot of cons. We're hoping there are more pros than cons. But

22 this is the first step. It's mandated.

23 This is a normal template that's been used in -- it was used

24 in Elko. It was used in Mesquite. Some of the other. Boulder

25 City, some of the other smaller ones.

26 VICE CHAIRWOMAN WAITS: The whole thing is, is it's a

27 proposal. I didn't see a contract. It's just a proposal.

28 DISTRICT ATTORNEY HERRERA: Yes.

29 VICE CHAIRWOMAN WAITS: And they said, for this amount of

30 money, we will also do this, this, this, and this. And if

31 you're saying, well, we're stopping. We've seen this, but we're

32 not going further, we simply don't go on with them. They just

33 -- they get more money than what they could have done. That's

34 all.

35 COMMISSIONER CLARK: Or we can end it right now and be done

36 with it and not have to spend the \$25,000. Because if you're

37 going to just say, to heck with it after the \$25,000 is spent...

38 VICE CHAIRWOMAN WAITS: You're absolutely right. We could.

39 However, the motion was to go ahead with the study because this

40 is what LEDA's mission is doing. This is economic development

1 for the county.
2 We have some opportunities here to do some things. We want
3 to look a little bit further at it. We need more information.
4 COMMISSIONER CLARK: Well, you want to --
5 VICE CHAIRWOMAN WAITS: So to cut off our --
6 COMMISSIONER CLARK: -- look a --
7 VICE CHAIRWOMAN WAITS: legs, --
8 COMMISSIONER CLARK: -- little bit further on it; I don't.
9 JAN MORRISON: Yeah. And let me --
10 VICE CHAIRWOMAN WAITS: Well, that's --
11 JAN MORRISON: -- explain.
12 VICE CHAIRWOMAN WAITS: -- that's what makes up --
13 JAN MORRISON: The redevelopment is -- is not necessarily
14 new. It's taking care of what we have, even our infrastructure,
15 taking care of what we have infrastructure-wise?
16 COMMISSIONER CLARK: Well, economic development is a
17 private sector responsibility, not the public sector. Since
18 when is it the government's responsibility --
19 COMMISSIONER MILLS: That's not -- that's not necessarily
20 the case. As Mr. Massey told us before, we can use -- we can
21 use these grant funds from the economic development district to
22 do county projects.
23 COMMISSIONER CLARK: Grants.
24 COMMISSIONER MILLS: Yes.
25 COMMISSIONER CLARK: Okay. What are grants? Grants are
26 taxpayers' money.
27 COMMISSIONER MILLS: That's right.
28 COMMISSIONER CLARK: Okay.
29 COMMISSIONER MILLS: And we can use those grants to do
30 county projects.
31 COMMISSIONER CLARK: Yeah, I'm not --
32 COMMISSIONER MILLS: We can use county money to do county
33 projects, or we can use grants to do county projects.
34 VICE CHAIRWOMAN WAITS: But most of this we do not qualify
35 for any longer, --
36 COMMISSIONER MILLS: And --
37 VICE CHAIRWOMAN WAITS: -- such as CDBG, but by --
38 COMMISSIONER MILLS: -- until we get this --
39 VICE CHAIRWOMAN WAITS: -- going through this district, --
40 COMMISSIONER MILLS: -- until we go through this --

1 VICE CHAIRWOMAN WAITS: We can't.
2 COMMISSIONER MILLS: -- process.
3 VICE CHAIRWOMAN WAITS: Right.
4 JAN MORRISON: And let me say that that money is already
5 being collected. And it's already going to other entities.
6 It's not going to us because --
7 COMMISSIONER MILLS: Right.
8 JAN MORRISON: -- we're not applying for it. If you'll go
9 look at Haskell --
10 COMMISSIONER CLARK: I'm against it.
11 JAN MORRISON: -- Street over in Winnemucca. You go look
12 at. There's an awful lot that come from -- the gas taxes,
13 licensing fees, all those are public moneys that -- that we're
14 not accessing.
15 And -- and so -- but our neighboring counties are --
16 COMMISSIONER MILLS: And whether we take money or not,
17 those moneys are -- the people are still being taxed for those
18 moneys and they're still being spent. We're just not spending
19 them here.
20 DISTRICT ATTORNEY HERRERA: We're arguing about whether or
21 not to create a redevelopment district.
22 JAN MORRISON: That's right.
23 COMMISSIONER CLARK: Right.
24 COMMISSIONER MILLS: That's right.
25 DISTRICT ATTORNEY HERRERA: We're not supposed to be
26 arguing that. We're arg- -- we're supposed to be whether or not
27 we approve the financier the go ahead for a study.
28 Unfortunately, that hasn't been presented to us. That's
29 what I've pointed out.
30 But we're wasting our time by arguing whether or not we're
31 going to impose a redevelopment district when that issue is not
32 in front of the commission today.
33 COMMISSIONER MILLS: So what you're --
34 DISTRICT ATTORNEY HERRERA: These are --
35 COMMISSIONER MILLS: -- saying is we take this and we
36 separate it into pieces. One piece is the study and the other
37 piece is the rest of the road to get to the RDA.
38 DISTRICT ATTORNEY HERRERA: That's what you decided last
39 time, Commissioner.
40 COMMISSIONER MILLS: And --

1 DISTRICT ATTORNEY HERRERA: I'm -- I'm not --
2 COMMISSIONER MILLS: -- it's being --
3 DISTRICT ATTORNEY HERRERA: -- telling you --
4 COMMISSIONER MILLS: -- presented as the full --
5 DISTRICT ATTORNEY HERRERA: -- what to do or not to do.
6 COMMISSIONER MILLS: -- package.
7 COMMISSIONER BAKKER: Yeah, I made it very clear --
8 COMMISSIONER MILLS: Is there --
9 COMMISSIONER BAKKER: -- baby steps here.
10 COMMISSIONER MILLS: Is there a way for RAFI to separate
11 this proposal out and do just --
12 JAN MORRISON: You can ask anything --
13 COMMISSIONER MILLS: -- part of it?
14 JAN MORRISON: -- you want.
15 COMMISSIONER MILLS: The study.
16 JAN MORRISON: You can ask anything you want.
17 I'm -- I'm sorry. I'm very frustrated because this is very
18 simple to move forward. This is just a study.
19 COMMISSIONER MILLS: Yeah.
20 JAN MORRISON: And I see -- and quite frankly, I know
21 there's an agenda to perhaps not do this.
22 And I disagree with this. I think it's time that we -- we
23 work with our constituents and get out there and do something
24 that helps. We have a 7.4 percent unemployment rate. I don't
25 know if anybody's noticed that. I watch those numbers. We have
26 some dwindling things happening. We need to start taking steps
27 in a forward direction for our constituents. And I firmly
28 believe that. This is one possibility. It's probably the best
29 one we have going in an access to grants.
30 COMMISSIONER CLARK: Yeah, I think I heard that "move
31 forward" in a political campaign a couple of years ago.
32 DISTRICT ATTORNEY HERRERA: Jan is actually right. There
33 are a lot of benefits to have a redevelopment district. And
34 that's what she's pointing out to the commission.
35 COMMISSIONER CLARK: Yeah, I understand that.
36 DISTRICT ATTORNEY HERRERA: There are a lot of benefits to
37 it. There are some downsides to it.
38 COMMISSIONER MILLS: Right.
39 DISTRICT ATTORNEY HERRERA: I'm just pointing out to you.
40 And I'm not taking any position on whether or not you guys are

1 going to vote for a redevelopment district. I'm just taking a
2 position that you're not presented in the packet with what this
3 was agendized for. That's all.

4 And if you want to go further, you may. If you want to go
5 less, you may.

6 But it's not apples and apples here.

7 VICE CHAIRWOMAN WAITS: I think we have the clarification
8 though; don't we? We understand that they will do all of this.
9 This is their proposal.

10 DISTRICT ATTORNEY HERRERA: Right.

11 VICE CHAIRWOMAN WAITS: Not just what we asked for, but a
12 whole lot more to guide you through, if you so choose to.

13 COMMISSIONER MILLS: Right.

14 KEITH WESTENGARD: Commissioner Waits, --

15 COMMISSIONER MILLS: And that's saying --

16 KEITH WESTENGARD: I just -- you did have a couple of
17 people that had comments in the audience. I believe Gina and
18 Jay.

19 VICE CHAIRWOMAN WAITS: Gina?

20 GINA LITTLE: Gina Little with LEDA.

21 The way I'm reading this professional services to include,
22 my understanding, the 25,000 is covering Part A of the tasks.
23 And if we go further to Part B, then they indicate their hourly
24 rate. And that'll include going forward, you know, to the next
25 phase, which would be the implement- -- implementation of the
26 redevelopment district.

27 DISTRICT ATTORNEY HERRERA: Did you read the last page on
28 pricing?

29 GINA LITTLE: I did not.

30 DISTRICT ATTORNEY HERRERA: Please do.

31 VICE CHAIRWOMAN WAITS: Jay, you had another comment?

32 JAY FISCHER: Jay Fischer with LEDA.

33 You know, there's a lot of discussion here obviously about
34 cost.

35 Let me remind everybody that LEDA has -- has agreed to pay
36 for these costs.

37 So if -- if we're concerned about saving money for the LEDA
38 budget, that's -- that's great.

39 But, you know, I -- Jan, myself, we're -- we're in favor of
40 going forward with this study. The safeguard still is the

1 commission must approve a redevelopment district.
2 They're --
3 That is a safeguard in here that nothing will happen until
4 there's enough information presented and that decision is put on
5 the agenda for -- for discussion of whether or not to create the
6 redevelopment district. We are not doing that here.
7 This is fact finding and maybe some scope that's a bit hard
8 to interpret of what RAFI is doing. But it's gathering the
9 information so you, the board, can decide whether you want to
10 create a redevelopment district or not. So...
11 VICE CHAIRWOMAN WAITS: Thank you. Commissioners?
12 COMMISSIONER MILLS: Okay.
13 Well, I'm going to make a motion that we -- I'm going to make
14 it this way.
15 I make a motion that we approve Part A of this contract for
16 professional services with RAFI and have LEDA proceed with pursuit
17 of this study and -- and pursuing a regional development district.
18 No?
19 COMMISSIONER BAKKER: No.
20 COMMISSIONER MILLS: Okay.
21 VICE CHAIRWOMAN WAITS: Well, I can second that -- so the
22 vote will be on the record.
23 Okay, it's been moved that we do -- do go forward with the
24 services with RAFI to prepare the study for us. And seconded.
25 Any other public comment?
26 (No comment.)
27 VICE CHAIRWOMAN WAITS: All in favor?
28 COMMISSIONER MILLS: Aye.
29 VICE CHAIRWOMAN WAITS: Aye.
30 And those against?
31 COMMISSIONER BAKKER: Nay.
32 COMMISSIONER CLARK: Nay.
33 VICE CHAIRWOMAN WAITS: Let the records reflect that we
34 have Commissioner Bakker and Commissioner Mills against it.
35 It -- we do not -- oh, I'm sorry, --
36 COMMISSIONER BAKKER: Clark.
37 VICE CHAIRWOMAN WAITS: -- Commissioner Clark against it.
38 And so therefore, we have no --
39 COMMISSIONER CLARK: No decision.
40 COMMISSIONER BAKKER: It dies.

1 VICE CHAIRWOMAN WAITS: No --
2 COMMISSIONER BAKKER: Moving --
3 VICE CHAIRWOMAN WAITS: -- decision.
4 COMMISSIONER BAKKER: -- on.
5 VICE CHAIRWOMAN WAITS: It simply dies.
6 JAN MORRISON: May I ask for some direction. Do you want
7 me to come back with RAFI? Where -- what do you want?
8 COMMISSIONER CLARK: I want you to talk to the executive
9 director and get your direction. He's the man that's in charge.
10 COMMISSIONER BAKKER: I was going to say Ted.
11 COMMISSIONER CLARK: And that's the structure of the
12 county. So I would redirect you to your boss.
13 DISTRICT ATTORNEY HERRERA: For -- for legal --
14 VICE CHAIRWOMAN WAITS: I have to take --
15 DISTRICT ATTORNEY HERRERA: -- purposes, --
16 VICE CHAIRWOMAN WAITS: I have to take an exception to
17 the -- the way that that's worded, Commissioner Clark, because
18 our executive director has a lot of things that -- that he's
19 responsible for. However, this is -- this is a county movement.
20 And these are opportunities for local government to take on.
21 These are our decisions. So with your information and your
22 guidance, it's still our -- our decision.
23 COMMISSIONER CLARK: And Keith can bring it forward to us.
24 VICE CHAIRWOMAN WAITS: Counselor?
25 DISTRICT ATTORNEY HERRERA: If I could, --
26 COMMISSIONER MILLS: Well, --
27 DISTRICT ATTORNEY HERRERA: Commissioner Waits, I was just
28 pointing out this vote or non-vote in no way impacts the
29 decision that the commission made last time, which is to go
30 along with the study.
31 VICE CHAIRWOMAN WAITS: Yes.
32 DISTRICT ATTORNEY HERRERA: And -- and I would suggest
33 that -- that if it would be put on the agenda again for -- for
34 that purpose, if a study and the costs for that were presented
35 to the commission.
36 COMMISSIONER BAKKER: And just the study.
37 DISTRICT ATTORNEY HERRERA: Just the study.
38 JAN MORRISON: Okay.
39 COMMISSIONER BAKKER: I said that --
40 JAN MORRISON: So will you work --

1 COMMISSIONER BAKKER: -- very clearly --
2 JAN MORRISON: -- with me and RAFI --
3 COMMISSIONER BAKKER: -- last time.
4 DISTRICT ATTORNEY HERRERA: Absolutely.
5 JAN MORRISON: -- so that --
6 COMMISSIONER BAKKER: Very clearly --
7 JAN MORRISON: -- I can bring --
8 COMMISSIONER BAKKER: -- last time.
9 JAN MORRISON: -- that forth?
10 DISTRICT ATTORNEY HERRERA: Absolutely.
11 JAN MORRISON: Thank you.
12 DISTRICT ATTORNEY HERRERA: Be more than happy to.
13 COMMISSIONER BAKKER: Okay.
14 VICE CHAIRWOMAN WAITS: Okay. So since we have --
15 JAN MORRISON: Thank you.
16 VICE CHAIRWOMAN WAITS: -- no quorum, no decisions have
17 been made. And it just simply dies and goes on again.
18

19 **10) Update on the Lower Reese River inventory project and**
20 **discussion and possible action regarding revised agreement,**
21 **and other matters properly related thereto.**
22

23 VICE CHAIRWOMAN WAITS: Moving on to Number 10. Update on
24 the Lower Reese River Basin inventory project and discussion and
25 possible action regarding revised agreement, and other matters
26 possibly related thereto.

27 COMMISSIONER CLARK: Are you on this board, Doug?
28 COMMISSIONER MILLS: Yes.
29 COMMISSIONER CLARK: Are we the upper or the lower part of
30 the Reese River?
31 COMMISSIONER BAKKER: Lower.
32 JAY FISCHER: Lower.
33 COMMISSIONER CLARK: We're the lower?
34 COMMISSIONER MILLS: Lower.
35 COMMISSIONER CLARK: And the --
36 COMMISSIONER BAKKER: Reese is going towards --
37 COMMISSIONER CLARK: -- Humboldt Sink is the upper?
38 COMMISSIONER MILLS: No.
39 Humboldt Sink's the lower part of the Humboldt River.
40 COMMISSIONER CLARK: Yeah, I know, but it says --

1 COMMISSIONER BAKKER: Jay, how are you?
2 JAY FISCHER: Jay Fischer, Reese River Hydrologic.
3 COMMISSIONER BAKKER: Ask him.
4 JAY FISCHER: Good morning, everyone.
5 COMMISSIONER CLARK: Can you answer my question? Did you
6 hear it?
7 JAY FISCHER: I did.
8 The Hum- -- the Humboldt Sink, I -- is located by Rye Patch
9 Reservoir.
10 COMMISSIONER CLARK: Right. Right.
11 JAY FISCHER: I couldn't tell you. That's many basins
12 removed from this area.
13 For instance, the Lower Reese River Basin that we're talking
14 about this morning, Basin 59, goes from Echo Bay -- just past Echo
15 Bay to the south to the Humboldt River --
16 COMMISSIONER CLARK: Oh, so it's --
17 JAY FISCHER: -- here.
18 COMMISSIONER CLARK: Oh, okay.
19 JAY FISCHER: So --
20 COMMISSIONER CLARK: Okay.
21 JAY FISCHER: -- to kind of give you an idea of the size of
22 the basin.
23 COMMISSIONER CLARK: This way. And north.
24 JAY FISCHER: Yeah. Yeah. So there's the --
25 COMMISSIONER MILLS: Reese River flows north.
26 COMMISSIONER CLARK: Yeah.
27 JAY FISCHER: -- Upper, Middle, and Lower Reese River --
28 COMMISSIONER CLARK: Right.
29 JAY FISCHER: -- Basins.
30 COMMISSIONER CLARK: So any water that flows north is
31 considered this? The Lower Reese River?
32 JAY FISCHER: It flows through -- through these basins and
33 through --
34 COMMISSIONER CLARK: Okay.
35 JAY FISCHER: -- through the basin of discussion today.
36 COMMISSIONER CLARK: Because I figured we'd be the upper
37 part since we have the Humboldt Sink south and lower.
38 JAY FISCHER: Headwaters of the Reese River around Austin.
39 COMMISSIONER CLARK: Yomba.
40 COMMISSIONER MILLS: Mm-hm.

1 JAY FISCHER: Or the upper.
2 COMMISSIONER CLARK: Iowee [phonetic] Creek, Clear Creek.
3 JAY FISCHER: Upper Reese --
4 COUNTY CLERK SULLIVAN: Yeah, Yomba.
5 JAY FISCHER: -- River Basin. Yeah.
6 COMMISSIONER CLARK: Yomba. Yeah.
7 JAY FISCHER: Fish Creek. That branch. And south of there
8 is the middle.
9 COMMISSIONER CLARK: Okay.
10 JAY FISCHER: We're in the lower.
11 I hope everybody's -- I wrote a -- a letter summary for the
12 revised budget that I'm here to request today or present.
13 VICE CHAIRWOMAN WAITS: I'm sorry. I don't have anything
14 as backup in mine. Do you all have your backup?
15 COMMISSIONER CLARK: Oh, yeah. Here.
16 JAY FISCHER: Oh.
17 COUNTY CLERK SULLIVAN: (Indiscernible.)
18 COMMISSIONER BAKKER: Oh. That works.
19 VICE CHAIRWOMAN WAITS: Thank you.
20 COMMISSIONER CLARK: Get it?
21 VICE CHAIRWOMAN WAITS: Thank you.
22 JAY FISCHER: Do you -- do you have it, Keith?
23 KEITH WESTENGARD: Keith. Yeah, I have it.
24 JAY FISCHER: All right. But I'll -- I'll use that just as
25 some talking points to summarize just briefly here.
26 In -- let's see -- well, August of last year, the county
27 commission approved the -- the award of the contract, Reese River,
28 to myself to conduct the basic inventory for the Lower Reese River
29 B- -- Basin out here, which was required by any interbasin
30 transfer of water. State engineer's rules. We have a water right
31 application for our newest well. We can't get approval for that
32 water right application until this basin inventory is completed.
33 VICE CHAIRWOMAN WAITS: And there's no exception for
34 counties. We double-checked on that. So --
35 JAY FISCHER: Yeah. No --
36 VICE CHAIRWOMAN WAITS: We have to --
37 JAY FISCHER: -- exceptions.
38 VICE CHAIRWOMAN WAITS: -- go through the inventory.
39 JAY FISCHER: So at the time in preparing that original
40 proposal, I met with the state engineer's office, Deputy State

1 Engineer Tracy Taylor, state hydrologist to find out what was
2 involved in these studies and from those meetings developed the
3 original scope of work and the \$8,000 budget that was approved
4 eight months, nine months ago.

5 So I've been working on that -- on that project as time
6 allows over the -- over the wintertime expecting to be -- to
7 have it completed this spring.

8 During those meetings, initial scoping meetings that I had
9 with the state engineer's office and state hydrologist, I was
10 lead to believe that the surface water sites that needed to be
11 inventoried in the basin should be limited to the few drainages
12 that we -- that we have: Mill Creek, Lewis Canyon, the -- half
13 a dozen main drainages, survey the -- measure the spring flow in
14 the springs that directly contribute to those drainages.

15 So the original budget was for about 40 -- 40 sites to be
16 visited.

17 Over the wintertime and the GIS exercise that was part of
18 this study, identified over 180 springs in the basin.

19 And in a recent meeting in May with the state engineer's
20 office to approve the fieldwork that we were about to conduct, I
21 was informed that they wanted every spring site visited and
22 measured.

23 So not only did the number of sites increase dramatically,
24 but now there's sites at the top of the mountain that you've got
25 to get to, rather than just driving up the canyon next to the
26 creek on it. So --

27 COMMISSIONER BAKKER: How many sites total, Jay?

28 JAY FISCHER: A hundred and eighty that have been
29 identified right now. We're trying to limit some of those
30 sites, Commissioner Bakker, with data from Newmont, from data
31 from -- that's being reported by certified water rights holders.
32 But right now it's 180 sites.

33 COMMISSIONER BAKKER: How much was it originally before the
34 180?

35 JAY FISCHER: Forty. Forty was what the original budget
36 was predicated on. So -- so that was a significant scope
37 change.

38 The other additional scope change was the time required to
39 review all the water rights in -- in the basin, both surface and
40 ground water rights.

1 And I had subcontracted for rates included in the -- in the
2 project, former deputy state engineer, to help me with the water
3 right review and abstracting. And knowing that his time would be
4 spent much more efficiently than mine at an equal to or lower rate
5 than I was including in the budget.

6 The process, because of multiple water rights, the stacked
7 water rights, and various deeds took more than twice the time
8 than I originally allotted from the original -- original
9 estimate. So...

10 And then the third budget item that was not included in the
11 original estimate of \$8,000 was the state engineer's office's --
12 office time for review and -- and comment of this report.

13 And part of that is related directly to the drought.

14 And last fall -- we were all hopeful we'd have a good
15 winter. And the state engineer's office, frankly, was not as
16 interested in these basin inventories as they now are with the
17 drought conditions.

18 So I was lead to believe -- in those meetings, again, the
19 scoping meeting that was used for the original proposal that it
20 would be a quick review, that it would be a few hours of staff
21 time that I would have to pay for, for -- for the review.

22 In the main meeting this last spring in May, state
23 hydrologist and deputy state engineer informed me of the more
24 rigorous review process that would be -- that these basin
25 inventories would have to undergo. So -- so the -- there's a cost
26 increase there that -- of a cost of \$5,000 that was not included
27 in the original estimate.

28 COMMISSIONER BAKKER: Did we already pay you the 8,000?

29 JAY FISCHER: Nothing yet. No.

30 COMMISSIONER BAKKER: And total now is 27-?

31 JAY FISCHER: Twenty-seven. So I've completed --

32 COMMISSIONER MILLS: So we're not -- we're not adding 27-?
33 It's a new total of 27-?

34 JAY FISCHER: New total.

35 COMMISSIONER BAKKER: So --

36 COMMISSIONER MILLS: Okay.

37 JAY FISCHER: Yeah.

38 No plan to -- I've completed \$8,000 worth of work to date.
39 That's where we're at. Not billed anything. Gotten to the end
40 here, realized just in the last month and a half since that May

1 meeting, that new scope. And here before you today.

2 And -- and one last thing I think wraps this up and puts it
3 into some context here. Completing this inventory does not
4 guarantee us -- does not guarantee the county that they will
5 receive the water right application that -- that triggers
6 this -- this inventory. Not doing the inventory guarantees we
7 will not get the water right.

8 COMMISSIONER BAKKER: Right.

9 COMMISSIONER MILLS: So we're -- we're gambling.

10 JAY FISCHER: We are. Counties are priority users. So
11 we're --

12 The Lower Reese River Basin is very nearly allocated. The
13 priority will go to counties and then to agriculture and then to
14 mining, in -- in that order of priority.

15 So if there's water available, they're going to give it to
16 the counties.

17 And this water right and application is for Battle Mountain's
18 future growth. This is why we're asking for this.

19 COMMISSIONER MILLS: Well, how does the water that
20 Mr. Mueller's using fit into this then?

21 JAY FISCHER: Well, Mr. Mueller's water is not drinking
22 water quality. And so in order to utilize that water or the
23 existing wells in town for the drinking water that -- that we
24 know is in this area, we would go back and we'd -- we'd go back
25 to the treatment study of --

26 COMMISSIONER MILLS: Okay.

27 JAY FISCHER: Fifteen, twenty million dollars.

28 COMMISSIONER MILLS: So that goes back to the difference
29 between groundwater and surface water then.

30 JAY FISCHER: Correct.

31 COMMISSIONER MILLS: Okay.

32 COMMISSIONER BAKKER: But --

33 JAY FISCHER: And quality.

34 COMMISSIONER CLARK: But what bearing does this study have
35 on Well 9?

36 JAY FISCHER: Everything.

37 COMMISSIONER BAKKER: Everything.

38 JAY FISCHER: It has everything to do with Well 9 and the
39 water right application that was submitted for that well.

40 COMMISSIONER BAKKER: Sorry. I didn't mean to cut you off.

1 COMMISSIONER MILLS: No, that's fine.

2 DISTRICT ATTORNEY HERRERA: Commissioners, this is my
3 understanding that -- that Mr. Fischer entered into an agreement
4 with the county for \$8,000 to -- for the inventory of surface
5 and groundwater, Basin 59.

6 Now, I'm really unsure of whether he's presenting another
7 proposal or he's saying that he underbid that proposal. These
8 are the questions that need to be asked. Because we already
9 have an existing contract for this work for a certain amount of
10 money.

11 Now, I haven't heard anything yet, unless Mr. Fischer --
12 Fischer could explain it to us. You -- are you saying you can't
13 do what this contract says for \$8,000?

14 JAY FISCHER: That is correct.

15 DISTRICT ATTORNEY HERRERA: So you underbid the contract?

16 JAY FISCHER: I underbid the contract.

17 DISTRICT ATTORNEY HERRERA: Legally, the county does not
18 have to modify this contract because he's entered into an
19 agreement to perform services for \$8,000.

20 You just need to know the difference. And I'm not trying
21 to suggest one way or the other. There's already an existing
22 contract.

23 Do you want to modify this because the contractor has
24 underbid it?

25 Now based on his -- his values, the contract goes from \$8,000
26 to \$27,000, which is a significantly higher contract.

27 So you have many options that -- I'm just pointing those
28 out. You can say, one, we made a contract. You entered into it
29 in good faith as we did; fulfill it.

30 Number two, oh -- or you can be very sympathetic and
31 understanding, we're going to modify the contract and -- and to
32 your advantage and to our disadvantage and to modify it.

33 Number three, you can say, well, if you can put it out to
34 bid again and invalidate the contract.

35 But we have an existing contract, just so you know.

36 JAY FISCHER: Well, let me add to that, that I looked at,
37 frankly, that -- that option of if somebody else came in to do
38 this work and contacted a company that's done a number of these
39 inventories. There's not been a lot of them done. But got a --
40 got an estimate to -- to do that work. You could solicit your

1 own. But their estimate was for -- again, this is a change --
2 change of scope or what was -- what I would request --

3 DISTRICT ATTORNEY HERRERA: That's what I asked. So you're
4 asking -- you're doing more things than you originally
5 contracted for.

6 JAY FISCHER: That's correct. That's correct.

7 DISTRICT ATTORNEY HERRERA: And --

8 JAY FISCHER: It's a change in scope that's occurred that
9 is -- that requires --

10 DISTRICT ATTORNEY HERRERA: You believe it's necessary
11 for -- for the change of scope?

12 JAY FISCHER: Yes.

13 DISTRICT ATTORNEY HERRERA: To enlarge the scope of the
14 contract?

15 JAY FISCHER: Yep. Yep.

16 The scope that was communicated to me recently by the state
17 engineer's office is -- is increased from what -- what the
18 original proposal was for.

19 DISTRICT ATTORNEY HERRERA: What -- what else do you have
20 to do aside from the inventory of surface and ground water of
21 Bas- -- Basin 59?

22 VICE CHAIRWOMAN WAITS: Do you have any of their
23 correspondence by any chance, Jay? Or has this been all --

24 JAY FISCHER: I have --

25 VICE CHAIRWOMAN WAITS: -- oral?

26 JAY FISCHER: -- meeting notes that I've written up from
27 our -- from our discussions, certainly, Commissioner Waits.

28 VICE CHAIRWOMAN WAITS: They're just saying, this is all.

29 Because when they came out -- and I thought -- I remember
30 when they first came out and said you have to inventory. And we
31 asked for an exception. And they said, no, we can't do that with
32 counties. You're basin to basin. That's the way it is.

33 JAY FISCHER: Yeah.

34 VICE CHAIRWOMAN WAITS: The commissioners did look at that.
35 We did look at, what are we going to do? Before you came on the
36 scene. And the engineer's office said, we can do that.

37 But their cost was -- what? -- I don't know.

38 JAY FISCHER: Quite a bit higher.

39 VICE CHAIRWOMAN WAITS: 20,000 or something at the time.

40 JAY FISCHER: But more importantly, their -- their time

1 frame. You -- you're -- you're at their mercy. So --
2 VICE CHAIRWOMAN WAITS: Well, we kind of are anyway
3 regardless of what we do --
4 JAY FISCHER: Yeah, we are.
5 VICE CHAIRWOMAN WAITS: -- ourselves or --
6 JAY FISCHER: We are.
7 VICE CHAIRWOMAN WAITS: -- what they do. But I guess -- I
8 guess I'm confused because now you're saying Jason King is just
9 adding things to it or --
10 JAY FISCHER: Yes. Essentially. I mean, his office --
11 VICE CHAIRWOMAN WAITS: But, I mean, they haven't notified
12 the counties?
13 I mean, you're our representative. So are they notifying
14 you? Or you're just going to meetings and they're telling you all
15 this?
16 JAY FISCHER: No. No, I went to the meetings. And they --
17 they -- there's not specific guidelines on these basins and the
18 inventory.
19 The surface water sites that need to be inventoried. That
20 is a negotiation. You put together a GIS map here of the
21 springs. And it -- at the original time of the proposal it
22 was -- it was communicated to me by the -- by deputy state
23 engineer that I would be required to monitor, measure the flows
24 from springs immediately adjacent to and contributing to the --
25 the -- the streams.
26 So it was 40 or 50 spring sites. Now it's 180 spring --
27 surface sites. So --
28 And these aren't specifically spelled out in the statutes.
29 This is a relatively new process that was prompted by Senator
30 Goicoechea in 2010. We -- it's -- it's new. Not a lot of them
31 have been done.
32 So there's -- they're developing the -- the procedure and
33 protocol as they go here and the requirements, frankly.
34 VICE CHAIRWOMAN WAITS: So you've done the \$8,000 worth of
35 work, what you're contracted to do?
36 JAY FISCHER: Correct.
37 VICE CHAIRWOMAN WAITS: So --
38 DISTRICT ATTORNEY HERRERA: Commissioner Waits, not --
39 VICE CHAIRWOMAN WAITS: No?
40 DISTRICT ATTORNEY HERRERA: -- no. He has not done the

1 \$8,000 worth of work he's contracted to do.
2 JAY FISCHER: Well, I've done \$8,000 worth of work.
3 VICE CHAIRWOMAN WAITS: But not --
4 DISTRICT ATTORNEY HERRERA: Yes.
5 VICE CHAIRWOMAN WAITS: But not --
6 DISTRICT ATTORNEY HERRERA: He has --
7 VICE CHAIRWOMAN WAITS: -- the full total --
8 DISTRICT ATTORNEY HERRERA: -- contracted with the --
9 VICE CHAIRWOMAN WAITS: -- amount of the work.
10 DISTRICT ATTORNEY HERRERA: -- county --
11 VICE CHAIRWOMAN WAITS: Okay.
12 DISTRICT ATTORNEY HERRERA: -- to finish the project for
13 \$8,000 here.
14 VICE CHAIRWOMAN WAITS: I see.
15 DISTRICT ATTORNEY HERRERA: No matter how much work he's
16 done.
17 And there's --
18 VICE CHAIRWOMAN WAITS: Okay.
19 DISTRICT ATTORNEY HERRERA: You need to consider.
20 VICE CHAIRWOMAN WAITS: I got it.
21 DISTRICT ATTORNEY HERRERA: There's a difference.
22 VICE CHAIRWOMAN WAITS: I see. Yes, --
23 COMMISSIONER MILLS: How much --
24 VICE CHAIRWOMAN WAITS: -- there is.
25 COMMISSIONER MILLS: -- of the project is complete?
26 JAY FISCHER: The water rights inventory is complete. And
27 the -- and that is in the new budget of \$5,000 item. And a
28 couple of thousand dollars of the surface water inventory has
29 been -- been completed. The GIS mapping and identification of
30 the all the sites in the -- in the basin is -- has been
31 completed.
32 COMMISSIONER MILLS: And what's -- and what's left to do?
33 JAY FISCHER: What remains is to personally visit and
34 measure the flow at every one of these sites, complete the
35 report and submit to the water -- to the Division of Water
36 Resources, and then their time for review and comment of that
37 report.
38 VICE CHAIRWOMAN WAITS: What kind of a time frame are you
39 looking at if we do approve this? Or even if we don't approve
40 it? What kind of time frame before you can finish it?

1 JAY FISCHER: The middle of September. I looked at this.
2 And that was -- that would be my -- my target or -- or goal to
3 complete the -- complete the inventory, complete the entire
4 report. I can't say about the question, the comment period.
5 Although, I -- I think it ought to be pretty straightforward
6 from the state engineer's office to have this process completed
7 by the middle of September of this year.

8 COMMISSIONER MILLS: Okay. Another question is: If -- if
9 this process and the direction you're receiving from the state
10 is -- seems to be in flux and in motion, are the parameters for
11 what they're going to accept for this study going to change
12 again between now and September when it's completed? Even if
13 after it's completed, will it change and will we have to do
14 another study?

15 JAY FISCHER: I think that's a good question.

16 I -- there's not much more they can ask for, frankly. The
17 largest scope change here is the number of sites that have to be
18 visit- -- visited, from the 40 sites that we originally proposed
19 to the 180 now.

20 There's no more surface water to -- to visit. So unless
21 the report format changes, there's -- there's really not much
22 more that -- that --

23 COMMISSIONER MILLS: That they --

24 JAY FISCHER: -- they could --

25 COMMISSIONER MILLS: -- could ask --

26 JAY FISCHER: -- ask for.

27 COMMISSIONER MILLS: -- for?

28 And with -- I'm just curious about, being that we're in a
29 drought and you have to visit these 180 springs and surface water
30 sites, I would guess that the vast majority of them are dry at
31 this point.

32 JAY FISCHER: They are. It's -- they --

33 COMMISSIONER MILLS: So your study means, you go look at it
34 and go, the flow rate is zero.

35 JAY FISCHER: Well, and that's why they're looking at this.
36 That's why they're --

37 COMMISSIONER MILLS: Does -- does --

38 JAY FISCHER: -- taking an interest.

39 COMMISSIONER MILLS: Does the time of year that you do this
40 matter in the study?

1 JAY FISCHER: Right. It -- it certainly does. And the
2 state engineer's office recognizes this is just a snapshot in
3 time. We're not directing anybody to do this during spring
4 runoff or the -- in August at the hottest time of year. It's a
5 snapshot.

6 But it's information that everybody in the basin -- all water
7 users are much more interested in now.

8 So...

9 If you wanted to really make this useful, you'd make this
10 ongoing and check these every year --

11 COMMISSIONER MILLS: Right.

12 JAY FISCHER: -- and get a history, and you could see how
13 the water is increasing, decreasing and changing in time. This
14 is one time.

15 But each site has to be physically visited. If there's
16 flow, measure it, document it, the GPS location. If there's no
17 flow, you document that. And you're gone.

18 So it's physically getting to all these sites that is a major
19 scope change here.

20 COMMISSIONER MILLS: Right. Because give me an idea,
21 because the original cost was 8,000, now it's 27,000?

22 JAY FISCHER: Correct.

23 COMMISSIONER MILLS: What is the -- what is the breakdown
24 for the cost for that extra, that difference in money?

25 JAY FISCHER: The majority of it is the increased number of
26 spring sites. That's \$9,000.

27 COMMISSIONER MILLS: And is that for, like, fuel, expense
28 to get there, and things like that?

29 JAY FISCHER: Time.

30 COMMISSIONER MILLS: What's that?

31 JAY FISCHER: Purely time.

32 COMMISSIONER MILLS: Time? Okay.

33 JAY FISCHER: Increased time. Takes -- it takes a lot more
34 time to get to all those sites.

35 There was an increase of \$2,000 on the groundwater inventory
36 water rights review and abstracting because that took more time.
37 That was the \$3,000 increase.

38 There is the report compilation, again, because they're
39 paying much closer attention to this -- \$2,000 increase there.

40 And then the state engineer's time for review, which was

1 \$5,000. So I'm asking for \$19,000 more than what was -- than
2 what has already been approved.
3 COMMISSIONER MILLS: And most of that is for time?
4 JAY FISCHER: Correct.
5 VICE CHAIRWOMAN WAITS: I don't understand the 5,000 for
6 the state review. That's what we have to pay them?
7 JAY FISCHER: We have to pay for their time.
8 VICE CHAIRWOMAN WAITS: And you -- you pay for that --
9 JAY FISCHER: Yeah.
10 VICE CHAIRWOMAN WAITS: -- out of your contract?
11 JAY FISCHER: Yeah.
12 VICE CHAIRWOMAN WAITS: Why are you paying for it out of
13 your contract?
14 JAY FISCHER: That's part of the --
15 VICE CHAIRWOMAN WAITS: That's part of what you proposed?
16 JAY FISCHER: It -- well, I didn't -- originally, I didn't
17 -- I knew that I had to pay their time, but did not anticipate
18 much of a review.
19 So --
20 DISTRICT ATTORNEY HERRERA: Didn't know it was going to
21 cost so much.
22 JAY FISCHER: Yeah. I didn't know it was going to cost so
23 much.
24 VICE CHAIRWOMAN WAITS: Okay. So --
25 COMMISSIONER MILLS: Five thousand --
26 JAY FISCHER: I didn't think expect --
27 COMMISSIONER MILLS: -- bucks out of the original 8,000's a
28 big chunk.
29 VICE CHAIRWOMAN WAITS: So, okay. Let's see if I --
30 COMMISSIONER MILLS: Right?
31 VICE CHAIRWOMAN WAITS: -- have this straight.
32 JAY FISCHER: You lost me.
33 COMMISSIONER MILLS: Okay. All right.
34 VICE CHAIRWOMAN WAITS: Okay. So you gave us --
35 COMMISSIONER CLARK: Five-eighths.
36 VICE CHAIRWOMAN WAITS: -- the contract that included
37 everything. So perhaps the contract was written a little wrong.
38 Legally, it appears like we could hold you to that and say,
39 tough luck, you didn't --
40 COMMISSIONER MILLS: Yeah.

1 VICE CHAIRWOMAN WAITS: -- do this. Here it is.
2 COMMISSIONER MILLS: Well, --
3 VICE CHAIRWOMAN WAITS: Okay. So the other side is, we
4 understand what came up that was unforeseen. And what we're
5 dealing with, and how the county wants to rectify that. So
6 gentlemen, --
7 DISTRICT ATTORNEY HERRERA: Succinctly stated,
8 Commissioner --
9 VICE CHAIRWOMAN WAITS: -- is that --
10 DISTRICT ATTORNEY HERRERA: -- Waits.
11 COMMISSIONER MILLS: Yes.
12 VICE CHAIRWOMAN WAITS: -- okay? So -- what are you going
13 to do?
14 COMMISSIONER CLARK: Show me the money.
15 VICE CHAIRWOMAN WAITS: So -- can we negotiate?
16 COMMISSIONER MILLS: What are you thinking on that one?
17 VICE CHAIRWOMAN WAITS: I -- I mean, I don't want to see
18 you totally out, because we are the county, and --
19 COMMISSIONER MILLS: Yeah.
20 VICE CHAIRWOMAN WAITS: -- I don't want to see us taking
21 advantage of somebody that --
22 COMMISSIONER MILLS: Yeah.
23 VICE CHAIRWOMAN WAITS: -- that truly --
24 COMMISSIONER MILLS: I don't want to stiff him on it.
25 VICE CHAIRWOMAN WAITS: -- the state engineer dumped on us.
26 COMMISSIONER BAKKER: No, I don't either.
27 COMMISSIONER MILLS: That's harsh.
28 JAY FISCHER: Well, the --
29 COMMISSIONER CLARK: Let's just give him the money.
30 JAY FISCHER: -- original contract on this one would be as
31 well a not-to-exceed number.
32 So I mean that's -- I don't know if that's any -- any
33 consolation here.
34 But if the state engineer's office, their review is shorter
35 and that time is less, I'm not charging the full amount for that.
36 COMMISSIONER BAKKER: And we'll get the bills and all that.
37 JAY FISCHER: Yes.
38 COMMISSIONER BAKKER: By the time you're done, apparently
39 we're going to have a big packet.
40 JAY FISCHER: Right.

1 COMMISSIONER MILLS: Yeah.
2 COMMISSIONER BAKKER: For the study.
3 COMMISSIONER MILLS: What's -- what's the --
4 JAY FISCHER: Yes.
5 COMMISSIONER MILLS: -- hourly rate we're getting charged
6 on this?
7 JAY FISCHER: \$125 an hour was --
8 COMMISSIONER MILLS: Okay.
9 JAY FISCHER: -- what was predicated for all these
10 different tasks, Commissioner Mills. So everything in here is
11 time.
12 COMMISSIONER MILLS: Right.
13 VICE CHAIRWOMAN WAITS: Okay.
14 JAY FISCHER: That includes vehicles, everything.
15 COMMISSIONER MILLS: Right.
16 JAY FISCHER: It's just hours.
17 COMMISSIONER MILLS: Your expenses you're taking out.
18 VICE CHAIRWOMAN WAITS: So what we're saying is rather than
19 paying you top dollar, but not holding you to your contract,
20 what's the fair amount that we can negotiate that's not 27,000?
21 What can you live with? Reducing your hourly rate a little
22 bit? I don't know.
23 JAY FISCHER: Um.
24 COMMISSIONER MILLS: Because we're, like I say, we're
25 willing to give you the break. We understand the change in
26 scope. And we understand all that stuff.
27 JAY FISCHER: Uh-huh.
28 COMMISSIONER MILLS: But I think Patsy's got a good thing
29 here. We've got some negotiating room, I would think.
30 DISTRICT ATTORNEY HERRERA: Yeah. That's the time to
31 explore that. Because this is --
32 COMMISSIONER MILLS: Right.
33 JAY FISCHER: Yeah.
34 KEITH WESTENGARD: Maybe a suggestion I could make on the
35 5,000. Rather than you pay that, you, say, direct bill us. And
36 then you don't have to worry about that portion of the contract.
37 JAY FISCHER: As part of this, I was awarded by the state
38 or authorized by the state to conduct this. So -- so I'm -- I'm
39 responsible for their -- their charges. Maybe we could ask.
40 KEITH WESTENGARD: I'm just -- it's just a suggestion --

1 JAY FISCHER: Yeah.
2 COMMISSIONER BAKKER: Right.
3 KEITH WESTENGARD: -- to try to take a --
4 COMMISSIONER MILLS: Yeah.
5 KEITH WESTENGARD: -- little bit away from your end. If it
6 happens to be more than 5,000, then we pay more than 5,000, but
7 it's --
8 JAY FISCHER: Well, I would only charge you for, you know,
9 their time. And those bills would be included. Certainly for
10 that.
11 You know, I'm just passing their costs on.
12 COMMISSIONER MILLS: Right.
13 JAY FISCHER: I'm not.
14 COMMISSIONER MILLS: That's just a pass-through.
15 JAY FISCHER: I just need to cover my costs for review
16 there.
17 So --
18 COMMISSIONER CLARK: You mean to tell me we can't find a
19 grant?
20 DISTRICT ATTORNEY HERRERA: If you had a redevelopment
21 district perhaps.
22 COMMISSIONER CLARK: There we go.
23 COMMISSIONER BAKKER: Touché.
24 COMMISSIONER MILLS: There you go. That was perfect.
25 VICE CHAIRWOMAN WAITS: Throw out a number, Jay.
26 JAY FISCHER: Looking at -- 15 percent of the contract?
27 Would that be reasonable? I'd have to do the math.
28 COMMISSIONER MILLS: Take off 15 percent.
29 VICE CHAIRWOMAN WAITS: Okay. Well, what if we throw out a
30 figure like 20,000?
31 JAY FISCHER: I can't -- yeah.
32 COMMISSIONER BAKKER: What does that come out to? That's
33 23--
34 JAY FISCHER: I can't do it --
35 VICE CHAIRWOMAN WAITS: So --
36 JAY FISCHER: -- for that much.
37 COMMISSIONER BAKKER: Twenty-two fifty.
38 VICE CHAIRWOMAN WAITS: But if you can't do it and you
39 don't do it, then we're talking other problems. So we don't
40 want to go there.

1 JAY FISCHER: Right.
2 COMMISSIONER MILLS: Yeah.
3 How about twenty -- what did you say? It was 23-?
4 COMMISSIONER BAKKER: 22,950. You said 23-.
5 COMMISSIONER MILLS: At 23,000?
6 COMMISSIONER BAKKER: Minus the --
7 COMMISSIONER MILLS: That would save 15 percent --
8 COMMISSIONER BAKKER: That's 15,000.
9 COMMISSIONER MILLS: -- reduction.
10 JAY FISCHER: I think that's --
11 COMMISSIONER MILLS: Is that be -- would that be agreeable?
12 JAY FISCHER: That's reasonable. Yeah. I would -- I could
13 agree to that.
14 COMMISSIONER MILLS: Okay.
15 JAY FISCHER: Certainly.
16 COMMISSIONER BAKKER: We need to amend it for 15,000.
17 JAY FISCHER: And then, you know, on the administrative for
18 the state engineer's review part of it that would be really a
19 pass-through cost.
20 VICE CHAIRWOMAN WAITS: If it's less than five, you'll pass
21 that on.
22 JAY FISCHER: Yeah.
23 DISTRICT ATTORNEY HERRERA: Then you're giving him the full
24 price he's asking for.
25 COMMISSIONER MILLS: He's asking for 27- and we're looking
26 at doing it for 23-.
27 DISTRICT ATTORNEY HERRERA: If it's a pass-on cost, --
28 COMMISSIONER MILLS: That's part of the 23,000.
29 DISTRICT ATTORNEY HERRERA: Okay. I don't think -- is that
30 your understanding, Mr. Fischer, that you would get 23- and pass
31 on the cost to the county for the --
32 JAY FISCHER: No. No. No.
33 VICE CHAIRWOMAN WAITS: No. No.
34 JAY FISCHER: It would be --
35 DISTRICT ATTORNEY HERRERA: Which is 23- for other things?
36 VICE CHAIRWOMAN WAITS: Twenty-three and if it --
37 JAY FISCHER: -- 23- for everything. Yeah.
38 VICE CHAIRWOMAN WAITS: If it costs 4,000, he gives a
39 thousand back.
40 JAY FISCHER: I would -- right.

1 VICE CHAIRWOMAN WAITS: That's a separate.
2 JAY FISCHER: Exactly.
3 DISTRICT ATTORNEY HERRERA: But -- but --
4 JAY FISCHER: Not to exceed.
5 DISTRICT ATTORNEY HERRERA: Okay, if can answer one
6 question, since I'm going to be putting the contract together.
7 JAY FISCHER: Yeah.
8 DISTRICT ATTORNEY HERRERA: It's your under- -- the scope
9 really hasn't changed under the terms of the first contract.
10 You just have more work. So we could have the same scope
11 as the original contract.
12 JAY FISCHER: Yes. That is correct.
13 DISTRICT ATTORNEY HERRERA: Correct?
14 JAY FISCHER: That is correct.
15 DISTRICT ATTORNEY HERRERA: So the only thing that changes
16 is the amount.
17 JAY FISCHER: Right.
18 DISTRICT ATTORNEY HERRERA: Twenty-three instead of eight.
19 JAY FISCHER: Yes.
20 DISTRICT ATTORNEY HERRERA: But it's the same scope?
21 JAY FISCHER: Yep. It is.
22 DISTRICT ATTORNEY HERRERA: As long as everyone understands
23 that.
24 VICE CHAIRWOMAN WAITS: Commissioner Mills, you were ready
25 to make a motion?
26 COMMISSIONER MILLS: Let's see, how do we --
27 COMMISSIONER BAKKER: If it exceeds 5,000, it should be --
28 well -- back to the commission.
29 COMMISSIONER MILLS: Okay. I'll make a --
30 VICE CHAIRWOMAN WAITS: No.
31 COMMISSIONER MILLS: -- motion that we amend the contract
32 with -- is it Jay Fischer or do you have a firm name?
33 JAY FISCHER: Reese River Hydrologic.
34 COMMISSIONER MILLS: Make a motion that we amend the
35 contract with Reese River Hydrologic to the amount -- to an
36 amount not to exceed \$23,000 for the Lower Reese River Basin
37 inventory project.
38 COMMISSIONER BAKKER: Second.
39 VICE CHAIRWOMAN WAITS: Moved by Commissioner Mills and
40 seconded by Commissioner Bakker. Is there any other discussion?

1 (No comment.)

2 VICE CHAIRWOMAN WAITS: Public comment?

3 (No comment.)

4 VICE CHAIRWOMAN WAITS: All in favor?

5 COMMISSIONER MILLS: Aye.

6 COMMISSIONER BAKKER: Aye.

7 COMMISSIONER CLARK: Aye.

8 COMMISSIONER WAITS: Aye.

9 JAY FISCHER: Thank you very much.

10 VICE CHAIRWOMAN WAITS: Thank you, Jay.

11 COMMISSIONER CLARK: You're welcome, Jay.

12

13 VICE CHAIRWOMAN WAITS: On Number 11, I'm going to just
14 hold up on that. We'll come back and see if we have time before
15 lunch. If not, we'll move that on.

16 So we're moving on to Number 12.

17

18 (Indiscernible side conversation.)

19

20 VICE CHAIRWOMAN WAITS: We're just going to defer it for a
21 little bit.

22 COMMISSIONER CLARK: Oh, okay.

23

24 **12) Discussion and possible action to renegotiate Southwest Gas**
25 **franchise fees, and other matters properly related thereto.**

26

27 VICE CHAIRWOMAN WAITS: Number 12. Discussion and possible
28 action to renegotiate Southwest Gas franchise fees, and other
29 matters properly relating thereto.

30 Again, I had no backup whatsoever in mine.

31 COMMISSIONER BAKKER: It's right here.

32 COMMISSIONER MILLS: Is that what we got this morning?

33 COMMISSIONER CLARK: You didn't get this?

34 COMMISSIONER BAKKER: We got it this morning.

35 COMMISSIONER MILLS: It should be in -- it should be in the
36 paperwork on your desk.

37 VICE CHAIRWOMAN WAITS: Well, see, it was so -- it was so
38 lengthy and it took me so long anyway to finish it, I didn't
39 know I was missing anything.

40 KEITH WESTENGARD: So we should be on Number 11, I believe?

1 VICE CHAIRWOMAN WAITS: No, I passed Number 11.
2 KEITH WESTENGARD: Oh, --
3 VICE CHAIRWOMAN WAITS: I'm --
4 KEITH WESTENGARD: -- okay. I didn't --
5 VICE CHAIRWOMAN WAITS: -- deferring --
6 KEITH WESTENGARD: -- hear that.
7 VICE CHAIRWOMAN WAITS: -- that.
8 KEITH WESTENGARD: Okay.
9 VICE CHAIRWOMAN WAITS: It'll either be before lunch or
10 right after lunch, --
11 UNIDENTIFIED PARTICIPANT: You're taking it out of order.
12 VICE CHAIRWOMAN WAITS: -- but I'm moving on to 12.
13 UNIDENTIFIED PARTICIPANT: I didn't -- I didn't hear that
14 part.
15 UNIDENTIFIED PARTICIPANT: So that's --
16 VICE CHAIRWOMAN WAITS: You were talking, --
17 UNIDENTIFIED PARTICIPANT: -- the --
18 VICE CHAIRWOMAN WAITS: -- gentlemen. I'm sorry.
19 DISTRICT ATTORNEY HERRERA: I can't hear a lot of things
20 you say -- (indiscernible).
21 KEITH WESTENGARD: So this is the second piece. And you're
22 the only one that's missing it? You're -- everybody else got
23 it?
24 COMMISSIONER MILLS: Well, we got these -- these were on
25 the table this morning.
26 COMMISSIONER BAKKER: Yeah.
27 COMMISSIONER MILLS: We got them --
28 COUNTY CLERK SULLIVAN: This morning.
29 COMMISSIONER MILLS: -- this morning.
30 KEITH WESTENGARD: Yeah. Some --
31 JAN MORRISON: Patsy, I put it on top of your packet. It
32 was a last minute one.
33 VICE CHAIRWOMAN WAITS: Oh, you did. So that was the last
34 minute one. Oh. I knew --
35 KEITH WESTENGARD: I was --
36 VICE CHAIRWOMAN WAITS: -- it wasn't in my --
37 KEITH WESTENGARD: -- wondering why --
38 VICE CHAIRWOMAN WAITS: packet.
39 KEITH WESTENGARD: -- yours was the only --
40 JAN MORRISON: It was inside.

1 KEITH WESTENGARD: -- one --
2 JAN MORRISON: It was --
3 KEITH WESTENGARD: -- missing.
4 JAN MORRISON: -- on the inside.
5 COMMISSIONER BAKKER: I was lucky. I got mine a few days
6 ago.
7 KEITH WESTENGARD: I did receive --
8 VICE CHAIRWOMAN WAITS: No?
9 KEITH WESTENGARD: -- I did receive this contract mailed
10 from Southwest Gas late last week. Then I got it to the
11 district attorney as soon as possible.
12 He has reviewed it and given it his blessing.
13 COMMISSIONER BAKKER: Okay. Anything changed?
14 COMMISSIONER MILLS: We're just continuing a contract that
15 we had before?
16 KEITH WESTENGARD: Yes.
17 DISTRICT ATTORNEY HERRERA: Yes.
18 COMMISSIONER BAKKER: Yes.
19 COMMISSIONER MILLS: Twenty-five years down the road.
20 KEITH WESTENGARD: It's -- it's a date change --
21 COMMISSIONER MILLS: Right.
22 KEITH WESTENGARD: -- basically.
23 COMMISSIONER BAKKER: Okay.
24 DISTRICT ATTORNEY HERRERA: Yes.
25 VICE CHAIRWOMAN WAITS: Do we need to sign again? Is there
26 a contract for the chair or vice chair --
27 KEITH WESTENGARD: Yes, --
28 VICE CHAIRWOMAN WAITS: -- to sign?
29 KEITH WESTENGARD: -- there is a signature page --
30 VICE CHAIRWOMAN WAITS: Okay.
31 KEITH WESTENGARD: So we need a motion to approve --
32 VICE CHAIRWOMAN WAITS: Okay.
33 KEITH WESTENGARD: -- the vice chair to sign, please.
34 COMMISSIONER MILLS: Okay. I'll make a motion to have the
35 vice chair sign Southwest Gas franchise fee contract.
36 KEITH WESTENGARD: And vice chair to sign.
37 COMMISSIONER MILLS: I did that.
38 KEITH WESTENGARD: Okay.
39 COMMISSIONER MILLS: I did that up front.
40 KEITH WESTENGARD: Sorry.

1 COMMISSIONER BAKKER: Second.

2 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
3 Commissioner Mills and seconded by Commissioner Bakker that we
4 approve the Southwest Gas franchise.

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 **BOARD APPOINTMENTS**
16

17 13) Discussion and possible action regarding appointment or
18 reappointment of five individuals to serve on the LEDA Board
19 of Directors from July 1, 2015, through June 30, 2017,
20 two-year terms, and to consider all of the following
21 applicants to include: a) Jon Sherve, currently sitting on
22 the board; b) Shar Peterson, currently sitting on the board;
23 c) Paula Tomera, currently sitting on the board; d) Gina
24 Little, currently sitting on the board; e) Cindy Walsh, new
25 applicant; and all other matters properly related thereto.
26

27 VICE CHAIRWOMAN WAITS: Moving on to Number 13, Board
28 Appointments.

29 Discussion and possible action regarding appointment or
30 reappointment of five individuals to serve on the LEDA Board of
31 Directors from July 1, 2015, through June 30, 2017; two-year
32 terms, and to consider all of the following applicants to
33 include: Jon Sherve, currently sitting on the board; Shar
34 Peterson, currently sitting on the board; Paula Tomera,
35 currently sitting on the board; Gina Little, currently sitting
36 on the board; and Cindy Walsh, new applicant.

37 And that's what we have are those five openings.

38 DISTRICT ATTORNEY HERRERA: Five positions, five
39 applicants.

40 COMMISSIONER BAKKER: And it went out for advertisement?

1 DISTRICT ATTORNEY HERRERA: It went out for advertisement.
2 And -- and all the letters you should have in your packet. This
3 is all the letters I saw. Five positions, five applicants.
4 VICE CHAIRWOMAN WAITS: And we have most of them and --
5 DISTRICT ATTORNEY HERRERA: And one of them's new. Only
6 one of them is new.
7 VICE CHAIRWOMAN WAITS: Cindy is new.
8 DISTRICT ATTORNEY HERRERA: Cindy Walsh is the new
9 applicant.
10 VICE CHAIRWOMAN WAITS: And we have most of them with us
11 today.
12 COMMISSIONER MILLS: Is that opening on the board -- does
13 somebody resign? or not review? or what's --
14 UNIDENTIFIED PARTICIPANT: Dee Helming.
15 COMMISSIONER MILLS: Oh.
16 Okay.
17 VICE CHAIRWOMAN WAITS: So do we have other applicants that
18 are serving?
19 COMMISSIONER BAKKER: You guys sure you want to be on these
20 boards?
21 UNIDENTIFIED PARTICIPANT: We're committed.
22 DISTRICT ATTORNEY HERRERA: Well, no, you know, you
23 wouldn't call them applicants. We only got five -- five
24 letters.
25 VICE CHAIRWOMAN WAITS: There's other board members on here
26 that are serving now that are not up?
27 UNIDENTIFIED PARTICIPANT: Yes.
28 UNIDENTIFIED PARTICIPANT: Dee Helming.
29 VICE CHAIRWOMAN WAITS: Their position's not --
30 COMMISSIONER MILLS: Right. Their terms are not --
31 VICE CHAIRWOMAN WAITS: Great. Okay.
32 COMMISSIONER MILLS: -- up.
33 VICE CHAIRWOMAN WAITS: So it is -- it is staggered terms?
34 Okay.
35 DISTRICT ATTORNEY HERRERA: Right, but they're not --
36 VICE CHAIRWOMAN WAITS: Okay.
37 DISTRICT ATTORNEY HERRERA: -- up.
38 VICE CHAIRWOMAN WAITS: Great. Thank you.
39 COMMISSIONER BAKKER: You want to --
40 COMMISSIONER MILLS: Okay. I make a motion that we appoint

1 or reappoint Jon Sherve, Shar Peterson, Paula Tomera, Gina
2 Little, and Cindy Walsh to the LEDA board.

3 COMMISSIONER BAKKER: Second.

4 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
5 Mills that we approve those five. And it was seconded by
6 Commissioner Bakker. And we'll call for the vote.

7 COMMISSIONER MILLS: Aye.

8 COMMISSIONER BAKKER: Aye.

9 COMMISSIONER CLARK: Aye.

10 COMMISSIONER WAITS: Aye. With our thank you's for
11 serving.

12 COMMISSIONER CLARK: Thank you.

13 COMMISSIONER BAKKER: Thank you.

- 14
15 14) Discussion and possible action regarding appointment or
16 reappointment to the Lander County Livestock Events Center
17 Advisory Board to serve from July 1, 2015, through June 30,
18 2016, one-year term. Currently there are five board members
19 who serve for one-year terms, and there are five letters of
20 interest, all from current board members to include: a) Mary
21 Bengoa, current board member; b) Yvette Hacker, current board
22 member; c) Shirley Shepard, current board member; d) Jodi
23 Moore, current board member; e) Rita Rogers, current board
24 member.

25
26 VICE CHAIRWOMAN WAITS: Number 14. Discussion and possible
27 action regarding appointment or reappointment to the Lander
28 County Livestock Events Center Advisory Board to serve from July
29 1st, 2015, through June 30th, 2016, one-year term. Currently
30 there are five board members who serve for one-year terms. And
31 there are five letters of interest, all from current board
32 members to include: Mary Bengoa, current board member; Yvette
33 Hacker, current board member; Shirley Shepard, current board
34 member; Jodi Moore, current board member; and Rita Rogers,
35 current board member.

36 COMMISSIONER MILLS: So --

37 VICE CHAIRWOMAN WAITS: And that's a total of all five?
38 There's only five on the board? Or again, we have some --

39 DISTRICT ATTORNEY HERRERA: That's all the letters that
40 were given to me.

1 VICE CHAIRWOMAN WAITS: But I mean, --
2 COMMISSIONER MILLS: So --
3 VICE CHAIRWOMAN WAITS: -- we don't have any that are
4 staggered --
5 DISTRICT ATTORNEY HERRERA: Sadie, is that right?
6 VICE CHAIRWOMAN WAITS: -- that are still on the --
7 COUNTY CLERK SULLIVAN: Right.
8 VICE CHAIRWOMAN WAITS: -- board?
9 KEITH WESTENGARD: There's just -- there's five on the
10 board.
11 COUNTY CLERK SULLIVAN: People aren't jumping to be on
12 these boards.
13 KEITH WESTENGARD: Yes.
14 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
15 COMMISSIONER MILLS: Oh.
16 DISTRICT ATTORNEY HERRERA: Or they're not reading the
17 newspaper.
18 COMMISSIONER BAKKER: Yeah.
19 KEITH WESTENGARD: We did have several -- I don't want to
20 call them complaints, but discussions from members of the public
21 that felt they weren't notified or there was -- there was no
22 proper notification. We did advertise this in the paper for two
23 consecutive weeks, I believe.
24 COUNTY CLERK SULLIVAN: I believe it might have been three.
25 KEITH WESTENGARD: Three.
26 COUNTY CLERK SULLIVAN: I'd have to double-check.
27 KEITH WESTENGARD: Three consecutive weeks.
28 VICE CHAIRWOMAN WAITS: But not everyone --
29 COMMISSIONER MILLS: What are the --
30 VICE CHAIRWOMAN WAITS: -- gets the --
31 COMMISSIONER MILLS: What are the --
32 VICE CHAIRWOMAN WAITS: -- paper.
33 COMMISSIONER MILLS: What are the notification --
34 KEITH WESTENGARD: Well, and that was the complaint.
35 COMMISSIONER MILLS: What are the notification
36 requirements?
37 KEITH WESTENGARD: Well, to put it -- to advertise it --
38 COMMISSIONER MILLS: In the newspaper.
39 KEITH WESTENGARD: In the newspaper for a minimum of two
40 weeks.

1 COMMISSIONER MILLS: And we --
2 KEITH WESTENGARD: And Sadie just said three.
3 COMMISSIONER MILLS: And we did that.
4 KEITH WESTENGARD: And we did that.
5 COMMISSIONER MILLS: All right.
6 DISTRICT ATTORNEY HERRERA: We fulfilled the requirements.
7 COMMISSIONER MILLS: We fulfilled the requirements.
8 DISTRICT ATTORNEY HERRERA: You may want to, for future,
9 ask the clerk to put the advertisements out in more places than
10 the newspaper. So we could -- we can hit those Lander County
11 citizens who don't have access to the newspaper.
12 And we could put -- and we could -- there's a lot of places
13 we can post it.
14 UNIDENTIFIED PARTICIPANT: Public boards.
15 DISTRICT ATTORNEY HERRERA: Public boards and stuff.
16 COMMISSIONER BAKKER: Sadie, you can post it at the coffee
17 shop from now on.
18 DISTRICT ATTORNEY HERRERA: Or the coffee shop. That's one
19 of them.
20 COMMISSIONER MILLS: Or the clerk's office.
21 DISTRICT ATTORNEY HERRERA: It wouldn't affect this
22 appointment at all. But it's certainly something. Considering
23 that the --
24 COMMISSIONER BAKKER: Let me run --
25 DISTRICT ATTORNEY HERRERA: -- notifications --
26 COMMISSIONER BAKKER: -- that by the boss, but I'm pretty
27 sure you can.
28 COMMISSIONER MILLS: Right, for future considerations.
29 DISTRICT ATTORNEY HERRERA: And people apparently are
30 wanting to join some of these boards. And they don't get
31 notification until afterwards.
32 So we need to take that into consideration and post it
33 every place -- conceivable place we can find.
34 COMMISSIONER CLARK: How about if we put it on the marquee?
35 KEITH WESTENGARD: I think we could do that too, sure. The
36 marquee. We could post it in some, like, the grocery stores.
37 Some of the --
38 COMMISSIONER BAKKER: Coffee shop.
39 DISTRICT ATTORNEY HERRERA: Yeah, the coffee shop.
40 VICE CHAIRWOMAN WAITS: Okay, gentlemen.

1 COMMISSIONER BAKKER: (Indiscernible) another question: Do
2 you guys need an alternate?
3 UNIDENTIFIED PARTICIPANT: No.
4 COMMISSIONER BAKKER: Okay.
5 COMMISSIONER MILLS: The only other -- the only other thing
6 I'm concerned on is we're doing these one-year appointments for
7 these boards. We need to make some sort of change to a two-year
8 appointment and altering them so we're not replacing whole
9 boards in one year.
10 DISTRICT ATTORNEY HERRERA: Well, --
11 UNIDENTIFIED PARTICIPANT: You need an ordinance.
12 COMMISSIONER MILLS: Or --
13 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
14 COMMISSIONER MILLS: -- or potentially replacing.
15 DISTRICT ATTORNEY HERRERA: One-year board -- you can't
16 stagger a one-year board.
17 COMMISSIONER MILLS: Yeah, you -- that's why we need to
18 change --
19 DISTRICT ATTORNEY HERRERA: When you have a new ordinance.
20 COUNTY CLERK SULLIVAN: So Sadie Sullivan, --
21 COMMISSIONER BAKKER: We got to change --
22 COUNTY CLERK SULLIVAN: -- for the record.
23 COMMISSIONER BAKKER: -- the ordinance before --
24 DISTRICT ATTORNEY HERRERA: The county commissioners --
25 COMMISSIONER BAKKER: -- we can do that.
26 DISTRICT ATTORNEY HERRERA: -- tried --
27 COMMISSIONER MILLS: That's right.
28 DISTRICT ATTORNEY HERRERA: -- to put it to two-year
29 boards.
30 COUNTY CLERK SULLIVAN: It is in two-year boards.
31 DISTRICT ATTORNEY HERRERA: No, it's not.
32 COMMISSIONER MILLS: That's right.
33 COUNTY CLERK SULLIVAN: Yes, it is.
34 COMMISSIONER MILLS: And we --
35 DISTRICT ATTORNEY HERRERA: It hasn't changed. They didn't
36 change the ordinance.
37 COMMISSIONER MILLS: Right.
38 DISTRICT ATTORNEY HERRERA: They just made a vote and said,
39 we're going to change it to two years. If they don't change the
40 ordinance, it's invalid.

1 COUNTY CLERK SULLIVAN: This is Sadie Sullivan, for the
2 record. Lander County clerk. It has been submitted to
3 municipal codes. They do it quarterly. They will be cutting a
4 paper copy for the two years. And we will not get it until
5 July 1.

6 So it was passed by the previous board. It is two years.
7 There's nothing in the ordinance that states alternating. It
8 doesn't state anything as far as certain seats or anything like
9 that. So that's something that's been brought to my attention.

10 The only thing that states seats are your elected boards.
11 For the advisory boards, it has been passed through the
12 ordinance. It's not changed in our paper ordinance. And
13 Municode has not put it onto their website. So that's where --

14 DISTRICT ATTORNEY HERRERA: Okay. So --

15 COUNTY CLERK SULLIVAN: So Ted knows --

16 COMMISSIONER MILLS: Okay.

17 COUNTY CLERK SULLIVAN: -- and you guys know.

18 DISTRICT ATTORNEY HERRERA: So if there's a --

19 COMMISSIONER MILLS: I got a -- I'm just saying --

20 DISTRICT ATTORNEY HERRERA: You need to --

21 COMMISSIONER MILLS: I'm just --

22 DISTRICT ATTORNEY HERRERA: -- understand.

23 COMMISSIONER MILLS: -- saying I want to see that fixed, is
24 all I'm saying.

25 DISTRICT ATTORNEY HERRERA: No, it can't be fixed until we
26 get the actual paperwork, the ordinance.

27 COMMISSIONER MILLS: Right.

28 DISTRICT ATTORNEY HERRERA: Because --

29 COMMISSIONER MILLS: Right.

30 DISTRICT ATTORNEY HERRERA: -- because with a change in the
31 ordinance, you've got to publish it. A lot of things that --
32 that go into place. Since that hasn't been done, --

33 COMMISSIONER MILLS: Right.

34 DISTRICT ATTORNEY HERRERA: -- these are one-year boards,
35 is the point I'm making.

36 COMMISSIONER MILLS: And all I'm saying is I just want to
37 see that process worked on and get --

38 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

39 COMMISSIONER MILLS: -- it fixed.

40 COUNTY CLERK SULLIVAN: It's been passed. So what happens

1 on the ordinance -- and don't fully quote me on it, because you
2 don't pass the ordinances in the county -- but what happens is
3 when you have an ordinance on this agenda, we have to publish it
4 in the newspaper prior -- two weeks prior to it going to be on
5 the agenda. Then whatever you approve at the agenda meeting, we
6 go ahead and publish that. And that has to be published two
7 weeks after the -- whatever you guys have decided.

8 Once that's been done, it comes back to the board. And if
9 there's no discrepancy from the public or whatever, then we
10 publish it for another two weeks with a little bit of different
11 language. And once there's been no complaints, then we send it
12 on to Municode to be able to update their website within our
13 books and what have you.

14 So everything's been done on the two-year. We're just
15 waiting for the paper copy back from Municode and for them to
16 post on the website.

17 So depending --

18 VICE CHAIRWOMAN WAITS: Okay.

19 COUNTY CLERK SULLIVAN: -- on how you feel --

20 VICE CHAIRWOMAN WAITS: But --

21 COUNTY CLERK SULLIVAN: -- everything's been passed.

22 Everything has been published.

23 DISTRICT ATTORNEY HERRERA: But there --

24 VICE CHAIRWOMAN WAITS: The question is the effective date.
25 And our counselor is telling us it's not effective till we get
26 the paperwork back.

27 COUNTY CLERK SULLIVAN: Right. And that's what I'm asking.

28 DISTRICT ATTORNEY HERRERA: Right.

29 COMMISSIONER MILLS: Right.

30 DISTRICT ATTORNEY HERRERA: That's all I'm saying.

31 COMMISSIONER MILLS: And that's fine.

32 DISTRICT ATTORNEY HERRERA: Right. So -- so we don't have
33 to repass it or change the ordinance, --

34 COUNTY CLERK SULLIVAN: Right.

35 DISTRICT ATTORNEY HERRERA: -- which has been done.

36 COUNTY CLERK SULLIVAN: Right.

37 DISTRICT ATTORNEY HERRERA: But we don't have them in our
38 book so a person can look up and say, what's the ordinance on
39 this?

40 COUNTY CLERK SULLIVAN: It only states one year.

1 COMMISSIONER MILLS: Right.
2 DISTRICT ATTORNEY HERRERA: And -- and we don't have any
3 computer system or --
4 VICE CHAIRWOMAN WAITS: And there's no retroactive --
5 DISTRICT ATTORNEY HERRERA: -- way to cross reference.
6 Right.
7 VICE CHAIRWOMAN WAITS: So it's effective when the
8 paperwork comes back.
9 DISTRICT ATTORNEY HERRERA: That -- that's -- that's the
10 best advice I can give. Otherwise, how can -- you can't -- you
11 can't adopt a criminal statute without putting it in the books
12 and expect to prosecute on it, for instance.
13 VICE CHAIRWOMAN WAITS: No. On the other hand, they pass
14 laws all the time and it's not effective and we can't look at
15 our book until it's gone through the -- all the writing and
16 everything. But it was effective on July 1st or we did it in
17 September.
18 DISTRICT ATTORNEY HERRERA: Well, usually, it's -- yeah,
19 well, usually it's prospectively --
20 VICE CHAIRWOMAN WAITS: That does happen; so I'm --
21 DISTRICT ATTORNEY HERRERA: It does happen.
22 VICE CHAIRWOMAN WAITS: But you're, you know, you're our
23 legal representative. And if you're saying it's not effective,
24 we'll go with that.
25 DISTRICT ATTORNEY HERRERA: Well, --
26 VICE CHAIRWOMAN WAITS: Okay. So it's a one-year.
27 COUNTY CLERK SULLIVAN: I have a question.
28 COMMISSIONER MILLS: Good enough.
29 DISTRICT ATTORNEY HERRERA: Yes --
30 COMMISSIONER CLARK: Make your motion.
31 DISTRICT ATTORNEY HERRERA: I have to say, yes and no.
32 COUNTY CLERK SULLIVAN: Sadie. I have --
33 COMMISSIONER CLARK: Good enough.
34 COUNTY CLERK SULLIVAN: -- a question. Sadie Sullivan, for
35 the record. So on our LEDA, we have on the agenda -- was typed
36 two-year term. And under livestock, it states as one year.
37 Where in our ordinance it both -- it states (indiscernible) one
38 years.
39 GINA LITTLE: Is LEDA one year?
40 COUNTY CLERK SULLIVAN: In our ordinance it is.

1 GINA LITTLE: But our bylaws I think it's --
2 (indiscernible).
3 COMMISSIONER CLARK: Name.
4 COUNTY CLERK SULLIVAN: Possibly.
5 DISTRICT ATTORNEY HERRERA: LEDA -- I felt safe and
6 comfortable and have legal backing that LEDA's a two-year board.
7 VICE CHAIRWOMAN WAITS: It's staggered. That's why.
8 DISTRICT ATTORNEY HERRERA: But LEDA, there's certain
9 schedule 3 boards that -- that are supposed to be one-year
10 terms.
11 Now, doesn't mean the county commissioners can't change them
12 to two years and apparently they have. But when you've got an
13 advisory-only board, you don't stagger them, usually. And you
14 don't put them for more than one year because they have no other
15 powers.
16 LEDA is different from -- from the one-year board.
17 VICE CHAIRWOMAN WAITS: Okay.
18 COMMISSIONER CLARK: So if you're not seated -- if you're
19 not seated lawfully, then your actions are not lawful.
20 DISTRICT ATTORNEY HERRERA: No. No. No. They're all
21 seated lawfully.
22 COMMISSIONER CLARK: Okay.
23 DISTRICT ATTORNEY HERRERA: It's -- the question is: What
24 is in compliance with our ordinance?
25 COMMISSIONER CLARK: Okay.
26 DISTRICT ATTORNEY HERRERA: The ordinance that exists
27 today, not the ordinance that was voted on a year ago --
28 COMMISSIONER CLARK: Okay.
29 DISTRICT ATTORNEY HERRERA: -- says one thing and the
30 prospective ordinances that have yet to come back from the
31 publisher --
32 COMMISSIONER CLARK: Okay.
33 DISTRICT ATTORNEY HERRERA: -- may say something else. But
34 by appointing one year to just purely Category 3 advisory
35 boards, it is not going to be harmful in any way.
36 VICE CHAIRWOMAN WAITS: Okay. So you want this one for a
37 year? That's the recommendation; right?
38 DISTRICT ATTORNEY HERRERA: Yes.
39 COMMISSIONER BAKKER: Uh-huh.
40 VICE CHAIRWOMAN WAITS: Okay.

1 COMMISSIONER MILLS: All right. I'll make a motion that we
2 appoint Mary Bengoa, Yvette Hacker, Shirley Shepard, Jodi Moore,
3 and Rita Rogers to the Livestock Event Center Advisory Board to
4 serve from July 1st, 2015, through July -- June 30th, 2016.
5 COMMISSIONER BAKKER: There's a typo.
6 COMMISSIONER MILLS: And it says -- even though it says
7 1,016.
8 COMMISSIONER BAKKER: Yeah. I'll second that.
9 VICE CHAIRWOMAN WAITS: Thank you. Motion made by
10 Commissioner Mills, seconded by Commissioner Bakker. Any other
11 discussion?
12 (No comment.)
13 VICE CHAIRWOMAN WAITS: Public comment?
14 COMMISSIONER BAKKER: Please no.
15 VICE CHAIRWOMAN WAITS: All those in favor.
16 COMMISSIONERS: Aye.
17 COMMISSIONER WAITS: Aye. And thank you, ladies.
18 SHIRLEY SHEPARD: We -- we were -- had a phone call that
19 said we needed to be here. So if you do have questions to ask
20 us.
21 COMMISSIONER CLARK: Name?
22 COMMISSIONER MILLS: Who called you?
23 SHIRLEY SHEPARD: Vicki.
24 COMMISSIONER MILLS: Oh, okay.
25 SHIRLEY SHEPARD: She said to make sure that we were at
26 this meeting because not only were they going to --
27 COMMISSIONER BAKKER: You guys really want to be on this
28 board?
29 SHIRLEY SHEPARD: I don't know. I'm just telling you I got
30 a telephone --
31 COMMISSIONER BAKKER: That was --
32 SHIRLEY SHEPARD: -- call --
33 COMMISSIONER BAKKER: -- your question. I don't -- I don't
34 have --
35 SHIRLEY SHEPARD: Normally, I wouldn't be here, but we were
36 told --
37 RITA ROGERS: We were --
38 SHIRLEY SHEPARD: -- to be here for questions.
39 RITA ROGERS: We've never had to be here. We were always
40 been let go --

1 VICE CHAIRWOMAN WAITS: Thank you. And --
2 RITA ROGERS: (Indiscernible.)
3 VICE CHAIRWOMAN WAITS: -- at the agenda setting, that did
4 come up, and you were asked to be here if you could so that the
5 commissioners could ask questions.
6 RITA ROGERS: If they needed to ask us questions.
7 VICE CHAIRWOMAN WAITS: Well, we appreciate --
8 COMMISSIONER MILLS: That would be more important to have
9 you here if we had more than five people submitting for five
10 positions.
11 RITA ROGERS: For the positions.
12 COMMISSIONER MILLS: Right. If we had six --
13 VICE CHAIRWOMAN WAITS: But we appreciate --
14 COMMISSIONER MILLS: -- or seven --
15 VICE CHAIRWOMAN WAITS: you coming in.
16 COMMISSIONER MILLS: -- people, then we would probably
17 certainly want to ask you questions about, you know. And we --
18 because we would have to make a decision --
19 RITA ROGERS: Of who's going to be on --
20 COMMISSIONER MILLS: -- which of those seven people are
21 going to fill those five seats.
22 SHIRLEY SHEPARD: And what do you do, like, we have, like,
23 people that would really like to be off the board.
24 VICE CHAIRWOMAN WAITS: Would you identify yourself --
25 SHIRLEY SHEPARD: What would --
26 VICE CHAIRWOMAN WAITS: -- for the record.
27 RITA ROGERS: What would you do --
28 COMMISSIONER CLARK: Name. Name.
29 RITA ROGERS: -- if we didn't --
30 SHIRLEY SHEPARD: Shirley Shepard. What would -- I mean,
31 if --
32 COUNTY CLERK SULLIVAN: Sadie Sullivan.
33 RITA ROGERS: -- if we have the five and, like, three of
34 them didn't put in letters and you only had two? Then what
35 would you do to fill those positions?
36 COMMISSIONER BAKKER: I think we would find --
37 COUNTY CLERK SULLIVAN: We would have to go back -- Sadie
38 Sullivan for the record. Per the statute, we would have to go
39 back out, do advertising again. Any time we have people put in
40 letters of resignations we have to go ahead and advertise that

1 --
2 RITA ROGERS: Re-advertise.
3 COUNTY CLERK SULLIVAN: -- per the NRS.
4 COMMISSIONER BAKKER: Do -- anybody want off?
5 COUNTY CLERK SULLIVAN: I --
6 RITA ROGERS: Until the paper, --
7 COUNTY CLERK SULLIVAN: -- will let you guys know --
8 RITA ROGERS: -- no, -- (indiscernible).
9 SHIRLEY SHEPARD: All of us would love to be off, but we're
10 staying on.
11 COMMISSIONER BAKKER: Do you want us to take that back?
12 SHIRLEY SHEPARD: Huh?
13 COMMISSIONER BAKKER: Do you want us to take the motion
14 back?
15 SHIRLEY SHEPARD: It's too much work. We're old.
16 COUNTY CLERK SULLIVAN: Some of the boards, just to let you
17 know -- for the record, Sadie Sullivan -- we have gone out. We
18 have been advertising, whether or not I should have done this,
19 I've even asked people in the streets, hey, wouldn't you like to
20 put in for this board? So there are some people who are wanting
21 to get into the boards. Then there's a lot of people who say,
22 heavens, no, I don't have enough time, or whatever have you.
23 Just so you guys do know, there's not normally complaints or
24 people knocking down the doors to get on the boards. It's been
25 very hard to keep them filled and a lot of times people that
26 have been on there forever, it's because they --
27 RITA ROGERS: Nobody will take --
28 COUNTY CLERK SULLIVAN: -- don't want to lose it.
29 RITA ROGERS: -- our positions.
30 COUNTY CLERK SULLIVAN: But they -- yeah, nobody wants to
31 fill those positions.
32 UNIDENTIFIED PARTICIPANT: I certainly --
33 COMMISSIONER BAKKER: Casey.
34 CASEY GUNTHER: I'd be more than happy to put my name in
35 the ring.
36 KEITH WESTENGARD: Commissioner Waits.
37 DISTRICT ATTORNEY HERRERA: Okay.
38 KEITH WESTENGARD: If -- if they're -- if they don't want
39 to be on, may I suggest if -- if legal had been in here, we go
40 back out to advertise. Because actually the questions that --

1 or the people that were interested were interested in the
2 livestock board that didn't know about the openings. They --
3 and they found out about it too late.
4 VICE CHAIRWOMAN WAITS: Sadie, did I vote?
5 COMMISSIONER MILLS: We don't want you --
6 VICE CHAIRWOMAN WAITS: We voted; didn't we?
7 COMMISSIONER MILLS: -- serving on the board based on some
8 -- you have an obligation to do it. If you don't want to do
9 it --
10 SHIRLEY SHEPARD: Well, and --
11 COMMISSIONER MILLS: -- there's nothing making you do it.
12 SHIRLEY SHEPARD: It is an obligation. And we take it
13 seriously.
14 COMMISSIONER MILLS: Right.
15 SHIRLEY SHEPARD: And I mean, if somebody -- we thought
16 maybe Rick would be here today because he's, you know, doing --
17 VICE CHAIRWOMAN WAITS: Did we just vote? Did we vote?
18 SHIRLEY SHEPARD: -- Rick Gable, the one at the Grange.
19 COMMISSIONER BAKKER: No. No.
20 COMMISSIONER MILLS: Oh, yeah.
21 SHIRLEY SHEPARD: I'm just shocked he didn't put in.
22 Because we were --
23 VICE CHAIRWOMAN WAITS: Because this is (indiscernible).
24 COMMISSIONER MILLS: But you know, --
25 COMMISSIONER BAKKER: A new motion and it's been --
26 COMMISSIONER MILLS: Being on the board is not a sentence.
27 It's -- it's a volunteer.
28 RITA ROGERS: It is. And we have, for a number of years.
29 And we do it because we want to keep the rodeo grounds going and
30 keep it improving.
31 COMMISSIONER MILLS: Okay.
32 RITA ROGERS: And everything else.
33 VICE CHAIRWOMAN WAITS: Okay, ladies --
34 RITA ROGERS: We've never had anybody that's ever wanted to
35 do all that work --
36 COMMISSIONER CLARK: We need -- we need to --
37 RITA ROGERS: -- at the rodeo grounds.
38 VICE CHAIRWOMAN WAITS: We have a motion on the floor for
39 all five of you.
40 COMMISSIONER BAKKER: Do we need to send it back out for

1 advertisement?
2 COUNTY CLERK SULLIVAN: Just a moment.
3 SHIRLEY SHEPARD: We'll stay.
4 VICE CHAIRWOMAN WAITS: Just a minute.
5 COUNTY CLERK SULLIVAN: One person at a time for the
6 recording.
7 VICE CHAIRWOMAN WAITS: Okay. We have a motion on the
8 floor for all five of you. Are you telling us that you really
9 don't want to do this and you don't want us to pass this motion?
10 SHIRLEY SHEPARD: No. I -- we're fine with it. But what
11 I'm trying to say is that we would encourage, I mean, if any of
12 you hears of anyone, like you obviously have over the years,
13 that they couldn't get on this we -- there's two of us sitting
14 right here and three others that are only on there because we
15 have a five-member board and we want to do what's right down
16 there. But we -- any of us would step down tomorrow if we could
17 find a --
18 RITA ROGERS: If -- if --
19 SHIRLEY SHEPARD: -- replacement.
20 (Simultaneous indiscernible cross talk.)
21 COMMISSIONER BAKKER: So let's send it out for
22 advertisement and see what happens.
23 KEITH WESTENGARD: We've got one right here in the room.
24 COMMISSIONER BAKKER: Yeah. Okay.
25 DISTRICT ATTORNEY HERRERA: If you don't appoint, then you
26 can't appoint --
27 COMMISSIONER CLARK: Right.
28 DISTRICT ATTORNEY HERRERA: -- anybody.
29 RITA ROGERS: It's got to go back out to the paper.
30 COMMISSIONER MILLS: And I --
31 VICE CHAIRWOMAN WAITS: Okay.
32 COMMISSIONER MILLS: -- rescind my motion.
33 COMMISSIONER BAKKER: I rescind my second.
34 VICE CHAIRWOMAN WAITS: Okay.
35 COMMISSIONER MILLS: And we'll put it out to bid again and
36 we'll see if we get someone. And --
37 COMMISSIONER BAKKER: And if not, you guys are stuck on
38 there.
39 RITA ROGERS: That's fine. We will do that.
40 COMMISSIONER MILLS: We'll advertise it again.

1 SHIRLEY SHEPARD: We will do that. But we want people to
2 know that. If we're on, then we are.
3 Basically, the only reason that a lot of us are on the board
4 is because nobody else ever puts in.
5 RITA ROGERS: And if there's others out there that would
6 like to be on the board, we would step down just to let them
7 start carrying this forward.
8 COMMISSIONER BAKKER: Okay, let's try it and see what
9 happens.
10 COUNTY CLERK SULLIVAN: Jeanne, do you have anything to
11 say?
12 JEANNE FALZONE: Jeanne Falzone with the district
13 attorney's office. A question. You put it out. You
14 advertised. Five people sent letters of interest.
15 RITA ROGERS: Right. Uh-huh.
16 JEANNE FALZONE: They're all on the board.
17 So to me, that obligation's been fulfilled. Correct?
18 SHIRLEY SHEPARD: Yes. Yes.
19 JEANNE FALZONE: Okay. Now whether they choose, they
20 really want to be on the board or not or if there's someone of
21 interest, it's a moot point at this.
22 DISTRICT ATTORNEY HERRERA: It's not a moot point if they
23 haven't been appointed. What the commission can do is -- is
24 table this, republish and see if there's any other letters of
25 interest, then the ladies can decide whether they -- whether
26 they want to withdraw the letter or -- or keep it there. It's
27 certainly possible. It's a feasible. And it's doable. And
28 it's --
29 COMMISSIONER CLARK: Right.
30 COMMISSIONER BAKKER: It's up to you guys if you want to
31 stay on there or get off when people come in.
32 COMMISSIONER MILLS: We don't want to force you.
33 SHIRLEY SHEPARD: No, we don't feel forced.
34 COMMISSIONER MILLS: Okay.
35 SHIRLEY SHEPARD: We wouldn't write our letters if we
36 didn't -- if we felt like we were forced.
37 COMMISSIONER MILLS: Right.
38 VICE CHAIRWOMAN WAITS: Okay. We're not going to ask you
39 to write your letters again. We're going to keep those and
40 bring them in. And then at the next meeting when we do have it

1 on, --
2 SHIRLEY SHEPARD: Right.
3 VICE CHAIRWOMAN WAITS: -- please do come so we can get
4 your input.
5 COMMISSIONER BAKKER: And you can say if you want to be on
6 or what. And we'll go from there.
7 SHIRLEY SHEPARD: Okay. That sounds good.
8 DISTRICT ATTORNEY HERRERA: Would you ladies agree if we
9 can't get back -- we obviously can't agendaize this prior to
10 July 1st.
11 Would you agree to remain on the board?
12 SHIRLEY SHEPARD: Oh yes.
13 DISTRICT ATTORNEY HERRERA: Until our next meeting?
14 SHIRLEY SHEPARD: Yes.
15 DISTRICT ATTORNEY HERRERA: Until we get -- this issue
16 comes up again.
17 SHIRLEY SHEPARD: And come back to this meeting? Come back
18 to the commissioner meeting?
19 DISTRICT ATTORNEY HERRERA: We want you to stay on the
20 board.
21 SHIRLEY SHEPARD: Oh.
22 DISTRICT ATTORNEY HERRERA: Until --
23 COMMISSIONER MILLS: Until -- until this decision is made.
24 SHIRLEY SHEPARD: Oh, definitely.
25 COMMISSIONER MILLS: Okay.
26 SHIRLEY SHEPARD: Yeah, we're not -- we're not --
27 COMMISSIONER BAKKER: They're not going anywhere.
28 RITA ROGERS: We have things that's going on at the rodeo
29 grounds --
30 DISTRICT ATTORNEY HERRERA: That just --
31 RITA ROGERS: -- that we've got in motion.
32 DISTRICT ATTORNEY HERRERA: -- needs to be --
33 SHIRLEY SHEPARD: Oh, definitely. Yeah.
34 DISTRICT ATTORNEY HERRERA: -- on the record because
35 technically your board expires July 1st.
36 RITA ROGERS: Right.
37 DISTRICT ATTORNEY HERRERA: It's June 30th.
38 RITA ROGERS: Right.
39 DISTRICT ATTORNEY HERRERA: I think the commissioner's
40 asking if you would be amenable --

1 RITA ROGERS: Yes, definitely.
2 DISTRICT ATTORNEY HERRERA: -- to stay on.
3 RITA ROGERS: We all will. And we've talked to other
4 members and the same. So, yes.
5 COMMISSIONER BAKKER: Okay. Thank you.
6 VICE CHAIRWOMAN WAITS: Thank you.
7 COMMISSIONER MILLS: All right.
8 VICE CHAIRWOMAN WAITS: Okay. Motion to defer then? And
9 go out for bid?
10 COMMISSIONER MILLS: Make a motion to defer on appointments
11 for the Livestock Events Center Advisory Board.
12 COMMISSIONER BAKKER: Second.
13 VICE CHAIRWOMAN WAITS: Thank you. Motion made by
14 Commissioner Mills, seconded by Commissioner Bakker that we go
15 out for bid again and that the board is staying on, continuing
16 until we do have this back on our agenda again.
17 COMMISSIONER BAKKER: And Sadie, start posting them at the
18 coffee shop.
19 VICE CHAIRWOMAN WAITS: Any other public comment?
20 (No comment.)
21 VICE CHAIRWOMAN WAITS: All those in favor?
22 COMMISSIONER BAKKER: Aye.
23 COMMISSIONER CLARK: Aye.
24 COMMISSIONER MILLS: Aye.
25 COMMISSIONER WAITS: Aye.
26 Thank you. That deferment passes. And we move on to Number
27 15.
28
29 15) Discussion and possible action regarding letter of interest
30 from Judie Allen to serve on Lander County's Regional
31 Transportation Commission Board to serve from July 1, 2015,
32 through December 31, 2016, and matters properly related
33 thereto.
34
35 VICE CHAIRWOMAN WAITS: Number 15. Discussion and possible
36 action regarding letter of interest from Judie Allen to serve on
37 Lander County's Regional Transportation Commission Board to
38 serve from July 1st, 2015, through December 31st, 2016, and
39 other matters properly related thereto.
40 So again, we have a one-year appointment or --

1 COMMISSIONER MILLS: Why is this --
2 VICE CHAIRWOMAN WAITS: -- reappointment.
3 COMMISSIONER MILLS: Why is this through December 31st?
4 DISTRICT ATTORNEY HERRERA: What we have with this is a
5 one-and-a-half-year appointment. and the reason why is that the
6 statute -- the law, it talks about the appointments going
7 through December 31st then starting in January, how this got for
8 one year.
9 So I put this up here for one and a half years because
10 right now, there's no one on the board, technically.
11 VICE CHAIRWOMAN WAITS: Yes, we have not met this year.
12 DISTRICT ATTORNEY HERRERA: Yes. So we'd like Judie to be
13 on the board for -- to -- to fill the end of this year. And
14 then we do the next year.
15 COMMISSIONER BAKKER: Okay.
16 Judie, you really want the job?
17 JUDIE ALLEN: Oh, yeah.
18 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
19 Judie Allen to serve on the Lander County Regional
20 Transportation Commission Board to serve from July 2015 through
21 December 31st, 2016..
22 COMMISSIONER MILLS: Second.
23 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
24 Bakker, seconded by Commissioner Mills for the appointment of a
25 year and a half for Judie Allen to the RTC Board.
26 Any other discussion?
27 (No comment.)
28 VICE CHAIRWOMAN WAITS: All those in favor?
29 COMMISSIONER BAKKER: Aye.
30 COMMISSIONER MILLS: Aye.
31 COMMISSIONER CLARK: Aye.
32 COMMISSIONER WAITS: Aye.
33 Thank you. Thank you, Judie.
34 JUDIE ALLEN: Thank you.
35
36
37
38
39
40

1 16) Discussion and possible action regarding appointment or
2 reappointment to the Austin Airport Advisory Board to serve
3 from July 1, 2015, through June 30, 2016, one-year term.
4 Currently there are five board members who serve for one-year
5 terms and there are three letters of interest, two from
6 current board members and one from the public at large to
7 include: 1) Ray H. Williams, Jr., current board member; b)
8 Frank Whitman, current board member; c) Joe Dory, public at
9 large.

10
11 VICE CHAIRWOMAN WAITS: Number 16. Discussion and --

12 COMMISSIONER BAKKER: Thanks, Judie.

13 VICE CHAIRWOMAN WAITS: -- possible action regarding
14 appointment or reappointment to the Austin Airport Advisory
15 Board to serve from July 1st, 2015, through June 30th, 2016,
16 one-year term.

17 COMMISSIONER BAKKER: So there's three of them.

18 VICE CHAIRWOMAN WAITS: Currently, there are five board
19 members who serve for -- for one-year terms. And there are
20 three letters of interest. Two from current --

21 DISTRICT ATTORNEY HERRERA: Excuse me, Commissioners.

22 VICE CHAIRWOMAN WAITS: -- board members.

23 DISTRICT ATTORNEY HERRERA: There was -- it states here
24 that Joe Dory is public at large.

25 He's currently a board member reapplying for the position.
26 So he's not public at large. He's a current board member.

27 That was an error in my office. And I'll take responsibility
28 for that. But I want you to know that all three of them are
29 currently on the board.

30 COMMISSIONER BAKKER: Okay.

31 VICE CHAIRWOMAN WAITS: Thank you. I'll finish up in
32 saying two from current -- two from current board members and
33 one from public at large. So we are correcting that to have Ray
34 Williams, current board member; Frank Whitman, current board
35 member; and Joe Dory, current board member.

36 COMMISSIONER BAKKER: I'll make a motion to reappoint to
37 the Austin Airport Advisory Board to serve from July 1st, 2015,
38 through June 30th, 2016, a one-year term, Ray Williams, Frank
39 Whitman, and Joe Dory.

40 COMMISSIONER MILLS: I'll second.

1 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
2 Bakker, seconded by Commissioner Mills.

3 All those in favor?

4 COMMISSIONER BAKKER AND COMMISSIONER MILLS: Aye.

5 COMMISSIONER CLARK: Aye.

6 COMMISSIONER WAITS: Aye.

7 Thank you.

8 COMMISSIONER MILLS: Just one question on that. Does that
9 mean they have two open seats?

10 COMMISSIONER BAKKER: Yeah.

11 VICE CHAIRWOMAN WAITS: Yes.

12 COMMISSIONER MILLS: Yes.

13 VICE CHAIRWOMAN WAITS: And I --

14 COMMISSIONER BAKKER: Want to be on there?

15 VICE CHAIRWOMAN WAITS: -- don't believe those have been
16 filled for several years.

17 COMMISSIONER MILLS: (Indiscernible.)

18
19 17) Discussion and possible action regarding letter of
20 resignation from Ray Williams, Jr., from the Lander County
21 Public Lands Use Advisory Board, effective July 1, 2015, thus
22 creating a vacancy on this board for the remainder of his
23 two-year term, which was to expire on June 30, 2016, and
24 other matters properly related thereto.

25
26 VICE CHAIRWOMAN WAITS: Okay, Number 17. Discussion and
27 possible action regarding letter of resignation from Ray
28 Williams, Jr., from the Lander County Public Lands Use Advisory
29 Board, effective July 1st, 2015, thus creating a vacancy on this
30 board for the remainder of his two-year term, which was to
31 expire on June 30th, 2016, and other matters properly related
32 thereto.

33 Mr. Williams currently is the chair.

34 Is -- is Ray there, Miteshell?

35 MITESHELL LANHAM: No, he's not.

36 VICE CHAIRWOMAN WAITS: Okay. I did speak with him and
37 asked him if he wanted to complete his term. And he said no.
38 Just like the letter says, he would like to come off.

39 So we need to accept his resignation and go out again with
40 advertisement.

1 COMMISSIONER MILLS: Does going out to advertise have to be
2 part of the motion? Or are we simply accepting the resignation?

3 COMMISSIONER BAKKER: Both.

4 DISTRICT ATTORNEY HERRERA: Depends on if you want to be
5 efficient or not.

6 VICE CHAIRWOMAN WAITS: Other matters properly related
7 thereto.

8 COMMISSIONER BAKKER: I'll make a motion to accept the
9 letter of resignation from Ray Williams, Jr., from the Lander
10 County Public Lands Use Advisory Board, effective July 1st,
11 2015, thus creating a vacancy on the board for -- we need to go
12 out for advertisement to fill the position for the next two
13 years.

14 VICE CHAIRWOMAN WAITS: Next year.

15 COMMISSIONER MILLS: Next year.

16 COMMISSIONER BAKKER: Next year?

17 VICE CHAIRWOMAN WAITS: Just one year.

18 COMMISSIONER BAKKER: It says two years.

19 VICE CHAIRWOMAN WAITS: One year left.

20 COMMISSIONER MILLS: It's a two-year appointment, but he's
21 only got one year left --

22 COMMISSIONER BAKKER: Oh.

23 COMMISSIONER MILLS: -- in his term.

24 COMMISSIONER BAKKER: One-year appointment.

25 COMMISSIONER MILLS: I'll second.

26 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
27 Bakker and seconded by Commissioner Mills to accept that
28 resignation.

29 And for the record, we will put with our -- with our many
30 thanks. Our ex-Commissioner Williams has served in many
31 capacities for a long time. And I know he will be greatly
32 missed on the Public Lands Use Advisory Board.

33 COMMISSIONER CLARK: Yeah. His information has always been
34 valuable. And it's going to be a loss, but --

35 DISTRICT ATTORNEY HERRERA: And for the record, I've known
36 Ray Williams for many, many years. And I was concerned about
37 this so I took the time and called him personally. And -- and
38 asked him to -- to stay on the board. And asked him if there
39 was anything to do. And he said, no, this is what I want to do
40 --

1 COMMISSIONER CLARK: Yeah.
2 DISTRICT ATTORNEY HERRERA: -- in his own way and charm.
3 And so I tried everything I could-- (indiscernible.)
4 COMMISSIONER CLARK: Okay.
5 VICE CHAIRWOMAN WAITS: Thank you.
6 All those in favor?
7 COMMISSIONER BAKKER AND COMMISSIONER MILLS: Aye.
8 COMMISSIONER CLARK: Aye. But reluctantly. I'd like Ray
9 to stay. But he's been --
10 VICE CHAIRWOMAN WAITS: Well, in his honor. And that's his
11 wishes. So we'll vote aye and pass that. Thank you, Ray.
12
13

14 COMMISSIONERS

15
16 18). Discussion and possible action regarding the Battle Mountain
17 Stock Car Racing Association lease agreement renewal, terms
18 and length, and other matters properly related thereto.
19

20 VICE CHAIRWOMAN WAITS: Okay. Moving on. We are Number
21 18. Discussion and possible action regarding the Battle
22 Mountain Stock Car Racing Association lease agreement renewal;
23 terms and length, and other matters properly related thereto.

24 COMMISSIONER BAKKER: And you're very lucky. You almost
25 had to come back after lunch.

26 COMMISSIONER CLARK: Yeah. Let's squeeze this one in. I
27 make a motion to renew the contract.

28 COMMISSIONER BAKKER: Hey, same --

29 KEITH WESTENGARD: Same thing, just --

30 COMMISSIONER BAKKER: The agreement's --

31 KEITH WESTENGARD: -- the date.

32 COMMISSIONER BAKKER: -- the same?

33 KEITH WESTENGARD: Date change.

34 COMMISSIONER BAKKER: Huh?

35 KEITH WESTENGARD: Yes. Same.

36 COMMISSIONER BAKKER: Just date change? Okay.

37 KEITH WESTENGARD: Date change.

38 COMMISSIONER MILLS: So I have a --

39 ANGELA GONZALES: Is this like every two years you have to
40 do this or what?

1 COMMISSIONER CLARK: Three.
2 DISTRICT ATTORNEY HERRERA: It's a lease.
3 ANGELA GONZALES: Yeah. I --
4 DISTRICT ATTORNEY HERRERA: It's a lease.
5 VICE CHAIRWOMAN WAITS: Would you identify yourself for the
6 record for us?
7 ANGELA GONZALES: Oh.
8 COMMISSIONER CLARK: Come on up, Angie.
9 ANGELA GONZALES: Angela Gonzales, president of the
10 racetrack.
11 Because I've been on the board for 19 years. And this is
12 something new.
13 COMMISSIONER CLARK: Yeah, we're just trying to get in
14 line.
15 ANGELA GONZALES: Okay.
16 COMMISSIONER MILLS: I have a question on this one though.
17 And that's in regards to how the -- our situation with the FAA
18 --
19 COMMISSIONER CLARK: Uh-huh.
20 COMMISSIONER MILLS: -- is going to affect this and it's --
21 what are --
22 KEITH WESTENGARD: We --
23 COMMISSIONER BAKKER: Is there a 30-day clause in here?
24 DISTRICT ATTORNEY HERRERA: You need to understand, this
25 is, again, is one of those, just like it's been pointed out, for
26 years it's automatically renewed.
27 I've been informed to bring in all those contracts that
28 automatically renew so you can take that clause out of there. So
29 that's what we're here for. And that's why it says renewal terms
30 and length.
31 ANGELA GONZALES: Uh-huh.
32 DISTRICT ATTORNEY HERRERA: So -- and to answer your
33 question, the commission has decided that they want to take out
34 all these automatic renewal clauses.
35 COMMISSIONER BAKKER: Make them two-year contracts.
36 DISTRICT ATTORNEY HERRERA: Yeah, make them two-year,
37 whatever.
38 ANGELA GONZALES: Okay.
39 KEITH WESTENGARD: To answer your question -- I apologize,
40 there is that change that we do now -- that we discussed; we do

1 all contracts and have that 30-day get-out clause.
2 COMMISSIONER MILLS: Okay.
3 KEITH WESTENGARD: In the event that it does affect our FAA
4 grants, we will terminate the contract. And we will renegotiate
5 the cost of the track. There is a possibility that we -- with
6 the way the land is set up and it's on the airport land or part
7 of the airport, that it could affect our FAA grants because
8 we're giving it for a dollar a month, I believe.
9 ANGELA GONZALES: Yeah.
10 KEITH WESTENGARD: \$12 a year.
11 ANGELA GONZALES: Right.
12 DISTRICT ATTORNEY HERRERA: Below.
13 KEITH WESTENGARD: Below --
14 DISTRICT ATTORNEY HERRERA: -- fair market.
15 KEITH WESTENGARD: -- what fair market value would be.
16 ANGELA GONZALES: Right.
17 KEITH WESTENGARD: And if -- if it starts to affect our FAA
18 grants, which it hasn't, but if it does, then we're going to
19 have to come back here and review the contract and the agreement
20 --
21 ANGELA GONZALES: Uh-huh.
22 KEITH WESTENGARD: And we would have to renegotiate a fair
23 market value cost for the --
24 We haven't said anything to the FAA. And the FAA hasn't
25 said anything to us.
26 ANGELA GONZALES: Uh-huh.
27 KEITH WESTENGARD: So that's why we're leaving it as is.
28 But there is that possibility that it -- that it was -- I was
29 just made aware of this -- within the last several months.
30 ANGELA GONZALES: Right.
31 COMMISSIONER MILLS: So my -- my big concern is --
32 KEITH WESTENGARD: Yes.
33 COMMISSIONER MILLS: -- because we are aware of the FAA's
34 concerned about it and now we go ahead and renew this contract
35 the way it is, is FAA going to look at that unkindly?
36 Is that going to cause us problems with the FAA because we're
37 renewing this contract today --
38 VICE CHAIRWOMAN WAITS: (Indiscernible.)
39 COMMISSIONER MILLS: -- after we've been notified by them?
40 KEITH WESTENGARD: Well, they -- we haven't been

1 notified --
2 VICE CHAIRWOMAN WAITS: No.
3 KEITH WESTENGARD: -- by --
4 VICE CHAIRWOMAN WAITS: Oh, now.
5 KEITH WESTENGARD: -- them. This was a conversation with
6 our consultant. This was not directly --
7 COMMISSIONER MILLS: So we -- we haven't received --
8 KEITH WESTENGARD: No.
9 COMMISSIONER MILLS: -- a real notification from them?
10 KEITH WESTENGARD: No, if there was a real notification
11 from the FAA, the contract would be terminated with the 30-day
12 notice. We would sit down and negotiate the fair market value
13 agreement at that time.
14 This is just a conversation with our consultant --
15 COMMISSIONER MILLS: Okay.
16 KEITH WESTENGARD: -- to make us aware that there's that --
17 COMMISSIONER BAKKER: Possibility.
18 KEITH WESTENGARD: -- possibility --
19 COMMISSIONER MILLS: So this --
20 KEITH WESTENGARD: -- back in the corner.
21 COMMISSIONER MILLS: -- isn't -- approving this today
22 doesn't put it at risk --
23 KEITH WESTENGARD: No, not at all.
24 COMMISSIONER MILLS: -- as far as the FAA's concerned --
25 KEITH WESTENGARD: No.
26 COMMISSIONER MILLS: -- today?
27 KEITH WESTENGARD: If it did, it --
28 ANGELA GONZALES: Okay.
29 KEITH WESTENGARD: -- wouldn't be on the table.
30 COMMISSIONER MILLS: All right.
31 COMMISSIONER BAKKER: I'm --
32 VICE CHAIRWOMAN WAITS: My question is: Do -- do we have on
33 file your nonprofit status and the current insurance?
34 ANGELA GONZALES: I'm working on it. I'm just waiting for
35 them to give me the okay. I gave her everything. We've done
36 everything we're supposed to.
37 Umpteen years ago, we all thought we were and apparently
38 the motocross and all of us found out we weren't. So we went
39 through it. We paid -- the \$850 thing that we had to do. And
40 we got all our paperwork. And we sent this to --

1 VICE CHAIRWOMAN WAITS: The nonprofit corporation.
2 ANGELA GONZALES: Uh-huh.
3 VICE CHAIRWOMAN WAITS: Okay.
4 ANGELA GONZALES: And she called and said that it'll take a
5 while because they have to go through everything and go from
6 there.
7 VICE CHAIRWOMAN WAITS: It does. But you're on the record
8 that you're committed. Okay.
9 ANGELA GONZALES: Uh-huh.
10 DISTRICT ATTORNEY HERRERA: Are you -- are you going to be
11 able to provide that within 60 days?
12 ANGELA GONZALES: I -- I called her. And I mean, dealing
13 with the IRS.
14 DISTRICT ATTORNEY HERRERA: I'm not -- I'm just saying that
15 the terms of the contract, that you may vote to renew states,
16 now that the issue's been brought up and you have notice of it,
17 --
18 ANGELA GONZALES: Uh-huh.
19 DISTRICT ATTORNEY HERRERA: -- you're going to have 60 days
20 within which to -- to comply and --
21 VICE CHAIRWOMAN WAITS: And if she --
22 DISTRICT ATTORNEY HERRERA: -- to provide --
23 VICE CHAIRWOMAN WAITS: -- doesn't, we'll have to put it
24 back on the agenda.
25 DISTRICT ATTORNEY HERRERA: Yes.
26 VICE CHAIRWOMAN WAITS: Okay.
27 ANGELA GONZALES: Okay.
28 COMMISSIONER MILLS: All right.
29 ANGELA GONZALES: Well, that's --
30 VICE CHAIRWOMAN WAITS: We do have a motion on the floor to
31 approve that. That was from Commissioner Clark. With the --
32 COUNTY CLERK SULLIVAN: At the very beginning.
33 VICE CHAIRWOMAN WAITS: At the amendments. With the
34 amendments?
35 DISTRICT ATTORNEY HERRERA: The amendments need to include
36 the term *two years*.
37 COMMISSIONER BAKKER: You didn't make a motion; did you?
38 VICE CHAIRWOMAN WAITS: Yes, --
39 COUNTY CLERK SULLIVAN: At the start.
40 VICE CHAIRWOMAN WAITS: -- he did.

1 COUNTY CLERK SULLIVAN: At the very beginning, --
2 VICE CHAIRWOMAN WAITS: Yes, he did.
3 COUNTY CLERK SULLIVAN: -- he started to. And everybody
4 was talking because he was wanting to move it along.
5 COMMISSIONER BAKKER: That was for Judie.
6 DISTRICT ATTORNEY HERRERA: There's (indiscernible).
7 VICE CHAIRWOMAN WAITS: No.
8 COUNTY CLERK SULLIVAN: No, it was --
9 VICE CHAIRWOMAN WAITS: No, no.
10 COUNTY CLERK SULLIVAN: -- for this.
11 VICE CHAIRWOMAN WAITS: It was for this.
12 DISTRICT ATTORNEY HERRERA: We need a renewal. It needs to
13 be two years. We need to have an escape clause.
14 COUNTY CLERK SULLIVAN: And authorize.
15 DISTRICT ATTORNEY HERRERA: And authorize --
16 VICE CHAIRWOMAN WAITS: Okay.
17 COMMISSIONER BAKKER: Make it for --
18 DISTRICT ATTORNEY HERRERA: -- the vice chair.
19 COMMISSIONER BAKKER: There --
20 DISTRICT ATTORNEY HERRERA: Four things that need to be
21 included.
22 COMMISSIONER BAKKER: Retract it.
23 VICE CHAIRWOMAN WAITS: That motion --
24 COMMISSIONER BAKKER: I don't know (indiscernible).
25 VICE CHAIRWOMAN WAITS: -- dies; it has no second. So now
26 we need to --
27 COMMISSIONER CLARK: Okay.
28 VICE CHAIRWOMAN WAITS: -- go on.
29 COMMISSIONER BAKKER: Okay.
30 COMMISSIONER CLARK: Make a motion to renew the stock car
31 racing association lease --
32 COMMISSIONER BAKKER: (Indiscernible.)
33 COMMISSIONER CLARK: -- agreement renewal with the terms
34 and the length as discussed.
35 DISTRICT ATTORNEY HERRERA: Two years.
36 COMMISSIONER BAKKER: Two-year contract.
37 COMMISSIONER CLARK: Two-year contract.
38 COMMISSIONER BAKKER: Thirty-day clause.
39 DISTRICT ATTORNEY HERRERA: Thirty days' notice.
40 COMMISSIONER CLARK: With the --

1 ANGELA GONZALES: Once --
2 COMMISSIONER CLARK: -- escape clause.
3 ANGELA GONZALES: Once I find out the information, do I
4 just bring it to you?
5 COMMISSIONER BAKKER: Second.
6 ANGELA GONZALES: Or who do I take it to?
7 DISTRICT ATTORNEY HERRERA: Signed by --
8 COMMISSIONER BAKKER: Signed by --
9 ANGELA GONZALES: To you?
10 COMMISSIONER BAKKER: To authorize the vice chair to sign.
11 DISTRICT ATTORNEY HERRERA: Oh, yeah. You can bring it to
12 my office. I'll be happy to --
13 VICE CHAIRWOMAN WAITS: They advise her.
14 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
15 VICE CHAIRWOMAN WAITS: Yeah, we have to sign it.
16 COMMISSIONER BAKKER: Yeah.
17 VICE CHAIRWOMAN WAITS: Yeah.
18 ANGELA GONZALES: Right here, down at the bottom.
19 COMMISSIONER BAKKER: Authorize the vice chair to sign.
20 VICE CHAIRWOMAN WAITS: Did you second?
21 ANGELA GONZALES: It's ringing the doorbell.
22 COMMISSIONER BAKKER: Yep.
23 VICE CHAIRWOMAN WAITS: Okay. Moved by Commissioner Clark
24 and seconded that we approve this with the amendment and
25 seconded by Commissioner Bakker. Any other discussion? You've
26 got who you're going to send that to?
27 ANGELA GONZALES: Yeah.
28 VICE CHAIRWOMAN WAITS: Keith's office.
29 ANGELA GONZALES: Yes.
30 VICE CHAIRWOMAN WAITS: Okay. Any --
31 ANGELA GONZALES: Yeah, I --
32 VICE CHAIRWOMAN WAITS: -- other public --
33 ANGELA GONZALES: -- think so.
34 VICE CHAIRWOMAN WAITS: -- discussion?
35 (No comment.)
36 VICE CHAIRWOMAN WAITS: All those in favor?
37 COMMISSIONER BAKKER: Aye.
38 COMMISSIONER MILLS: Aye.
39 VICE CHAIRWOMAN WAITS: Okay.
40 COMMISSIONER CLARK: Aye.

1 VICE CHAIRWOMAN WAITS: Aye.

2 Thank you.

3 ANGELA GONZALES: Okay.

4 VICE CHAIRWOMAN WAITS: Okay. We have one more before
5 we're closing for lunch here.

6

7 19) Discussion and possible action regarding renewal of the
8 Intrastate Interlocal Contract with the Department of Health
9 and Human Services, Aging, Disabilities Services Division,
10 and other matters properly related thereto.

11

12 VICE CHAIRWOMAN WAITS: Number 19. Discussion and possible
13 action regarding renewal --

14 COMMISSIONER MILLS: Thank you.

15 VICE CHAIRWOMAN WAITS: -- of the Intrastate Interlocal
16 Contract with the Department of Health and Human Services,
17 Aging, Disability Services Division, and other matters properly
18 related thereto.

19 We just signed one with them for the indigent.

20 DISTRICT ATTORNEY HERRERA: Yes.

21 VICE CHAIRWOMAN WAITS: This one is ongoing. I didn't see
22 any difference. Any difference to you folks at all?

23 KEITH WESTENGARD: There was.

24 VICE CHAIRWOMAN WAITS: Okay, there's several.

25 DISTRICT ATTORNEY HERRERA: There's several --

26 COMMISSIONER BAKKER: Ted.

27 VICE CHAIRWOMAN WAITS: -- places to acknowledge and sign
28 on this. So please have your motion consider that.

29 COMMISSIONER MILLS: (Indiscernible) -- do you have a
30 question?

31 COMMISSIONER BAKKER: No. Yeah. Ted, did you go over it?

32 DISTRICT ATTORNEY HERRERA: Yes, I did.

33 COMMISSIONER BAKKER: Everything look good?

34 DISTRICT ATTORNEY HERRERA: Yes. And -- and it's from
35 7/1/2015 through 6/30/2017, unless earlier terminate
36 (indiscernible).

37 COMMISSIONER BAKKER: Is there a 30 -- is there a 30-day
38 clause in there then?

39 DISTRICT ATTORNEY HERRERA: It is a --

40 COMMISSIONER BAKKER: Or whatever. An escape clause.

1 VICE CHAIRWOMAN WAITS: These are all mandated. Thanks
2 anyway.
3 COMMISSIONER MILLS: That's got to be pretty standard for
4 these.
5 COMMISSIONER BAKKER: Make a motion then.
6 DISTRICT ATTORNEY HERRERA: No, wait. It's 30 days.
7 KEITH WESTENGARD: Is it?
8 DISTRICT ATTORNEY HERRERA: It's 30 days.
9 COMMISSIONER MILLS: Okay.
10 KEITH WESTENGARD: I want to make sure I (indiscernible)
11 this.
12 DISTRICT ATTORNEY HERRERA: Yeah. Everything's --
13 everything's in compliance with -- with the policies you've
14 enumerated to me.
15 COMMISSIONER BAKKER: Okay.
16 COMMISSIONER MILLS: I'll make a motion that we renew the
17 Interstate Interlocal Contract with the Department of Health and
18 Human Services for -- the Aging, Disabilities Service Division
19 with --
20 COMMISSIONER BAKKER: Second.
21 COMMISSIONER MILLS: Oh, and approve the --
22 COUNTY CLERK SULLIVAN: Authorize the vice chair to sign.
23 COMMISSIONER MILLS: -- vice chair to sign.
24 VICE CHAIRWOMAN WAITS: Thank --
25 COMMISSIONER BAKKER: Second.
26 VICE CHAIRWOMAN WAITS: -- you. It's been moved by
27 Commissioner Mills, seconded by Commissioner Bakker.
28 Any other public discussion?
29 (No comment.)
30 VICE CHAIRWOMAN WAITS: All those in favor?
31 COMMISSIONER BAKKER: Aye.
32 COMMISSIONER MILLS: Aye.
33 COMMISSIONER CLARK: Aye.
34 COMMISSIONER WAITS: Aye.
35 Thank you. And for Number 20, we are going to move that and
36 Number 11 to the first of our recess for lunch.
37 We are recessed for lunch.
38
39 (Recessed for lunch from 12:06 p.m. to 1:00 p.m.)
40

1 VICE CHAIRWOMAN WAITS: -- to order from our lunch recess.

2
3 11) Discussion and possible action to award the Austin TV
4 contract, and other matters properly related thereto.
5

6 VICE CHAIRWOMAN WAITS: And we are going back to Item
7 Number 11. Discussion and possible action to award the Austin
8 TV contract, and other matters properly related thereto.

9 We have a gentleman that is under contract to us that did
10 -- thank you, Nan -- that did send his bill in for the new year.
11 He's out of Fallon, an elderly gentleman, who has done a good
12 job for us, but we didn't have anything to compare prices or
13 anything with. So we wanted to go out to bid last year. And we
14 didn't do it timely enough. So we did get it in this -- this
15 time, but unfortunately we -- we're right up against it again.
16 So the way the information came out when they advertised was it
17 was due last night, yesterday.

18 COMMISSIONER MILLS: Oh.

19 VICE CHAIRWOMAN WAITS: That's why it wasn't in your
20 agenda. We were hoping somebody would bid it, but we had to
21 give them time. And we didn't advertise as soon as we should
22 have. So that's why the last minute.

23 When I spoke with him and said, are you going to put a bid in
24 again? He'd already billed us and he said, if you want me, I'll
25 stay. But if you don't, then you don't. And that was just kind
26 of it.

27 So you do have before you the bid that we did get.

28 COMMISSIONER MILLS: Is that from Mr. --

29 VICE CHAIRWOMAN WAITS: From CC Communication.

30 COMMISSIONER MILLS: -- Feest.

31 VICE CHAIRWOMAN WAITS: Uh-huh.

32 COMMISSIONER MILLS: Mark Feest. Okay.

33 VICE CHAIRWOMAN WAITS: And that came in yesterday.

34 Unfortunately, we have no reports or -- what's the word I
35 want? To know where we are on --

36 NAN ANCHO: Maintenance log?

37 VICE CHAIRWOMAN WAITS: Maintenance logs, things like that,
38 we have nothing. So it's really --

39 COMMISSIONER MILLS: Okay.

40 VICE CHAIRWOMAN WAITS: -- difficult for a new company to

1 come in and do that.
2 But it is there for your perusal and decision.
3 Our finance director's here with what's going on.
4 We voted on a couple upgrades this year, solar upgrades
5 that he's doing.
6 I'm not sure whether all the equipment will even be in
7 to -- to bill for July or where we are, which makes it difficult
8 to change.
9 But just to give you a rough estimate -- and Nan can help
10 us too because I kept her in on all of it -- the annual fee of
11 2500 is what our current contract is. Per trip charge is 400
12 currently?
13 NAN ANCHO: Currently. With Valley TV, he charges 400.
14 VICE CHAIRWOMAN WAITS: Four hundred and CC Communications
15 is 500. And the hourly rate currently is 60?
16 NAN ANCHO: Yes.
17 VICE CHAIRWOMAN WAITS: That we pay. And part of going out
18 to bid is -- is that we get an opportunity to -- to handle
19 things prudently and take a look at things fiscally so we know
20 where we are.
21 So at least we know that it's in the ballpark and that
22 somebody is interested.
23 I, personally, under the circumstances, don't see a reason to
24 change right now. But I would like to request some maintenance
25 logs and things like that.
26 And -- and I do think Norm Powell was the gentleman that
27 handles it for us with Valley TV. And I think he's probably
28 getting ready to retire anyway. So we should be looking at
29 something easier to change. And I think next year might be a
30 good time. That was where I was kind of coming from.
31 COMMISSIONER MILLS: Okay. So just to be clear, because
32 I'm -- I guess I'm confused. We do have two bids? We got the
33 current guy and then we've got a new bid?
34 VICE CHAIRWOMAN WAITS: Yes, this is a new bid, CC
35 Communications.
36 COMMISSIONER MILLS: CC's the new one?
37 VICE CHAIRWOMAN WAITS: Right. The current guy did not put
38 in a bid. He just simply billed us the \$2500, saying I'm
39 interested in and if you don't want --
40 COMMISSIONER MILLS: So his -- his bid was just to bill

1 us --
2 VICE CHAIRWOMAN WAITS: To continue.
3 COMMISSIONER MILLS: -- to continue on.
4 VICE CHAIRWOMAN WAITS: Yeah. To continue. I'm
5 interested.
6 COMMISSIONER MILLS: Okay.
7 NAN ANCHO: The retainage.
8 COMMISSIONER MILLS: All right.
9 COMMISSIONER BAKKER: So is this -- is the other guy
10 cheaper or no?
11 VICE CHAIRWOMAN WAITS: No.
12 NAN ANCHO: No.
13 COMMISSIONER MILLS: He's a little more expensive.
14 COUNTY CLERK SULLIVAN: The current guy's.
15 COMMISSIONER MILLS: It's a hundred dollar-- -- a hundred
16 dollars more for the trip charge and -- what? -- \$60 more for
17 hourly charge?
18 COUNTY CLERK SULLIVAN: Sixty-five.
19 NAN ANCHO: Sixty-five.
20 COMMISSIONER MILLS: \$65 an hour more.
21 VICE CHAIRWOMAN WAITS: Of course we're dealing with an
22 individual or we're dealing with a company too. So --
23 COMMISSIONER MILLS: Right.
24 VICE CHAIRWOMAN WAITS: -- if he can stay under a little
25 bit. So -- but we're going to have to look at something higher
26 if we stay. But that was just where I was this year --
27 COMMISSIONER BAKKER: (Indiscernible.)
28 VICE CHAIRWOMAN WAITS: -- the change.
29 COMMISSIONER CLARK: That's an --
30 COMMISSIONER MILLS: Okay. So what is --
31 COMMISSIONER CLARK: That's --
32 COMMISSIONER MILLS: -- your preference?
33 COMMISSIONER CLARK: That's an iPhone.
34 VICE CHAIRWOMAN WAITS: I think stay --
35 COMMISSIONER CLARK: That's the Apple.
36 COMMISSIONER BAKKER: (Indiscernible) phone.
37 VICE CHAIRWOMAN WAITS: -- with where we are for one more
38 year and request --
39 COMMISSIONER CLARK: Oh.
40 VICE CHAIRWOMAN WAITS: -- some maintenance records and

1 logs and --
2 COMMISSIONER MILLS: Okay.
3 COMMISSIONER CLARK: That's how that --
4 VICE CHAIRWOMAN WAITS: -- get ready --
5 COMMISSIONER CLARK: -- works.
6 VICE CHAIRWOMAN WAITS: -- for --
7 COMMISSIONER CLARK: You have an iPhone --
8 VICE CHAIRWOMAN WAITS: -- next year --
9 COMMISSIONER CLARK: -- and they have --
10 VICE CHAIRWOMAN WAITS: -- to go out earlier --
11 COMMISSIONER CLARK: This wedge --
12 VICE CHAIRWOMAN WAITS: -- and see where we are.
13 COMMISSIONER MILLS: So --
14 COMMISSIONER CLARK: Okay.
15 VICE CHAIRWOMAN WAITS: We're on Number 11.
16 COMMISSIONER MILLS: So who's the -- who's the current guy?
17 COMMISSIONER BAKKER: Yeah, we're on 11.
18 VICE CHAIRWOMAN WAITS: Norm Powell. And it's Valley --
19 COMMISSIONER BAKKER: We're on --
20 VICE CHAIRWOMAN WAITS: -- TV.
21 COMMISSIONER BAKKER: -- 11.
22 COMMISSIONER CLARK: Oh, 11.
23 COMMISSIONER BAKKER: We went backwards. TV board.
24 COMMISSIONER MILLS: So I'll make a motion that we retain
25 Norman Powell with Valley TV to continue with his current
26 contract with the Austin TV repair and maintenance.
27 COMMISSIONER BAKKER: Second.
28 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
29 Mills that we -- we retain our current contract for the Austin
30 TV. Seconded by Commissioner Bakker.
31 Do we have any comments from Austin?
32 MITESHELL LANHAM: No.
33 VICE CHAIRWOMAN WAITS: Okay. Any other discussion?
34 (No comment.)
35 Public comment?
36 (No comment.)
37 All in favor?
38 COMMISSIONER MILLS: Aye.
39 COMMISSIONER BAKKER: Aye.
40 COMMISSIONER CLARK: Aye.

1 COMMISSIONER WAITS: Aye.

2 Okay. That's Number 11.

3 Let's see we are moving on to.

4 COMMISSIONER CLARK: Twenty.

5 VICE CHAIRWOMAN WAITS: Actually, I'm going to move 20
6 down. We're going to start with 21.

7 We'll pick up 20 right after this.

8
9 **21) Discussion for possible action regarding the interlocal**
10 **agreement for emergency medical services renewal, terms and**
11 **length, between Lander County and the Lander County Hospital**
12 **District, and other matters properly related thereto.**
13

14 VICE CHAIRWOMAN WAITS: Discussion for possible action
15 regarding the interlocal agreement for emergency medical
16 services renewal, terms and length, between Lander County and
17 the Lander County Hospital District, and other matters properly
18 related thereto.

19 KEITH WESTENGARD: What -- what I did with the hospital
20 contract this year is we -- it stays the same with the \$25,000.
21 It will be a two-year contract. It'll stay at \$25,000 a month.

22 COMMISSIONER BAKKER: For the first year.

23 KEITH WESTENGARD: For the first year. And then the second
24 year, it drops by \$15,000 to \$10,000 a month for the second
25 year.

26 We put a cap of, I believe, \$15,000 on maintenance and any
27 catastrophic issues, such as an engine failure, engine needing to
28 be replaced. That we -- I would sit down with the CEO of the
29 hospital, and we would come to an agreement on how that's going to
30 be paid.

31 Over the last three years, Lander County has paid for all the
32 maintenance, bought a new ambulance, bought a new Tufport, paid
33 for two brand new engines in two of the ambulances to the tune of
34 about \$17,000 for each engine.

35 So -- and I did explain that to the hospital board, the
36 previous hospital board.

37 So those are the changes with the contract. Two-year,
38 25,000 this year, 10,000 the second year, and then at that --
39 after that second year, the -- the thought there is that we
40 completely separate out from the hospital.

1 COMMISSIONER MILLS: Okay. So this that we got in our
2 packet, was this the old contract then?
3 KEITH WESTENGARD: I believe it was. Yeah.
4 VICE CHAIRWOMAN WAITS: No, this is the new one.
5 COMMISSIONER MILLS: This is the new one?
6 DISTRICT ATTORNEY HERRERA: This is -- it's a prospective
7 contract that -- this has been very fluid. The terms and the
8 negotiations from your executive director has been ongoing.
9 So we got the first provisional changes. We made those.
10 And they were subject to the ongoing negotiations and which have
11 now apparently been satisfied. And so you have to agree what
12 terms you want. Do you want to follow the terms as outlined by
13 the executive director? And then my office will fix this
14 contract to follow those terms and subject to the -- the
15 signature of the vice chair.
16 COMMISSIONER MILLS: Okay.
17 Yeah. The reason I'm asking is because the \$25,000 in here,
18 but it doesn't say anything about reducing it or --
19 KEITH WESTENGARD: Yeah, I --
20 COMMISSIONER MILLS: So I'm just --
21 KEITH WESTENGARD: That was --
22 VICE CHAIRWOMAN WAITS: And it says one year.
23 KEITH WESTENGARD: That was the verbal part, actually, that
24 we just finished this morning.
25 DISTRICT ATTORNEY HERRERA: This is a prospective --
26 COMMISSIONER MILLS: Okay.
27 DISTRICT ATTORNEY HERRERA: -- one-year --
28 KEITH WESTENGARD: So that's --
29 DISTRICT ATTORNEY HERRERA: -- contract while --
30 COMMISSIONER BAKKER: Did you show the hospital this yet?
31 Have you talked to the hospital about this yet?
32 KEITH WESTENGARD: Actually, the hospital -- as far as they
33 know, this is the last year. So we're actually giving them an
34 extra --
35 COMMISSIONER BAKKER: Why don't we just keep it as the last
36 year?
37 KEITH WESTENGARD: Because the concern there was that they
38 would back completely out.
39 Now, I'm talking this is the old hospital board so I -- you
40 know, haven't been with the new board yet. But that was -- and

1 it's -- it's got the 30-day clause in it. It will have that,
2 that we can always renegotiate it -- or did we do a 90-day? It
3 was a 90 last time. I think we were going to change it to a 30;
4 right?

5 COMMISSIONER CLARK: I thought Phil Hanna said --

6 DISTRICT ATTORNEY HERRERA: This version does have the 30
7 days.

8 KEITH WESTENGARD: Yes.

9 DISTRICT ATTORNEY HERRERA: Now, again, don't rely on this
10 version. Rely on the terms as set forth by --

11 COMMISSIONER BAKKER: Can we just give them a year with an
12 option of maybe the second-year type of structure?

13 Where we can decide that at the end of the year.

14 KEITH WESTENGARD: We can do the two year. And all we have
15 to do is terminate it with 30 days' written notice.

16 VICE CHAIRWOMAN WAITS: I don't know that it's the
17 termination so much that bothers us as amending it in another
18 year. Because things can change in another year again. And we
19 may want to amend it more than the 15,000. That's all.

20 COMMISSIONER BAKKER: I was --

21 KEITH WESTENGARD: However you guys would like me to do it,
22 because I'm going to hospital board tonight, so --

23 COMMISSIONER BAKKER: Doug, you're on the hospital board
24 now. What do you think?

25 COMMISSIONER MILLS: Oh.

26 COMMISSIONER BAKKER: Have you seen the numbers?

27 COMMISSIONER MILLS: Actually, I have a lot of questions
28 about the numbers and lots of things on the hospital board.

29 So I can't -- I can't -- I haven't been on the hospital board
30 long enough to really get a feel for what's going on. I've only
31 been to one hospital board meeting so far. So I don't really have
32 a handle on what's going on with the hospital.

33 KEITH WESTENGARD: I will --

34 COMMISSIONER MILLS: And I don't know if I can answer that.

35 KEITH WESTENGARD: I will say, I did send Phil Hanna an
36 e-mail last year.

37 COMMISSIONER BAKKER: Are you sure he got it?

38 KEITH WESTENGARD: And I sent it to Marla Sam. And I sent
39 to it to Jessica. So they were aware that they were on the
40 agenda.

1 VICE CHAIRWOMAN WAITS: See, that's one of our other
2 concerns is we have asked for more accountability. And even
3 when Mr. Hanna has been here, it's been way behind. We've
4 always been behind. We don't understand that. There's no --
5 we're spending a lot of money.

6 KEITH WESTENGARD: I understand that. I've had discussions
7 with members of the hospital board. And I've been given some
8 assurances. But I haven't seen any -- I haven't seen anything
9 out of those yet.

10 DISTRICT ATTORNEY HERRERA: The assurances were given by
11 the hospital when it was originally creating the district -- was
12 created. And they assured the county that after five years, the
13 county wouldn't have to pay anything.

14 So you need to disregard any and all assurances. That's my
15 advice. And we need to -- to decide what's best for Lander County
16 in coming up with the terms.

17 Now I have a suggestion. If you want to -- if you want to
18 take -- allow Keith, the executive director, to take to the
19 hospital board our suggested terms and see how they -- they react
20 to it, that -- that's a possibility.

21 But today, this is a interlocal agreement. And an agreement
22 by definition means that you need to have both parties agree, have
23 a meeting of the minds, as they say.

24 Now, what's being asked of you today is not to -- to adopt a
25 interlocal agreement where there has been a meeting of the minds.
26 But only so -- basically, all I can think this is, is some
27 suggested terms for the executive director to take in front of the
28 hospital board. Would you agree with that?

29 KEITH WESTENGARD: Well, initially, when I -- when I did go
30 to the hospital board, prior to you, Doug, I told them that
31 effective July 1st we weren't paying anything. And --

32 COMMISSIONER MILLS: Right.

33 KEITH WESTENGARD: -- that really got them stirred up.

34 They have a lot of communication going on with Phil. And I
35 think he -- or well informed on that. So that's how we came up
36 with -- and then I was visited several times by some members of
37 the board telling me, we knew nothing of this. We really -- it
38 would impact our budget, so on and so forth.

39 So we decided -- I decided, well, one more year. That would
40 make the offer with the reduction in the second year.

1 DISTRICT ATTORNEY HERRERA: But it can't be approved by
2 Phil Hanna. It has to be approved by the hospital board.
3 VICE CHAIRWOMAN WAITS: Hospital board.
4 DISTRICT ATTORNEY HERRERA: So there's no meeting of the
5 minds, I will, again, emphasize. So you can't approve the
6 contract or interlocal agreement today.
7 COMMISSIONER MILLS: Right. We're just -- we're just
8 trying to hammer out some terms --
9 DISTRICT ATTORNEY HERRERA: Yes.
10 COMMISSIONER MILLS: -- that we're going to present to
11 them.
12 COMMISSIONER BAKKER: One more year.
13 KEITH WESTENGARD: Whatever you guys want. If that's what
14 you want, I will take it and doing public comment today,
15 tonight.
16 COMMISSIONER BAKKER: Well, talk to them and bring that
17 back. And we'll go from there.
18 VICE CHAIRWOMAN WAITS: It's still just discussion, of
19 course. But I'm -- I'm still more comfortable with one year.
20 You can tell them --
21 COMMISSIONER MILLS: You like the one year?
22 VICE CHAIRWOMAN WAITS: -- what we're thinking of --
23 COMMISSIONER BAKKER: Yeah.
24 VICE CHAIRWOMAN WAITS: -- if we did extend. But...
25 KEITH WESTENGARD: Well, if it was to be given one year, I
26 would (indiscernible) them. They're going to be fine with that.
27 If I took it to them and said, we're going to give you one more
28 year.
29 But we do need to -- I would encourage you to put that cap
30 on the --
31 COMMISSIONER MILLS: On the maintenance?
32 COMMISSIONER BAKKER: Yeah.
33 KEITH WESTENGARD: -- maintenance. And any catastrophic
34 failures, that we negotiate a payment process.
35 Because in the past, we've been a hundred percent liable for
36 all maintenance. And that's what it says in the current contract
37 is that we handle all maintenance.
38 COMMISSIONER MILLS: Right.
39 KEITH WESTENGARD: Well, with the two engines -- or two
40 engines in three years at 72,000 apiece. We had \$4500 in tow

1 bills because of that.

2 VICE CHAIRWOMAN WAITS: No -- no warranties on these?

3 KEITH WESTENGARD: Well, they do -- now they have
4 warranties --

5 COMMISSIONER BAKKER: The new ones.

6 KEITH WESTENGARD: -- because --

7 COMMISSIONER CLARK: The new ones.

8 KEITH WESTENGARD: -- they've got new engines in them.

9 COMMISSIONER CLARK: Yeah.

10 COMMISSIONER BAKKER: Yeah.

11 KEITH WESTENGARD: But at the time, they didn't. So we're
12 paying for towing. We're paying for new engines, labor,
13 installer.

14 COMMISSIONER CLARK: I -- I have to agree with Patsy. One
15 of the few times I'm going to agree with her. We're spending a
16 lot of money. Remember, you asked about the motors being put in
17 and you asked if they were diesels, because diesels last longer?

18 Well, these diesels didn't last that long. They didn't last
19 400,000 miles. They broke. And we replaced them. But I -- I,
20 too, am concerned with the amount of money. Because Mr. Hanna sat
21 right over there and he said that he was ready to do this.

22 And then somewhere along the line, I remember --

23 COMMISSIONER BAKKER: He forgot to tell his board.

24 COMMISSIONER CLARK: -- the hospital board saying, whoa,
25 hold on. So I don't know where we're at with this. But we do
26 need to have EMS services in Lander County for the good of the
27 people in Lander County.

28 VICE CHAIRWOMAN WAITS: And this --

29 COMMISSIONER BAKKER: Yeah, but a deal's a deal.

30 COMMISSIONER CLARK: What's the deal?

31 COMMISSIONER BAKKER: Well, the old deal was five years;
32 right?

33 DISTRICT ATTORNEY HERRERA: The old deal was that we would
34 pay a significant amount of money per month for the five-year
35 period.

36 COMMISSIONER CLARK: Right.

37 DISTRICT ATTORNEY HERRERA: At which time they were going
38 to -- (indiscernible).

39 COMMISSIONER BAKKER: Become self-sufficient.

40 DISTRICT ATTORNEY HERRERA: And the (indiscernible), all

1 the (indiscernible). Pay for it.

2 COMMISSIONER CLARK: Right.

3 DISTRICT ATTORNEY HERRERA: And so a deal's not a deal
4 because we've already agreed, apparently, to modify the deal.
5 So --

6 COMMISSIONER BAKKER: Yeah.

7 DISTRICT ATTORNEY HERRERA: -- the question is, it hasn't
8 gone through. So you can say, no, the deal is a deal. You can
9 say, no, let's modify it. Let's modify it for one year or two
10 years.

11 COMMISSIONER BAKKER: I say modify it for one more year.

12 KEITH WESTENGARD: But the rest of the deal was we -- that
13 the commission --

14 COMMISSIONER BAKKER: Yeah.

15 KEITH WESTENGARD: -- receive accurate updates, quarterly
16 updates. And it was also part of the deal that at the end of --
17 of every fiscal year that there would be a disclosure of money
18 that was either lost -- was there a gain or was there a loss in
19 the revenues from EMS? And that was to be shared. If there --
20 either way.

21 So --

22 COMMISSIONER BAKKER: Hey, Doug, at your meeting tonight --

23 COMMISSIONER MILLS: Yeah.

24 COMMISSIONER BAKKER: -- why don't you ask them where all
25 this information is.

26 COMMISSIONER MILLS: Well, that's -- this is one of the
27 questions I have for the meeting tonight with the hospital is
28 the -- one of the agreements we have with them is this \$25,000
29 we're giving them, is, you know, we're giving them \$25,000 and
30 then they're providing ambulance service and billing for that
31 service. And if there's any profit, any -- anything that they
32 haven't used of the 25,000, any profit that they receive is
33 supposed to be split between the county and the hospital.

34 KEITH WESTENGARD: Right. Exactly.

35 COMMISSIONER MILLS: And is that happening?

36 KEITH WESTENGARD: No, we -- we don't know what they're
37 making.

38 COMMISSIONER MILLS: Okay. That's --

39 KEITH WESTENGARD: Because we don't get accurate results.

40 COMMISSIONER BAKKER: Tell them they're breaking even every

1 month.

2 COMMISSIONER MILLS: Well, I -- from looking at some of the
3 numbers, I kind of doubt it.

4 COMMISSIONER BAKKER: I doubt it too.

5 COMMISSIONER MILLS: But --

6 VICE CHAIRWOMAN WAITS: The other thing was we had
7 separated and paying for Austin. And --

8 KEITH WESTENGARD: Well, --

9 VICE CHAIRWOMAN WAITS: -- that's been a big bulk. And now
10 here we're splitting to --

11 KEITH WESTENGARD: Let me make a clarification on that.
12 Actually, that split 20,000 for Battle Mountain --

13 VICE CHAIRWOMAN WAITS: And the southern end.

14 KEITH WESTENGARD: -- and 5,000 for the southern, that was
15 a recordkeeping on Lander County's side.

16 According to the hospital board, there -- they had no idea
17 of this split. And that's just from the hospital board with
18 conversation we've had with them. They don't show a split.
19 They show \$25,000 for Lander County EMS services. Period.

20 COMMISSIONER BAKKER: So we've been paying \$5,000 extra for
21 Austin and there hasn't been a service there until this year?

22 KEITH WESTENGARD: Well, that's -- that's what we show in
23 our books --

24 COMMISSIONER BAKKER: Per month.

25 KEITH WESTENGARD: -- is the split.

26 DISTRICT ATTORNEY HERRERA: They violated almost every term
27 of the old contract, if you want a legal opinion.

28 COMMISSIONER BAKKER: It's like 60,000 bucks a year for the
29 last four --

30 DISTRICT ATTORNEY HERRERA: Every term.

31 COMMISSIONER BAKKER: -- years.

32 COMMISSIONER CLARK: Oh, it's been \$25,000 a month.

33 COUNTY CLERK SULLIVAN: Sadie Sullivan.

34 COMMISSIONER BAKKER: No. No. Just for Austin.

35 COUNTY CLERK SULLIVAN: Sadie Sullivan, Lander County
36 clerk, for the record. It did state -- and I can go back to the
37 minutes to verify that it was discussed, a portion for the
38 southern end and the northern end. Which I mean, we're all in
39 agreeance. But just so you know, if you do want those records,
40 they were well aware.

1 KEITH WESTENGARD: Well, I agree. It was -- in our Lander
2 County meeting, that's the way it was discussed.

3 But it was never put -- passed on that way to the hospital
4 that 5,000 was for the south, 20,000 is for the north. It was
5 never put in the hospital.

6 COUNTY CLERK SULLIVAN: It was before the hospital.

7 Just so that you know. With -- with the presence of them
8 being here. Like I said, I can go back and see. But I agree, he
9 was here, --

10 KEITH WESTENGARD: Well, okay.

11 COUNTY CLERK SULLIVAN: -- representation for the hospital
12 was aware of it.

13 KEITH WESTENGARD: Well, that's what I was informed of from
14 the hospital board three months ago that they showed -- they
15 didn't show a split. It was \$25,000 per -- a month.

16 VICE CHAIRWOMAN WAITS: They may not have shown it, but
17 they were aware of it or at least informed. And whether they
18 were absent that time or not, who knows?

19 COMMISSIONER BAKKER: I think we might need to back bill.

20 COMMISSIONER MILLS: Oh, gosh.

21 COMMISSIONER CLARK: It appears to me that somebody --

22 COMMISSIONER BAKKER: Three hundred grand.

23 COMMISSIONER CLARK: -- knows that the county commissioners
24 cannot do it without the EMS.

25 So no matter what, no matter what we do, we're going to have
26 EMS.

27 And that's what's been driving these violations in the
28 contract. They know we won't let it go away. We can't. So I'm
29 feeling like I'm being held hostage here.

30 COMMISSIONER BAKKER: Well, you guys have some questions
31 you can ask tonight.

32 COMMISSIONER MILLS: Yeah. The EMS could go away. We
33 could go back to volunteer service.

34 COMMISSIONER CLARK: Oh, my goodness.

35 COMMISSIONER MILLS: And that's what -- that's what the
36 hospital's saying is, as part of their deal, is that --

37 COMMISSIONER CLARK: Right. I understand.

38 COMMISSIONER MILLS: -- if they don't like the agreement,
39 they may drop it. And then we're back to volunteer service.

40 COMMISSIONER CLARK: But Phil Hanna said they were ready to

1 discontinue the contract. And then the board said no. You guys
2 got --

3 COMMISSIONER MILLS: Well, no, the board didn't say no.
4 The board was saying they weren't aware of that.

5 KEITH WESTENGARD: They weren't aware. That is correct.

6 COMMISSIONER MILLS: Phil doesn't keep the board informed.

7 DISTRICT ATTORNEY HERRERA: The current contract --

8 COMMISSIONER CLARK: That's a different issue.

9 COMMISSIONER MILLS: That's a different issue.

10 COMMISSIONER CLARK: That's your issue.

11 COMMISSIONER MILLS: Right.

12 COMMISSIONER CLARK: Okay. That was -- that used to be
13 Steve's issue.

14 DISTRICT ATTORNEY HERRERA: Commissioners, the current
15 contract under Exhibit A --

16 COMMISSIONER CLARK: We have a better replacement, Doug.

17 DISTRICT ATTORNEY HERRERA: Commissioner Clark, sorry to
18 interrupt, but the current contract that was (indiscernible)
19 states that the projected Lander County EMS service budget for
20 each fiscal year shall be developed, reviewed and approved in a
21 collaborative process between Lander County and Lander -- and
22 Lander County Hospital District. And that's basically what
23 we're talking about. But we need to have the collaborative
24 process take place in order to obtain a meeting of the minds in
25 order to enter into a lawful interlocal contractual agreement.

26 VICE CHAIRWOMAN WAITS: I think we've expressed our
27 opinions. Are you okay with that? Or do you have some other
28 questions before your meeting tonight of --

29 KEITH WESTENGARD: No, I --

30 VICE CHAIRWOMAN WAITS: -- where we're coming --

31 COMMISSIONER BAKKER: The cap.

32 VICE CHAIRWOMAN WAITS: -- from?

33 COMMISSIONER BAKKER: The cap on everything.

34 KEITH WESTENGARD: The cap. Okay.

35 COMMISSIONER BAKKER: And then one more year --

36 COMMISSIONER CLARK: One year.

37 KEITH WESTENGARD: Okay.

38 COMMISSIONER BAKKER: -- and then we're done.

39 KEITH WESTENGARD: That -- that --

40 COMMISSIONER CLARK: Hopefully.

1 COMMISSIONER BAKKER: And we might be back. So --
2 KEITH WESTENGARD: Catastrophic failures is a negotiated
3 item.
4 COMMISSIONER BAKKER: Yeah.
5 COMMISSIONER MILLS: Were there -- were there just those
6 two items? Or was -- it seemed like there was something else.
7 KEITH WESTENGARD: No, that --
8 COMMISSIONER MILLS: Was there something else?
9 KEITH WESTENGARD: -- that's it. The 25 thou- -- a monthly
10 stipend.
11 COMMISSIONER MILLS: Right.
12 KEITH WESTENGARD: The --
13 COMMISSIONER MILLS: The maintenance.
14 KEITH WESTENGARD: -- cap on the maintenance. And any
15 catastrophic failure. Right. And then -- and then we'll also
16 have asked for a --
17 VICE CHAIRWOMAN WAITS: Accountability.
18 KEITH WESTENGARD: -- for the accountability on a --
19 COMMISSIONER MILLS: Okay.
20 KEITH WESTENGARD: -- monthly basis. (Indiscernible.)
21 VICE CHAIRWOMAN WAITS: No more empty checks.
22 KEITH WESTENGARD: -- what we're supposed to do.
23 COMMISSIONER MILLS: One -- one question I do have -- this
24 is a little bit separate -- but in here it talks about -- in the
25 last page of this, it says, Lander County shall remain
26 responsible for the purchase of new vehicles and regular
27 maintenance. There's that part of it.
28 The last paragraph, in the event of damage to or demise of
29 Lander County vehicles or other major equipment currently being
30 used. What -- what are we referring to as major equipment?
31 KEITH WESTENGARD: That would be the ambulances. Some of
32 the equipment that they have on those ambulances could be
33 considered major. They're, you know, high-dollar purchases.
34 COMMISSIONER MILLS: Right.
35 KEITH WESTENGARD: \$15,000 a piece of equipment. But
36 generally the ambulances themselves --
37 COMMISSIONER MILLS: Okay.
38 KEITH WESTENGARD: -- are what we're talking about.
39 COMMISSIONER MILLS: So that's the main concern is you
40 have -- because I wondering if there is a dispute or if there is

1 a problem and this major equipment, is that going to be a point
2 of argument between the county and the hospital of what -- what
3 that means and what that actually entails? Do we know who
4 bought what?

5 KEITH WESTENGARD: Oh, yeah. We've bought everything.

6 COMMISSIONER MILLS: Okay.

7 KEITH WESTENGARD: Lander County has bought --

8 COMMISSIONER MILLS: So if -- if in the event that the
9 hospital decides they're going to drop EMS and it goes back to a
10 volunteer service, --

11 COMMISSIONER BAKKER: We have all new equipment.

12 COMMISSIONER MILLS: -- that equipment --

13 KEITH WESTENGARD: Stays.

14 COMMISSIONER MILLS: -- will remain with the county.

15 KEITH WESTENGARD: It still belongs to Lander County.

16 COMMISSIONER MILLS: And the hospital's not going to argue
17 about that with us or anything?

18 KEITH WESTENGARD: No, all -- all the equipment belongs to
19 Lander County. We insure it -- correct? -- we pay for the
20 insurance.

21 NAN ANCHO: Yes.

22 KEITH WESTENGARD: We insure it.

23 We don't -- we don't -- the only thing we don't pay for is
24 the personnel.

25 COMMISSIONER MILLS: Okay.

26 KEITH WESTENGARD: They -- they put bandages and things
27 like that on it, you know --

28 COMMISSIONER MILLS: Right.

29 KEITH WESTENGARD: -- the small --

30 COMMISSIONER MILLS: The disposables.

31 KEITH WESTENGARD: -- stuff, disposable things. We pay for
32 the ambulances. We pay for the tires, the oil changes, new
33 engines. We've -- we've bought the new ambulance last year.

34 COMMISSIONER MILLS: We're paying for gurneys.

35 KEITH WESTENGARD: Yes. The gurneys.

36 COMMISSIONER MILLS: Back boards.

37 KEITH WESTENGARD: Believe it or not, the gurney for the
38 new ambulance was \$14,000.

39 COMMISSIONER MILLS: Right.

40 KEITH WESTENGARD: These aren't cheap.

1 COMMISSIONER MILLS: Yeah. They have that --
2 KEITH WESTENGARD: And that -- and actually that was the
3 cheap one --
4 COMMISSIONER MILLS: Yeah.
5 KEITH WESTENGARD: -- in today's world. So...
6 COMMISSIONER MILLS: They have one of those CPR machines,
7 automatic CPR machines.
8 KEITH WESTENGARD: (Indiscernible.)
9 COMMISSIONER BAKKER: (Indiscernible) saying a year. In
10 the year --
11 COMMISSIONER MILLS: All right.
12 COMMISSIONER BAKKER: -- if they don't agree, our volunteer
13 service will have all brand new equipment is what I'm telling
14 you.
15 KEITH WESTENGARD: (Indiscernible.)
16 UNIDENTIFIED PARTICIPANT: All right.
17 UNIDENTIFIED PARTICIPANT: Do we make --
18 COMMISSIONER BAKKER: Okay.
19 COMMISSIONER MILLS: -- any motions on this?
20 VICE CHAIRWOMAN WAITS: No. There's no --
21 COMMISSIONER MILLS: Or we're just clear on what we're
22 going to --
23 VICE CHAIRWOMAN WAITS: -- action on --
24 KEITH WESTENGARD: Just table it --
25 VICE CHAIRWOMAN WAITS: -- this item.
26 KEITH WESTENGARD: -- for now.
27 COMMISSIONER MILLS: Okay.
28 VICE CHAIRWOMAN WAITS: Yeah. Along with that though,
29 Keith, when they (indiscernible) like this, we need to -- to
30 stay on top of POOL/PACT because they have a lot of grants for
31 training. And they were going to give us the new HILT
32 stretchers type, like, too. And so we need to stay on top of
33 that for extra things. The ADS bags and stuff. I mean, I can't
34 believe the things that they were doing when I look at other
35 counties and the grants they got. So we don't want to miss an
36 opportunity there.
37 KEITH WESTENGARD: I did have a conversation with Nan
38 after.
39 VICE CHAIRWOMAN WAITS: Good.
40 KEITH WESTENGARD: And we're going meet separately and go

1 over a lot of the --

2 VICE CHAIRWOMAN WAITS: Well, because the hospital's
3 running that, saying we need this, we're not, you know, doing
4 our part --

5 KEITH WESTENGARD: Right.

6 VICE CHAIRWOMAN WAITS: -- on our side. So that's all.
7 Just a suggestion.

8 Okay. Enough of discussion. And you can represent us this
9 evening at the hospital board and report back.

10
11
12 **TREASURER**

13
14 20) **Discussion and possible action regarding approval/disapproval**
15 **of Resolution No. 2015-13, a resolution to levy the ad**
16 **valorem (property) tax rate required for fiscal year 2015-16**
17 **tax rates in accordance with Nevada Revised Statutes (NRS)**
18 **361.460, and other matters properly related thereto.**
19

20 VICE CHAIRWOMAN WAITS: We are going back to Item -- Agenda
21 Number 20. Discussion and possible action regarding
22 approval/disapproval of Resolution No. 2015-13, a resolution to
23 levy the *ad valorem* property tax rate required for fiscal year
24 2015 and '16 tax rates, in accordance with Nevada Revised
25 Statutes -- and that's NRS 361.460 -- and other matters properly
26 related thereto.

27 GRACE POWRIE: Good afternoon. My name's Grace Powrie,
28 Lander County treasurer, for the record.

29 VICE CHAIRWOMAN WAITS: Hi, Grace.

30 COMMISSIONER MILLS: This morning -- or this afternoon, the
31 first item up is the levying of the tax rate. The Department of
32 Taxation certified the tax rate this morning. And so nothing's
33 changed.

34 So I believe you have both copies: one with Mr. Stienmetz
35 being absent and one with him here.

36 So the -- the verbiage is all the same. But you'll see that
37 there's two different resolutions, depending on the scenario of
38 who was here today to sign.

39 But I do need that read in the record, the whole thing, the
40 whole resolution to identify each and every tax rate.

1 So whoever posts today.
2 COMMISSIONER MILLS: It's your job.
3 COMMISSIONER BAKKER: Shit.
4 GRACE POWRIE: Thank you, Commissioner Bakker.
5 COMMISSIONER BAKKER: You want these tax rates read into
6 the record?
7 GRACE POWRIE: Yes.
8 COMMISSIONER BAKKER: Is that what you're getting at?
9 GRACE POWRIE: This resolution.
10 COMMISSIONER CLARK: They're the same.
11 COMMISSIONER BAKKER: Oh, just the resolution?
12 DISTRICT ATTORNEY HERRERA: Yes.
13 COMMISSIONER CLARK: Uh-huh. No increases.
14 COMMISSIONER BAKKER: Grace, clarification. You're going
15 to want every one of those?
16 GRACE POWRIE: Yes. Because each of the taxing entities
17 has its own tax rate for the new fiscal year.
18 COMMISSIONER BAKKER: Okay.
19 GRACE POWRIE: And this is the specials.
20 COMMISSIONER BAKKER: Okay.
21 GRACE POWRIE: Okay. And what else do you have? Is that
22 the only thing you have?
23 COMMISSIONER BAKKER: No.
24 GRACE POWRIE: Okay.
25 COMMISSIONER BAKKER: I was hoping you didn't want that all
26 read in too.
27 GRACE POWRIE: Okay. This is the motion that you need to
28 read.
29 COMMISSIONER BAKKER: Okay.
30 GRACE POWRIE: This is the resolution that these rates are
31 part of. So just this.
32 COMMISSIONER BAKKER: So I just need to read that?
33 GRACE POWRIE: Yes.
34 COMMISSIONER BAKKER: Okay. Thank you.
35 I make a motion to approve Resolution No. 2015-13 per NRS
36 361.460, the Board of County Commissioners of Lander County know
37 that the Nevada Tax Commission has certified the combined ad
38 valorem property tax rate, that the levy of the taxes in Lander
39 County for the fiscal period beginning July 1st, 2015, through
40 June 30th, 2016, shall be in accordance with the following

1 schedule for each fund on a hundred dollars of property:
2 General Fund, 1.2705; Road and Bridge, 0.1855; Indigent, 0.0755;
3 Ag Extension, 0.0150; Aging Services, 0.0850; Airport, 0.0400;
4 Culture and Recreation, 0.0895; Youth Services, 0.0028; State
5 Indigent NACO, 0.0150; State Medical Indigency; 0.0655; Capital
6 Acquisition, 0.0300; Lander County Landfill, 0.0500; Hospital,
7 0.5109; School, 0.7500; State Rate, 0.1700; Base Rate, 3.3552;
8 Specials, Sewer and Water District #2, .0677; Austin Town,
9 .2213; Battle Mountain Town, .0500, Kingston Town, .3048.

10 Did I miss anything?

11 COUNTY CLERK SULLIVAN: Authorize the chair to sign,
12 please.

13 COMMISSIONER BAKKER: Authorize the vice chair --

14 COUNTY CLERK SULLIVAN: Vice chair.

15 COMMISSIONER BAKKER: -- to sign.

16 COMMISSIONER MILLS: Second.

17 VICE CHAIRWOMAN WAITS: Thank you. It's been moved and
18 seconded that we approve the Resolution No. 2015-13. The motion
19 made by Commissioner Bakker, seconded by Commissioner Mills.

20 Any discussion?

21 (No comment.)

22 VICE CHAIRWOMAN WAITS: Public comment?

23 (No comment.)

24 VICE CHAIRWOMAN WAITS: All those in favor?

25 COMMISSIONER BAKKER: Aye.

26 COMMISSIONER MILLS: Aye.

27 COMMISSIONER CLARK: Aye.

28 COMMISSIONER WAITS: Aye.

29 And that passes.

30 GRACE POWRIE: Thank you. And Sadie, you have the -- the
31 resolution for them to sign?

32 COUNTY CLERK SULLIVAN: Correct.

33 GRACE POWRIE: Thank you.

34

35 22) Discussion and possible action regarding the letter on
36 one-year delinquent taxes per Nevada Revised Statutes (NRS)
37 361.5648 and 361.565, and other matters properly related
38 thereto.

39

40 VICE CHAIRWOMAN WAITS: Okay. Moving on. Number 22.

1 Discussion and possible action regarding the letter on
2 one-year delinquent taxes per Nevada Revised Statutes, NRS
3 361.5648 and 361.565, and other matters properly related thereto.

4 GRACE POWRIE: Okay. This item is just an old statute.
5 The treasurer's association has tried very, very hard to get
6 some of this old language out of the statute. But until we do,
7 this is just an affidavit to you from me stating that I sent the
8 legal letters out on the one-year delinquents. And basically, I
9 have to report to you. So it's more of an acknowledgment. Just
10 needs to be read into the -- read into the record that you did
11 receive it.

12 COMMISSIONER BAKKER: Make a motion to approve the letter
13 from the Lander County treasurer pursuant to NRS 361.5648 and
14 NRS 361.565 stating that assurance of the affidavit and legal
15 advertisement of delinquent taxpayers.

16 COMMISSIONER MILLS: Second.

17 VICE CHAIRWOMAN WAITS: Moved by Commissioner Bakker,
18 seconded by Commissioner Mills that we acknowledge that
19 delinquent tax notice.

20 Any other discussion?

21 (No comment.)

22 VICE CHAIRWOMAN WAITS: Public comment?

23 (No comment.)

24 VICE CHAIRWOMAN WAITS: All those in favor?

25 COMMISSIONER BAKKER: Aye.

26 COMMISSIONER MILLS: Aye.

27 COMMISSIONER CLARK: Aye.

28 VICE CHAIRWOMAN WAITS: Aye.

29 Thank you. And that passes.

- 30
31 23) Discussion and possible action regarding approval/disapproval
32 of the following adjustments to the tax roll: a) adjustments
33 to the 2012-13 secured tax roll, b) adjustments to the
34 2013-14 secured tax roll, c) adjustments to the 2014-15
35 secured tax roll, and other matters properly related thereto.
36

37 VICE CHAIRWOMAN WAITS: We are at Number 23. Discussion
38 and possible action regarding approval or disapproval of the
39 following adjustments to the tax roll: a) adjustments to the
40 2012-2013 secured tax roll; b) adjustments to the 2013-2014

1 secured tax roll; c) adjustments to the 2014-2015 secured tax
2 roll; and other matters properly related thereto.

3 GRACE POWRIE: When we -- when we send out the tax bills
4 and we close the roll at the assessor's office and the
5 treasurer's office, there are adjustments throughout the year.
6 And instead of bringing them to you periodically through the
7 meetings, we just accumulate them and bring you an annual
8 adjustment for everything that's happening over the year.

9 The assessor brings it to me. I adjust the tax. Either I
10 increase it or decrease it. And then we finalized everything
11 before June 30th. And these are the adjustments accordingly.

12 COMMISSIONER MILLS: You need all that read in too?

13 GRACE POWRIE: Just the motion, Sean. Just that little
14 guy.

15 COMMISSIONER BAKKER: Okay.

16 GRACE POWRIE: You want to do the one for the secured roll?

17 COMMISSIONER BAKKER: Huh?

18 GRACE POWRIE: The motion for the secured roll. Do you see
19 that?

20 COMMISSIONER BAKKER: Yeah. The unsecured roll; right?

21 GRACE POWRIE: No, the secured. There's two. The next --

22 COMMISSIONER BAKKER: I don't have that one. Nope.

23 COMMISSIONER CLARK: This one?

24 GRACE POWRIE: No, that one is for the chargebacks to the
25 state. That's the unsecured.

26 Do you have A and B?

27 COMMISSIONER BAKKER: Nope.

28 COUNTY CLERK SULLIVAN: Would you like to
29 --(indiscernible).

30 GRACE POWRIE: I have a motion.

31 COMMISSIONER BAKKER: Okay.

32 I got it.

33 GRACE POWRIE: Thanks, Sadie.

34 COMMISSIONER BAKKER: I make a motion to approve the
35 adjustments to the secured roll as followings: a) approve
36 adjustment to 2012-13 secured roll in the amount of \$13.65; b)
37 approve adjustment to 2013-14 secured roll in the amount of
38 \$29.57; c) approve adjustments to 2014-15 secured roll in the
39 amount of \$3,625.97. Total approved adjustment to TV assessment
40 for total combined adjustment for the secured roll during

1 2014-15 fiscal year in total amount of \$3,669.19.

2 GRACE POWRIE: Okay. Would you state in the record those

3 are negative numbers, please?

4 COMMISSIONER BAKKER: Negative numbers.

5 COMMISSIONER MILLS: Does that mean, no, you're not going

6 to do that? Or --

7 COMMISSIONER BAKKER: You want to read it next time?

8 VICE CHAIRWOMAN WAITS: Is that a second?

9 COMMISSIONER MILLS: Second.

10 COUNTY CLERK SULLIVAN: May I get that back so I can --

11 VICE CHAIRWOMAN WAITS: Thank you.

12 COUNTY CLERK SULLIVAN: -- make copies.

13 VICE CHAIRWOMAN WAITS: Motion to include the adjustments

14 to the secured roll made by Commissioner Bakker, seconded by

15 Commissioner Mills. Any other discussion?

16 (No comment.)

17 VICE CHAIRWOMAN WAITS: Public comment?

18 (No comment.)

19 VICE CHAIRWOMAN WAITS: All those in favor?

20 COMMISSIONER BAKKER: Aye.

21 COMMISSIONER MILLS: Aye.

22 COMMISSIONER CLARK: Aye.

23 COMMISSIONER WAITS: Aye.

24 Thank you.

25

26 **24) Discussion and possible action regarding approval/disapproval**

27 **of the 2013-14 and 2014-15 delinquent water basin account to**

28 **be charged back to the State of Nevada, and other matters**

29 **properly related thereto.**

30

31 VICE CHAIRWOMAN WAITS: That moves into Number 24.

32 How -- how long do you have with us, Grace?

33 GRACE POWRIE: As fast as it goes.

34 VICE CHAIRWOMAN WAITS: Discussion and possible action

35 regarding approval/disapproval of the 2013-2014 and 2014-2015

36 delinquent water accounts to be charged back to the State of

37 Nevada, and other matters --

38 GRACE POWRIE: Excuse me.

39 VICE CHAIRWOMAN WAITS: -- properly --

40 GRACE POWRIE: Excuse me, Chairwoman. There's a Part B to

1 that last --
2 VICE CHAIRWOMAN WAITS: On 23?
3 GRACE POWRIE: Yeah, on the one before that. We did the
4 secured roll. Now we need to do the unsecured roll, Part B.
5 VICE CHAIRWOMAN WAITS: I don't have that.
6 COMMISSIONER MILLS: Is that -- is that this one?
7 GRACE POWRIE: No, --
8 VICE CHAIRWOMAN WAITS: Okay, --
9 GRACE POWRIE: -- that's --
10 VICE CHAIRWOMAN WAITS: -- we're --
11 GRACE POWRIE: No, that's the water taxes.
12

13 **23) Discussion and possible action regarding approval/disapproval**
14 **of the following adjustments to the tax roll: a) adjustments**
15 **to the 2012-13 secured tax roll, b) adjustments to the**
16 **2013-14 secured tax roll, c) adjustments to the 2014-15**
17 **secured tax roll, and other matters properly related thereto.**
18

19 VICE CHAIRWOMAN WAITS: We are back on Number 23.

20 COMMISSIONER BAKKER: Here, I'll let you read that one. I
21 had that one.

22 GRACE POWRIE: Thank you, Sean.

23 COMMISSIONER MILLS: (Indiscernible.)

24 COMMISSIONER BAKKER: Those are negative numbers --

25 VICE CHAIRWOMAN WAITS: Oh, you don't --

26 COMMISSIONER BAKKER: -- just for the record.

27 VICE CHAIRWOMAN WAITS: I do too have it. Thank you.

28 GRACE POWRIE: You're very --

29 VICE CHAIRWOMAN WAITS: Unsecured.

30 GRACE POWRIE: -- welcome.

31 VICE CHAIRWOMAN WAITS: Okay. Here we go.

32 COMMISSIONER MILLS: Okay.

33 I make a motion to approve the adjustments to the unsecured
34 roll as -- as follows: a) approve an adjustment to the 2009-10 in
35 the amount -- negative amount of \$68.82; b) approve the adjustment
36 to 2010-11 unsecured rolls, and negative \$70.59; c) approve
37 adjustment to 2011-12 unsecured rolls in the amount of negative
38 \$69.69; d) approve the adjustment to 2012-2013 unsecured rolls in
39 the amount of a negative \$85.94; e) approve the adjustment to --

40 VICE CHAIRWOMAN WAITS: It's not on the agenda.

1 COMMISSIONER MILLS: -- the 2013-14 unsecured roll in the
2 amount of a negative \$14,124.18; approve adjustment to the
3 2014-15 unsecured roll in the amount of a negative -- at
4 \$1,157,254.96. For a total combined adjustment for the
5 unsecured roll during the 2014-15 fiscal year in the amount of a
6 negative \$1,171,674.18.

7 COMMISSIONER BAKKER: Second.

8 VICE CHAIRWOMAN WAITS: I have a question.

9 DISTRICT ATTORNEY HERRERA: Yes.

10 VICE CHAIRWOMAN WAITS: Because I don't have that on my
11 agenda.

12 GRACE POWRIE: Oh, that's crazy. Okay.

13 VICE CHAIRWOMAN WAITS: So can I read it into the record
14 for the unsecured tax roll according to the NRS? Or because
15 it's not on the agenda, do we have to defer it?

16 GRACE POWRIE: I don't know. The agenda request --

17 COMMISSIONER MILLS: Isn't that Part B?

18 GRACE POWRIE: -- was on there.

19 COMMISSIONER MILLS: No, that's the --

20 GRACE POWRIE: So I don't know how it got actually put on
21 the final. But I know that it was submitted that way.

22 COMMISSIONER BAKKER: It doesn't say.

23 DISTRICT ATTORNEY HERRERA: It doesn't say for the
24 unsecured.

25 VICE CHAIRWOMAN WAITS: If you read Number 23, it talks
26 about the approval/disapproval for the secured.

27 COMMISSIONER BAKKER: Secured tax roll.

28 COMMISSIONER MILLS: Yeah, this --

29 VICE CHAIRWOMAN WAITS: but not the --

30 COMMISSIONER MILLS: -- secured --

31 VICE CHAIRWOMAN WAITS: -- unsecured.

32 COMMISSIONER MILLS: -- tax roll.

33 VICE CHAIRWOMAN WAITS: So --

34 COMMISSIONER BAKKER: There was a typo for B.

35 DISTRICT ATTORNEY HERRERA: Adjustments.

36 COMMISSIONER MILLS: Is it B or C?

37 COMMISSIONER BAKKER: That's B.

38 COMMISSIONER MILLS: 2013. Because this just says 2013-14.
39 This is 2014-15.

40 COMMISSIONER BAKKER: Well, then it's got to be C.

1 COMMISSIONER MILLS: That's why I was asking if it was C.
2 COMMISSIONER BAKKER: It's all messed up.
3 DISTRICT ATTORNEY HERRERA: One second.
4 It hasn't been properly agendized for the unsecured roll
5 adjustments.
6 VICE CHAIRWOMAN WAITS: Shall we defer that then?
7 DISTRICT ATTORNEY HERRERA: I believe we probably should.
8 VICE CHAIRWOMAN WAITS: We have a motion on the floor. Can
9 we --
10 COMMISSIONER BAKKER: I retract my second.
11 COMMISSIONER MILLS: I retract my motion.
12 VICE CHAIRWOMAN WAITS: Okay. So we will put --
13 GRACE POWRIE: Put it on --
14 VICE CHAIRWOMAN WAITS: -- that on the --
15 GRACE POWRIE: -- on the --
16 VICE CHAIRWOMAN WAITS: -- agenda again.
17 GRACE POWRIE: -- next agenda.
18 VICE CHAIRWOMAN WAITS: And I'm so sorry.
19 COMMISSIONER MILLS: Do we have a time frame problem with
20 this? Is this time limited?
21 GRACE POWRIE: No, this has all been done. It just needs
22 to be ratified --
23 COMMISSIONER MILLS: Just ratifying it.
24 GRACE POWRIE: -- basically.
25 VICE CHAIRWOMAN WAITS: And --
26 COMMISSIONER MILLS: Okay.
27 VICE CHAIRWOMAN WAITS: -- putting it in --
28 GRACE POWRIE: We can do it next --
29 VICE CHAIRWOMAN WAITS: -- record.
30 GRACE POWRIE: -- time.
31 COMMISSIONER MILLS: So that doesn't -- good enough.
32 VICE CHAIRWOMAN WAITS: Okay.
33 GRACE POWRIE: We had good intentions.
34
35 24) Discussion and possible action regarding approval/disapproval
36 of the 2013-14 and 2014-15 delinquent water basin account to
37 be charged back to the State of Nevada, and other matters
38 properly related thereto.
39
40 VICE CHAIRWOMAN WAITS: We are back --

1 COMMISSIONER BAKKER: You want to keep that --
2 VICE CHAIRWOMAN WAITS: -- to Agenda --
3 COMMISSIONER BAKKER: -- until next time?
4 VICE CHAIRWOMAN WAITS: -- Item Number 24 again.
5 Discussion and possible action regarding approval/disapproval of
6 the 2013-14 and 2014-15 delinquent water basin accounts to be
7 charged back to the State of Nevada, and other matters properly
8 related thereto?
9 GRACE POWRIE: Okay, I have an addition to that.
10 And it was sent down to the south for their -- their viewing.
11 Okay. This is -- this is the chargeback. The 2013-14's
12 correct, the paperwork you have. 2014-15, instead of being \$33,
13 it will be 42 something.
14 VICE CHAIRWOMAN WAITS: Forty-two something?
15 GRACE POWRIE: Forty-two sixty-nine, yes. There you go.
16 And say this is for the --
17 COMMISSIONER BAKKER: You need two different motions,
18 Grace, huh?
19 GRACE POWRIE: Yes, because it's two different tax years.
20 COMMISSIONER BAKKER: Yeah. Gotcha. Want the first one or
21 the second one?
22 COMMISSIONER MILLS: I'll go.
23 Okay. I'll make a motion to approve the 2013-14 delinquent
24 water basin accounts to be charged back to the State of Nevada as
25 follows: in the name of Greathead, Ronald and Eleanor, Clover
26 Basin, \$19.20. Total combined adjustment to be charged back to
27 the State of Nevada for 2013-14 fiscal year \$19.20.
28 COMMISSIONER BAKKER: Second.
29 VICE CHAIRWOMAN WAITS: Thank you. Moved to charge back
30 the '13 and '14 delinquent water basin accounts.
31 Any other discussion?
32 (No comment.)
33 VICE CHAIRWOMAN WAITS: All those in favor?
34 COMMISSIONER MILLS: Aye.
35 COMMISSIONER BAKKER: Aye.
36 COMMISSIONER CLARK: Aye.
37 COMMISSIONER WAITS: Aye.
38 Thank you.
39 COMMISSIONER MILLS: Okay. I make a motion to approve the
40 2014-15 delinquent water basin accounts to be charged back to

1 the State of Nevada as follows: In the name of Greathead,
2 Ronald and Eleanor, Clover Basin \$32; in the name of Betty
3 O'Neal Mine, Lower Reese River Basin, \$9.69.

4 In the name of FMC Corporation, Lower Reese River Basin, \$1.
5 Total combined adjustment to be charged back to the State of
6 Nevada for 2014-15 fiscal year, \$42.69.

7 COMMISSIONER BAKKER: Second.

8 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
9 Mills, seconded by Commissioner Bakker to approve the move for
10 the delinquent water basin accounts to be charged back to the
11 State of Nevada.

12 Any other discussion?

13 (No comment.)

14 VICE CHAIRWOMAN WAITS: All those in favor?

15 COMMISSIONER MILLS: Aye.

16 COMMISSIONER BAKKER: Aye.

17 COMMISSIONER CLARK: Aye.

18 COMMISSIONER WAITS: Aye. Thank you. And that passes.

- 19
20 25) Discussion and possible action to approve/disapprove the
21 transfer of delinquent water/sewer accounts to the 2014-15
22 secured tax roll as reconciled on June 25, 2015: a) transfer
23 the reconciled accounts according to Lander County Code
24 Section 13.04.050(7)(E) Battle Mountain; b) transfer the
25 reconciled accounts according to Lander county Code Section
26 13.08.050, Lander County Combined Sewer and Water District
27 #2, and other matters properly related thereto.
28

29 VICE CHAIRWOMAN WAITS: And we're moving on to 25.
30 Discussion and possible action to approve or disapprove the
31 transfer of delinquent water/sewer accounts to 2014-2015 secured
32 tax rolls as reconciled on June 25th, 2015: --

33 COMMISSIONER BAKKER: Oh, we got a new one too?

34 VICE CHAIRWOMAN WAITS: -- a) transfer the reconciled
35 accounts according to the Lander County Code Section
36 13.04.050(7)(E) Battle Mountain; number b) transfer the
37 reconciled accounts according to Lander County Code Section
38 13.08.050, Lander County Combined Water and Sewer District 2;
39 and other matters properly related thereto.

40 GRACE POWRIE: These are the water and sewer accounts that

1 are 90 days or more delinquent on our books.

2 We have a ordinance and a resolution in place that allows
3 the outstanding to be transferred to the tax rolls, the secured
4 tax roll. And then it'll be collected at the same time by the
5 same person in the same manner as property taxes.

6 The list in front of you I just gave you is the reconciled
7 account as of this morning as to who has 90-day delinquent
8 accounts. That amount is the amount that I need transferred to
9 the 2014-15 secured tax roll.

10 There is none for Austin. But we need to read it in the
11 motion that there wasn't any for Austin.

12 But the -- the one I gave you the other day was as of the
13 15th. Today is as of the end of the work day 23rd of June.

14 VICE CHAIRWOMAN WAITS: So if anybody comes in past this --
15 past our approval of putting it on the secure tax roll, it stays
16 on there. They can't take it out and pay their water bill and
17 pull --

18 GRACE POWRIE: What it --

19 VICE CHAIRWOMAN WAITS: -- it off --

20 GRACE POWRIE: -- does --

21 VICE CHAIRWOMAN WAITS: -- the tax roll?

22 GRACE POWRIE: What it does, Commissioners, is we had a
23 terrible time collecting our water and sewer bills. We were
24 doing door hangers; putting 70, 80 door hangers on people's
25 properties every month; giving them a 15-day notice to come in
26 and pay or they got shut off and charged another \$50 to have to,
27 you know, do a connection charge.

28 So in 2009, we did this so that we don't have to shut anybody
29 off in this middle of the summer; the elderly, the little kids,
30 nobody is being -- being hindered whatsoever.

31 But the property owner of the service address, if the -- if
32 -- and one time a year in June, if they are 90 days behind, I
33 transfer to the tax roll. If they continue to stay behind,
34 because it's billed as a tax in the same manner as any other tax
35 that I collect, in three years I can take the property, if they're
36 still delinquent, sell it, and recover a hundred percent of our
37 money.

38 VICE CHAIRWOMAN WAITS: Thank you. I understand the reason
39 why. I just wanted to verify that if they came in tomorrow --

40 GRACE POWRIE: It would be posted to their --

1 VICE CHAIRWOMAN WAITS: To their taxes.
2 GRACE POWRIE: Yes, their taxes, not --
3 VICE CHAIRWOMAN WAITS: To their property --
4 GRACE POWRIE: Yes.
5 VICE CHAIRWOMAN WAITS: -- taxes. Okay.
6 GRACE POWRIE: There'll be a tax.
7 VICE CHAIRWOMAN WAITS: I just --
8 GRACE POWRIE: So a lien on their taxes.
9 VICE CHAIRWOMAN WAITS: It's over and done with. They can
10 pay their water and sewer bill. I --
11 GRACE POWRIE: Yes. Yes.
12 VICE CHAIRWOMAN WAITS: -- just wanted to --
13 GRACE POWRIE: Yes.
14 VICE CHAIRWOMAN WAITS: -- clarify that.
15 GRACE POWRIE: Yes.
16 VICE CHAIRWOMAN WAITS: Okay. Thank you.
17 GRACE POWRIE: Uh-huh.
18 COMMISSIONER BAKKER: Okay.
19 VICE CHAIRWOMAN WAITS: Gentlemen?
20 COMMISSIONER BAKKER: I make --
21 COMMISSIONER CLARK: I just don't understand how you can
22 get so far behind on your water and sewer bill.
23 GRACE POWRIE: Commissioner Clark, there are people that
24 don't pay a water bill ever.
25 COMMISSIONER CLARK: That -- well, I'm not one of them, --
26 GRACE POWRIE: We have a --
27 COMMISSIONER CLARK: -- those kind of people.
28 GRACE POWRIE: We have a --
29 COMMISSIONER CLARK: So that's why --
30 GRACE POWRIE: -- tool.
31 COMMISSIONER CLARK: -- I said what I did --
32 GRACE POWRIE: Yeah.
33 COMMISSIONER CLARK: -- because we have some people here
34 that owe \$900. And at \$63 a month, \$67 a month for your basic
35 usage, that's a lot of months that they didn't pay.
36 GRACE POWRIE: Well, they can't be over 14 months. Because
37 today I'm only transferring anything that's 90 days or more.
38 So they could be 60-day accounts outstanding, which there
39 are. And next month they'll become three months, but they missed
40 it by one month. So at the end of June of next year, they could

1 truly be 14 months behind plus penalties. They'll be transferred
2 to the tax roll and charged the penalties as a real property tax
3 would be charged.

4 VICE CHAIRWOMAN WAITS: Thank you. So the motion needs the
5 amounts. And then Austin needs to be -- and they're showing
6 they have none; right?

7 GRACE POWRIE: I -- I can't --

8 VICE CHAIRWOMAN WAITS: Austin needs to be in there on
9 their motion showing they have none.

10 GRACE POWRIE: Yeah, it will be two separate motions.

11 VICE CHAIRWOMAN WAITS: Okay.

12 GRACE POWRIE: Thank you.

13 COMMISSIONER MILLS: Make a motion to approve the
14 reconciled delinquent water/sewer accounts be transferred from
15 Battle Mountain Water and Sewer to the secured 2014-15 tax roll
16 per Lander County Code Section 13.04.050(7)(E) in the amount of
17 \$35,967.27, reconciled on that June 25th, 2015.

18 GRACE POWRIE: I believe you said 27 cents.

19 VICE CHAIRWOMAN WAITS: It's --

20 GRACE POWRIE: It's --

21 VICE CHAIRWOMAN WAITS: -- 24.

22 GRACE POWRIE: -- 24.

23 COMMISSIONER MILLS: Twenty-four cents.

24 GRACE POWRIE: Yes. Thank you.

25 COMMISSIONER BAKKER: Second.

26 VICE CHAIRWOMAN WAITS: Thank you. Correct that. It's
27 been moved by Commissioner Mills, seconded by Commissioner
28 Bakker.

29 Any other discussion?

30 (No comment.)

31 VICE CHAIRWOMAN WAITS: Okay. We will reconcile the water
32 and sewer accounts to be transferred to our secured rolls.

33 All in favor?

34 COMMISSIONER BAKKER: Aye.

35 COMMISSIONER MILLS: Aye.

36 COMMISSIONER CLARK: Aye.

37 COMMISSIONER WAITS: Aye.

38 Thank you.

39 COMMISSIONER BAKKER: I'll make a motion to approve the
40 reconciled delinquent water and sewer accounts be transferred

1 from Lander County Combined Sewer and Water District #2 to the
2 secured 2014-15 tax roll per Lander County Code Section
3 13.08.050 in the amount of zero dollars reconciled on June 25th,
4 2015.

5 COMMISSIONER MILLS: Second.

6 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
7 Bakker for District 2 to be reconciled and seconded by
8 Commissioner Mills.

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.

16 Thank you.

17 COMMISSIONER BAKKER: Holy smokes.

18 COMMISSIONER MILLS: Another one?

19 COMMISSIONER BAKKER: At least she has it. We're not
20 making this up --

21 COMMISSIONER MILLS: Yeah.

22 COMMISSIONER BAKKER: -- as we go (indiscernible).

23 COMMISSIONER MILLS: What are we supposed to say?

24
25 **26) Discussion and possible action to approve/disapprove payment**
26 **for delinquent water/sewer accounts for 2014-15 and reconcile**
27 **on June 25, 2015; a) to pay according to Lander County Code**
28 **Section 13.04.050(7)(E) Battle Mountain; b) to pay accounts**
29 **according to Lander County Code Section 13.08.050, Lander**
30 **County Combined Sewer and Water District #2; and other**
31 **matters properly related thereto.**
32

33 VICE CHAIRWOMAN WAITS: Okay. So now we are on 26. Right?
34 They're beginning to look all alike.

35 GRACE POWRIE: I know it.

36 VICE CHAIRWOMAN WAITS: Discussion and possible action to
37 approve/disapprove payment for delinquent water/sewer accounts
38 for 2014 and '15 and reconcile on June 25th, 2015; to pay
39 according to Lander County Code Section 13.04.050(7)(E) Battle
40 Mountain; and b) to pay accounts according to Lander County Code

1 Section 13.08.050, Lander County Combined Sewer and Water
2 District #2; and other matters properly related thereto.
3 COMMISSIONER BAKKER: Okay.
4 GRACE POWRIE: Okay. After we approve the transfers, then
5 I need the money to pay the Water and Sewer department. So
6 that's what this is.
7 COMMISSIONER MILLS: And that water money comes from where?
8 GRACE POWRIE: It comes from the penalty line in the
9 treasurer's office. And as I collect the moneys, it goes back
10 into the penalty line.
11 COMMISSIONER MILLS: Okay.
12 I'll make a motion to approve payment to the Battle
13 Mountain Water and Sewer in the amount of \$35,967.24 reconciled
14 on June 25th, 2015, for the Battle Mountain Water and Sewer
15 delinquent accounts, 90-days or older per Lander County Code
16 Section 13.04.050(7)(E).
17 COMMISSIONER BAKKER: Second.
18 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
19 Mills, seconded by Commissioner Bakker that we move the payment
20 to the Water and Sewer. Any discussion?
21 (No comment.)
22 VICE CHAIRWOMAN WAITS: All those in favor?
23 COMMISSIONER MILLS: Aye.
24 COMMISSIONER BAKKER: Aye.
25 COMMISSIONER CLARK: Aye.
26 COMMISSIONER WAITS: Aye.
27 Thank you and that passes. And we move into the southern
28 Lander County district, Austin.
29 COMMISSIONER BAKKER: I make a motion to approve payment in
30 the amount of zero dollars reconciled on June 25th, 2015, to
31 Lander County Combined Sewer and Water District #2 for
32 delinquent accounts 90-days or older per Lander County Code
33 Section 13.08.050.
34 COMMISSIONER MILLS: Second.
35 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
36 Bakker, seconded by Commissioner Mills.
37 There is no amount to be approved and moved for the Water
38 District #2.
39 All those in favor?
40 COMMISSIONER BAKKER: Aye.

1 COMMISSIONER MILLS: Aye.
2 COMMISSIONER CLARK: Aye.
3 VICE CHAIRWOMAN WAITS: Aye. Thank you.

4
5 **27) Discussion for possible action to approve/disapprove payment**
6 **to Lander County treasurer for payment of taxes held for**
7 **2015-16, and other matters properly related thereto.**

8
9 VICE CHAIRWOMAN WAITS: And 27. This is your last one?

10 GRACE POWRIE: Last one.

11 VICE CHAIRWOMAN WAITS: Yay. Okay.

12 GRACE POWRIE: You guys are doing awesome.

13 VICE CHAIRWOMAN WAITS: Thank you, Grace. Discussion for
14 possible action to approve and disapprove payment to --

15 COMMISSIONER BAKKER: Little bit of sarcasm right there.

16 VICE CHAIRWOMAN WAITS: -- payment to Lander County
17 treasurer for payment of taxes held for 2015 and '16, and other
18 matters properly related thereto.

19 I'll make a motion to approve the payment to the Lander
20 County treasurer in the amount of \$12,272.21 for tax collected in
21 advance from specific taxpayers for the 2015-16 tax year.

22 COMMISSIONER MILLS: Second.

23 VICE CHAIRWOMAN WAITS: Thank you. Moved by Commissioner
24 Bakker, seconded by Commissioner Mills for the treasurer
25 payment.

26 Any other discussion?

27 (No comment.)

28 VICE CHAIRWOMAN WAITS: All those in favor?

29 COMMISSIONER BAKKER AND COMMISSIONER MILLS: Aye.

30 COMMISSIONER CLARK: Aye.

31 COMMISSIONER WAITS: Aye.

32 Thank you.

33 GRACE POWRIE: Thank you very much.

34 VICE CHAIRWOMAN WAITS AND COMMISSIONER BAKKER: Thanks,
35 Grace.

36
37 VICE CHAIRWOMAN WAITS: Moving on to Number 28, update --

38 UNIDENTIFIED PARTICIPANT: Can we take a five-minute break?

39 VICE CHAIRWOMAN WAITS: Five-minute break? Sure. We'll
40 take a five-minute break, have everybody wait a minute.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

(Break taken between 1:51 p.m. and 1:58 p.m.)

VICE CHAIRWOMAN WAITS: Okay, we will call our recess back to order.

Austin, are you there?

MITESHELL LANHAM: Yes.

COUNTY CLERK SULLIVAN: Okay. Thank you.

COMMISSIONERS

28) Update by Judge Jim Shirley regarding the Eleventh Judicial District Court, and other matters properly related thereto.

VICE CHAIRWOMAN WAITS: Thank you. Number 28. Update by Judge Jim Shirley regarding the Eleventh Judicial District Court, and other matters properly related thereto.

Gentlemen.

JUDGE JIM SHIRLEY: Thank you, Madam Chairman. Jim Shirley, for the record.

I thought that we ought to come before you and update you on what's going on since we last met, which was up in Humboldt County.

When we made the proposal to all three counties, well, when Justice Hardesty came forward and offered to create a new district -- judicial district and realign the Sixth, one of the things that he asked us to do is to see if it would fit within the budgetary constraints that already exist for the -- for this coming year.

And so we've -- we've completed our budgeting process. And we -- we squeak in both in the juvenile side and in the district court side under the budgets that were allotted back in April.

The juvenile, I believe, was 549,506 --

UNIDENTIFIED PARTICIPANT: 16.

JUDGE JIM SHIRLEY: -- 516 dollars. That would be the Lander County contribution for juvenile court or for the juvenile department. And that comes within the budget that we set forth.

Pershing is equ- -- Pershing shares equal to that. And then

1 Mineral County, they don't have the Leighton Hall component, and
2 theirs comes in about 297,000.

3 So we have all three budgets together. And we're able to
4 make it under that budget.

5 The district court side of Pershing and Lander are
6 providing 196,000 and 193-? Something like that. And we fit
7 within that budget as well. So we're within budget.

8 We're ready to go forward. We start next week on Wednesday,
9 July 1st.

10 VICE CHAIRWOMAN WAITS: Okay.

11 JUDGE JIM SHIRLEY: I -- I don't know how many cases Judge
12 Montero's keeping here. He's keeping a handful of them in
13 Pershing County.

14 And I'm keeping several handfuls in -- in Humboldt County.
15 But we're moving forward. We are pretty excited.

16 I've hired Craig Tippins as my chief juvenile probation
17 officer. Craig's been with the department for -- what? -- 20
18 years now.

19 CRAIG TIPPINS: Close to.

20 JUDGE JIM SHIRLEY: And I'm very confident that he'll be
21 able to provide -- help provide services to the juveniles in our
22 three counties that will be beneficial.

23 We're in the process of negotiating the -- the exchange of
24 automobiles as a final dissolution of the Sixth Judicial District.
25 And I think Mr. Herrera has probably been contacted by
26 Mr. Shields. We're a little bit hung up on one vehicle exchange.
27 Other than that, we're probably ready to do it.

28 And it's actually bringing a newer vehicle here for
29 Mr. Baldini so the mileages between the three counties for
30 juvenile probation officers are relatively equal. Right now the
31 average for -- with the two cars we have here it's about 85,000
32 miles. The average in Pershing County, I think, came out to be
33 about 58,000. And the average right now in Winnemucca for their
34 juvenile probation officers is about 26-.

35 The proposal is to bring one of the newer cars here and
36 exchange it with Mr. Baldini's car. And it will be a 2012, I
37 believe, or a '13. And after that exchange, then the average
38 mileage here would be about 54,000. The average in Humboldt would
39 be about 49,000.

40 I think it's a pretty fair proposal. It's fair for here, for

1 Lander County, for Humboldt County.

2 We would also look at the issue that -- generally what's
3 happened is if you have a car here, when it's served its use,
4 it's turned back over to the county and the county can auction
5 it off or use it as the county sees fit but you haven't done
6 that since probably '05.

7 And so the lion's share of the cars have been sold up in
8 Humboldt County. And you never see your 20 percent back on that.

9 So bringing that car here, I think, is more than fair and
10 more than equal. Plus, they get a larger share of the cars that
11 are in the fleet right now.

12 Finally, one of the reasons I think the mileage is so
13 important is because in Pershing and Lander, our juvenile
14 probation officer is going to have to drive further to transport
15 kids to Leighton Hall and those kind of things.

16 Do you have any questions about anything I've covered so
17 far?

18 VICE CHAIRWOMAN WAITS: I have a question. You just
19 mentioned Leighton Hall. I'm assuming you're going to go into
20 that a little bit more.

21 JUDGE JIM SHIRLEY: I'm going to go into that in a second.

22 VICE CHAIRWOMAN WAITS: Okay, then I'll wait. That's fine.

23 JUDGE JIM SHIRLEY: Any other questions? Commissioner
24 Bakker?

25 COMMISSIONER BAKKER: I'll let you finish. Let's -- let's
26 get through it.

27 VICE CHAIRWOMAN WAITS: I would like you to --

28 COMMISSIONER BAKKER: You guys, going to be some questions
29 at the end we've all got. So let's --

30 JUDGE JIM SHIRLEY: Okay. That's fine.

31 VICE CHAIRWOMAN WAITS: I would like you to go ahead and
32 take this opportunity to introduce the gentlemen that are with
33 you though.

34 JUDGE JIM SHIRLEY: Judge Wagner's here with me. He's my
35 unpaid consultant.

36 JUDGE RICHARD WAGNER: I think it's not going to cost you
37 money today.

38 VICE CHAIRWOMAN WAITS: We -- we know you (indiscernible).

39 COMMISSIONER BAKKER: We're going to start charging you
40 guys.

1 DISTRICT ATTORNEY HERRERA: Never believe someone that
2 tells you it's not going to cost anything.

3 VICE CHAIRWOMAN WAITS: You -- you served us well.

4 JUDGE JIM SHIRLEY: Mr. Dan Baldini's here. He's one of
5 your local juvenile probation officers. He does a great job
6 here in the community. So...

7 COMMISSIONER BAKKER: I think so.

8 JUDGE JIM SHIRLEY: The next issue is Leighton Hall. We
9 have a contract, of course, until July or June 30th of 2016.

10 I think there's going to have to be some negotiations with
11 Humboldt County on how to dissolve that -- how that contract
12 dissolves and what happens with the joint property that you
13 essentially have under that contract.

14 I would recommend and ask that maybe you have a
15 commissioner assigned with Mr. Herrera to go and negotiate the
16 terms of that dissolution.

17 I think you probably ought to strike in -- the sooner the
18 better. The longer we wait, the worse it's probably going to be
19 for the smaller two counties.

20 But I -- I think we could have a -- if we go in reasonably
21 and discuss things reasonably, I think there's -- there's an
22 opportunity to benefit the smaller two counties as well as
23 Humboldt County. I mean, I'm not -- I don't think anybody's out
24 to -- to harm anyone. So...

25 Well.

26 Mr. Herrera, that's enough.

27 I'm just giving you a hard time.

28 DISTRICT ATTORNEY HERRERA: I disagree with that.

29 JUDGE JIM SHIRLEY: Well, I think -- I think within these
30 two small counties no one's out to harm anyone.

31 DISTRICT ATTORNEY HERRERA: No one within the --

32 JUDGE JIM SHIRLEY: We're trying to just make sure that
33 things are resolved appropriately. I think it -- I think if
34 it's commissioner to commissioner between the three counties, I
35 think you're going -- and DA to DA -- I think you're going to
36 have a lot better results than having broader meetings in
37 public. If you can negotiate and come back with a proposal that
38 all three commissioners can live with, that's going to be the
39 biggest thing.

40 COMMISSIONER MILLS: Can you clarify a little bit of that

1 for me, please? Because to be honest, I thought I had heard at
2 one point -- and I could be wrong -- that our 20 percent share
3 of Leighton Hall was pretty much going to be forfeit because of
4 its physical location and the way the contract was written.
5 There's some -- there's some hope here, then, is -- you're
6 saying that we might get something --

7 JUDGE JIM SHIRLEY: I think the easiest resolution is
8 negotiation. When you originally had Leighton Hall, all three
9 counties put money into it --

10 COMMISSIONER MILLS: Right.

11 JUDGE JIM SHIRLEY: Proportionately to the 60/20/20 split.
12 And there -- over the years, you've provided maintenance out of
13 all three counties' budgets --

14 COMMISSIONER MILLS: Right.

15 JUDGE JIM SHIRLEY: -- for the Sixth Judicial District. So
16 I think there's -- there's room there to negotiate. And it
17 would be better to negotiate it than have to fight it.

18 COMMISSIONER MILLS: Okay.

19 JUDGE JIM SHIRLEY: So I think I -- I've spoken with the
20 county manager up there. I think there's a willingness to -- to
21 sit down and talk and maybe come up with a reasonable solution.

22 COMMISSIONER BAKKER: It would be cheaper to just do away
23 with it though and go to Elko. It's a hundred dollars a
24 night --

25 COMMISSIONER MILLS: Yeah.

26 COMMISSIONER BAKKER: -- per kid. We figured that up.
27 Last year, we would have only spent \$26,000 for the whole year
28 for all the kids that went out of Lander County, instead of --
29 how much did we pay Leighton this year? Two hundred and --

30 UNIDENTIFIED PARTICIPANT: 200 --

31 COMMISSIONER MILLS: 200,000.

32 COMMISSIONER BAKKER: Two hundred what?

33 DISTRICT ATTORNEY HERRERA: 200,000.

34 COMMISSIONER BAKKER: 200,000?

35 JUDGE JIM SHIRLEY: 220,000.

36 UNIDENTIFIED PARTICIPANT: 220,000.

37 COMMISSIONER BAKKER: 220,000?

38 VICE CHAIRWOMAN WAITS: But that's the problem. It isn't
39 who's more economical; it's the fact that this is a commitment.
40 So when we're ending and dissolving this commitment, we know

1 where we're going to go for less money, yes.

2 COMMISSIONER MILLS: Right.

3 VICE CHAIRWOMAN WAITS: But we still have a commitment for
4 another year.

5 JUDGE JIM SHIRLEY: Yeah. The other thing that you have to
6 be cognizant of is, for example, Carson City, Mineral County
7 could work with Mineral now. They raised the rates on Mineral
8 from about 150 to well over 380 or something? It was over \$300.
9 They raised it substantially. I think it was up in the high
10 300s.

11 COMMISSIONER BAKKER: How many kids does Mineral take there
12 though?

13 JUDGE JIM SHIRLEY: They don't have a lot. But the fact
14 is, is that these detention facilities are looking to charge
15 more money. And we're going come up with some solutions for
16 what happens after July 1st of next year. We'll have some time
17 to work on that.

18 COMMISSIONER MILLS: So what kind of -- what kind of
19 solutions are you thinking about --

20 JUDGE JIM SHIRLEY: Well, --

21 COMMISSIONER MILLS: -- or negotiations are you thinking
22 about?

23 JUDGE JIM SHIRLEY: Well, I'm -- I'm not necessarily always
24 thinking just about negotiations. I'm thinking about different
25 ways of detaining youth other than sending them to a facility.
26 Down in Mineral County, actually, they use bracelets -- the
27 tracking bracelets pretty well. And it tracks for drug use and
28 other things. And it's \$15 a day.

29 And so there's other options. But we need to study them out
30 and make sure that they work appropriately. And that's why I've
31 got guys like Mr. Tippins here to help with that.

32 So...

33 And guys like Mr. Baldini. And in between the two of
34 them here, you have something like 40 years of experience in the
35 juvenile probation setting. So...

36 Any other questions about Leighton Hall?

37 COMMISSIONER BAKKER: Not right now.

38 JUDGE JIM SHIRLEY: I would encourage you at some point
39 pretty quickly here to appoint a commissioner to meet with
40 Mr. Herrera and come and meet with the other -- the other DAs,

1 the other two DAs and representatives from the other counties.

2 VICE CHAIRWOMAN WAITS: We will put that on our agenda for
3 our next meeting. Thank you, Judge.

4 JUDGE JIM SHIRLEY: I would encourage that. I think
5 that's -- those negotiations should start sooner rather than
6 later. And I -- in truth, I don't think there's a lot
7 (indiscernible) judicial involvement in that, I'm more than
8 happy to sit in on everything. But really it's a
9 county-to-county agreement. So ...

10 COMMISSIONER MILLS: The vehicles that you were talking
11 about, are those a combination of juvenile vehicles and court --
12 district court vehicles? Or is it just one --

13 JUDGE JIM SHIRLEY: The one district court vehicle we have
14 is a state vehicle.

15 COMMISSIONER MILLS: It's a state vehicle? So mostly these
16 vehicles are all under the juvenile.

17 JUDGE JIM SHIRLEY: Yes.

18 COMMISSIONER MILLS: In the juvenile department, we have a
19 juvenile work crew vehicle, which is, I believe, a Ford pickup
20 here. And it's relatively new, low mileage.

21 They have a van in Humboldt County and a pickup in
22 Pershing.

23 I kept those out of the mix. They're all pretty equal.

24 And then what I did is I looked to see what the probation
25 officers here had, what the probation officers had in Humboldt,
26 and what they had in Pershing and compared them by mileage. I
27 don't think to us --

28 COMMISSIONER MILLS: How many vehicles are --

29 JUDGE JIM SHIRLEY: The Blue Book isn't as important as
30 mileage because we --

31 COMMISSIONER MILLS: Right.

32 JUDGE JIM SHIRLEY: -- want the utility of the vehicle.

33 COMMISSIONER MILLS: How many vehicles are we talking
34 about? It seems like -- I remember it seemed like there were 17
35 vehicles over there.

36 JUDGE JIM SHIRLEY: Well, we have --

37 COMMISSIONER BAKKER: And two here.

38 JUDGE JIM SHIRLEY: We have two plus the truck here. And
39 then in Humboldt, we have one, two, three, four, five, six,
40 seven, eight, nine, ten. Well, nine, plus their van.

1 So...

2 COMMISSIONER MILLS: Okay. That's not as many as I
3 thought. All right.

4 CRAIG TIPPINS: The list you're talking about -- Craig
5 Tippins, for the record -- the list you're talking about is part
6 of the budget packet.

7 COMMISSIONER MILLS: Okay.

8 CRAIG TIPPINS: It has every vehicle that the district owns
9 or lease until it's sold at auction.

10 So when they're parked at the barnyard -- boneyard --
11 sorry -- they're still on our -- on our inventory until they're
12 sold. So that's part of the list that you saw.

13 COMMISSIONER MILLS: Oh, so some of those are not in
14 service?

15 CRAIG TIPPINS: Absolutely.

16 COMMISSIONER MILLS: Okay. All right. I wasn't aware of
17 that.

18 DISTRICT ATTORNEY HERRERA: There's still approximately 16,
19 17, including Pershing County.

20 JUDGE JIM SHIRLEY: Right.

21 COMMISSIONER MILLS: All right.

22 JUDGE JIM SHIRLEY: There's about 17. You're about right
23 on your number.

24 DISTRICT ATTORNEY HERRERA: Absolutely.

25 JUDGE JIM SHIRLEY: And I will say that already I took
26 unilateral action and transferred one of the vehicles from
27 Pershing County to Lander County.

28 So -- because it was a newer vehicle. And they only -- they
29 had '05s -- an '05 and an '06.

30 And we transferred a 2010 for the '05 there.

31 DISTRICT ATTORNEY HERRERA: Lander County has the oldest
32 vehicles in most of the counties.

33 COMMISSIONER BAKKER: So we were the peons for a while.

34 COMMISSIONER MILLS: Yeah.

35 DISTRICT ATTORNEY HERRERA: Yes.

36 COMMISSIONER MILLS: Yeah.

37 JUDGE JIM SHIRLEY: So, you know, I'm -- I'm trying to get
38 it to be a fair model for all three counties.

39 COMMISSIONER MILLS: Okay.

40 JUDGE JIM SHIRLEY: And if we get the transfer done, you'd

1 have a 2010 and a 2012 here. Pershing would have a 2011 and
2 2008. And then in Humboldt, they'd have a '13, two '08s -- and
3 the '08s have low mileage -- a '07 and '08, a '06, a '04, a '05
4 and a '04. So...

5 DISTRICT ATTORNEY HERRERA: There's going to be three in
6 Pershing.

7 JUDGE JIM SHIRLEY: There -- there's a third
8 (indiscernible).

9 DISTRICT ATTORNEY HERRERA: And Craig -- (indiscernible).

10 JUDGE JIM SHIRLEY: Craig has a list.

11 CRAIG TIPPINS: There's only going to be two employees.

12 DISTRICT ATTORNEY HERRERA: Oh.

13 CRAIG TIPPINS: Yeah. Is that what you're talking about?

14 DISTRICT ATTORNEY HERRERA: Yeah.

15 CRAIG TIPPINS: There's only going to be two probation
16 officers in Pershing County. Is that what you're talking about?

17 UNIDENTIFIED PARTICIPANT: And you have one work crew
18 truck.

19 CRAIG TIPPINS: Yeah. There'll be two probation officers,
20 a secretary, and a work crew supervisor.

21 DISTRICT ATTORNEY HERRERA: So Pershing County's going to
22 have how many vehicles?

23 JUDGE JIM SHIRLEY: Well, we have -- we would have four,
24 but the '05 would go away. It's time to get rid of the '05.

25 And that's titled in Lander County. Yeah. So at some point
26 we're going to have to have a title swap. The 2010 is actually
27 titled in Pershing County.

28 But...

29 That doesn't really matter to me so much because it's under
30 the (indiscernible).

31 VICE CHAIRWOMAN WAITS: The only difference is when you
32 finally sell them for surplus, we're not getting any cut.
33 That's all.

34 JUDGE JIM SHIRLEY: Well, and you haven't been getting a
35 cut because most of them have been going into Humboldt County.

36 VICE CHAIRWOMAN WAITS: So --

37 COMMISSIONER BAKKER: How many vehicles does Humboldt have
38 that are titled to Lander County?

39 JUDGE JIM SHIRLEY: I'm not sure. I can tell you.

40 You have a 2006 and a 2005 that are titled in Lander County

1 plus the Ford truck, three vehicles.

2 Pershing has the 2005 and a 2010. And that 2010 is over
3 here.

4 DISTRICT ATTORNEY HERRERA: So Pershing County hasn't
5 received any of the cuts either?

6 CRAIG TIPPINS: I want to say I remember one vehicle in the
7 last -- and I've been there since 1998 -- I want to say a work
8 crew truck and one other vehicle that was salvaged in Pershing
9 County. I think everything else has gone to Humboldt County.

10 DISTRICT ATTORNEY HERRERA: So Humboldt's gotten
11 (indiscernible) resell?

12 CRAIG TIPPINS: Yeah, by far.

13 DISTRICT ATTORNEY HERRERA: Why is that?

14 CRAIG TIPPINS: I don't think there's a reason. I think
15 that's just how it happened. I think a majority of them were in
16 Humboldt County. The majority of them were titled out of
17 Humboldt County. And so when we -- when we put them to rest,
18 that's where they went to rest at. I don't think there was a
19 discussion about it. It just happened.

20 JUDGE JIM SHIRLEY: Anyway, we're working on that issue.
21 And I think Mr. Shield will be contacting Mr. Herrera to discuss
22 it. So...

23 VICE CHAIRWOMAN WAITS: Thank you.

24 Counselor, do you -- do you have anything special we need to
25 be looking at right now with the update?

26 DISTRICT ATTORNEY HERRERA: Well, I don't believe they're
27 done.

28 JUDGE JIM SHIRLEY: No, we're not.

29 DISTRICT ATTORNEY HERRERA: So -- so let's -- I'd like to
30 accommodate these four fine gentlemen because --

31 VICE CHAIRWOMAN WAITS: Okay.

32 DISTRICT ATTORNEY HERRERA: -- they're very qualified and
33 experienced in what they do.

34 VICE CHAIRWOMAN WAITS: Okay.

35 JUDGE JIM SHIRLEY: So one of our plans is to essentially
36 continue the services that we've been providing in -- in the
37 Sixth Judicial District in the Eleventh.

38 And so our juvenile court probation officers are going to
39 continue being guardian ad litem. We're going continue to
40 offer the parenting class and those types of things that we've

1 offered in the past. The focus is on the kids. And collateral
2 to that are the families. If it -- I know Mr. Herrera may
3 disagree with me -- but if we don't look at the family unit as a
4 whole as well and try to make sure that there are services that
5 we can get in there and help them, we should do that. But --

6 DISTRICT ATTORNEY HERRERA: He's looking prospectively.
7 He's not talking about this coming year's budget. He's got what
8 he has.

9 JUDGE JIM SHIRLEY: Yeah, well, based upon our current
10 budget, we're going to try to keep most of the services we have.

11 DISTRICT ATTORNEY HERRERA: But -- but I think Judge
12 Shirley's talking about, in the future, hoping to slightly
13 expand the role of the guardian ad litem.

14 JUDGE JIM SHIRLEY: No, I -- the guardians would stay the
15 way they're doing their job now. Any expansion would be -- I
16 don't see a huge expansion in the guardian ad litem program.
17 But what I'm trying to say is that the service that we provided
18 up to June 30th of this year should continue next year.

19 Some of it's grant funded and through the coalition. And so
20 we plan on trying to keep the same services in place.

21 They've been hugely successful. If you really look at the
22 guardian ad litem program as far as abuse and neglect cases and
23 divorce cases, we do a lot better job than anywhere in the state
24 with those type of cases because we actually have personnel that
25 actually care about the kid.

26 DISTRICT ATTORNEY HERRERA: There's no question about that.
27 And in the incidences the judge just pointed out, we call them
28 432B, abuse and neglect, guardian ad litem plays a very
29 important role. In the divorce cases, Judge Wagner for years
30 he's implemented this program. And he's actually getting the
31 guardian ad litem of juvenile people i- -- involved with kids.
32 And -- and it's been instrumental in -- in saving the county and
33 people and everybody else a lot of money. And the -- it's a
34 wonderful, wonderful program. And I'm glad that they can
35 continue that program. The only thing I'm concerned with --
36 about with is both Judge Shirley and Judge Wagner and most of
37 these commissioners is that if there's any expansion to those
38 programs.

39 JUDGE JIM SHIRLEY: Well, and before we -- we do things, we
40 can talk. That's the way that government works. And through

1 the budgeting process, we have to come and convince you that we
2 need the extra money. That's -- that's the way it works.

3 COMMISSIONER MILLS: So this --

4 JUDGE JIM SHIRLEY: We have to come back.

5 COMMISSIONER BAKKER: The other person you need to convince
6 is Ted over there.

7 Because if he doesn't agree with some of this stuff, we're
8 not going to agree with it.

9 COMMISSIONER MILLS: This is -- this is one -- it's on the
10 budget thing you bring up. This is one of the things that
11 we're -- at least I'm concerned about is -- is we looked at what
12 happened when we were with the Sixth District Court with
13 Humboldt in charge. And there were a lot of things happening
14 that were outside the contract, a lot of things happening
15 outside of the way they should have been handled.

16 I mean, we finally -- we finally dug up a contract and
17 looked through it. And they were adding employees. And any
18 addition of employees, according to contract, was supposed to be
19 through negotiation between the counties. And that wasn't
20 happening.

21 JUDGE RICHARD WAGNER: That wasn't from me though.

22 COMMISSIONER MILLS: Right.

23 JUDGE RICHARD WAGNER: (Indiscernible.)

24 COMMISSIONER MILLS: I understand that.

25 JUDGE RICHARD WAGNER: Richard Wagner. I never deviated
26 from the contract. I drew the contract.

27 COMMISSIONER MILLS: Right.

28 JUDGE RICHARD WAGNER: Because for years, three sets of
29 county commissioners were battling every year over what they
30 were going to do. And that stayed in place for (indiscernible).
31 I have never deviated from that contract.

32 COMMISSIONER MILLS: Right.

33 DISTRICT ATTORNEY HERRERA: That's true.

34 JUDGE RICHARD WAGNER: For the record.

35 COMMISSIONER MILLS: I'm not trying to imply it was you --

36 COMMISSIONER BAKKER: Your district or your guys' district.

37 COMMISSIONER MILLS: Your end of the -- yeah, your end of
38 it. It was --

39 COMMISSIONER BAKKER: The other end of it.

40 COMMISSIONER MILLS: I was --

1 COMMISSIONER BAKKER: But we were still paying for.
2 COMMISSIONER MILLS: Our perc- -- our perception of what --
3 was this was happening in Humboldt County. So whether or not
4 that's correct --
5 DISTRICT ATTORNEY HERRERA: It was Department 2. Let the
6 record be specific that they're talking -- they're alluding to
7 Department 2. (Indiscernible) authorized --
8 COMMISSIONER MILLS: And that's our understanding. And
9 we're afraid to step into something where we're just going to
10 end up in the same place again that we had in dealing with
11 Humboldt County.
12 So we're concerned about some of those things. I mean, we
13 ended up with, you know, this Leighton Hall, which is a great
14 facility. But for the number of kids going through that, it's --
15 it's -- that's a -- that's a massive facility for the number of
16 kids they're seeing.
17 JUDGE RICHARD WAGNER: Well, but I --
18 COMMISSIONER MILLS: But ended up with all --
19 COMMISSIONER BAKKER: And the property interest is going
20 away.
21 COMMISSIONER MILLS: All -- it just grew and grew beyond
22 what we were probably really aware of as it went.
23 JUDGE JIM SHIRLEY: I think you have to back up though,
24 because you can't compare this year's numbers. You can't look
25 at this year's numbers and say that the facility is too large.
26 Because if you go back about three or four years, they were
27 having 18, 19 kids there a night. And so --
28 COMMISSIONER MILLS: Okay.
29 JUDGE JIM SHIRLEY: -- that facility was adequate for the
30 size and the number of kids you were having. That has
31 dramatically decreased over the last --
32 UNIDENTIFIED PARTICIPANT: Year.
33 JUDGE JIM SHIRLEY: -- year.
34 COMMISSIONER MILLS: Year.
35 JUDGE JIM SHIRLEY: Fifteen months --
36 COMMISSIONER MILLS: Okay.
37 JUDGE JIM SHIRLEY: -- or something like that.
38 COMMISSIONER MILLS: So --
39 JUDGE JIM SHIRLEY: But --
40 COMMISSIONER MILLS: Yeah. Well, to be honest, my

1 perspective of the world begins on January 1st because that's
2 when I became a commissioner. So I don't know anything about it
3 before that.

4 JUDGE JIM SHIRLEY: Yeah.

5 COMMISSIONER MILLS: So that's what -- to me, that's when
6 the world began. So --

7 COMMISSIONER BAKKER: Yeah, but those 18 kids weren't from
8 Lander County either.

9 COMMISSIONER MILLS: -- my perspective is somewhat skewed,
10 probably.

11 JUDGE JIM SHIRLEY: Well, and I think when you -- when you
12 look at bookings, the percentages follow the 60/20/20.

13 COMMISSIONER MILLS: They seem to.

14 COMMISSIONER BAKKER: Right. No, I know. But I'm --

15 JUDGE JIM SHIRLEY: Or they're close.

16 COMMISSIONER BAKKER: -- just saying. Humboldt seemed to
17 be getting the better end of the deal there.

18 CRAIG TIPPINS: There were -- they were paying 40 percent
19 more than the other two counties in that same regard though.

20 COMMISSIONER MILLS: Right.

21 CRAIG TIPPINS: And over the past years, Leighton Hall, the
22 detention facility, has had programs within the facility. So it
23 was doing more than just detaining kids.

24 COMMISSIONER MILLS: Right.

25 CRAIG TIPPINS: There was a subject of each program that
26 ran and operated out of the facility. So kids from all three
27 counties and even other jurisdictions would go for those
28 services. And we're seeing those not be available anymore.

29 DISTRICT ATTORNEY HERRERA: Well, we were -- were paying 20
30 percent of something we weren't getting our services for.

31 COMMISSIONER BAKKER: Yeah, we weren't getting the 20
32 percent out of.

33 CRAIG TIPPINS: I don't know about not getting the
34 services. When you look at booking numbers, they were pretty
35 close to 60/20/20.

36 DISTRICT ATTORNEY HERRERA: But we were still --

37 CRAIG TIPPINS: I mean, they were 18 --

38 DISTRICT ATTORNEY HERRERA: But it was still --

39 CRAIG TIPPINS: -- to 19 --

40 DISTRICT ATTORNEY HERRERA: -- going to cost us \$220,000 to

1 go somewhere else.

2 CRAIG TIPPINS: Right. But -- and here the difference is
3 with -- that first 20 percent is for the entire budget. So it's
4 the detention budget plus the probation budget of both counties,
5 one lump thing.

6 COMMISSIONER BAKKER: Right.

7 CRAIG TIPPINS: Now, it's separated out. The detention --
8 so the 20 percent we're talking about now should just be the
9 detention budget; right?

10 DISTRICT ATTORNEY HERRERA: We're talking about what
11 budget?

12 CRAIG TIPPINS: In the --

13 DISTRICT ATTORNEY HERRERA: Next year's budget?

14 CRAIG TIPPINS: Yes. Next year's.

15 DISTRICT ATTORNEY HERRERA: Oh, we can't do anything about
16 that. We've already approved it.

17 CRAIG TIPPINS: Right, but that's just for the detention
18 portion of it, not the probation part of it.

19 DISTRICT ATTORNEY HERRERA: Right. But there's --

20 COMMISSIONER BAKKER: Right.

21 DISTRICT ATTORNEY HERRERA: Right. That's true.

22 CRAIG TIPPINS: Yes.

23 DISTRICT ATTORNEY HERRERA: There's no question we're going
24 to get a bang for our buck in this next year. We're paying a
25 lot more than the services we're going to get.

26 CRAIG TIPPINS: Absolutely.

27 DISTRICT ATTORNEY HERRERA: There's no question about that
28 and the commissioners just pointed out we're reluctant to get
29 into the same type of deal. And they're just -- they're just
30 being -- they're cooperating in good faith that they're going --
31 they understood that it hasn't been fair with Humboldt County.
32 And it hasn't. We have to be honest.

33 COMMISSIONER MILLS: We're just trying to be cautious as we
34 go forward.

35 DISTRICT ATTORNEY HERRERA: It's cost --

36 JUDGE JIM SHIRLEY: And I think Mr. Herrera would agree
37 that I said explicitly the two small counties weren't getting
38 their bang for the buck in the --

39 COMMISSIONER MILLS: Right.

40 JUDGE JIM SHIRLEY: -- last six to eight months.

1 COMMISSIONER MILLS: Right. Because I think Pershing
2 County certainly agreed with the change in the district.
3 JUDGE JIM SHIRLEY: But I don't know what's going on with
4 the numbers either.
5 COMMISSIONER MILLS: Right.
6 JUDGE JIM SHIRLEY: If we were back to the 18, 19 kids, it
7 was certainly worth the money given the services that Chief
8 Tippins told you about, plus the number of kids you had going
9 through. The problem is, is now we're down to, you know, three
10 kids. There are three kids in there right now. And so with
11 three kids in there, none of the counties are getting --
12 COMMISSIONER MILLS: Bang for the buck.
13 JUDGE JIM SHIRLEY: -- bang for the buck.
14 COMMISSIONER BAKKER: But we keep -- paying more though.
15 We paid more this year towards that regard. And there's less
16 kids in there too.
17 CRAIG TIPPINS: Again, you weren't just paying for the
18 detention portion.
19 COMMISSIONER BAKKER: Right.
20 CRAIG TIPPINS: You were paying for the entire budget. So
21 that's --
22 COMMISSIONER BAKKER: Right.
23 CRAIG TIPPINS: -- including probation up front. That's
24 salaries, all the way down the line.
25 COMMISSIONER MILLS: Right.
26 CRAIG TIPPINS: Services, supplies all the way down the
27 line.
28 DISTRICT ATTORNEY HERRERA: No, that's separated out.
29 CRAIG TIPPINS: No, it has not been until this year. Only
30 for the next year's budget was it separated out. I separated it
31 out. The three of us did. So I know that. I've been there.
32 DISTRICT ATTORNEY HERRERA: But the money we were paying
33 was more than 220-. It included -- it included two hundred and
34 something thousand dollars for a -- for our probation officers.
35 So we're paying close to \$500,000, not \$200,000.
36 CRAIG TIPPINS: Right.
37 DISTRICT ATTORNEY HERRERA: Before it was separated.
38 CRAIG TIPPINS: Absolutely. You're paying 549-, but that's
39 for the entire budget. That's what I'm saying. You're paying
40 for the entire budget. The 220- --

1 DISTRICT ATTORNEY HERRERA: And --
2 CRAIG TIPPINS: -- is just detention.
3 DISTRICT ATTORNEY HERRERA: As far as -- we were taking --
4 getting benefit of, do not add up to the money we're paying is
5 the only point I'm making.
6 CRAIG TIPPINS: Are you talking about the detention part?
7 DISTRICT ATTORNEY HERRERA: The whole part whether you
8 separate it out or leave it.
9 CRAIG TIPPINS: Well, I don't know. I am looking at it
10 kind of differently. I think we want to make sure we're talking
11 about the same thing. Because if you're --
12 COMMISSIONER BAKKER: I understand --
13 CRAIG TIPPINS: -- paying --
14 COMMISSIONER BAKKER: -- what you're saying.
15 CRAIG TIPPINS: -- 220,000 for a facility, we don't want to
16 get our bang for the buck. Because that means we have to have a
17 lot of kids in the facility to get our -- to get our money's
18 worth. And that's not what we want. Right?
19 I agree with you, that it needs to be looked at, --
20 COMMISSIONER MILLS: Okay, now, I see that point.
21 CRAIG TIPPINS: -- this formula. But to get our --
22 COMMISSIONER MILLS: Yeah.
23 CRAIG TIPPINS: -- money -- bang for the buck --
24 COMMISSIONER MILLS: Let's find --
25 CRAIG TIPPINS: -- out of a detention --
26 COMMISSIONER MILLS: -- some more kids --
27 CRAIG TIPPINS: -- facility, --
28 COMMISSIONER MILLS: -- to put in there.
29 CRAIG TIPPINS: Exactly. Thank you.
30 COMMISSIONER MILLS: I don't know.
31 CRAIG TIPPINS: Yeah.
32 COMMISSIONER MILLS: Make it worth it.
33 DISTRICT ATTORNEY HERRERA: Your argument would be valid if
34 we had twenty thou- -- a 20 percent property interest --
35 CRAIG TIPPINS: Sure and --
36 DISTRICT ATTORNEY HERRERA: -- in the facility. And we
37 don't.
38 CRAIG TIPPINS: And I think that's what Judge Shirley's
39 talking about that the commissioners --
40 COMMISSIONER BAKKER: How much did we put down to begin

1 with?

2 CRAIG TIPPINS: -- and the district attorneys have some --
3 have some negotiating ability there.

4 DISTRICT ATTORNEY HERRERA: Under the --
5 COMMISSIONER BAKKER: To build it?
6 COMMISSIONER MILLS: Okay.

7 DISTRICT ATTORNEY HERRERA: Under the 1994 contract, we --
8 we came up with \$150,000.

9 CRAIG TIPPINS: Right. Yes.

10 COMMISSIONER BAKKER: Is that when it was built? In '94?
11 CRAIG TIPPINS: No, 2006.
12 UNIDENTIFIED PARTICIPANT: 2006.
13 COMMISSIONER MILLS: It was built later.
14 UNIDENTIFIED PARTICIPANT: '96?
15 COMMISSIONER BAKKER: '96?
16 CRAIG TIPPINS: It opened in 2000.
17 UNIDENTIFIED PARTICIPANT: The contract's for '96.
18 DISTRICT ATTORNEY HERRERA: '96 or '94.
19 JUDGE RICHARD WAGNER: I'd like to give some info.
20 CRAIG TIPPINS: Did you and (indiscernible).
21 JUDGE RICHARD WAGNER: Chairman, may I address the --
22 VICE CHAIRWOMAN WAITS: Judge Wagner, certainly.
23 JUDGE RICHARD WAGNER: All right.
24 First of all, I'm Senior Judge, Richard Wagner.
25 Generally when I sit and talk to commissioners it's about
26 separation of powers and the powers of the judiciary.
27 Today, I'm here to talk to you about the power that you have
28 that needs to happen. It needs to happen soon. You can't keep
29 kicking this can down the road.
30 Next week, you have a new judicial district. And the reason
31 that happened was because Mineral County wasn't receiving services
32 until the chief justice determined that he wanted to do that
33 through this new district.
34 It could have been done earlier and put them with Fallon,
35 which would make more sense politically. That didn't happen. The
36 bottom line is, is you're bringing in a very poor county. You're
37 bringing in a county that's going to substitute in 20 percent
38 donation for the county that was putting in 60 percent. So you
39 immediately have a 40 percent loss in the revenues that's going to
40 be coming into this district.

1 By the same token, Humboldt County is going to be losing 40
2 percent of their revenue and will be operating separately.

3 Bottom line, though, is this is not a judicial decision
4 that's going to happen. You need to do some negotiating and soon.

5 And I think you're going to be very poor starting off here.
6 It's going to be very, very difficult with this new --

7 It's a historic time. You have a new judicial district.
8 It's never happened before in the state of Nevada.

9 But you want to be sure that it's going to work appropriately
10 and that it's funded appropriately to start off.

11 Everyone decided, well, we'll just go with the last year's
12 contract. But part of that contract was that Humboldt or --
13 Lander and Pershing Counties are paying \$220,000 for the detention
14 part of this.

15 But at the same time, services are being diminished there.
16 And I'm very concerned about what's happening. And you folks need
17 to negotiate hard of saying, you know, we want to make sure we get
18 the services that we're entitled to for whatever that money is.

19 It used to be that within Leighton Hall we had all kinds of
20 programming. We weren't just shipping kids. Nobody would ship
21 kids to Elko. FBI was involved in indicting people up there.
22 Nobody even out of Las Vegas would send kids up there. And I
23 wouldn't.

24 The other part of it is that nothing was happening in this
25 county. In terms of law enforcement, it wasn't going forward
26 through the court system. I would be coming up here, have one
27 or two cases to cover because nothing was happening.

28 I'm hoping that somebody's doing their job up here because
29 I can assure you, you're going to -- you have families and kids
30 who have problems, meth problems, drug problems. You have that
31 in the community. These services are very vital, but it's
32 important that you get the services that you ought to have.

33 When we were sending kids to Leighton Hall, they were getting
34 school program, they were getting treatment program, counselors.

35 The whole idea was to do something for treatment. And that
36 was happening for any of the kids that were going there. The
37 idea that you have no property interest in that, I think, is
38 wrong. I'm the one behind getting that facility built because
39 we were operating out of a Quonset hut when I came on board in
40 Winnemucca. It's an old World War II Quonset hut. And the

1 facility was used extensively to treat kids and families,
2 parents and kids. And we've had all kinds of programs.

3 That's changed. I don't have control over that. When I
4 left, I lost -- lost the control I had just to what should happen.
5 But right now, the idea that you just go in and pay \$220,000 and
6 get those services has to be dealt with. And I think it's up to
7 the commissioners and your district attorney to come up with a way
8 to resolve that. And you do have a property interest. You
9 contributed to it. Winnemucca's going to end up with a
10 multimillion dollar facility and that's not for free.

11 Right now is important because they have an ending fund
12 balance in the judicial department of \$5 million. Okay. Now's
13 the time when they have the money where you can make that
14 adjustment, not later on, because it's going to disappear quickly.
15 That's why I think you need be (indiscernible) up front and
16 quickly, as soon as you can, to get people on board and to
17 negotiate along with Pershing County a fair resolution of
18 resolving that district.

19 You do have the power and the authority to do that. So
20 it's not like you're powerless. You do have the ability to get
21 your proportion out of that. You put into that.

22 With the cars, Winnemucca people don't need to travel.
23 They're all at home. They will no longer have a district where
24 they really -- it would be a minimum amount.

25 DISTRICT ATTORNEY HERRERA: But they're still getting the
26 best cars.

27 JUDGE RICHARD WAGNER: That's up to the commissioners.
28 They need to negotiate that with the district attorney.

29 DISTRICT ATTORNEY HERRERA: Well, the commissioners can't
30 negotiate the cars because that's the judges.

31 JUDGE RICHARD WAGNER: No, it is not. They don't own
32 anything. The judges don't control or own any property. By law
33 that's county commissioners' property.

34 And you do have the right to negotiate that. You need to do
35 that so that you get your fair share of that.

36 COMMISSIONER BAKKER: We need to have a powwow with
37 Humboldt County.

38 JUDGE RICHARD WAGNER: Absolutely. And Pershing.

39 COMMISSIONER BAKKER: And Pershing.

40 JUDGE RICHARD WAGNER: They need to come together and you

1 guys need to work that out.

2 COMMISSIONER MILLS: Has Pershing County scheduled anything
3 with Humboldt County?

4 JUDGE JIM SHIRLEY: Well, and that's what I'm saying is I
5 spoke with Mr. Shields yesterday. He's going to contact
6 Mr. Herrera and Mr. McDonald. And they're going to -- I've --
7 I encouraged him to invite a commissioner from each of the three
8 counties to sit down with -- with the three district attorneys
9 and -- and talk about it. The proposal I put on the table's
10 fair. Period.

11 It's a fair proposal.

12 JUDGE RICHARD WAGNER: You'd want your best negotiator
13 there.

14 DISTRICT ATTORNEY HERRERA: As far as the cars, are you
15 talking about --

16 JUDGE JIM SHIRLEY: Yeah. I mean --

17

18 (Indiscernible simultaneous conversations.)

19

20 DISTRICT ATTORNEY HERRERA: -- authorized by the county
21 commissioners what -- what you've proposed.

22 JUDGE JIM SHIRLEY: What I'm proposing is the fact is that
23 all three counties put money into that budget. And when this
24 divides, two or three -- four or five years down the road,
25 whenever that is, we're going come back and say, we need to
26 purchase some new vehicles because ours are going out.

27 They're not going buy them. These commissioners aren't
28 going to buy them with -- with Pershing and Mineral. So we
29 ought to have something that's fair going out of here so that we
30 don't have one car that breaks down way earlier than we need to
31 start replacing vehicles.

32 And it's a savings to this county, to Pershing County, to
33 Mineral County if we're -- if we have a newer fleet when we start
34 out (indiscernible).

35 DISTRICT ATTORNEY HERRERA: I agree Judge, but my question
36 is: we started off by talking about -- we decided to make this
37 car go here and this car here and this car here.

38 JUDGE JIM SHIRLEY: I proposed.

39 DISTRICT ATTORNEY HERRERA: You proposed. But it's still
40 up to the county commissioners to decide who owns which cars.

1 JUDGE JIM SHIRLEY: Absolutely.
2 DISTRICT ATTORNEY HERRERA: So your proposal can go --
3 could go nowhere, depending on the county commission.
4 UNIDENTIFIED PARTICIPANT: That's right.
5 DISTRICT ATTORNEY HERRERA: Okay.
6 UNIDENTIFIED PARTICIPANT: That's absolutely right.
7 DISTRICT ATTORNEY HERRERA: I just want to make sure my
8 county commissioners understand.
9 JUDGE RICHARD WAGNER: Well, last week we were in Mineral
10 County. Mineral's County's poor. But part of that is there has
11 been total mismanagement. They do not even have -- I don't know
12 today if they have a clerk.
13 COMMISSIONER BAKKER: Are we --
14 COUNTY CLERK SULLIVAN: He was appointed today.
15 JUDGE RICHARD WAGNER: He got appointed a new clerk today.
16 Part of the things, they haven't been collecting the fees, the
17 court fees to fund the judiciary branch of government.
18 I'm sure Sadie's going to get some phone calls on what needs
19 to happen so that -- they're going to need help making sure that
20 they're doing their jobs and -- and collecting the fees and other
21 things that will bring them up out of that poverty that they're
22 in. That's self-inflicted, a lot of that, and it needs to change.
23 COMMISSIONER BAKKER: So along those lines is Pershing and
24 Lander going to have to supplement Mineral County next year?
25 The next fiscal year?
26 DISTRICT ATTORNEY HERRERA: Yes.
27 JUDGE RICHARD WAGNER: No, what --
28 VICE CHAIRWOMAN WAITS: Pretty much.
29 JUDGE RICHARD WAGNER: -- happens is each one, as I
30 understand the agreement, everybody's going to stay with what
31 their budget was through this year.
32 But in doing that, with the Leighton Hall payment, you've got
33 to make sure you're getting your services.
34 COMMISSIONER BAKKER: If we go that route.
35 JUDGE RICHARD WAGNER: By federal law, they're required to
36 man that facility to a certain level. They're required to have
37 certain programs and things. They need to be held accountable
38 to make sure they're not just going to have a vacant facility
39 that's not providing the services.
40 That needs to be negotiated.

1 But if we're paying this money, we want something for that
2 money.
3 DISTRICT ATTORNEY HERRERA: Which is a different issue than
4 our -- our -- our property interest.
5 COMMISSIONER BAKKER: Right.
6 DISTRICT ATTORNEY HERRERA: The dissolution.
7 JUDGE RICHARD WAGNER: It is.
8 COMMISSIONER BAKKER: Right. No, I got that.
9 JUDGE JIM SHIRLEY: But as far as supplement, if you took
10 the juvenile budget, for example, Mineral County's putting up
11 297,000.
12 COMMISSIONER BAKKER: For Leighton or just total?
13 JUDGE JIM SHIRLEY: For their -- for their -- without --
14 and that's without their -- a commitment of kids to a facility.
15 COMMISSIONER BAKKER: Okay.
16 JUDGE JIM SHIRLEY: If you took the 220,000 off, you've
17 taken the commitment to a facility off, you're -- you're
18 basically -- it creates some three -- 319.
19 COMMISSIONER BAKKER: What did you have written down?
20 COMMISSIONER MILLS: Yeah.
21 JUDGE JIM SHIRLEY: So you're about a \$20,000 difference.
22 COMMISSIONER BAKKER: 349.
23 JUDGE JIM SHIRLEY: So there is no money coming --
24 COMMISSIONER CLARK: 549.
25 JUDGE JIM SHIRLEY: -- from here to help --
26 COMMISSIONER BAKKER: Oh, there's 549.
27 JUDGE JIM SHIRLEY: -- the juvenile program down in
28 Mineral.
29
30 JUDGE RICHARD WAGNER: But you shouldn't be paying for any
31 juveniles this next year in Leighton Hall.
32 That's what that \$220,000 --
33 COMMISSIONER MILLS: Right.
34 JUDGE RICHARD WAGNER: -- is.
35 DISTRICT ATTORNEY HERRERA: Oh, we're paying for it with
36 the \$220,000.
37 JUDGE RICHARD WAGNER: I know that, but if --
38 COMMISSIONER MILLS: Right.
39 JUDGE RICHARD WAGNER: -- they shouldn't be charging a per
40 diem charge to these other counties. And that needs to be a

1 part of the contract. That's why these contracts are so
2 essential and why I say that I think it's, you know -- this is
3 -- this is drop dead time, as far as I'm concerned.

4 DISTRICT ATTORNEY HERRERA: There's already a contract that
5 covers this last year.

6 JUDGE RICHARD WAGNER: The contract is an impossibility
7 because of the -- no longer will exist as of July 1st.

8 DISTRICT ATTORNEY HERRERA: As of July 1st.

9 JUDGE RICHARD WAGNER: July 1st is an impossibility of the
10 terms of the contract.

11 Do you know what that means legally?

12 DISTRICT ATTORNEY HERRERA: Yes. So that's what he's
13 talking. Even though I've been telling the commissioners that
14 we're stuck with this budget for the next year and we decided
15 that. And the commissioners all agreed to that.

16 July 1st, when it comes around, the contract is basically
17 null and void because of the impossibility.

18 JUDGE RICHARD WAGNER: Well, it becomes voidable not void.

19 DISTRICT ATTORNEY HERRERA: Voidable, which means that
20 that's the other negotiation the judge is referring to.

21 They can't just say, no, no, you're stuck because we have a
22 defense to impossibility.

23 COMMISSIONER MILLS: All right. That's actually new
24 information.

25 DISTRICT ATTORNEY HERRERA: That's right, Commissioner.

26 JUDGE RICHARD WAGNER: Well, that's why I'm here to try --

27 COMMISSIONER MILLS: Yeah.

28 JUDGE RICHARD WAGNER: -- to be of service to you folks.
29 Because I have a stake in making sure that this new judicial
30 district is going to be set up right and fairly and, you know,
31 nobody's going to get gouged, that the people are getting their
32 money's worth. And I think we've done that.

33 COMMISSIONER MILLS: Okay.

34 JUDGE RICHARD WAGNER: I don't really even think I've done
35 during my terms of office. The programs we've build and the
36 things that are available.

37 But part of that means this community needs to step up and
38 use those services. You're in need of them. They need to make
39 sure -- your law enforcement, your juvenile people, you need to
40 make sure that you take advantage of those. Because you still

1 have families that are in deep need here. And I've seen them.

2 COMMISSIONER MILLS: Can you address for us some things
3 pertaining to salaries? Because with the Sixth Judicial Court,
4 with the way Humboldt was doing things, it seemed like salaries
5 got rather large.

6 And that's what -- that's another one of the concerns we
7 have is the -- well, size of some of the salaries.

8 JUDGE JIM SHIRLEY: Every year you go through the budgeting
9 process.

10 COMMISSIONER MILLS: Right.

11 JUDGE JIM SHIRLEY: And that's the time to address the
12 salary issues. The fact is, is I can't tell you what Department
13 2 did or did not do because I wasn't part of their
14 decision-making process. But I can tell you what I do and
15 that's -- I spent 15 years as district attorney. And I came in
16 every year and presented a budget and defended my budget.

17 And that's what I expect to do. I expect no different next
18 April than that we will come in. You'll see Mr. Tippins and I
19 will come in and we'll defend the budget that we have set forth.
20 And we're not going out and being extravagant about anything.
21 We're just -- you know, you have some people who have been there
22 longer.

23 COMMISSIONER MILLS: Right.

24 JUDGE JIM SHIRLEY: You have some people that have skills
25 that are tremendous. We've got one employee in the district
26 that has -- there's been five people in the state that can do
27 what she -- what that employee does. And the skill level there
28 is -- is tremendous. And so when you're hiring people and
29 getting good, qualified people to do very technical jobs, you're
30 gong to pay money for them.

31 DISTRICT ATTORNEY HERRERA: He's talking --
32 (indiscernible).

33 JUDGE RICHARD WAGNER: Like in Mineral County --

34 DISTRICT ATTORNEY HERRERA: He's talking about the court
35 reporter. Just so you know.

36 JUDGE RICHARD WAGNER: In Mineral County, --

37 COMMISSIONER MILLS: Is that the court reporter?

38 JUDGE RICHARD WAGNER: -- and I'm not trying to --
39 (indiscernible) -- Mineral County was paying very --

40 DISTRICT ATTORNEY HERRERA: It's the highest paid budget.

1 JUDGE RICHARD WAGNER: Mineral County, they're paying very
2 low wages to their parole and probation officers. But here's
3 the other thing, they get lifetime health insurance when they
4 retire after they've worked for, like, 20, --

5 JUDGE JIM SHIRLEY: 25 years.

6 JUDGE RICHARD WAGNER: 25 years -- lifetime health
7 insurance.

8 DISTRICT ATTORNEY HERRERA: That's nice.

9 COMMISSIONER MILLS: That's a nice --

10 JUDGE RICHARD WAGNER: It's crazy.

11 COMMISSIONER MILLS: That's a nice benefit.

12 DISTRICT ATTORNEY HERRERA: It is crazy, but it's --

13 JUDGE RICHARD WAGNER: It's going to have to be
14 standardized between the three counties. The question is where
15 do you put that? You see.

16 JUDGE JIM SHIRLEY: Well, and this year with the budget
17 process, had this realignment not taken place or been on the
18 table, I anticipated that there were portions of that budget
19 that had to be presented and defended. That didn't take place
20 because of the -- the -- what happened.

21 But the fact is, is that was a reality that we have to come
22 in and present a budget and defend it and show that, you know,
23 that it's services that are needed and that it will make this
24 separate branch of government go.

25 Judge Wagner talked earlier about the fact that a lot of
26 times he comes in and presents the fact that it's -- there's a
27 division of responsibility between the three branches of
28 government.

29 Well, you have a third branch of government here in -- in
30 Lander County. And we have to be funded appropriately for what
31 the needs of the -- the branch are.

32 And that's for the budgeting process. And that's when we
33 come in and defend our budgets.

34 DISTRICT ATTORNEY HERRERA: The reason -- he's absolutely
35 correct.

36 JUDGE RICHARD WAGNER: Well, part of that, suppose you have
37 a murder case here. All the resources are going to come to this
38 county to try to pay for that.

39 They're not cheap, you know, to do that kind of a thing. And
40 so you have to be flexible in that where your money's going to go

1 between the counties, depending upon what occurs beyond the
2 control of judges. And that's the whole point of having the
3 district is being able to use the money where it has to go in a
4 difficult time.

5 COMMISSIONER BAKKER: Back to the court reporter thing. In
6 our budget that we went through, why do -- when our DA's office
7 calls the -- for transcripts or the 432B cases that we get
8 charged money?

9 JUDGE JIM SHIRLEY: Because the statute requires that you
10 pay transcript costs. It's going to come out of the county
11 budget anyway, one way or the other.

12 JUDGE RICHARD WAGNER: It's required by state law.

13 JUDGE JIM SHIRLEY: It's required by state law for the --
14 we have the court reporter there reporting.

15 COMMISSIONER BAKKER: On top of all the other money we're
16 paying her?

17 JUDGE RICHARD WAGNER: Yes.

18 JUDGE JIM SHIRLEY: For her to produce the transcripts, you
19 have to -- by state law, you have to provide -- you have to pay
20 for the transcripts themselves.

21 DISTRICT ATTORNEY HERRERA: Someone has to pay for it.

22 JUDGE RICHARD WAGNER: But here's other part of it.

23 DISTRICT ATTORNEY HERRERA: Not the county necessarily.

24 JUDGE RICHARD WAGNER: If you compare this to reporting --

25 DISTRICT ATTORNEY HERRERA: State, the court budget, the
26 district court budget could pay for it.

27 JUDGE JIM SHIRLEY: It's not in that budget.

28 DISTRICT ATTORNEY HERRERA: I'm just saying, just pointing
29 out to the county commissioners that state law doesn't --
30 doesn't require county commissioners to pay for it. It could be
31 budgeted.

32 JUDGE JIM SHIRLEY: Well, we could -- we could put it into
33 the three-county budget, but then --

34 DISTRICT ATTORNEY HERRERA: Or it could be put into a
35 contract with the court reporter.

36 JUDGE JIM SHIRLEY: But --

37 JUDGE RICHARD WAGNER: No, --

38 JUDGE JIM SHIRLEY: -- then --

39 JUDGE RICHARD WAGNER: -- you can't. By law, she -- the
40 court reporter is paid according to what's by statute. You

1 can't contract out of that.

2 COMMISSIONER BAKKER: So when you buy, pay for a
3 transcript, how much does a transcript cost usually, Liz?

4 COMMISSIONER CLARK: Depends on the size.

5 ELIZABETH BARELA: Depending on how big it is. The last
6 one was close to \$500.

7 UNIDENTIFIED PARTICIPANT: Didn't the rate just go up?

8 COMMISSIONER BAKKER: How much?

9 JUDGE JIM SHIRLEY: The rates, the rates just went up.

10 ELIZABETH BARELA: \$500.

11 VICE CHAIRWOMAN WAITS: Yeah, I knew.

12 COMMISSIONER BAKKER: \$3500?

13 COUNTY CLERK SULLIVAN: And that statute is what --

14 ELIZABETH BARELA: \$500.

15 COMMISSIONER BAKKER: Oh.

16 ELIZABETH BARELA: Each transcript per person that requests
17 it.

18 COMMISSIONER BAKKER: Okay.

19 JUDGE JIM SHIRLEY: Well, and this is how --

20 VICE CHAIRWOMAN WAITS: So our new bill that just went in
21 that the court reporters in --

22 JUDGE RICHARD WAGNER: It increased the fees.

23 VICE CHAIRWOMAN WAITS: -- district court are getting more.
24 That's effective July 1st?

25 JUDGE JIM SHIRLEY: October.

26 VICE CHAIRWOMAN WAITS: October?

27 JUDGE JIM SHIRLEY: Comes effective in October --

28 VICE CHAIRWOMAN WAITS: Okay.

29 JUDGE JIM SHIRLEY: -- is my understanding. But this is
30 the -- earlier there's the question about subsidizing.

31 If -- if we want to put the transcript fees into the district
32 court budget, I'm fine with that. But the fact is, is you're
33 paying for the transcripts that are printed here.

34 Mineral County's paying for the transcripts that are printed
35 there. Pershing's paying for theirs. If you want to pay for
36 Mineral's, then let's put it into the --

37 VICE CHAIRWOMAN WAITS: Yeah. All of them.

38 JUDGE JIM SHIRLEY: -- district court budget.

39 Because you're not going to be able to parse those out,
40 you're going to pay for a tri-county budget. As we do it, then

1 the county by county pays for their transcripts. If she
2 doesn't -- if a transcript's not requested, you don't pay anything
3 on that case.

4 COMMISSIONER BAKKER: Right.

5 DISTRICT ATTORNEY HERRERA: If we request a transcript and
6 their court reporter insists that since we have the duty to give
7 it to the other side in a 432B case -- there's three other sides
8 usually, we have to pay \$500 per transcript, according to their
9 court reporter.

10 COMMISSIONER BAKKER: So that's 1500 bucks.

11 DISTRICT ATTORNEY HERRERA: Or 2,000.

12 COMMISSIONER BAKKER: Or 2,000.

13 DISTRICT ATTORNEY HERRERA: That's outrageous. And I don't
14 believe -- I don't know if -- if the law requires that. But --
15 but she's insisting on that.

16 COMMISSIONER BAKKER: Does the law require that? Do you
17 know?

18 JUDGE RICHARD WAGNER: For copies, you're talking about?

19 DISTRICT ATTORNEY HERRERA: Copies.

20 ELIZABETH BARELA: For copies. We are not allowed to make
21 copies and hand them out to --

22 JUDGE JIM SHIRLEY: That's because it's a product of the --

23 COMMISSIONER BAKKER: Is that --

24 JUDGE JIM SHIRLEY: -- court reporter.

25 COMMISSIONER BAKKER: -- NRS though? Is that in the
26 statute?

27 JUDGE JIM SHIRLEY: By law. But here's the other part of
28 this.

29 COMMISSIONER BAKKER: Shit.

30 JUDGE JIM SHIRLEY: We can record these. And you can use a
31 lot of things to record it.

32 But nobody wants to talk about the cost of recording
33 equipment. Somebody pushes the button and records it, then what
34 happens to it?

35 COMMISSIONER MILLS: Somebody transcribes that.

36 JUDGE RICHARD WAGNER: Somebody's going to have to
37 transcribe it.

38 COMMISSIONER BAKKER: Right.

39 JUDGE RICHARD WAGNER: Where do they send it to transcribe
40 it?

1 DISTRICT ATTORNEY HERRERA: I tell you what's been
2 happening --

3 COMMISSIONER BAKKER: They're talking about getting one
4 copy and making the copy themselves.

5 DISTRICT ATTORNEY HERRERA: We can't get copies
6 (indiscernible) transcript. They're being held in Humboldt
7 County, our Lander County cases. So no, no, there's -- there's
8 two sides of it.

9 JUDGE RICHARD WAGNER: Well, and the cost of this is you're
10 involving, like, three other people, not just the court
11 reporter. People like to talk about court reporters, but I'll
12 tell you one thing, you better not do a serious case without a
13 court reporter. Because it's junk that you get on it. This --

14 DISTRICT ATTORNEY HERRERA: That's true, but if we recorded
15 the 432B hearing and have it transcribed once, we pay for
16 one-time transcription --

17 COMMISSIONER BAKKER: Right.

18 DISTRICT ATTORNEY HERRERA: -- not four times.

19 COMMISSIONER BAKKER: Right. No, I agree with that.

20 DISTRICT ATTORNEY HERRERA: That's the difference.

21 You just need to know that.

22 COMMISSIONER BAKKER: Well, that's something else we need
23 to look into, then.

24 DISTRICT ATTORNEY HERRERA: I'm not arguing either way.
25 I'm just telling you.

26 JUDGE RICHARD WAGNER: Well, and I --

27 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
28 Oops. Sorry.

29 JUDGE RICHARD WAGNER: And I have -- go ahead.

30 COUNTY CLERK SULLIVAN: Go ahead. No, go ahead.

31 JUDGE RICHARD WAGNER: Well, I did -- I did a three-week
32 jury trial in '07 on a murder case. And they were using the JAV
33 system. And I brought my own court reporter in. The DA's
34 office had to pay for it. The county had to pay for it.

35 But I did that because I wanted accurate, daily transcripts
36 so I could see what was going on in the proceedings. Had we not
37 done that, it would have been a much more case -- much more
38 difficult case.

39 But the interesting part is my dailies were more accurate
40 than the transcripts that came out of the JAV system.

1 I compared them side by side. And it's on appeal. And
2 we're -- the three-week murder trial. And if you don't have
3 really good transcripts, there's always that -- that possibility
4 that the supreme court's going to say, we can't determine anything
5 from the record. We're remanding for a new trial.

6 And a three-week trial costs --

7 COMMISSIONER BAKKER: I'm not -- I --

8 JUDGE RICHARD WAGNER: 250,000.

9 COMMISSIONER BAKKER: -- totally agree. You need a court
10 reporter. I'm not arguing about that. I'm just talking about
11 the copies of the transcripts.

12 DISTRICT ATTORNEY HERRERA: Well, you can certainly use the
13 JAV system, which we have, for certain hearings, like 432B. I'm
14 just -- there are options.

15 COMMISSIONER BAKKER: Right.

16 DISTRICT ATTORNEY HERRERA: It's not just across the board
17 we have to use the court reporter.

18 JUDGE RICHARD WAGNER: That's true. We've done that for a
19 long time. We've had a lot of hearings that were done on the
20 JAV system to save that money.

21 DISTRICT ATTORNEY HERRERA: But what the judge is saying,
22 trials absolutely you need a court reporter.

23 COMMISSIONER BAKKER: Yeah.

24 DISTRICT ATTORNEY HERRERA: But not for 432B hearings, when
25 we're getting -- get stuck with a 3-, \$4,000 bill every time we
26 want a transcript. That's outrageous.

27 JUDGE RICHARD WAGNER: It is. I agree.

28 JUDGE JIM SHIRLEY: Well, and if we're talking about cost,
29 also how much money has she saved on preliminary hearings,
30 because you don't have to pay somebody to get here.

31 I mean.

32 DISTRICT ATTORNEY HERRERA: We have to pay separate for
33 that too.

34 JUDGE JIM SHIRLEY: You have to pay for the transcripts,
35 but you're not paying for her travel and for the other things.

36 DISTRICT ATTORNEY HERRERA: You can't do anything without a
37 transcript.

38 JUDGE JIM SHIRLEY: Yeah, but if you have a different court
39 reporter coming here, it's going to cost you at least 300
40 bucks --

1 DISTRICT ATTORNEY HERRERA: If we had a JAV system it
2 won't.
3 JUDGE JIM SHIRLEY: -- per day without the transcripts. Or
4 if you want to do your -- that's Max's decision, Judge Bunch's
5 decision.
6 DISTRICT ATTORNEY HERRERA: Yes.
7 JUDGE JIM SHIRLEY: You're going to do prelims on a JAV
8 system?
9 DISTRICT ATTORNEY HERRERA: We have.
10 JUDGE JIM SHIRLEY: Well, that's Judge Bunch's decision.
11 That's not mine. But when he's utilized her, it's saved 300
12 bucks a pop for somebody just traveling here.
13 DISTRICT ATTORNEY HERRERA: Unless you're --
14 COMMISSIONER BAKKER: We're paying the travel.
15 DISTRICT ATTORNEY HERRERA: Unless you're not --
16 COMMISSIONER BAKKER: We're paying her to travel anyway.
17 DISTRICT ATTORNEY HERRERA: Unless the judge isn't here and
18 she has to come and --
19 COMMISSIONER BAKKER: Budget.
20 JUDGE JIM SHIRLEY: Yeah. But, you know, most days we
21 schedule them so she can --
22 DISTRICT ATTORNEY HERRERA: I know, but if she's not, --
23 COMMISSIONER BAKKER: 7500 bucks a year.
24 DISTRICT ATTORNEY HERRERA: -- she -- (indiscernible.)
25 JUDGE JIM SHIRLEY: Well, these are things for a future
26 budgeting issue --
27 COMMISSIONER BAKKER: Right.
28 JUDGE JIM SHIRLEY: -- to be certain --
29 COMMISSIONER BAKKER: Getting a little out of that.
30 JUDGE JIM SHIRLEY: The judge will be able to come in. And
31 if they can't justify it, you tell them no. It's part --
32 COMMISSIONER BAKKER: Right --
33 JUDGE JIM SHIRLEY: -- of the --
34 COMMISSIONER BAKKER: Right.
35 JUDGE JIM SHIRLEY: It's the power that you have is the
36 power of the purse string.
37 COMMISSIONER BAKKER: Maybe for our next budget hearing.
38 DISTRICT ATTORNEY HERRERA: These are all questions they've
39 been asking me. And I'm glad you gentlemen are here so you
40 can -- you can take it.

1 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record. I
2 was going to ask earlier: How often has that occurred as far as
3 getting your one set of transcripts and then additional copies?

4 ELIZABETH BARELA: If I get something -- sorry, Liz Barela,
5 for the record, the DA's office -- if I get something in my
6 court file, if I get a copy of that transcript, I'm required to
7 give it to the other party for discovery.

8 COUNTY CLERK SULLIVAN: Right. How -- my question, so the
9 public knows, because in the last several years, we've haven't
10 had that expense because it hasn't been probably -- possibly --

11 COMMISSIONER BAKKER: You can't count the last four years
12 though.

13 ELIZABETH BARELA: And --

14 COUNTY CLERK SULLIVAN: No, I want to know for the public
15 to know. And so I'm asking how often would you be asking for
16 these? Is it something common? I just am curious for the
17 public and for the board to know how -- I mean, is it going to
18 be fairly often? Does it --

19 ELIZABETH BARELA: Well, if you have a 432B case that goes
20 on the calendar and they actually deny the allegations and they
21 want to go forward without pleading to it, then I do believe
22 that our case file should have a copy of the transcript.

23 COUNTY CLERK SULLIVAN: Okay, just so you guys know, I'm
24 kind of putting it out there so people understand why she's
25 requesting so there's an understanding for it. Most people
26 don't know that. They don't understand it until you're in the
27 system. So I just wanted to make that clear. So that way --
28 that way you guys knew what we were fully talking about.

29 COMMISSIONER BAKKER: Right. Thanks, Sadie. All right.
30 What is that? It's next, 30, we're going to talk about it on
31 30. But juvenile master in Pershing, how much do you plan on
32 paying him?

33 JUDGE JIM SHIRLEY: Depends on what we assign as his
34 duties.

35 DISTRICT ATTORNEY HERRERA: Now, Judge, I hate to ask, but
36 I need to explain to you that -- that we're going to ask you to
37 sit here for Number 29 and 30 too.

38 COMMISSIONER BAKKER: Should we just hold off on that?

39 DISTRICT ATTORNEY HERRERA: This -- yeah. This -- this
40 question is based on -- on what we have on Number 30, which is

1 what you and I talked about with Judge Bunch. So they would
2 like to know --

3 JUDGE JIM SHIRLEY: Well, and I'm more than happy to use my
4 master over here. The request was that we use somebody here
5 locally.

6 COMMISSIONER BAKKER: Right.

7 JUDGE JIM SHIRLEY: And so they came to me and said, can
8 Judge Bunch do it? And I said, yes, that would be fine.

9 DISTRICT ATTORNEY HERRERA: But we want to make sure --
10 they want to make sure that they're getting a comparable amount
11 to the master in Pershing County.

12 COMMISSIONER BAKKER: Or not over --

13 COUNTY CLERK SULLIVAN: Ted, for the record, if you'd open
14 up that Item Number 30 for her to read it in legally.

15 COMMISSIONER BAKKER: Yeah, let's just -- we'll wait.
16 We'll wait.

17 JUDGE JIM SHIRLEY: (Indiscernible) not my idea.

18 COMMISSIONER BAKKER: Let's just wait.

19 COMMISSIONER MILLS: (Indiscernible) a minute when we get
20 to --

21 DISTRICT ATTORNEY HERRERA: Legally, for the --

22 JUDGE JIM SHIRLEY: Look, if we can just finish up my item,
23 I guess, before we go on to those things.

24 The last thing that I would -- would like to talk about is
25 back in May, we had all the juvenile court people come to
26 Pershing County. And we had a meeting about the future
27 direction of the youth and family services department of the
28 Eleventh Judicial District.

29 At that time, I had all three district attorneys there and
30 so I had them meet with Judge Wagner while I met with the
31 juvenile people to start a discussion about a tri-county
32 agreement between Lander, Pershing, and Mineral. And I think
33 they made some progress there.

34 I think that needs to be worked on pretty soon.

35 We're talking about budgets next year, what those percentages
36 in the district court level would be or the youth and family
37 services would be. We need to address that.

38 And there needs to be some kind of -- you don't have to have
39 an agreement. We can come in and argue about it and the counties
40 can argue about what their share is going to be. Or we can come

1 in and come to some kind of agreement that's equitable for all
2 three counties. And there was a meeting on that. And I -- from
3 my understanding, it was fairly productive.

4 And there needs to be future meetings between -- it's really
5 the county commissioners that have to decide that. And between
6 the three, you're going to enter into an interlocal agreement on
7 what those amounts should be.

8 My proposal was that the Pershing and Lander are going to
9 continue to pay essentially the same percentage of whatever that
10 budget is. And what Mineral's is, is up for debate.

11 So I think at some point, you need to have at least a member
12 of each of the three county commissions along with the district
13 attorneys --

14 COMMISSIONER BAKKER: Can we just agendize it and invite --
15 have all of them?

16 COUNTY CLERK SULLIVAN: A tri-county meeting.

17 COMMISSIONER BAKKER: Yeah.

18 JUDGE JIM SHIRLEY: You can do that as well.

19 COMMISSIONER MILLS: Yeah.

20 DISTRICT ATTORNEY HERRERA: That won't work when you
21 negotiate.

22 JUDGE JIM SHIRLEY: It's really hard to put a contract
23 together and operate a meeting like that if you haven't done
24 some preliminary work first.

25 JUDGE RICHARD WAGNER: I suggest that you do a process
26 where you have some negotiation and then bring up to your full
27 boards for the final action.

28 COMMISSIONER BAKKER: Okay.

29 JUDGE JIM SHIRLEY: Of course, most likely, you're going to
30 be in -- two of the boards are going to be in a county outside
31 of where they -- where their constituents are. So they're going
32 to have to come back to their locale and make that vote, but I
33 -- it would be better if you negotiate it out and come in with
34 at least a pretty strong framework of where you're going to --

35 COMMISSIONER BAKKER: Right.

36 It'd probably go a little easier.

37 JUDGE JIM SHIRLEY: But --

38 COMMISSIONER MILLS: What's the -- what kind of --

39 JUDGE JIM SHIRLEY: Mr. Herrera told me the other day you
40 don't have to do that. You don't. But then it creates all

1 kinds of -- it creates all kind of uncertainty, and it tends
2 to -- what Judge Wagner was talking about earlier -- it tends to
3 create fights.

4 COMMISSIONER MILLS: Right. When -- when -- to me, when
5 this happens is important. Because the longer we wait before
6 the next year, the more history we have. It's easier to tell
7 what the costs really are. Whereas if we're doing it today,
8 we're guessing more.

9 JUDGE JIM SHIRLEY: Well, you're not going to do it about
10 the cost, but you're probably going to do a percentage.

11 COMMISSIONER MILLS: Right.

12 JUDGE JIM SHIRLEY: Because the cost will change over time.

13 COMMISSIONER MILLS: Right.

14 JUDGE JIM SHIRLEY: So...

15 You need to come up with a legitimate percentage based upon
16 --

17 COMMISSIONER MILLS: But even that will be easier to tell
18 after you have some history.

19 JUDGE JIM SHIRLEY: Yeah.

20 COMMISSIONER MILLS: More than --

21 JUDGE JIM SHIRLEY: To a degree.

22 COMMISSIONER MILLS: So when you do you propose this gets
23 --

24 JUDGE JIM SHIRLEY: Well, --

25 COMMISSIONER MILLS: When this stuff happens. And when we
26 finalize --

27 DISTRICT ATTORNEY HERRERA: You propose to do it
28 immediately.

29 JUDGE JIM SHIRLEY: Well, I propose to start working on it
30 immediately. Yeah.

31 I mean, certain -- certain --

32 DISTRICT ATTORNEY HERRERA: Sooner --

33 COMMISSIONER MILLS: Well, that might not exactly -- you
34 know, it's going to take time to do it too. I don't want to
35 wait till June 1st next year to start. That would be bad.

36 VICE CHAIRWOMAN WAITS: I --

37 COMMISSIONER MILLS: But --

38 JUDGE JIM SHIRLEY: It'd be --

39 COMMISSIONER MILLS: I think the more history we have and
40 the more we -- and it's -- it's really hard to do this based on

1 just a partial year's experience too.
2 So --
3 VICE CHAIRWOMAN WAITS: But the other thing is --
4 COMMISSIONER MILLS: -- that makes it more difficult.
5 VICE CHAIRWOMAN WAITS: -- Commissioner, is this is brand
6 new.
7 COMMISSIONER MILLS: Right.
8 VICE CHAIRWOMAN WAITS: Our new district is brand new. So
9 we -- we really can't learn from history other than what we have
10 before --
11 COMMISSIONER MILLS: That's what I was going to say. The
12 longer you wait, the more history you have --
13 VICE CHAIRWOMAN WAITS: I think we need to start --
14 COMMISSIONER MILLS: -- even though you --
15 VICE CHAIRWOMAN WAITS: -- immediately.
16 COMMISSIONER MILLS: -- have six months of history.
17 VICE CHAIRWOMAN WAITS: Yes.
18 JUDGE JIM SHIRLEY: If you look at --
19 VICE CHAIRWOMAN WAITS: We'll --
20 JUDGE JIM SHIRLEY: -- the original --
21 VICE CHAIRWOMAN WAITS: -- put it on the agenda.
22 JUDGE JIM SHIRLEY: -- contract that was entered into with
23 the understanding that it was certain was 50/25/25. And that
24 that could then be negotiated for the next year as to the
25 percentage. But you have somewhere at least to start --
26 COMMISSIONER MILLS: To start.
27 JUDGE JIM SHIRLEY: -- with who has what obligations and so
28 forth.
29 And then, with an annual renegotiation of the percentage,
30 lets (indiscernible) to write a new contract.
31 DISTRICT ATTORNEY HERRERA: Yeah, but that was never
32 followed. Not once. Not once. There was no annual
33 renegotiations of the contract.
34 JUDGE JIM SHIRLEY: Every -- every year. Three sets of
35 county commissioners. You went down to Humboldt County.
36 DISTRICT ATTORNEY HERRERA: Yeah, that -- it was agreed to.
37 But that contract said that every year that the three DAs and
38 three county commissioners would meet and decide what to propose
39 for the meeting they're talking about. It was never done is all
40 I'm saying. I'm not trying to be (indiscernible) --

1 JUDGE JIM SHIRLEY: As far as -- as far as your
2 renegotiations, --
3 DISTRICT ATTORNEY HERRERA: Yes.
4 JUDGE JIM SHIRLEY: -- 60/20/20?
5 DISTRICT ATTORNEY HERRERA: Uh-huh.
6 JUDGE JIM SHIRLEY: But there were meetings every year.
7 COUNTY CLERK SULLIVAN: Correct.
8 DISTRICT ATTORNEY HERRERA: The meetings were to approve
9 the budget, not to negotiate what the amount was as contemplated
10 by the contract.
11 JUDGE RICHARD WAGNER: That's not true, Ted, because I can
12 remember several times commissioners from different counties
13 said, we want to renegotiate this.
14 VICE CHAIRWOMAN WAITS: I know I --
15 JUDGE RICHARD WAGNER: We had one from Pershing County a
16 couple of years ago said, I want to renegotiate Battle Mountain.
17 VICE CHAIRWOMAN WAITS: And they did. And I remember that
18 well. They wanted us paying more. And we dug our feet in and
19 said, no more, no more. So it was, but not as generally used as
20 you're commenting on, but we did do it.
21 But let's move on because we have -- with the agenda. And we
22 think this is important. And we'll be moving on with that.
23 JUDGE JIM SHIRLEY: Okay.
24 VICE CHAIRWOMAN WAITS: So.
25 JUDGE JIM SHIRLEY: Thank you very much for your time.
26 VICE CHAIRWOMAN WAITS: You're done?
27 COMMISSIONER BAKKER: Thank you, guys.
28 COMMISSIONER CLARK: Thank you. Thank you very much.
29 VICE CHAIRWOMAN WAITS: Thank you so much, all of you.
30 And Judge Wagner, best of luck in your retirement.
31 JUDGE RICHARD WAGNER: Thank you.
32 VICE CHAIRWOMAN WAITS: Have a wonderful time.
33 JUDGE RICHARD WAGNER: (Indiscernible) -- assigned around
34 the state, Patsy. I'll probably be back sometime to see you.
35 DISTRICT ATTORNEY HERRERA: I hope so.
36 VICE CHAIRWOMAN WAITS: You're welcome anytime. Thank you.
37 COMMISSIONER MILLS: I hope we do.
38 VICE CHAIRWOMAN WAITS: We appreciate your service to
39 Lander.
40 COMMISSIONER MILLS: And I just want to reiterate. Ted --

1 Ted is our lead guide guy on this. So what he says, it's
2 usually coming from us.

3 So when you guys are in your meetings and negotiations and
4 stuff --

5 COMMISSIONER CLARK: I'll help you out. I'll be there.

6 COMMISSIONER BAKKER: Yeah. No, I'll be there too now from
7 here on out.

8 JUDGE RICHARD WAGNER: You're the guy.

9 COMMISSIONER BAKKER: I just meant the negotiations that
10 they've already had.

11 COMMISSIONER CLARK: Did we make a good choice?

12 Your Honor, did we make a good choice?

13 JUDGE RICHARD WAGNER: He said it with a reasonable voice.

14 DISTRICT ATTORNEY HERRERA: A voice of reason.

15 JUDGE JIM SHIRLEY: We sometimes disagree.

16 COMMISSIONER BAKKER: One more time.

17 DISTRICT ATTORNEY HERRERA: Judge Wagner and I --

18 VICE CHAIRWOMAN WAITS: Judge Shirley, you're staying?

19 JUDGE JIM SHIRLEY: I'll stay --

20 VICE CHAIRWOMAN WAITS: You're going to stay for --

21 JUDGE JIM SHIRLEY: -- for the next one.

22 VICE CHAIRWOMAN WAITS: Thank you.

23
24 29) Discussion and possible action to enter into a written
25 agreement with the attorney general to include four (4)
26 employees of the Eleventh Judicial District Court located in
27 Lander County (Juvenile Office) and the county's own
28 insurance liability coverage pursuant to NRS 331.187, and
29 other matters properly related thereto.
30

31 VICE CHAIRWOMAN WAITS: We're moving right into 29.
32 Discussion and possible action --

33 COMMISSIONER BAKKER: We've got two more.

34 VICE CHAIRWOMAN WAITS: -- to enter into a written
35 agreement with the attorney general to include the four
36 employees of the Eleventh Judicial District Court located in
37 Lander County, Juvenile Office, under the county's own insurance
38 liability coverage pursuant to NRS 331.187, and other matters
39 properly related thereto.

40 DISTRICT ATTORNEY HERRERA: Now, Commissioner Waits, what

1 this is is insurance liability for the judicial, the Eleventh
2 Judicial District Court employees. And we're talking about four
3 of them that will be stationed in Lander County. And we're
4 talking you -- in prior -- historically, the state, this
5 insurance liability has been paid for by the state.

6 Now, under NRS 331.187, it gives the counties an option to
7 pay for it through the state or to pay for it through POOL/PACT.
8 If it's paid through POOL/PACT, then POOL/PACT will defend in case
9 anything happens or if there's any actions.

10 If it's paid through the state, when -- when the situation
11 happens or the -- the accident or whatever happens, you have to
12 pay separately for the defense.

13 So this is a good move to make. And they're still judicial
14 employees. If the statute makes -- carves out the exceptions --
15 and I advise the county commissioners to buy the insurance through
16 the POOL/PACT instead of through the state. Because those
17 employees, even though they're judicial employees, they're Lander
18 County people. They're Lander County citizens. Their families
19 are here. They've worked here for 20 years, as has one judge.
20 And they need all the coverage we can get.

21 Plus, if they -- if they're paid through the state and
22 something happens to one of those employees, then we would be
23 stuck with a large legal defense of them. But when --

24 COMMISSIONER CLARK: Yeah.

25 DISTRICT ATTORNEY HERRERA: -- (indiscernible) --

26 COMMISSIONER CLARK: Yeah, I've got this.

27 DISTRICT ATTORNEY HERRERA: -- come into play if we go
28 POOL/PACT.

29 VICE CHAIRWOMAN WAITS: That isn't anything you can defend;
30 right?

31 DISTRICT ATTORNEY HERRERA: No.

32 COMMISSIONER BAKKER: The last one.

33 VICE CHAIRWOMAN WAITS: Okay, if I'm understanding
34 POOL/PACT correctly then, when we pay our annual fee, actually
35 we're not impacted by this on our budget until the following --

36 JUDGE JIM SHIRLEY: Yeah, it doesn't cost you anything --

37 VICE CHAIRWOMAN WAITS: -- year. Right?

38 JUDGE JIM SHIRLEY: -- at least -- Pershing County when we
39 called them -- and we have more because --

40 COMMISSIONER BAKKER: It's District 28.

1 JUDGE JIM SHIRLEY: -- we have the three staff that -- the
2 staff that I have, there was a zero --

3 VICE CHAIRWOMAN WAITS: Okay.

4 JUDGE JIM SHIRLEY: -- cost to the county.

5 VICE CHAIRWOMAN WAITS: Okay.

6 JUDGE JIM SHIRLEY: And the other two counties have gone
7 that way as well so...

8 COMMISSIONER BAKKER: We just need to approve this?

9 I'll make a motion to approve to enter into a written
10 agreement with the attorney general to include the four employees
11 of the Eleventh Judicial District Court in Lander County, juvenile
12 officers, under the county's own insurance liability coverage
13 pursuant to NRS 331.187.

14 COMMISSIONER MILLS: I'll second.

15 VICE CHAIRWOMAN WAITS: Thank you. It's been -- motion
16 made by Commissioner Bakker and seconded by Commissioner Mills
17 that we have the judicial court employees for under our own
18 county insurance. Any other discussion?

19 (No comment.)

20 VICE CHAIRWOMAN WAITS: Public comment?

21 (No comment.)

22 VICE CHAIRWOMAN WAITS: All those in favor?

23 COMMISSIONER BAKKER: Aye.

24 COMMISSIONER MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER WAITS: Aye.

27 Thank you.

28 Moving on to 30.

29
30 **30) Discussion and possible action to raise the base pay of**
31 **Lander County Justice Court Judge Max Bunch up to \$20,000 and**
32 **benefits for his added service as Lander County Drug Court**
33 **Master and Lander County Juvenile Court Master effective July**
34 **1, 2015, and other matters properly related thereto.**
35

36 VICE CHAIRWOMAN WAITS: Discussion and possible action to
37 raise the base pay of Lander County Justice Court Judge Max
38 Bunch up to \$20,000.

39 Judge Shirley, you were going stay for this one; right?

40 JUDGE JIM SHIRLEY: Yeah, I'll stay.

1 COMMISSIONER BAKKER: It's hot.
2 JUDGE JIM SHIRLEY: I'm on the front line on this one.
3 VICE CHAIRWOMAN WAITS: Up to -- up to 20,000 and benefits
4 for his added service as Lander County drug court master and
5 Lander County juvenile court master, effective July 1st, 2015,
6 and other matters properly related thereto. So we've added some
7 more duties on; right?
8 DISTRICT ATTORNEY HERRERA: Right. Up to \$20,000 is for
9 the added services and it's attached to. So if for some reason
10 Judge Bunch no longer supplies those services, then that money
11 would no longer be attached to his salary.
12 So this is just for the services. And we were talking about
13 local services earlier. And we were -- we wanted local services.
14 And one of those local services is a -- is a master -- juvenile
15 court master. And that's what we're talking.
16 VICE CHAIRWOMAN WAITS: What kind of time are we talking
17 about for him here? Does he have that okay?
18 DISTRICT ATTORNEY HERRERA: Oh, yes.
19 VICE CHAIRWOMAN WAITS: Like one day a week? Or one --
20 every other week? Or --
21 DISTRICT ATTORNEY HERRERA: Well, it's --
22 COMMISSIONER BAKKER: As needed.
23 DISTRICT ATTORNEY HERRERA: When needed. But he holds
24 court probably on the same days that -- that the judge holds
25 court. So it's -- it's a choice we had to get local services or
26 to pay approximately the same amount of money to the judges'
27 budget to have services come out of Lovelock and come to us.
28 VICE CHAIRWOMAN WAITS: Well, I understand the difference.
29 But I'm just trying to get a handle on whether we -- we do
30 indeed have the time --
31 DISTRICT ATTORNEY HERRERA: Oh, he has the time.
32 VICE CHAIRWOMAN WAITS: -- to assess this to him. That's
33 all.
34 DISTRICT ATTORNEY HERRERA: This courthouse is almost
35 built.
36 VICE CHAIRWOMAN WAITS: He'll have the room. Okay.
37 DISTRICT ATTORNEY HERRERA: He'll have the time.
38 VICE CHAIRWOMAN WAITS: So Commissioner Bakker was trying
39 to get an idea on what the other costs were on the other
40 counties for this.

1 JUDGE JIM SHIRLEY: Well, the master down in -- I -- the
2 master in Mineral is at 11,500.

3 COMMISSIONER BAKKER: What about Pershing?

4 JUDGE JIM SHIRLEY: Pershing, I haven't -- I've just been
5 completing the hiring process. We haven't completed that yet.

6 DISTRICT ATTORNEY HERRERA: You have to have some idea -- a
7 general idea.

8 JUDGE JIM SHIRLEY: Well, we have a budget of up to about
9 28,000.

10 So...

11 We'll be somewhere below that. But we're -- there will be
12 a 20,000-plus budget.

13 DISTRICT ATTORNEY HERRERA: So if -- if they go for 20-,
14 that would be fair?

15 JUDGE JIM SHIRLEY: Yeah. And when I talked to Judge
16 Bunch, it wasn't just the drug court. It wasn't just -- the
17 juvenile drug court takes some time. And it's -- but he's going
18 to be doing other things for the county. I think that you have
19 that rec center that you're --

20 DISTRICT ATTORNEY HERRERA: We wouldn't want to attach that
21 to --

22 JUDGE JIM SHIRLEY: I mean, it's the paying for services
23 he's doing.

24 DISTRICT ATTORNEY HERRERA: Your services that you --
25 (indiscernible).

26 JUDGE JIM SHIRLEY: It's -- if it's -- if the commission
27 (indiscernible) per salary I can make it there. But if you're
28 going to do drug court twice a week, twice a month for
29 approximately an hour and a half each time.

30 He'll have on -- basically, he'll be getting calls about
31 people who have violated a drug sanction. And that's a 24/7
32 thing. And he'll also have 432Bs. And I think we're averaging
33 probably one every four weeks probably a pretty good average.

34 And so he'll have --

35 COMMISSIONER BAKKER: He's going to be busy.

36 JUDGE JIM SHIRLEY: -- (indiscernible) -- 72-hour hearing.

37 COMMISSIONER CLARK: Yeah, it's going to be a lot of work.

38 JUDGE JIM SHIRLEY: If we have a juvenile delinquent case,
39 we're probably averaging six or eight of those a month.

40 DISTRICT ATTORNEY HERRERA: So this \$20,000

1 is (indiscernible). That's my opinion.

2 VICE CHAIRWOMAN WAITS: Thank you. I don't understand how
3 we do it up to 20,000. Are we saying we're going to base it on
4 how many we actually have?

5 DISTRICT ATTORNEY HERRERA: No, Commissioner Waits. I put
6 up to \$20,000 because I didn't know the answer to this question.

7 VICE CHAIRWOMAN WAITS: Oh, okay. So we --

8 DISTRICT ATTORNEY HERRERA: I wanted to --

9 VICE CHAIRWOMAN WAITS: -- could use 18- or --

10 DISTRICT ATTORNEY HERRERA: I wanted to give the --

11 VICE CHAIRWOMAN WAITS: I see.

12 DISTRICT ATTORNEY HERRERA: -- commission some discretion.

13 VICE CHAIRWOMAN WAITS: I see. We're not making the --

14 DISTRICT ATTORNEY HERRERA: As the voice --

15 VICE CHAIRWOMAN WAITS: -- motion up to 20-.

16 DISTRICT ATTORNEY HERRERA: As the voice of reason.

17 COMMISSIONER BAKKER: I'm --

18 VICE CHAIRWOMAN WAITS: We're making a motion for a set
19 amount, not up to.

20 DISTRICT ATTORNEY HERRERA: Right.

21 VICE CHAIRWOMAN WAITS: I kept reading it going, how do we
22 do that up to 20-? based on how many times he meets?

23 JUDGE JIM SHIRLEY: You couldn't go in excess of 20-.

24 VICE CHAIRWOMAN WAITS: I see. I understand. Okay. Thank
25 you.

26 COMMISSIONER CLARK: I'd like to make a motion. Anybody
27 else want to talk?

28 COMMISSIONER BAKKER: No, go ahead.

29 COMMISSIONER CLARK: I'd like to make a motion that we give
30 Judge Max Bunch \$19,999.99 because I don't think he's worth
31 20,000. For --

32 COMMISSIONER BAKKER: You can't do that.

33 COMMISSIONER MILLS: Just makes it a round number.

34 VICE CHAIRWOMAN WAITS: Our financial director will have a
35 fit over that.

36 COMMISSIONER CLARK: Okay.

37 COMMISSIONER MILLS: Nan's crying now because you did that.

38 COMMISSIONER BAKKER: Just make it 20,000.

39 COMMISSIONER CLARK: Make a motion to give Judge Bunch
40 \$20,000 and his benefits for services as Lander County drug

1 court master and Lander County juvenile court master. And I
2 base this upon the amount of work that he's going to have to do
3 and his many, many years of experience and being passionate
4 about Lander County.

5 COMMISSIONER BAKKER: I'll second that.

6 VICE CHAIRWOMAN WAITS: Thank you. It's been moved by
7 Commissioner Clark that we use the salary of the 20,000
8 additional for Judge Max's new services and seconded by
9 Commissioner Bakker.

10 Any other discussion?

11 (No comment.)

12 VICE CHAIRWOMAN WAITS: Public comment?

13 This is effective July 1st?

14 COMMISSIONER CLARK: First.

15 VICE CHAIRWOMAN WAITS: Thank you. All in favor?

16 COMMISSIONER BAKKER: Aye.

17 COMMISSIONER MILLS: Aye.

18 COMMISSIONER CLARK: Aye.

19 COMMISSIONER WAITS: Aye.

20 And thank you, Judge Shirley.

21 COMMISSIONER BAKKER: Thanks, Jim.

22 JUDGE JIM SHIRLEY: Thank you, very much.

23 COMMISSIONER MILLS: Thank you, Jim.

24 COMMISSIONER CLARK: Thank you, your Honors.

25 VICE CHAIRWOMAN WAITS: Judge Wagner.

26 DISTRICT ATTORNEY HERRERA: See you guys later.

27 VICE CHAIRWOMAN WAITS: Okay, speaking of Judge Max --

28 COMMISSIONER BAKKER: He's not here.

29 VICE CHAIRWOMAN WAITS: Are we going to go with Cory?

30
31 **31) Update regarding status of the Lander County**
32 **courthouse/administration building project, and other matters**
33 **properly related thereto.**
34

35 VICE CHAIRWOMAN WAITS: Number 31, update regarding status
36 of the Lander County courthouse/administration building project,
37 and other matters properly related thereto.

38 COMMISSIONER BAKKER: Casey, how are you?

39 CASEY GUNTHER: I'm good.

40 DISTRICT ATTORNEY HERRERA: The judge isn't here today

1 because he's -- (indiscernible). So we have a great
2 replacement.

3 CASEY GUNTHER: Casey Gunther with CORE Construction, for
4 the record.

5 Give you a brief rundown of where we're at right now.
6 The final storefront that we've been holding out on for
7 loading and access is being installed. And it will be a 100
8 percent complete by next Tuesday. That'll finally achieve a
9 hundred percent building enclosure.

10 The ceramic tile will be a hundred percent complete
11 throughout the building by Thursday of next week.

12 The mechanical system startup is scheduled for July 6th.
13 So we'll be firing up the air conditioners, the air handlers and
14 everything.

15 VICE CHAIRWOMAN WAITS: We'll be moving over there, I
16 think. Is that --

17 COMMISSIONER MILLS: Yeah, we --

18 COMMISSIONER BAKKER: Yeah, it's hot.

19 COMMISSIONER MILLS: You have a room ready for us?

20 VICE CHAIRWOMAN WAITS: When you turn the air conditioning
21 --

22 CASEY GUNTHER: I have no objection to that at all.
23 Interior painting's approximately 85 percent complete. A
24 couple of walls here and there and mainly door frames left to
25 go.

26 Building millwork, casework is ongoing and will be ongoing
27 and will be probably one of the last ones in there.

28 Site work is ongoing and is approximately 40 percent
29 complete. If anybody's been driving by, we got the planter walls
30 out front and sidewalk everywhere.

31 The courthouse/jail integration strictly for inmate transfer
32 will be officially complete on August 10th, 100 percent signed
33 off.

34 All utilities -- gas, water, sewer, everything -- is final,
35 done.

36 Frontage vestibule and entry lobby is approximately 85 to
37 90 percent complete, just a little touchup stuff here and there.
38 That looks great.

39 Exterior stucco, roughly 98 percent complete.

40 The elevators and testing the elevators is complete. What we

1 have now, what we're waiting on is the final sign-off by the state
2 elevator inspector. And that will take place in the middle of
3 July along with the final boiler inspection as well.

4 And then I have one more note here, not necessarily
5 pertaining to the courthouse but Lander County in general. I --
6 CORE, myself are putting together a Lander County career fair.
7 And it was advertised this week and advertised next week for
8 July 2nd from 4:00 to 6:00. I've got a whole bunch of different
9 subcontractors that we are working with our buildings partners and
10 hopefully there will be some community turnout for that. Looking
11 for employees.

12 COUNTY CLERK SULLIVAN: Where is that located?

13 CASEY GUNTHER: At the civic center.

14 COUNTY CLERK SULLIVAN: Thank you.

15 CASEY GUNTHER: 4:00 to 6:00, July 2nd.

16 COMMISSIONER MILLS: That's great.

17 COMMISSIONER BAKKER: Hey, Sadie, you want to post that at
18 the coffee shop?

19 COUNTY CLERK SULLIVAN: If you'd like me to.

20 COMMISSIONER BAKKER: Yes, I would.

21 CASEY GUNTHER: Any questions?

22 COMMISSIONER MILLS: Yes.

23 COUNTY CLERK SULLIVAN: I'll give it to you to sign. Make
24 sure I get the right --

25 COMMISSIONER MILLS: Make sure that the sheriff and Max
26 aren't here. Last -- last meeting we had this big discussion
27 about paving between the sheriff's office and the --

28 CASEY GUNTHER: Yes.

29 COMMISSIONER MILLS: Have you guys -- have you worked
30 something out?

31 COMMISSIONER BAKKER: Cost way too much.

32 CASEY GUNTHER: It is. It is. Pretty much every option is
33 costly.

34 Right now, the civil engineer of record is working on three
35 options. Once we get those, we'll put it out for pricing and
36 then we'll present those to Judge Bunch and everybody, probably
37 bring it to you guys as well.

38 COMMISSIONER BAKKER: They can't afford it with their
39 budget; I'll tell you that right now.

40 COMMISSIONER MILLS: Really?

1 COMMISSIONER BAKKER: Yeah.
2 COMMISSIONER MILLS: So I'm just wondering because --
3 COMMISSIONER BAKKER: Sheriff's department's going to --
4 it's going to have to wait another year.
5 COMMISSIONER MILLS: And maybe I should have asked that
6 question last time, but -- I'm just wondering if that -- if
7 there was any resolution there. So, okay. Good enough.
8 COMMISSIONER BAKKER: The cost is way too high.
9 CASEY GUNTHER: It's being worked on. It's not as easy as
10 just paving right over to it.
11 COMMISSIONER MILLS: Right.
12 CASEY GUNTHER: There's some serious issues.
13 COMMISSIONER BAKKER: Drainage, other things. It's like
14 a --
15 VICE CHAIRWOMAN WAITS: Thank you, Casey.
16 COMMISSIONER BAKKER: -- \$380,000 change.
17 CASEY GUNTHER: Thank you.
18 COMMISSIONER MILLS: Oh.
19 COMMISSIONER BAKKER: Yeah.
20 VICE CHAIRWOMAN WAITS: Always appreciate you being here.
21 COMMISSIONER BAKKER: Yeah.
22 CASEY GUNTHER: Appreciate it. Thank you.
23 COMMISSIONER MILLS: Thank you.
24 VICE CHAIRWOMAN WAITS: Number 32.
25 GRACE POWRIE: Can we do a public comment --
26 COMMISSIONER MILLS: Is it 32?
27 GRACE POWRIE: -- on this?
28 COMMISSIONER MILLS: Or was there a --
29 COMMISSIONER BAKKER: Sure.
30 VICE CHAIRWOMAN WAITS: Oh, certainly.
31 GRACE POWRIE: Okay. Thanks.
32 CASEY GUNTHER: No problem.
33 GRACE POWRIE: Grace Powrie, for the record.
34 I have spoke to a couple people. And they had mentioned
35 that we have a committee over the surplus of the building once
36 we move and each office takes what they want.
37 And I understand that there was supposed to be a committee
38 together. And it was supposed to be Commissioner Bakker and
39 Commissioner Clark. Is that true?
40 COMMISSIONER BAKKER: We're meeting July 2 at the civic

1 center.

2 GRACE POWRIE: Can I be a part of that, please?

3 COMMISSIONER BAKKER: Everyone's welcome.

4 GRACE POWRIE: I -- my -- my focus is, is we have Conex
5 buildings --

6 COMMISSIONER BAKKER: My --

7 GRACE POWRIE: -- that have surplus inventory as well. And
8 I'd like to do a complete --

9 COMMISSIONER BAKKER: That's not going to be that meeting
10 though. That -- the one on July 21st is actually the
11 building -- the buildings -- our three buildings, but -- and
12 what we're going to do with them.

13 And the whole public is invited to that. As far as the
14 surplus, we'll actually probably do -- need to do a department
15 head, private --

16 GRACE POWRIE: Okay.

17 COMMISSIONER BAKKER: -- scheduling. Because I kind of
18 made the comment that -- well, after you -- the department heads
19 take what they want, maybe we'll let Austin choose some stuff
20 that they need. And then we'll figure out the rest from there.

21 GRACE POWRIE: And I was under the impression it was a
22 committee kind of working that out. And I'd like to be a
23 part --

24 COMMISSIONER BAKKER: Yeah --

25 GRACE POWRIE: -- of that to get rid of some of the other
26 surplus that I --

27 COMMISSIONER BAKKER: I haven't got a time when we're going
28 to meet on that. It will probably be towards the end of July
29 though, somewhere. And we can -- once I figure out a time and a
30 date, we'll go from there.

31 GRACE POWRIE: And it's not necessarily what we're taking,
32 it's whether a county office takes it. I've been contacted by
33 the school district. They're really interested.

34 COMMISSIONER BAKKER: Right.

35 GRACE POWRIE: And, of course, the county offices would
36 come first. But if there's a game plan we can work outside of
37 the commission and then bring it before the commission, I just
38 want to have a word in that.

39 COMMISSIONER BAKKER: Okay.

40 GRACE POWRIE: Okay.

1 COMMISSIONER BAKKER: And that's not a problem. I want to
2 make sure we take care of Austin first on what they need because
3 we've got a lot of nice furniture throughout all these
4 buildings. And then after that, we can certainly take a look at
5 other ideas.

6 GRACE POWRIE: Normally, I do a surplus sale separate. And
7 because we're going to have so much inventory, I would like to
8 do it as a combined one and save everybody time and effort and
9 money.

10 COMMISSIONER BAKKER: Right.

11 GRACE POWRIE: Okay.

12 COMMISSIONER BAKKER: No, I'm good with that. I'm just --

13 GRACE POWRIE: Thank you.

14 COMMISSIONER BAKKER: Once I figure out a time, Grace, I'll
15 let you know.

16 GRACE POWRIE: Thank you. I just want you to know that I
17 need to be included so I can do it all at one time, --

18 COMMISSIONER BAKKER: Okay.

19 GRACE POWRIE: -- if that's okay.

20 VICE CHAIRWOMAN WAITS: That sounds good. Thank you.

21 GRACE POWRIE: Thank you very much.

22
23 **32) Correspondence, reports, potential upcoming agenda items.**

24
25 VICE CHAIRWOMAN WAITS: Okay, moving on to 32,
26 correspondence, reports, potential upcoming agenda items.

27
28 (The following correspondence was received:

29 1. YESCO to Lander County Commission Chair, YESCO Outdoor
30 Media Lease #34035.

31 2. Department of Conservation & Natural Resources, Division
32 of Environmental Protection, Bureau of Mining Regulation &
33 Reclamation, Permittee: Red Widow Mining Company, Inc., Water
34 Pollution Control Permit.

35 3. Bureau of Land Management to Interested Public, Decision
36 Record and finding of No Significant Impact for the environmental
37 Assessment and Amendment to the Plan of Operations for the Toiyabe
38 Exploration Project.)

39
40 VICE CHAIRWOMAN WAITS: And we don't have our executive

1 director and DA here.

2 But I think, Sadie, you have a record of the ones we've
3 been asking for as we went through the meeting.

4 Do our commissioners have anything else they want to see
5 added?

6 COMMISSIONER BAKKER: I honestly can't remember right now.
7 But I have it written down in Keith's office for him.

8 VICE CHAIRWOMAN WAITS: Okay, the other thing is that
9 evaluation. Don't we have some evaluations that are coming up?
10 No? Yes?

11 COMMISSIONER CLARK: Whose evaluation?

12 VICE CHAIRWOMAN WAITS: We haven't had an evaluation on our
13 executive director yet.

14 COMMISSIONER BAKKER: Has it been six months?

15 VICE CHAIRWOMAN WAITS: It's been way over six months. We
16 gave him his raise at six months.

17 COMMISSIONER BAKKER: Didn't we do the evaluation at the
18 same time?

19 COUNTY CLERK SULLIVAN: I don't think --

20 VICE CHAIRWOMAN WAITS: We did not.

21 COMMISSIONER MILLS: Oh. Well, we probably better get that
22 done.

23 COMMISSIONER BAKKER: Yep.

24 VICE CHAIRWOMAN WAITS: I think we should put that on.

25 COMMISSIONER CLARK: When was the six months?

26 VICE CHAIRWOMAN WAITS: When he got his --

27 COMMISSIONER MILLS: When he --

28 VICE CHAIRWOMAN WAITS: -- raise.

29 COMMISSIONER MILLS: -- got his raise.

30 VICE CHAIRWOMAN WAITS: When was that?

31 COMMISSIONER CLARK: Yeah, I know, but --

32 COMMISSIONER MILLS: It's been two months ago?

33 COMMISSIONER CLARK: So then he would get another
34 evaluation six months after he got off probation.

35 COUNTY CLERK SULLIVAN: Wasn't it May?

36 VICE CHAIRWOMAN WAITS: No, the probation was really for
37 the position, not really him. Remember?

38 COUNTY CLERK SULLIVAN: March 12th, I believe.

39 VICE CHAIRWOMAN WAITS: March 12th. Okay. We haven't done
40 anything. So -- okay. All right. I don't have anything else.

1 COMMISSIONER BAKKER: And the assistant executive. I'm
2 just lying.

3 NAN ANCHO: She hasn't been there six months yet.

4 COMMISSIONER BAKKER: Yeah, she hasn't been there six
5 months yet.

6
7
8 **PUBLIC COMMENT**

9
10 VICE CHAIRWOMAN WAITS: Okay. We are moving into public
11 comment.

12 And this is for our non-agendized items. And we have some
13 public here to come up and share some things. Must be on July
14 4th.

15 PASTOR JON LAYDEN: Yes. Yes, it is.

16 VICE CHAIRWOMAN WAITS: Oh, good, an update.

17 PASTOR JON LAYDEN: So you guys had asked me to give you
18 guys an update on what we --

19 UNIDENTIFIED PARTICIPANT: Can you identify yourself?

20 VICE CHAIRWOMAN WAITS: No.

21 PASTOR JON LAYDEN: Oh, Pastor Jon Layden, Battle Mountain
22 Assembly of God, also known as White Jon for distinction?

23 I'm -- you guys asked me to report on the July Fourth at
24 Elquist Park. And we were able to actually get a lot done with
25 the time we were actually given.

26 We were able to get inflatables. We got some game supplies.
27 We're going to have the police department and the fire department
28 bring one of their vehicles over so the kids can look at it, check
29 it out, and, you know, the officers and the firemen hang out with
30 the kids for a little bit. They're also going to be -- the police
31 department's going to be patrolling and providing security for it.

32 We're able to get volunteers that will help clean the park
33 and assist in anything that we need as far as logistics. These
34 are good people. These are people that I trust and that actually
35 help out at the church as well, who have experience in doing
36 various things.

37 And so we're also hoping that the pool will be open by
38 then. We're praying because it's supposed to be over a hundred
39 degrees and we need water to survive.

40 So -- but we also -- I spent some money on some games and a

1 DJ, and so far, which we don't expect to spend very much over
2 this, but -- and the church will cover the overflow, as far as
3 the cost.

4 We have spent 4,075.39. So do you have any questions?

5 VICE CHAIRWOMAN WAITS: Thank you. We appreciate --

6 PASTOR JON LAYDEN: Okay, --

7 VICE CHAIRWOMAN WAITS: -- the update.

8 PASTOR JON LAYDEN: -- I just wanted to make sure you got
9 what you needed, so --

10 VICE CHAIRWOMAN WAITS: Commissioners?

11 PASTOR JON LAYDEN: Yes.

12 COMMISSIONER MILLS: Nope, there's -- it sounds like you've
13 done some thought process on this. It sounds like it's pretty
14 complete. You've thought of a lot of good stuff.

15 PASTOR JON LAYDEN: Yes.

16 COMMISSIONER MILLS: I'm encouraged.

17 PASTOR JON LAYDEN: My wife is amazing; so I can't take
18 full credit for it. But, yes.

19 And then I actually have another public comment. But I'm
20 going to let the other Pastor John speak.

21 PASTOR JOHN SMITH: I am Pastor John Smith from First
22 Baptist Church, for the record.

23 I'm coming before the body of commissioners because I was
24 being nominated for a position in town as a member of the board
25 for the hospital.

26 And I was informed after the meeting by several people in
27 the community that the commissioners took a position that they
28 didn't want me to have that particular position because they
29 really did not know me.

30 So I want to take the next two and a half minutes to let you
31 know something about me. And then if there's other things that
32 you need to know, we can deal with that. Because I'm in the
33 community. And I want to serve the community with my skill set as
34 far as what I can contribute.

35 So with that being said, I have two bachelor's degrees. I
36 have a bachelor's in ancient languages and a bachelor's of
37 science in nursing.

38 I have five master's degrees. I have a master's in
39 cellular biology. I have a master's in philosophy, a master's
40 in Jewish cultural studies, a master's in Islamic studies, and a

1 master's of divinity.

2 I am currently in two PhD programs. One is based in
3 Hartford, Connecticut, which I fly out, again, this -- starting
4 this fall at least once a month for a week in international
5 Muslim/Christian relations. I also am pursuing a PhD, which I
6 should be finished with in two years, dealing with human
7 behavior.

8 I have served on numerous boards in the state of Texas. I
9 pastored a church in Texas that was about 14,000 members. We
10 averaged about 7500 on a Sunday morning. I processed offerings
11 for that church that I oversaw was about \$350,000 a week.

12 I supervised a staff of about 79 people, not counting the
13 ones that was in our school that ranged from K -- well, that was
14 from K to 12th grade, which had 790-some students in that
15 particular school system. We were TEA certified.

16 I was also chairman of -- when govern- -- when President Bush
17 was governor of Texas, I was chairman of his Medicaid/Medicare
18 reform committee. I was also director of nursing at a facility
19 that I oversaw 750 RENS [verbatim] and LPNs.

20 Also, I owned, previously, a crime scene cleanup company,
21 which was only four in the state of Texas that we went in after
22 emergencies and cleaned up all that stuff.

23 I am friends -- I can say -- with some very powerful people
24 in the US. Some have run for President. One is in particular
25 running for President right now. Another one is running for
26 President but I'm friends with his dad.

27 The gentleman that I was talk- -- I was talking about is Mike
28 Huckabee is a personal friend of mine. Ted Cruz -- his dad,
29 Rafael is a friend of mine.

30 I don't know anything else to tell you, because when I --
31 when I sit in the meetings and I hear you guys talking about other
32 people, you know, as far as positions of authority or whatever, I
33 have never heard you bring up, we don't know them well enough. I
34 do understand small town politics and that you want to know
35 people. But I also, at the same time, knowing people you want to
36 have the best qualified people for a position.

37 And if there's other things that you want to know about me,
38 I'd be glad to as the pastor of First Baptist Church to take you
39 out for dinner, lunch or breakfast. And we can get to know each
40 other better.

1 COMMISSIONER BAKKER: Thanks, John.
2 VICE CHAIRWOMAN WAITS: Pastor John, let me -- let me just
3 comment because we can't discuss it, but --
4 PASTOR JOHN SMITH: I know. I understand.
5 VICE CHAIRWOMAN WAITS: But first of all, thank -- thank
6 you very much. And we -- we certainly -- I'm sure all of us
7 invite you to stop and talk with us individually and welcome to
8 the community.
9 COMMISSIONER BAKKER: We'll talk after. Apparently.
10 COMMISSIONER MILLS: That's the best way to do that one.
11 COMMISSIONER BAKKER: I'll make a motion to adjourn.
12 COMMISSIONER CLARK: Second.
13 COMMISSIONER MILLS: We've got another public comment.
14 COMMISSIONER BAKKER: Time out. Retract that.
15 PASTOR JON LAYDEN: You're almost done. You're almost
16 done. You're right there. I promise you.
17 VICE CHAIRWOMAN WAITS: You want to retract. Just a
18 moment. You want to withdraw that motion and second?
19 COMMISSIONER BAKKER: I'll withdraw the motion.
20 VICE CHAIRWOMAN WAITS: Okay.
21 PASTOR JON LAYDEN: I'm sorry.
22 VICE CHAIRWOMAN WAITS: That's okay. One more time.
23 COMMISSIONER BAKKER: You're fired.
24 PASTOR JON LAYDEN: Because, I mean, I can leave the room,
25 and you all can stay here.
26 COMMISSIONER BAKKER: I'm just joking.
27 PASTOR JON LAYDEN: All right. Pastor Jon Layden of Battle
28 Mountain Assembly of God, again.
29 I just have -- wanted to ask you guys some questions.
30 About, back in -- I want to say November -- I found out that the
31 gated thing that's around our -- on our property, our church
32 property is a lift station. And I wanted to -- and I haven't
33 been to a commissioner meeting where you guys have necessarily
34 discussed that -- being as how it's on the church property.
35 There have been several people representing the county or the
36 water company or the water/sewer company doing stuff, digging --
37 digging into the ground, things like that. I resolved most of
38 that with Keith Westengard, who is doing a great job as executive
39 director, by the way.
40 And then I just found out that there was a transition with

1 the water -- public works -- water foreman. And so I've been in
2 contact with -- can't think of his name -- Bert Ramos, I
3 believe. Because there are two big, massive cement blocks on
4 our property. And no one knows why other than that it deals
5 with the lift station.

6 And so do you guys know anything about that?

7 VICE CHAIRWOMAN WAITS: Number one, there again, we can't
8 really discuss it with you, but continue talking with our
9 executive director who -- you're in the right, you know,
10 departments -- and if there's something that has to be brought
11 up that we have to make decisions on, then we put it on the
12 agenda for you.

13 PASTOR JON LAYDEN: Okay, well, because here's the thing,
14 no one's communicating with us. Everyone's saying that they'll
15 get back with us. However, no one is. And you guys being the
16 commissioners of Lander County, you're at the top.

17 VICE CHAIRWOMAN WAITS: You are --

18 PASTOR JON LAYDEN: And so --

19 VICE CHAIRWOMAN WAITS: -- you are absolutely right.

20 PASTOR JON LAYDEN: And so -- but here's the thing, because
21 no one is communicating. No one is doing really anything, I
22 mean, that's basically, you know, you're putting stuff on our
23 property that isn't ours. And so because of that, you know, I
24 would really like them removed. Because, again, they're not
25 ours. It's a huge liability for insurance.

26 You know, someone could get hurt. I can't promise the
27 quality of them if anyone does anything to them. And really,
28 it's -- it looks bad on the county, if you're just dumping stuff
29 on people's property.

30 VICE CHAIRWOMAN WAITS: We understand everything you're
31 telling us. And I'm sorry it's taken so long. So I'm going to
32 send you back to our executive director and see if you can't do
33 something. And if you --

34 COMMISSIONER BAKKER: I'll touch bases with him.

35 VICE CHAIRWOMAN WAITS: -- come up at the next --

36 PASTOR JON LAYDEN: Okay.

37 VICE CHAIRWOMAN WAITS: Ask him to be put on the agenda.

38 PASTOR JON LAYDEN: Because we -- and I --

39 VICE CHAIRWOMAN WAITS: We won't -- all --

40 PASTOR JON LAYDEN: -- used to own this.

1 VICE CHAIRWOMAN WAITS: -- discuss it.
2 PASTOR JON LAYDEN: As a church, we don't own that
3 property. Our property management is in -- it's owned actually
4 by what we call a district. And they're located in Sacramento.
5 VICE CHAIRWOMAN WAITS: We understand that.
6 PASTOR JON LAYDEN: And so -- but I just want you guys to
7 know and be aware so that I'm communicating properly that we
8 would like them to be removed by July 1st. And if not, we will
9 be forced to charge you a storage fee of a hundred dollars per
10 block.
11 COMMISSIONER BAKKER: Better make sure there's not an
12 easement on it first too.
13 PASTOR JON LAYDEN: Well, I --
14 COMMISSIONER BAKKER: And that would be Joe Lindsey's
15 department.
16 PASTOR JON LAYDEN: They're not on an easement.
17 VICE CHAIRWOMAN WAITS: We're discussing.
18 PASTOR JON LAYDEN: They're on our property.
19 COMMISSIONER BAKKER: Okay.
20 VICE CHAIRWOMAN WAITS: Yeah.
21 COUNTY CLERK SULLIVAN: Can we get an address, for the
22 record?
23 PASTOR JON LAYDEN: It's 289 Stone Avenue, which is
24 actually -- the church is actually --
25 COMMISSIONER CLARK: What is the address again?
26 PASTOR JON LAYDEN: What?
27 COMMISSIONER CLARK: 289.
28 PASTOR JON LAYDEN: 289 Stone Avenue. But the -- our
29 actual church is --
30 COMMISSIONER CLARK: John Avenue?
31 PASTOR JON LAYDEN: -- on the other side of the block
32 closest to the NAPA.
33 COUNTY CLERK SULLIVAN: Stone Avenue.
34 PASTOR JON LAYDEN: Stone.
35 COMMISSIONER CLARK: Stone.
36 COUNTY CLERK SULLIVAN: Stone.
37 COMMISSIONER CLARK: Where's that at?
38 VICE CHAIRWOMAN WAITS: No, we want this resolved --
39 PASTOR JON LAYDEN: It's right behind NAPA.
40 VICE CHAIRWOMAN WAITS: -- as soon as possible. So if you

1 would do that for me, --
2 PASTOR JON LAYDEN: Okay.
3 VICE CHAIRWOMAN WAITS: -- and if not, --
4 PASTOR JON LAYDEN: Okay.
5 VICE CHAIRWOMAN WAITS: -- we'll get you on the agenda and
6 discuss it all.
7 PASTOR JON LAYDEN: Okay, --
8 VICE CHAIRWOMAN WAITS: If it --
9 PASTOR JON LAYDEN: -- I'm not sure what you mean, but at
10 the same time, I mean, we --
11 VICE CHAIRWOMAN WAITS: No, we understand.
12 PASTOR JON LAYDEN: -- need to vouch for ourselves.
13 VICE CHAIRWOMAN WAITS: And you need to bring it before us.
14 So I'm -- I'm -- apologize for the delay. And we'll get on
15 it --
16 PASTOR JON LAYDEN: Awesome.
17 VICE CHAIRWOMAN WAITS: -- and let our admin handle it
18 first.
19 PASTOR JON LAYDEN: Thank you so much. And I'll let you
20 adjourn so that you can go do other things.
21 VICE CHAIRWOMAN WAITS: No other public comment?
22 (No comment.)
23 VICE CHAIRWOMAN WAITS: Okay.

24
25
26 **ADJOURNMENT**

27
28 COMMISSIONER BAKKER: I'll make a motion to adjourn.
29 COMMISSIONER MILLS: Second.
30 VICE CHAIRWOMAN WAITS: Moved by Commissioner Bakker,
31 seconded by Commissioner Mills.
32 All in favor?
33 COMMISSIONERS: Aye.
34 VICE CHAIRWOMAN WAITS: Aye. Thank you, all.
35
36
37
38
39
40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
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.