

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 December 4, 2014, at
4 9:03 a.m.

5
6 **PRESENT:** DEAN BULLOCK, COMMISSIONER
7 STEVEN STIENMETZ, COMMISSIONER
8 BRIAN GARNER, COMMISSIONER
9 DAVID MASON, COMMISSIONER
10 PATSY WAITS, COMMISSIONER
11 SADIE SULLIVAN, COUNTY CLERK
12 NICOLE TING, DEPUTY DISTRICT ATTORNEY
13 NAN ANCHO, FINANCE DIRECTOR
14 JOY SWEENEY, HUMAN RESOURCES DIRECTOR
15

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

18
19 Let the record reflect the presence of Austin via telephone
20 conference.

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22 [Meeting commenced on December 4, 2014, at 9:03 a.m.]
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25 CHAIRMAN GARNER: Call the Lander County Commission
26 meeting, Town Board of Battle Mountain, and Austin Board of
27 County Highway Commissioners to order.

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29 (Pledge of Allegiance.)
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32 **APPROVAL OF AGENDA NOTICE**

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34 CHAIRMAN GARNER: Discussion for possible action regarding
35 approval of agenda notice.

36 COMMISSIONER STIENMETZ: I'll make a motion to approve the
37 agenda notice.

38 COMMISSIONER WAITS: I'll second that motion.

39 CHAIRMAN GARNER: Any public comment?

40 (No comment.)

1 CHAIRMAN GARNER: All those in favor?
2 COMMISSIONER MASON: Aye.
3 CHAIRMAN GARNER: Aye.
4 COMMISSIONER WAITS: Aye.
5 COMMISSIONER STIENMETZ: Aye.
6 COMMISSIONER BULLOCK: Aye.
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9 **APPROVAL & ACCEPTANCE OF MINUTES**

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11 CHAIRMAN GARNER: Discussion for possible action regarding
12 approval, acceptance of minutes of November 13th, 2014, regular
13 session.
14 COMMISSIONER WAITS: I do have one correction just on a
15 word, page 6, line 6. The word should be bit, B-I-T, not built.
16 COUNTY CLERK SULLIVAN: Page 6, line 6?
17 Page 6, line 6?
18 COMMISSIONER WAITS: Yes.
19 If there's no other corrections, I'll make a motion that we
20 approve the amended commissioners' meeting for November 13th,
21 regular session.
22 COMMISSIONER STIENMETZ: I'll second the motion.
23 CHAIRMAN GARNER: Any public comment?
24 (No comment.)
25 CHAIRMAN GARNER: Those in favor?
26 COMMISSIONER MASON: Aye.
27 CHAIRMAN GARNER: Aye.
28 COMMISSIONER WAITS: Aye.
29 COMMISSIONER STIENMETZ: Aye.
30 COMMISSIONER BULLOCK: Aye.
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33 **COMMISSIONER REPORTS**

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35 CHAIRMAN GARNER: Commissioners' reports on meetings,
36 conferences, and seminars attended.
37 COMMISSIONER MASON: I have none.
38 COMMISSIONER WAITS: Thank you. I do have a few things I'd
39 like to share.
40 On November 17th, I did have a Division for Aging meeting.

1 It was a teleconference meeting with ongoing discussion on what
2 the bills might be that are coming forth that would be affecting
3 our seniors.

4 On 11/24, we had kind of an impromptu meeting with Rex Massey
5 and Dave from Network Services regarding the fiber optic agreement
6 that they apparently have with AT&T. And as you are aware, we're
7 all fiber optic that went across Highway 50. At that time we were
8 supposed to have some connections, but we did not. And he says
9 they have an agreement to work at that. I think he also met with
10 some folks in Battle Mountain on that one.

11 The other one I wanted to talk about, of course, is our NACO
12 annual conference, which was held in Ely on November 18th to the
13 20th, which was an exce- -- excellent annual meeting as they
14 always are. But this one just really seemed to shine.

15 I was extremely thrilled that we not only had our -- our
16 three new commissioners-elect there --

17
18 (Radio: ... Battle Mountain for a transport...)

19
20 COMMISSIONER WAITS: -- but also our executive director and
21 our finance director.

22 And one of the things with them actually taking part in the
23 power workshops, that's truly encouraging. Because if you go on
24 in that type of an education and become a certified public
25 official, we actually get discounts on our insurance, on our
26 POOL/PACT. So that's also exciting.

27 On our NACO meeting that we held there, we had a conference
28 call with Neil Kornze, our national director of the BLM and also
29 a panel later with Amy Lueders, who is our director from Nevada
30 state BLM office.

31 I had my pen poised ready to take notes; however, most of
32 it was very general that we're excited to work with you, to
33 coordinate with the counties. We know that you have different
34 agendas than the federal government does and so forth. So there
35 wasn't anything specific I could say, they're going to do this,
36 or we're going to do this. So that was kind of disappointing,
37 but it's still wonderful to make that contact and be able to
38 hear the information of how they at least want to work with us.

39 On our legislative panel, we had three senators and
40 assemblymen. Two of the senators are from Las Vegas. And we

1 had Pete Goicoechea and also John Ellison, our assemblyman from
2 the Elko area.

3 And I was going the share with you one of the comments that
4 Senator Goicoechea said regarding our work with the BLM. He
5 said the counties really are the land managers. We've been here
6 long before BLM ever came, and we'll probably be here long after
7 they leave. That's always kind of interesting to hear comments
8 of such. But excellent meeting.

9 The last meeting I had is the Public Lands Use Advisory
10 Commission. And a couple of things I want to share with that.
11 BLM gave us a report there, on November 17th to the 20th that
12 they actually did a fire crew control for 500 acres of cheat
13 grass. And that's in the community of Battle Mountain. The
14 project area is called the airport unit, located east of Battle
15 Mountain at the base of Shoshone Range near the freeway. I
16 think that's behind you a little bit; isn't it, Steve?

17 COMMISSIONER STIENMETZ: Right. I saw them out there doing
18 it.

19 COMMISSIONER WAITS: Yeah, 500 acres --

20 COMMISSIONER STIENMETZ: I couldn't figure out what they
21 were doing. I saw --

22 COMMISSIONER WAITS: Yeah, --

23 COMMISSIONER STIENMETZ: -- all the BLM vehicles out there.

24 COMMISSIONER WAITS: Well, of course, that's an -- an
25 effort to reduce our -- our risk of the Battle Mountain area for
26 fires. But I did ask if that happened to be one of the areas
27 that they had cut the ranching on, but he wasn't real sure about
28 that. So we didn't have any absolute --

29 We did receive a letter -- a copy of the letter that was
30 sent to the United States Senate from many of the senators. The
31 copy came from our senator, Dean Heller, regarding their request
32 for full funding of the payment in lieu of taxes and secure
33 rural schools. And interesting, on a sign-on, there were many
34 senators. One was Barbara Boxer and Dianne Feinstein from
35 California. They both signed that for the full funding.

36 But I did want to report to you something that came down
37 actually on the 2nd of December, and that's -- with the 113th
38 Congress winding down right now and they're just doing a few
39 things as we know. But one of them, the House and Senate Armed
40 Service committees announced that they have reached a compromise

1 agreement on the National Defense Authorization Act. And that's
2 our funding of the military defense and so forth. But -- and
3 this is for the fiscal year 2015 -- it includes \$70 million for
4 the PILT program. And I thought that was an interesting way to
5 throw it in. They also included some issues regarding national
6 resources, related legislative issues addressing energy, land
7 use, and land conveyances. And so that's going forth. So just
8 something we can watch for the end of the year.

9 And that's my report. Thank you.

10 COMMISSIONER STIENMETZ: On November 14th, I attended
11 meetings in Winnemucca. The first one that always happens
12 before our Humboldt River Basin Water Authority meeting is we
13 have a meeting with the Nevada Mining Association. And we just
14 review various topics that involve the water and stuff with
15 Humboldt River Basin. We had that. And then we had our regular
16 meeting.

17 And along with what you were saying, did they say anything
18 about what they were going to do out there after they did the
19 fire control? Because they were out there yesterday and the day
20 before, seeding.

21 COMMISSIONER WAITS: They plant and reseed. Yes.

22 COMMISSIONER STIENMETZ: They were doing that yesterday. I
23 saw them out there --

24 COMMISSIONER WAITS: Great.

25 COMMISSIONER STIENMETZ: I saw the trucks show up. And I
26 saw the tractors show up. And I couldn't figure out what they
27 were doing. And then all of a sudden I figured out that's what
28 they must be doing.

29 All right. That's all I have.

30 COMMISSIONER BULLOCK: On Monday the 1st, attended the
31 Great Basin Regional Development Authority meeting.

32 It was kind of a brief meeting, but we did go ahead and
33 approve for a firm to go ahead and apply for the grants for the
34 CEDS project and also to look at the qualifications on the
35 executive director for that board and see which way we're heading
36 with that.

37 And as soon as those applications for the grant get out,
38 there'll be another meeting towards the end of January, first part
39 of February.

40 Attended the LEDA meeting yesterday, the 3rd. Some -- had

1 some discussions on UNR's participation within the FINE project
2 and the CEDS and where we're headed with that. And also talked
3 a little bit at length about the projected mining museum that is
4 being proposed here in Battle Mountain. And so as soon as more
5 finalized plans come out on that, it will be brought to the
6 board to enlighten more what the plans are as far as to promote
7 that museum here.

8 Did have a phone call on the 25th of November with the Army
9 Corps of Engineers and finally have some positive news. And that
10 is that the design should be done by the end of this month,
11 hopefully with construction starting in 2015 sometime.

12 So, they do have the money now. They have been working on
13 the plans. And so we positively have some things going forward
14 on that. And there will be a meeting. And once they finish the
15 plans sometime in January, first part of February, will be a
16 meeting to finalize everything.

17 And this is all pending approval from FEMA, which we have
18 to do. The Army Corps won't do that. They don't talk to each
19 other.

20 But the Army Corps has been in contact with NDOT. And they
21 are negotiating the interstate, which will start construction this
22 spring that is part of the flood levee. And so they are
23 negotiating on that and talking on that. So there is some
24 positive aspects on that.

25 That's all I have.

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28 **STAFF REPORTS**

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30 CHAIRMAN GARNER: Staff reports on meetings, conferences,
31 and seminars attended.

32 KEITH WESTENGARD: Well, I too attended NACO. And along
33 with the open-meeting laws and the ethics presentations that we
34 received, I found the presentation by Steven Ford, son of former
35 President Gerald Ford to be very interesting. It had to do with
36 life in the White House and legacies, legacies that we as public
37 officials and elected officials leave behind. So I found that
38 to be very interesting.

39 On December 2nd, we conducted a POD flu vaccination in the
40 south part of the county. Last count was 19. So we did attempt

1 to get some of the flu vaccines down to southern Lander County and
2 Austin, Kingston areas.

3 On the 3rd, we had an aquatic center meeting. We're still
4 working toward coming up with a design. We're still working on
5 the design concept of the process. And we have another meeting
6 coming up in January.

7 Safety-wise, last year we had 11 reportable accidents at this
8 time in the county. And to date, this year we have a total of
9 six. So we're down 50 percent, approximately 50 percent.

10 As far as LEPC goes, we continue to work on our grant pro- --
11 grant purchases. We did have a presentation by the state with
12 something that's called First Net, which is very similar to cell
13 phone usage, but with a significant cost. And LEPC decided they
14 weren't really interested in that.

15 And that's pretty much what I have.

16 COMMISSIONER WAITS: Thank you.

17 CHAIRMAN GARNER: Thanks, Keith.

18 KEITH WESTENGARD: Uh-huh.
19
20

21 **PAYMENT OF THE BILLS**
22

23 CHAIRMAN GARNER: Discussion for possible action regarding
24 payment of bills.

25 CINDY BENSON: Cindy Benson with the bills.

26 COMMISSIONER WAITS: Good morning, Cindy.

27 COMMISSIONER STIENMETZ: Good morning, Cindy.

28 CINDY BENSON: Good morning.

29 Okay. First for approval, submitted expenditures in the
30 amount of \$524,355.20 from check 50114 to 50264.

31 COMMISSIONER MASON: I'm not on here this time. Are you on
32 there?

33 COMMISSIONER WAITS: Uh-huh.

34 CINDY BENSON: Ratify check 50027 to Business Card,
35 2,816.67; check 50028 in the amount of \$130.09 to Chase Card;
36 50038 in the amount of \$475 to NACO; 50039, \$475 to NACO; 50056,
37 \$47,198 to DMG Reno; 50065, 1,238.16 to Louann Logan; 50066 for
38 \$230 to Laken Marine. I think I missed one. I'm getting -- it
39 should have been three NACO. That is stuck together -- 50078,
40 \$28.25 to State of Nevada, DMV.

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(Commissioners reviewing payment of the bills.)

CHAIRMAN GARNER: I thought changing of the bill schedule was going to decrease this.

CINDY BENSON: It was. It was three weeks between commission meetings this time. And plus we found a lot of bills that didn't get submitted on the last commission meeting. It should have been.

CHAIRMAN GARNER: Just found them? Had them head out?

KEITH WESTENGARD: We had -- we had a vacancy come about within Finance. So Nan is going to be putting in a lot of hours to get caught up on that vacancy.

Once we get that filled, we should be back on track very often.

COMMISSIONER WAITS: For the record, I will be abstaining from check #50253 for travel expenses.

(Commissioners reviewing payment of the bills.)

COMMISSIONER WAITS: Cindy, I did notice on one of them -- I can't remember which one it was -- was it our heaters for the new building?

CINDY BENSON: I believe so.

COMMISSIONER WAITS: I think it said if we paid by a certain date, we got a discount?

NAN ANCHO: We didn't make it.

COMMISSIONER WAITS: We didn't make the date? Did we call and ask them anyway?

NAN ANCHO: No, we did not. We tried to get it out as quick as we could. But we were held up by a payroll that we couldn't get a check run out. So we missed it by two days.

COMMISSIONER WAITS: Is it worth a call?

NAN ANCHO: We can. And a lot of times they will be able to. We'll make a call.

COMMISSIONER WAITS: Thank you.

CINDY BENSON: We'll call.

(Commissioners reviewing payment of the bills.)

COMMISSIONER BULLOCK: Where did we replace the heater?

1 CINDY BENSON: That's for the new courthouse.
2
3 (Commissioners reviewing payment of the bills.)
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5 CHAIRMAN GARNER: Oh, gotcha.
6
7 (Commissioners reviewing payment of the bills.)
8

9 **Business Card**

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11 COMMISSIONER BULLOCK: I'll make a motion we ratify check
12 #50027 to Business Card in the amount of \$2,816.67.
13 COMMISSIONER STIENMETZ: I'll second the motion.
14 CHAIRMAN GARNER: Any public comment?
15 (No comment.)
16 CHAIRMAN GARNER: All those in favor?
17 COMMISSIONER MASON: Aye.
18 CHAIRMAN GARNER: Aye.
19 COMMISSIONER WAITS: Aye.
20 COMMISSIONER STIENMETZ: Aye.
21 COMMISSIONER BULLOCK: Aye.
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23 **Chase Card Service**

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25 COMMISSIONER BULLOCK: I'll make a motion we ratiche --
26 ratify check #50028 to Chase Card Service in the amount of
27 \$130.09.
28 COMMISSIONER STIENMETZ: I will second that motion.
29 CHAIRMAN GARNER: Any public comment?
30 (No comment.)
31 CHAIRMAN GARNER: All those in favor?
32 COMMISSIONER MASON: Aye.
33 CHAIRMAN GARNER: Aye.
34 COMMISSIONER WAITS: Aye.
35 COMMISSIONER STIENMETZ: Aye.
36 COMMISSIONER BULLOCK: Aye.
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1 NACO

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3 COMMISSIONER BULLOCK: I'll make a motion we ratify check
4 #50037 to NACO in the amount of \$475.

5 COMMISSIONER STIENMETZ: I'll second the motion.

6 CHAIRMAN GARNER: Any public comment?

7 (No comment.)

8 CHAIRMAN GARNER: All those in favor?

9 COMMISSIONER MASON: Aye.

10 COMMISSIONER WAITS: Aye.

11 CHAIRMAN GARNER: Aye.

12 COMMISSIONER STIENMETZ: Aye.

13 COMMISSIONER BULLOCK: Aye.

14

15 COMMISSIONER BULLOCK: I'll make a ch- -- a motion we
16 ratify check #50038 to NACO in the amount of \$475.

17 COMMISSIONER WAITS: I'll second the motion.

18 CHAIRMAN GARNER: Any public comment?

19 (No comment.)

20 CHAIRMAN GARNER: All those in favor?

21 COMMISSIONER MASON: Aye.

22 CHAIRMAN GARNER: Aye.

23 COMMISSIONER WAITS: Aye.

24 COMMISSIONER STIENMETZ: Aye.

25 COMMISSIONER BULLOCK: Aye.

26

27 COMMISSIONER BULLOCK: I'll make a motion we ratify check
28 #50039 to NACO in the amount of \$475.

29 COMMISSIONER WAITS: I'll second the motion.

30 CHAIRMAN GARNER: Any public comment?

31 (No comment.)

32 CHAIRMAN GARNER: All those in favor?

33 COMMISSIONER MASON: Aye.

34 CHAIRMAN GARNER: Aye.

35 COMMISSIONER WAITS: Aye.

36 COMMISSIONER STIENMETZ: Aye.

37 COMMISSIONER BULLOCK: Aye.

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1 **DMG Reno, Incorporated**

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3 COMMISSIONER BULLOCK: I'll make a motion to ratify check
4 #50056 to DMG Reno, Incorporated, in the amount of \$47,198.

5 COMMISSIONER STIENMETZ: I'll second the motion.

6 CHAIRMAN GARNER: Any public comment?

7 (No comment.)

8 CHAIRMAN GARNER: All those in favor?

9 COMMISSIONER MASON: Aye.

10 COMMISSIONER WAITS: Aye.

11 CHAIRMAN GARNER: Aye.

12 COMMISSIONER STIENMETZ: Aye.

13 COMMISSIONER BULLOCK: Aye.

14

15 **Louann Logan**

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17 COMMISSIONER BULLOCK: I'll make a motion to ratify check
18 #50065 to Louann Logan in the amount of \$1,238.16.

19 COMMISSIONER STIENMETZ: I'll second the motion.

20 CHAIRMAN GARNER: Any public comment?

21 (No comment.)

22 CHAIRMAN GARNER: All those in favor?

23 COMMISSIONER MASON: Aye.

24 COMMISSIONER WAITS: Aye.

25 COMMISSIONER STIENMETZ: Aye.

26 COMMISSIONER BULLOCK: Aye.

27

28 **Laken Marine**

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30 COMMISSIONER BULLOCK: I'll make a motion to ratify check
31 #50066 to Laken Marine in the amount of \$230.

32 COMMISSIONER STIENMETZ: I'll second the motion.

33 CHAIRMAN GARNER: Any public comment?

34 (No comment.)

35 CHAIRMAN GARNER: All those in favor?

36 COMMISSIONER WAITS: Aye.

37 CHAIRMAN GARNER: Aye.

38 COMMISSIONER MASON: Aye.

39 COMMISSIONER STIENMETZ: Aye.

40 COMMISSIONER BULLOCK: Aye.

1 **State of Nevada**

2

3 COMMISSIONER BULLOCK: I'll make a motion to ratify check
4 #50078 to the State of Nevada in the amount of \$28.25.

5 COMMISSIONER STIENMETZ: I'll second the motion.

6 CHAIRMAN GARNER: Any public comment?

7 (No comment.)

8 CHAIRMAN GARNER: All those in favor?

9 COMMISSIONER MASON: Aye.

10 COMMISSIONER WAITS: Aye.

11 CHAIRMAN GARNER: Aye.

12 COMMISSIONER STIENMETZ: Aye.

13

14 **Submitted Expenditures**

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16 COMMISSIONER BULLOCK: If there's nothing further on the
17 bills, I'll go ahead and approve submit- -- a motion to approve
18 submitted expenditures in the amount of \$524,355.20 from check
19 #50114 through check #50264.

20 COMMISSIONER STIENMETZ: I will second the motion.

21 CHAIRMAN GARNER: Any public comment?

22 (No comment.)

23 CHAIRMAN GARNER: All those in favor?

24 COMMISSIONER MASON: Aye.

25 CHAIRMAN GARNER: Aye.

26 COMMISSIONER WAITS: Aye.

27 COMMISSIONER STIENMETZ: Aye.

28 COMMISSIONER BULLOCK: Aye.

29

30 CHAIRMAN GARNER: This time is for public comment for
31 non-agendized items only.

32 COMMISSIONER BULLOCK: We've got a change.

33 CHAIRMAN GARNER: Backing up.

34

35

36 **PAYROLL CHANGE REQUESTS**

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38 CHAIRMAN GARNER: Discussion for possible action regarding
39 payroll change requests.

40 I didn't see any.

1 COUNTY CLERK SULLIVAN: There were two.
2 COMMISSIONER STIENMETZ: There are two of them.
3
4 COMMISSIONER WAITS: Thank you, Cindy.
5 COMMISSIONER MASON: Don't forget my commission.
6 CINDY BENSON: Thanks.
7 COMMISSIONER MASON: Thanks, Cindy.
8 COMMISSIONER STIENMETZ: Thanks, Cindy.
9 COMMISSIONER BULLOCK: Thank you.
10
11 COMMISSIONER BULLOCK: If there's no discussion on the
12 employee change requests, I make a motion we approve employee
13 change requests for employee #1494 and for employee #1502.
14 COMMISSIONER STIENMETZ: I will second the motion.
15 CHAIRMAN GARNER: Any public comment?
16 (No comment.)
17 CHAIRMAN GARNER: All those in favor?
18 COMMISSIONER MASON: Aye.
19 COMMISSIONER WAITS: Aye.
20 CHAIRMAN GARNER: Aye.
21 COMMISSIONER STIENMETZ: Aye.
22 CHAIRMAN GARNER: Aye.

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25 **PUBLIC COMMENT**

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27 CHAIRMAN GARNER: Now it's time for public comment on
28 non-agendized items only.
29 (No comment.)
30 CHAIRMAN GARNER: Moving on to agenda item number one.
31

32
33 **FINANCE**

- 34
35 1) **Discussion for possible action regarding budget review,**
36 **contracts, financial update, and other matters properly**
37 **related thereto.**

38
39 CHAIRMAN GARNER: Discussion for possible action regarding
40 budget review, contracts, financial update, and other matters

1 properly related thereto.
2 NAN ANCHO: Good morning.
3 COMMISSIONER BULLOCK: Good morning, Nan.
4 COMMISSIONER WAITS: Good morning, Nan.
5 NAN ANCHO: Nan with Finance.
6 I have the Accounts Receivable for the month of October.
7 We're a little behind because of the way the meetings are.
8 But I have Water at 12,382; Sewer at 10,338; Miscellaneous
9 Water/Sewer is at a zero balance; Landfill is \$18,063; Ambulance
10 is 40; and Active Accounts at Collections, we received payment in
11 the amount of \$64. That brings our Active Accounts at Collections
12 to 485 for a total Accounts Receivable of 41,308.
13 And yesterday, I received a call from the -- our auditors
14 Drake Rose & Associates. And they set a date to hold our exit
15 meeting for our audit, which is Tuesday, December 9th, at
16 10:00 a.m. And we'll have it in the EOE office.
17 So we would like to have a commissioner attend. Anyb- --
18 any one of you that's available? I'll be there, of course, the
19 executive director, and I've extended a meeting notice to our
20 treasurer also.
21 COMMISSIONER BULLOCK: At what time?
22 NAN ANCHO: Nine o'clock or -- excuse me -- 10:00 o'clock
23 on the 9th.
24 COMMISSIONER BULLOCK: I'll be out of town. I'm leaving.
25 CHAIRMAN GARNER: I might be here.
26 NAN ANCHO: You might be?
27 CHAIRMAN GARNER: Mm-hm.
28 NAN ANCHO: Okay.
29 And that is all I have for --
30 CHAIRMAN GARNER: Keep me posted.
31 NAN ANCHO: -- finance.
32 COMMISSIONER STIENMETZ: Thank you, Nan.
33 CHAIRMAN GARNER: Thanks, Nan.
34 COMMISSIONER BULLOCK: Thank you, Nan.
35
36 2) Discussion for possible action regarding Resolution No.
37 2014-17 directing apportionment of net proceeds received in
38 the month of October 2014, and other matters properly related
39 thereto.
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1 CHAIRMAN GARNER: Item two, discussion for possible action
2 regarding Resolution Number 2014-17, directing apportionment of
3 net proceeds received in the month of Ju- -- in the month of
4 October 2014, and other matters properly related thereto.
5 NAN ANCHO: As stated, we received \$797,271.17 in net
6 proceeds in October 14th, 2014. And the mandated is distributed
7 according to required, as Commission Fees, \$23,918.14; Assessor
8 Tech Fees, \$15,945.42; China Springs, \$750.90; State Medical
9 Indigent, \$16,394.97; State Indigent, \$3,754.57; Capital
10 Acquisition, \$7,509.15; Landfill, \$12,515.25; Hospital
11 \$121,486.73; School District, \$178,342.24, for a total of
12 mandated, \$380,617.37. And the total -- the remaining went into
13 discretionary, to CCP, \$416,653.80.
14 COMMISSIONER WAITS: So Nan, if we actually don't get this
15 much or --
16 CHAIRMAN GARNER: Hm?
17 COMMISSIONER STIENMETZ: We got this.
18 UNIDENTIFIED PARTICIPANT: Because it's projected.
19 CHAIRMAN GARNER: We got this.
20 COMMISSIONER BULLOCK: No, this is a --
21 COMMISSIONER WAITS: This is not the projected?
22 NAN ANCHO: This is projected from the geothermal that they
23 paid in October. We will sit on it. We won't do anything with
24 it.
25 COMMISSIONER WAITS: Yeah, it's still projected? So my
26 question is, then: If it doesn't come in that much, then all
27 our mandated amounts go down --
28 NAN ANCHO: We have --
29 COMMISSIONER WAITS: -- accordingly; right?
30 NAN ANCHO: Yes. Yes. It will --
31 COMMISSIONER WAITS: Okay.
32 NAN ANCHO: We will -- if we have to pay it back, it'll
33 come out of the same funds it went into. If we have to pay back
34 --
35 COMMISSIONER WAITS: Right, but I'm saying the mandated
36 funds would be less?
37 NAN ANCHO: Yes.
38 COMMISSIONER STIENMETZ: Right.
39 COMMISSIONER WAITS: Right.
40 Okay.

1 NAN ANCHO: Mm-hm.
2 COMMISSIONER WAITS: And the rest, I see, goes in CCP?
3 NAN ANCHO: Mm-hm.
4 COMMISSIONER WAITS: Okay. Thank you.
5 COMMISSIONER BULLOCK: I guess I'm confused because my
6 understanding was --
7 CHAIRMAN GARNER: Me too.
8 COMMISSIONER BULLOCK: -- this was an adjustment from the
9 sunset taxes. This is how much more they owe because after
10 their quarter reviews, this is how much we get.
11 NAN ANCHO: This, from what the treasurer gave to me, was
12 projected from the geothermals that paid in October. And that's
13 projected for '14/'15. And that is all the information I have.
14 CHAIRMAN GARNER: So --
15 COMMISSIONER BULLOCK: Geothermal net proceeds are
16 different -- different funds totally.
17 I don't see where we're coming up with geothermal because
18 this is strictly net proceeds of mine. It's the way it's put on
19 this resolution. So --
20 Yeah, I don't -- I don't see where this is geothermal.
21 NAN ANCHO: I will get the rest of the information for you.
22 COMMISSIONER BULLOCK: Okay. Because yeah, --
23 NAN ANCHO: Because this is --
24 COMMISSIONER BULLOCK: -- I'm confused. Because I know the
25 mines have to make an adjustment after what they --
26 NAN ANCHO: Correct.
27 COMMISSIONER BULLOCK: -- estimated. And then we get a
28 quarterly payment if they owe us more or they adjust back on the
29 sunset.
30 NAN ANCHO: Correct.
31 COMMISSIONER BULLOCK: And I thought this is what this was.
32 CHAIRMAN GARNER: That's my question is if -- why are we --
33 if this is only an adjustment, why are -- why are we paying out?
34 Why aren't we sitting on the whole thing?
35 NAN ANCHO: We are staying out. We're not paying any --
36 we --
37 CHAIRMAN GARNER: We're not --
38 NAN ANCHO: -- have to pay the mandated.
39 COMMISSIONER BULLOCK: Yeah, you have to.
40 NAN ANCHO: You have to.

1 CHAIRMAN GARNER: Yeah, but that's --
2 NAN ANCHO: You have no choice. But if we end up, say --
3 CHAIRMAN GARNER: But you're never going to get that back.
4 NAN ANCHO: If you have -- at the end of May when they do
5 their adjustment, if we have to pay back any amount of net
6 proceeds, it will come out of the exact same funds that it went
7 into. It will be adjusted out.
8 CHAIRMAN GARNER: Even the mandated?
9 NAN ANCHO: Yes.
10 COMMISSIONER BULLOCK: Mm-hm.
11 Like I said, my understanding is this is an adjustment to the
12 sunset of net proceeds.
13 COMMISSIONER WAITS: So you want to defer this and --
14 COMMISSIONER BULLOCK: Yeah.
15 COMMISSIONER WAITS: -- clear that up before --
16 COMMISSIONER BULLOCK: I would like to.
17 COMMISSIONER STIENMETZ: Yeah.
18 COMMISSIONER BULLOCK: I make a motion to defer.
19 COMMISSIONER STIENMETZ: I'll second the motion.
20 CHAIRMAN GARNER: Any public comment?
21 (No comment.)
22 CHAIRMAN GARNER: All those in favor?
23 COMMISSIONER MASON: Aye.
24 CHAIRMAN GARNER: Aye.
25 COMMISSIONER WAITS: Aye.
26 COMMISSIONER STIENMETZ: Aye.
27 COMMISSIONER BULLOCK: Aye.

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ROAD AND BRIDGE SOUTH

32 3) **Discussion for possible action regarding operations and**
33 **projects for the Road and Bridge South Department, and other**
34 **matters properly related thereto.**
35

36 CHAIRMAN GARNER: Three, discussion for possible action
37 regarding operations and projects for the Road and Bridge South
38 department, and other matters properly related thereto.
39 Bert?
40 No Bert?

1 KEITH WESTENGARD: I just --
2 BERT RAMOS: Hello, Bert here.
3 KEITH WESTENGARD: Oh.
4 BERT RAMOS: Morning.
5 CHAIRMAN GARNER: Morning, Bert.
6 BERT RAMOS: I -- everything here has been going as
7 business as usual.
8 We got all our Christmas lights and decorations up and been
9 pushing in the pits and got all of our profiles up and going for
10 the first time in a long time. Everything's going. We haven't
11 had enough weather to not have them going. So that's good news.
12 And that's -- other than that, business as usual.
13 CHAIRMAN GARNER: Thanks, Bert.
14 COMMISSIONER STIENMETZ: Thanks, Bert.
15 COMMISSIONER WAITS: Thank you.

16
17
18 **ROAD AND BRIDGE NORTH**

19
20 4) **Discussion for possible action regarding operations and**
21 **projects for the Road and Bridge North Department, and other**
22 **matters properly related thereto.**
23

24 CHAIRMAN GARNER: Four, discussion for possible action
25 regarding operations and projects for the Road and Bridge North
26 department, and other matters properly related thereto.

27 DONALD NEGRO: Good morning.

28 COMMISSIONER WAITS: Good morning.

29 CHAIRMAN GARNER: Good morning, Donnie.

30 DONALD NEGRO: Road and Bridge North, Donald Negro. Pretty
31 much, like Bert, business as normal.

32 We've opened up a new pit at 8A, the Old 8A highway,
33 because we didn't have a pit located. We was hauling so long.
34 So we went in and opened up another pit there, which will help
35 us quite a bit.

36 Our salt/sand are -- we're all mixed on our salt/sand,
37 waiting for snows. All our plows are on. We've added a plow
38 onto Jake's dump truck in case we do get snow so we can get
39 ourself out of a bind if we have it.

40 We're working on our budget for '14/'15. I've already

1 started. Hopefully we'll have money so we'll continue on.
2 Our paving for '14, I'm working with Summit. We should be
3 able to start advertising here in the next I'd say couple of
4 weeks. What I do is continue -- you know, I start in the spring
5 and then continue on to, you know, any money that we get we'll
6 just continue on. Once we get them in here, we won't let them
7 go for the paving. And we've got pretty good slate of paving
8 that we're going to do. We're going to pick up a lot of roads
9 that need it and add some that need to be fixed.
10 So -- and infintrators [sic], we'll do our corner
11 infintrators and stuff.
12 And that's pretty much it. Yeah.
13 Questions?
14 COMMISSIONER BULLOCK: Thanks, Donnie.
15 CHAIRMAN GARNER: I had a question. I can't remember.
16 COMMISSIONER WAITS: Donnie, how are -- how are we doing on
17 replacing the -- the graffiti on, like, the stop signs and such
18 around town?
19 DONALD NEGRO: We're replacing stop signs. We --
20 COMMISSIONER WAITS: I see there's one right by the
21 courthouse on the corner.
22 DONALD NEGRO: We run out of stop signs and we had to order
23 some more.
24 COMMISSIONER WAITS: I remember you saying that before, but
25 I wondered if we were --
26 DONALD NEGRO: Yeah, we're -- we're going through and
27 replacing them. Any one that's faded or -- or anything, we're,
28 you know, replacing.
29 COMMISSIONER WAITS: It's totally marked out.
30 DONALD NEGRO: Okay. We'll replace her today.
31 COMMISSIONER WAITS: Thank you.
32 COMMISSIONER MASON: Is there -- I notice you have a
33 widening stakes on 20th Street? The survey stakes are --
34 DONALD NEGRO: I think that's -- Dave, I seen those the
35 other day. I think that's AT&T.
36 COMMISSIONER MASON: Oh, it's AT&T?
37 DONALD NEGRO: Yeah.
38 COMMISSIONER MASON: Part of an easement or what?
39 DONALD NEGRO: Yeah, part of an easement they put in to
40 measure. Yeah, I seen the same thing, but --

1 COMMISSIONER MASON: Okay.
2 DONALD NEGRO: Yeah.
3 COMMISSIONER MASON: My question would have been: Are you
4 planning on widening that to 60 feet?
5 DONALD NEGRO: No. No, our -- our roads are 24-foot wide.
6 The easement is 20 -- is 60 foot. But you know, that's the
7 bardage and everything.
8 COMMISSIONER MASON: The stakes make it look like 60 feet.
9 DONALD NEGRO: Yeah.
10 COMMISSIONER MASON: But that's AT&T, huh?
11 DONALD NEGRO: Yeah. I presume. I'm not positive, but you
12 know.
13 UNIDENTIFIED PARTICIPANT: Thank you.
14 DONALD NEGRO: Yeah.
15 COMMISSIONER WAITS: Thank you, Donnie.
16 COMMISSIONER BULLOCK: Thanks.
17 CHAIRMAN GARNER: Thanks, Donnie.
18

19 5) Discussion for possible action regarding approval/disapproval
20 of Lander County applying for FLPMA Road Permit, for the Old
21 8A Road, where it crosses Filippinis' delivery ditch, located
22 in Section 10, T29N, R44E, M.D.B & M., Battle Mountain,
23 Nevada, and other matters properly related thereto.
24

25 CHAIRMAN GARNER: Five, discussion for possible action
26 regarding approval/disapproval of Lander County applying for
27 FLPMA -- FL -- no, it's not -- FLPMA Road Permit, for the Old 8A
28 Road, where it crosses Filippinis' delivery ditch, located in
29 Section 10, T29N, R44E, M.D.B & M., Battle Mountain, Nevada, and
30 other matters properly related thereto.

31 DONALD NEGRO: Okay. What we're doing here is Eddyann and
32 Dan Filippini are putting down their water line down out at
33 Trout Creek. And instead of going on BLM -- BLM easement, you
34 know, going through all the -- everything for the BLM, they've
35 asked if they could put it down our -- down our 60-foot easement
36 -- road easement and, you know, cross it or whatever it takes.
37 And you know, I don't see, you know -- what we're doing is
38 asking your blessing for it. But I don't see a problem, you know,
39 I don't have a road problem. Because the Filippinis have been
40 great neighbors, you know, like if we have a fire or Road and

1 Bridge, we need water, they always help us. So you know. And you
2 know from before, the BLM does not recognize the 2477 roads. You
3 have to go through and reapply for 299 through the BLM. And you
4 have to go through and do all their studies and everything. But
5 this would eliminate that.

6 COMMISSIONER WAITS: Do we have any history on this, any
7 precedent that we've done before for -- for some of our
8 ranchers?

9 DONALD NEGRO: Well, we've done it for the geothermal. You
10 know, we did the same thing for Ormat.

11 COMMISSIONER WAITS: Yeah, that I know.

12 DONALD NEGRO: Well, you know, on that way --

13 COMMISSIONER WAITS: Right.

14 DONALD NEGRO: -- but we did it for the Jersey power plant,
15 for -- for Ormat the same thing.

16 Yeah. It's -- it really what it -- we probably could have
17 got away with it with just encroachment permit, but we wanted to
18 bring it before you so you know what's going on.

19 CHAIRMAN GARNER: Is it buried?

20 DONALD NEGRO: Yeah.

21 COMMISSIONER WAITS: Mm-hm.

22 EDDYANN FILIPPINI: Yes. Eddyann Filippini, Badger Ranch.
23 We -- we will bury it. It would be an irrigation pipeline out
24 at Trout Creek. We've gotten all of that adjudicated. We've
25 gone through and --

26 We went in to the BLM -- BLM office on the 3rd of November.
27 And it was suggested by them for us to come to you and get the
28 -- so we can get the FLPMA and all that. Then you have the
29 right-of-way on -- right now, you don't on 8A -- old 8A. So
30 this would be a benefit to the county as well.

31 But it would be a great -- if we don't have to mess with BLM,
32 which -- and that was their suggestion as well, if we could go
33 down the right-of-way of the county road. And that would be less
34 disturbance on -- to put the pipeline in.

35 And if we needed to do any maintenance or -- it would be a
36 lot easier for us.

37 COMMISSIONER BULLOCK: I'll make a motion we app- the --
38 approve for Lander County applying for FLM- -- FLPMA -- FLPMA
39 road permit for the Old 8A Road where it crosses Filippinis'
40 delivery ditch, located in Section 10, T29N, R44E, M.D.B & M.,

1 Battle -- in Battle Mountain, Nevada.
2 COMMISSIONER STIENMETZ: I'll second the motion.
3 CHAIRMAN GARNER: Any public comment?
4 (No comment.)
5 CHAIRMAN GARNER: All those in favor?
6 COMMISSIONER MASON: Aye.
7 COMMISSIONER WAITS: Aye.
8 COMMISSIONER STIENMETZ: Aye.
9 COMMISSIONER BULLOCK: Aye.
10 CHAIRMAN GARNER: Aye.
11 EDDYANN FILIPPINI: Thank you.
12 COMMISSIONER WAITS: Thank you.
13 COMMISSIONER STIENMETZ: You're welcome. And thank you.
14
15

16 **PUBLIC WORKS**

17
18 6) **Discussion for possible action regarding operations and**
19 **projects for the Public Works department, and other matters**
20 **properly related thereto.**
21

22 CHAIRMAN GARNER: Six, discussion for possible action
23 regarding operations and projects for the Public Works
24 department, and other matters properly related thereto.

25 JAKE EDGAR: Good morning. Jake Edgar for the record.

26 COMMISSIONER WAITS: Morning.

27 CHAIRMAN GARNER: Good morning, Jake.

28 COMMISSIONER STIENMETZ: Good morning, Jake.

29 JAKE EDGAR: Everything's normal.

30 Today I -- Marty's here from Day Engineering. He's going to
31 give you guys a new informational packet on the airport. We've
32 been working on the water line out there.

33 I haven't heard anything from J-U-B in a long time. So
34 Marty's put together pretty much an informational packet for the
35 new commission any -- everyone that's still here in order to give
36 you guys some ideas on what -- what we're looking at doing and
37 just some financial costs and basically information all the way
38 around.

39 And I'm going to let Marty talk for a second. He can hand
40 out the packets.

1 COMMISSIONER WAITS: Morning.
2 COMMISSIONER STIENMETZ: Morning.
3 COMMISSIONER WAITS: Does Austin have one of these?
4 MARTIN UGALDE: Oh. No.
5 CHAIRMAN GARNER: There's no -- just --
6 You can take one back. There's no -- there's no action on
7 it.
8 COMMISSIONER WAITS: Sometimes he flips through there and
9 we get them.
10 JAKE EDGAR: Basically, I'll let Marty kind of talk about
11 what we've been doing and -- and preparing here.
12 MARTIN UGALDE: Thank you for giving me the opportunity to
13 present this. I know you're looking at this for the first time.
14 There's a lot of information here so I'll be really brief and
15 give you a chance to look at it some other time.
16 But just essentially, Jake asked me to look at the water
17 system at the airport. And there were two basic categories of
18 water system approvals that I looked at. One was drinking
19 water. And the other was fire protection and additional storage
20 for dust mitigation.
21 So on the drinking water side of things, I looked at
22 three -- three potential alternatives. One was do nothing. I
23 understand they're currently getting bottled water out there
24 right now for drinking water. And there's just a few places
25 there, just the three mobile units and the two concession
26 stands. So if that's working out okay, I would say continue
27 business as usual and do nothing as far as drinking water.
28 Seems to be the simplest thing.
29 Another option I looked at was putting RO units underneath
30 the counters at those three mobile units and at the concession
31 stands to treat the water from that small domestic well that's
32 out there. The water quality's pretty bad. It's -- arsenic is
33 at 60 parts per billion. Manganese is at the limit. So it
34 would be an RO filter under the counter. And then you just
35 install a separate tap, a separate faucet right there at the
36 faucet. And they just have access to treated drinking water.
37 You just put them under the counter. It taps into your cold
38 water line under the sink and just drains through the sink.
39 One small problem with that is that in order for those RO
40 units to work, you've got arsenic III and arsenic V at the well.

1 Those RO unites won't work unless it's all arsenic V. So you'd
2 have to oxidize the arsenic with chlorine. That's a pretty
3 standard thing.

4 So you use chlorine right now at your wells anyway for
5 disinfection. So it would be the same setup, a little poly drum
6 with a chemical feed pump at the well head to oxidize the arsenic.
7 And then you'd have your RO unit underneath the counter. So
8 that's the caveat with using RO units under the counter.

9 The other option would be -- and of course, there's
10 maintenance involved with that. The other option would be to
11 put a small treatment plant just for the drinking water at the
12 domestic well that you have now. But that's even a little more
13 involved. You still have to oxidize the -- the arsenic. But in
14 this scenario, if you treat just the drinking water at the well
15 head, it becomes more involved because you couldn't tie it back
16 into -- after you treat it, you can't tie it back into your
17 domestic line because you're -- that's contaminated water,
18 essentially, or it has arsenic in it.

19 So what I envisioned would be to install a small, two-inch
20 diameter sample pump down your existing domestic well and just
21 leave that as a separate system. It will pump ten gallons a
22 minute, seven gallons a minute at 60 psi through your -- a
23 little building where you've got the RO filter just for the
24 drinking water for everybody there, the three units and the two
25 concession stands. And you'd have to have -- you'd have to run
26 separate lines, one-inch poly, not big lines, but one-inch poly
27 to all those units and plumb in under the house for separate
28 drinking water because you can't tie into your domestic line
29 that you have there now.

30 So those are the three options I looked at as far as
31 drinking water.

32 And there was the other category of looking at providing
33 fire protection at the airport and additional storage for dust
34 mitigation for the raceway and the motocross. So I looked at
35 three alternatives there.

36 One of them was: If you're utilizing the existing source
37 supply that you have there now, pumped out of your small well,
38 your domestic well into an on-site storage tank, and provide a
39 fire pump, and you'd have to provide a domestic pump because I
40 would envision putting a new loop -- an eight-inch loop around

1 the airport for your fire protection, and you would tie in new
2 services off of that. You'd utilize your existing pressure
3 tanks to keep the line pressurized for your all domestic use.
4 And you would add a pressure switch at the pressure tanks for
5 the fire pump. So normal operating pressure of your domestic
6 system now is 40 to 60 psi. So if the pressure dropped to 20
7 because someone opened up the hydrant, that would kick on your
8 fire pump. It would lock out your domestic pump. And you'd be
9 able to provide fire to your hydrants via the fire pump in the
10 storage. The fire pump would be rated at whatever the fire
11 protection requirement is. I wasn't able to get ahold of the
12 fire chief out here, but I assumed 1500 gallons a minute for two
13 hours. So it would be a UL-listed, FM-approved fire pump rated
14 at 1500 gallons a minute. It would have to have standby power.
15 So an on-site storage tank, and domestic pump, and fire pump.

16 And then also for the truck fill for the dust mitigation,
17 I -- I envisioned using a separate small pump that would pump
18 individually, separately into one dedicated line to your stand
19 pipe with a motor control handoff switch located in a lock box
20 outside the building. So only authorized personnel would have
21 access to it and unlock the box. They'd park their truck under
22 the stand pipe, unlock the box, and flip the pump to on, and
23 pump to fill the truck and turn it off.

24 So that's kind of what I envisioned for fire protection,
25 dust mitigation. But this system would have no treatment.
26 You'd -- you still have to either do bottled water or RO units
27 under the counter for the drinking water. But for the fire
28 protection, the dust mitigation, the normal domestic use that
29 you have, non-treated -- you just pump from the well to an
30 on-site tank and pump it.

31 So in that scenario, you are pumping it twice. So that's one
32 of the downfalls of that system.

33 It would all -- but it would be all on site. And it would
34 also -- I guess it would also help prove up the water rights on
35 that well if you had an issue with proving up the water rights on
36 that well. The BLM well, the larger well, in all of these
37 scenarios would stay the same. You wouldn't touch it. It would
38 just stay connected like it -- like it is now.

39 The second scenario for the fire protection and dust
40 mitigation is not one that I would consider a viable

1 alternative, but I looked at it anyway and that would be to
2 treat the entire well from the -- water from the large well.

3 And that would only be in -- with the thought of connecting
4 it to your town as a supplemental water supply, again, to help
5 prove up the water rights. Because I know it's only used during
6 the fire season. So again, I'm not certain of the status on those
7 water rights, but if you have an issue with proving the water
8 rights. This would only be if you were to connect it to the town
9 system. But it's a very expensive one. You have to have an
10 operator to maintain it. It's very expensive and the water
11 quality's not very good. So it's -- it's an involved treatment
12 plant, a coag filtration plant. So I don't really consider it a
13 viable option, but I looked at it anyway. It's very expensive.

14 The last option as far as providing fire protection and
15 dust mitigation to the airport is also an expensive alternative.
16 It's the last one I looked at, but it do- -- I would consider it
17 a potential long-term alternative because it does provide
18 several benefits. And that would be to install a 16-inch main
19 from town to the airport. And the benefits that I see for that
20 would be, it will provide domestic water that meets drinking
21 water standards without having to treat it because your town
22 system has potable drinking water. It provides fire protection
23 around the water model. And with a 16-inch main to the airport,
24 you can get 1500 gallons a minute fire flow. And under max day
25 demand scenario, you can have -- you will have 62 psi static
26 pressure. Also, you can provide -- it'll provide additional
27 water for dust mitigation for the raceway and motocross.

28 The other -- what I fore- -- what I think may be a
29 foreseeable advantage to that water main would be if there was any
30 appetite for -- I don't know what the development is, but -- from
31 town to the airport, if there was any future development out there
32 in that area or at the airport that would also provide
33 infrastructure for that if it ever happened in the future. But
34 again, it is an expensive alternative. And if it was considered
35 viable, maybe a long-term type of alternative.

36 So in -- in this packet -- I won't go into all that stuff.
37 I'm basically done with the presentation. But in this packet,
38 I've got cost estimates and diagrams and catchy (indiscernible).
39 Also thanks to Jay Fisher for providing all the background
40 information to put this report together and Jake.

1 And if there's other alternatives or questions, I can
2 certainly come back at some other time if you get a chance to
3 look at this and have questions or ideas or thoughts.

4 COMMISSIONER MASON: I have two questions.

5 MARTIN UGALDE: Yes.

6 COMMISSIONER MASON: On the water system under the sinks?

7 MARTIN UGALDE: Yes.

8 COMMISSIONER MASON: You know, potable water under the
9 sinks?

10 MARTIN UGALDE: Yes.

11 COMMISSIONER MASON: That's strictly on demand, right?
12 There's no storage there.

13 MARTIN UGALDE: There's no storage. That's correct.

14 COMMISSIONER MASON: The other one on your suggestion that
15 you've run a water main -- city water main down to the airport.
16 Even if we did, how long does it -- the water sitting in that
17 pipe not being used, does it contaminate itself or -- I mean, if
18 that were to happen --

19 MARTIN UGALDE: Yeah.

20 COMMISSIONER MASON: -- and you're not using the water,
21 it's not flushing.

22 MARTIN UGALDE: Right. Right.

23 COMMISSIONER MASON: What happens to the water?

24 MARTIN UGALDE: Well, I understand -- I think I understand
25 your question. It's a large main for a small amount of water
26 use.

27 The domestic demand would be an everyday use, like it is
28 now. So that would be some water use in that main.

29 The other usage would be if and when you needed water for
30 dust mitigation -- which isn't all the time. It's during
31 events -- and flushing your hydrants. So you would be
32 exercising your hydrants on a regular basis. But I believe to
33 answer your question, there would be a small amount of water
34 usage to get turnover in the pipeline, but if there was some
35 concern that you would have poor water quality at the end of the
36 line because it would be an end-of-main type of thing, there may
37 be some flushing that would be required, which would be wasting
38 water, essentially.

39 COMMISSIONER MASON: Yeah. It was just a technical
40 question anyway.

1 MARTIN UGALDE: Sure. Yeah.
2 COMMISSIONER MASON: I don't see that happening right away.
3 MARTIN UGALDE: Sure. Sure.
4 COMMISSIONER WAITS: Thank you, Marty.
5 COMMISSIONER STIENMETZ: Thank you.
6 MARTIN UGALDE: Thank you.
7 JAKE EDGAR: Yep.
8 COMMISSIONER STIENMETZ: Thanks, Jake.
9 MARTIN UGALDE: Thank you, very much.

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12 **BUILDING DEPARTMENT**

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7) **Discussion for possible action regarding operations and projects for the building department, and other matters properly related thereto.**

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CHAIRMAN GARNER: Seven, discussion for possible action regarding operations and projects for the building department, and other matters properly related thereto.

KEITH WESTENGARD: Joe and Anna are in training today in Elko. So Joe's asked me to present his report to you.

He had 18 new permits issued from -- in the month of November. And he had four non-permitted inspections.

He has two ongoing projects. AT&T mobility, Stony Point and AT&T, Stony Point in Austin, adding and replacing antennas and upgrading towers.

Let me see. South county, he's got the AT&T tower in town. He's waiting for AT&T to get the permit. The Verizon tower in Austin.

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32

And he has 11 open construction building permits in the south county.

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Ormat geothermal plant is in phase two, and it's ongoing.

The Battle Mountain airport fuel project has two bids that have been received, and it's waiting for review by the district attorney's office.

37

That's it.

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CHAIRMAN GARNER: Thanks.

1 COMMUNITY DEVELOPMENT

- 2
3 8) Discussion for possible action regarding operations and
4 projects for the Community Services/Planning Department, and
5 other matters properly related thereto.
6

7 CHAIRMAN GARNER: Discussion for possible action
8 regarding -- eight, discussion for possible actions regarding
9 operations and projects for the Community Services/Planning
10 Department, and other matters properly related thereto.

11 JAN MORRISON: Jan Morrison, community services officer.
12 Thank you.

13 Last month, I gave you an update on some projects for the
14 LEDA and planning commission. I just want to say we're doing
15 the punch work. They're all ongoing.

16 You will have something new coming in front of the
17 commission in January. That will be -- January, possibly
18 February's agenda. That will be the Nevada Rural Housing
19 Development project, which has expanded from the first time it
20 came to you a couple of years ago.

21 So other than that, we're still working very diligently on
22 reviewing our codes with the building department to bring them
23 up to date. And we'll have some things for you next year on
24 that.

25 CHAIRMAN GARNER: Okay.

26 That's it?

27 JAN MORRISON: That's it.

28 CHAIRMAN GARNER: Thank you.

29 COMMISSIONER STIENMETZ: Thank you.

30 COMMISSIONER MASON: Thanks.

31 COMMISSIONER WAITS: Thank you.

- 32
33 9) Discussion for possible action regarding approval/disapproval
34 to accept the resignation of Jodi Moore as LEDA
35 representative to the GBRDA (Great Basin Regional Development
36 Authority) and appoint Rod Davis to the position, and other
37 matters properly related thereto.
38

39 CHAIRMAN GARNER: Nine, discussion for possible action
40 regarding approval/disapproval to accept the resignation of Jodi

1 Moore as LEDA representative to the GBRDA (Great Basin Regional
2 Development Authority) and appoint Rod Davis to the position,
3 and other matters properly related thereto.

4 JAN MORRISON: This is another -- it's a LEDA agenda item.
5 And -- and we have three representatives for the Great Basin
6 Regional Development Authority.

7 Jodi Moore has submitted her resignation. And last -- last
8 month, the November meeting, the LEDA board elected Rod Davis to
9 take her place subject to your approval.

10 COMMISSIONER WAITS: I'll make a motion that we appoint --

11 COMMISSIONER BULLOCK: Can -- can you hold off on that for
12 just a second? Or go ahead if you want, and then I'll comment.

13 COMMISSIONER WAITS: Okay. I'll make a motion that we
14 appoint Rod Davis to the position with Great Basin Regional
15 Development Authority.

16 COMMISSIONER STIENMETZ: (Indiscernible) and accept her
17 resignation?

18 COMMISSIONER WAITS: Hm? We already accepted her
19 resignation.

20 COMMISSIONER STIENMETZ: Oh.

21 COMMISSIONER WAITS: Yeah, we did that last time.

22 COMMISSIONER STIENMETZ: I'll second the motion.

23 CHAIRMAN GARNER: Comment?

24 COMMISSIONER BULLOCK: Yeah. On this, I was trying to do
25 some research on this. But I went back to February 12th's
26 meeting and the minutes weren't very informative. And I didn't
27 get a chance to look at the audio.

28 The commission adopted that it had to be one LEDA member,
29 one business representative, and one commissioner to represent
30 the GBRDA.

31 So my concern is Rod Davis does not fit any of those.

32 COMMISSIONER WAITS: He's general.

33 COMMISSIONER BULLOCK: He's just general. He's not a
34 business owner. He's not on the LEDA board. And he's not a
35 commissioner. And I didn't get a chance to finish researching
36 this all the way out to go back and listen to the minutes
37 because the minutes were very vague.

38 COMMISSIONER WAITS: Jan, did you research anything on
39 that?

40 JAN MORRISON: And I worked with Dean on that.. And then

1 did you get caught up with the LEDA minutes leading up to the --
2 COMMISSIONER BULLOCK: I got the LEDA minutes. I just know
3 what transpired in the -- in the commissioner meeting. So I
4 was -- I need to listen to the audio. But if you guys want to
5 go ahead, that's fine so --

6 JAN MORRISON: And the motion didn't designate it and
7 neither did the LEDA motion. But no problem if you want to hold
8 it.

9 COMMISSIONER BULLOCK: The motion didn't. But in the
10 minutes it designated it. What little minutes we had, it said
11 that Jodi Moore would represent the business position. Dee
12 Helming would represent the LEDA board member. And myself would
13 represent the commissioners.

14 That's what's in the minutes. And then -- but the motion did
15 not reflect that. I'll agree with that. But that -- I'm afraid
16 that's what it was implied. So without listening to that audio to
17 know what the commissioners' intent was there, I'm a little at a
18 loss of -- if you guys want to go ahead, go ahead. But --

19 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
20 That would be February 14th, 2013 --

21 COMMISSIONER BULLOCK: Oh. Mm-hm.

22 COUNTY CLERK SULLIVAN: -- to where they were not
23 transcribed. So they were just minutes. So the audio would,
24 you know, be something you may want to listen to.

25 COMMISSIONER STIENMETZ: With that, I'll withdraw my
26 second.

27 COMMISSIONER MASON: We ought to have a --

28 COMMISSIONER WAITS: We have a motion. Then the motion
29 dies.

30 COMMISSIONER MASON: We ought to correct it. Or let's
31 defer this --

32 CHAIRMAN GARNER: Do we have another?

33 COMMISSIONER MASON: -- and -- and get it corrected.

34 JAN MORRISON: I think there's no problem. We -- we were
35 going to do it retroactively for our meeting that was held.
36 It's kind of moot because motions weren't made that -- that made
37 any difference. And I don't think we have a GBRDA meeting,
38 Dean, until when?

39 COMMISSIONER BULLOCK: It's the end of January, first part
40 of February.

1 JAN MORRISON: So --
2 COMMISSIONER WAITS: Okay.
3 JAN MORRISON: It's fine. Fine to defer it.
4 COMMISSIONER BULLOCK: But looking at the minutes, from
5 what I can get without, like I said, it was implied that any
6 LEDA member could be an alternate to vote on the GBRDA.
7 But here again, we've got to look, are we sending the wrong
8 person.
9 KEITH WESTENGARD: We'll get the tapes or the recording and
10 we'll review it.
11 COMMISSIONER BULLOCK: So I'd make a motion to defer.
12 CHAIRMAN GARNER: The second motion? No further on the
13 second. Motion dies. He makes a motion to defer.
14 COMMISSIONER MASON: I'll second the motion.
15 CHAIRMAN GARNER: Any public comment?
16 (No comment.)
17 CHAIRMAN GARNER: All those in favor?
18 JAN MORRISON: Thank you.
19 COMMISSIONER MASON: Aye.
20 CHAIRMAN GARNER: Aye.
21 COMMISSIONER WAITS: Aye.
22 COMMISSIONER STIENMETZ: Aye.
23 COMMISSIONER BULLOCK: Aye.

24
25 10) Discussion for possible action regarding approval/disapproval
26 of a request for a kennel exemption for John and Ellisa
27 Davidson at 105 Humboldt Road, Kingston, Nevada, and other
28 matters properly related thereto.
29

30 CHAIRMAN GARNER: Ten, discussion for possible action
31 regarding approval/disapproval of a request for a kennel
32 exemption for John, Ellisa Davidson at 105 Humboldt Road,
33 Kingston, Nevada, and other matters properly related thereto.

34 JAN MORRISON: Jan Morrison, community services officer.
35 Not sure that this necessarily comes under planning and zoning.
36 But we're -- we're reviewing our codes so for the time being,
37 it's going to be so I presented it to you.

38 I've given you some background information on it. I don't
39 know all the particulars because I haven't been involved. And
40 apparently, there's something involved down in just- -- down in

1 justice court down in Austin.
2 But basically -- and the applicant is here and probably
3 would be best to ask the applicants questions regarding this.
4 But I have provided copy of our code, what we have, that
5 does address the issue.
6 And I think --
7 JOHN DAVIDSON: We're here.
8 JAN MORRISON: There you are.
9 COMMISSIONER WAITS: They're here.
10 JAN MORRISON: Come on up and state your name for the
11 record.
12 JOHN DAVIDSON: John Davidson.
13 We applied for this exemption mainly because we've been
14 doing this for over 23 years. And we just want to continue
15 doing what we've been doing. We maintain our dogs. It's a
16 hobby and help control predators in our neighborhood.
17 COMMISSIONER WAITS: I read through the information,
18 whatever we had available, quite thoroughly, Mr. Davidson.
19 And -- and of course the fact that you may have been doing
20 it for some time still doesn't mean it's within the law. So
21 it's something -- I'm glad you're here today. And I'm glad we
22 can -- can take a look at it.
23 I would be the -- probably the first one in line to say, this
24 isn't anything I ever want people to give up is their animals.
25 And we need animals taken care of well. And I'm -- I'm sure that
26 you do that.
27 But it does seem to be a real concern with the number and
28 not just yourself, but I know we have many people all throughout
29 this county that have more dogs than the three that are allowed
30 under the ordinance.
31 So I do think it's something that we need to take a look at.
32 Let me ask: Were you aware that there was ever such an
33 ordinance of your minimum number of animals?
34 JOHN DAVIDSON: I was.
35 COMMISSIONER WAITS: And you just chose to ignore it?
36 JOHN DAVIDSON: Well, pretty much. Yeah. I mean, we have
37 our dogs. They don't really bother anybody except every now and
38 then when a stray dog comes by and they bark at them. And
39 that's what they're supposed to do. Let us know there's
40 strangers.

1 COMMISSIONER WAITS: Do you license? Do you license your
2 animals?

3 JOHN DAVIDSON: Hm?

4 COMMISSIONER WAITS: Do you license them?

5 JOHN DAVIDSON: Not the hounds because we never know when
6 they might not come back from a hunt.

7 COMMISSIONER WAITS: Well, I think our ordinance also
8 mandates that everybody license their dogs and not whether
9 they're going to come back if they do a run or not. I guess
10 that's -- that's a little bit of a concern.

11 But I think something we definitely have to look at. What's
12 my [sic] thoughts of my fellow commissioners?

13 CHAIRMAN GARNER: I would just be concerned about the
14 neighboring, plus the ordinance, but obviously, but the
15 neighboring, is there -- I don't know. I guess. I think it's
16 more goes into almost a special-use permit through planning and
17 zoning. It's almost into like a -- it's -- it's a
18 home-occupation business, which would basically be like a
19 special-use permit. Then which notifies the neighbors. And the
20 neighbors have the ability to say, yeah, we don't like the
21 barking or, yeah, we don't have a problem with it.

22 JAN MORRISON: This is a real tough one, Commissioner, --

23 CHAIRMAN GARNER: Yeah.

24 JAN MORRISON: -- because we don't have anything regulating
25 that. This isn't a dog-control district. So it does -- it does
26 come under the sheriff's department to an extent.

27 There's also -- there's an exempt- -- exemption for a
28 kennel, which is a legal description under NRS. However, we
29 don't necessarily (indiscernible) the NRS law here. There
30 may -- and there's also a case ongoing, I believe, down in
31 justice court, and I'm not privy to that.

32 So I don't -- I don't have the whole picture. I was able
33 to give you as much as I have.

34 CHAIRMAN GARNER: I don't have a problem with it --

35 COMMISSIONER STIENMETZ: I don't either.

36 CHAIRMAN GARNER: -- if the neighbors don't have a problem
37 with it. And the --

38 JAN MORRISON: Well, apparently that's what initiated this
39 was a complaint from a --

40 COMMISSIONER MASON: There was a complaint?

1 JAN MORRISON: Apparently, that's why it's in justice
2 court.
3 COMMISSIONER MASON: By that I mean --
4 JAN MORRISON: Right.
5 COMMISSIONER MASON: -- have you seen the complaint? Is it
6 in writing?
7 COMMISSIONER WAITS: Jan wouldn't. No.
8 JAN MORRISON: I can't do that --
9 COMMISSIONER MASON: Well, okay.
10 JAN MORRISON: -- necessarily. Sheriff's office would --
11 would have issued the citation, and the justice court would be
12 administering it.
13 COMMISSIONER MASON: Did you receive a complaint?
14 SHERIFF RON UNGER: Yes, sir.
15 COMMISSIONER MASON: Is it a serious complaint? Is it --
16 SHERIFF RON UNGER: It was -- and I can't tell you exactly
17 what the complaint was. I wasn't there. But I do know that --
18 and they can correct me if I'm wrong -- but I believe a citation
19 was issued. And it was for barking dogs. So we did go there.
20 A neighbor called it in and voiced the complaint. The neighbor
21 filed or signed the ticket.
22 It's something that didn't happen in our presence, but we did
23 issue the ticket because the -- it was a citizen's ticket. It was
24 signed by the -- and they were issued it.
25 COMMISSIONER MASON: Did you follow up on the complaint
26 just to see if it was the valid or --
27 CHAIRMAN GARNER: Dave, you can't go there.
28 COMMISSIONER STIENMETZ: No.
29 SHERIFF RON UNGER: It was a citizen complaint, Dave. I
30 mean, what am I trying to tell you? A citizen signed the
31 ticket. A citizen's (indiscernible), I believe.
32 COMMISSIONER WAITS: So it's in court?
33 SHERIFF RON UNGER: So yes. It is in court.
34 COMMISSIONER BULLOCK: How was --
35 SHERIFF RON UNGER: And that was done the 9th, 9/12/2014.
36 COMMISSIONER BULLOCK: Okay. I know this is county code,
37 but I don't see a recommendation here either way from the
38 Kingston Town Board.
39 CHAIRMAN GARNER: Yeah.
40 COMMISSIONER BULLOCK: I don't see it.

1 JOHN DAVIDSON: The town board hasn't been involved with it
2 anywhere.

3 ELLISA DAVIDSON: It doesn't fall under their realm.

4 CHAIRMAN GARNER: It's a county code.

5 COMMISSIONER BULLOCK: I understand it's a county code.
6 But it's still within the town. So I mean, to me, I would like
7 to see a recommendation either way from the town board on how
8 they -- I mean, this is the town you're talking about.

9 CHAIRMAN GARNER: Do -- do you sell these animals?

10 JOHN DAVIDSON: Once in a while we have a litter of pups.
11 We sell some out of them.

12 And they're mainly just for us, just for our hobby.

13 CHAIRMAN GARNER: I think it needs to be through planning
14 and zoning so the --

15 COMMISSIONER MASON: Is your physical location downtown or
16 out of town in --

17 COMMISSIONER WAITS: Kingston.

18 COMMISSIONER MASON: I know, but --

19 JOHN DAVIDSON: We're kind of to the -- towards the north
20 end of town. We only have -- we don't have any neighbor within
21 a hundred yards.

22 CHAIRMAN GARNER: That's the (indiscernible) building.

23 COMMISSIONER MASON: Okay.

24 ELLISA DAVIDSON: In fact, the back fence is BLM. There is
25 one absentee neighbor to himself. And that's it.

26 COMMISSIONER WAITS: I think --

27 COMMISSIONER BULLOCK: There's a map in your --

28 COMMISSIONER WAITS: I think that -- that we certainly need
29 to look at this, not just for this one, but as I mentioned
30 before, there are many folks in this county that have more than
31 three animals.

32 And I would like to get input from the sheriff's
33 department. And I also would like to instruct our -- someone in
34 the county, whoever wants to handle it. Keith, help me here,
35 whoever you want to handle this -- to see what other counties do
36 with what kind of a minimum amount they have. Because I -- I
37 don't want to see an exception for one when we have a lot more
38 that definitely we need to address.

39 CHAIRMAN GARNER: Well, I don't think -- if you go back to
40 the way this -- we govern this, just put it through planning and

1 zoning. If it's put through planning and zoning, it's --
2 they're channeling --
3 COMMISSIONER WAITS: That's fine. Because we may need to
4 change the ordinance on it.
5 CHAIRMAN GARNER: Absolutely.
6 COMMISSIONER WAITS: Right.
7 CHAIRMAN GARNER: And if -- and if -- and then they post to
8 the neighbors, the neighbors have the decision to come in and to
9 rebuttal against him. He has his rebuttal. It goes through the
10 proper channels and it's done.
11 COMMISSIONER WAITS: I'll make a motion we defer --
12 CHAIRMAN GARNER: There's no exceptions.
13 COMMISSIONER WAITS: -- agenda item number ten for further
14 investigation.
15 COMMISSIONER MASON: I second that.
16 CHAIRMAN GARNER: Any public comment?
17 ELLISA DAVIDSON: I can shed a little bit more light.
18 We've asked about the kennel exception off and on over the
19 years. And the standard response is (indiscernible). Nobody
20 knows anything about it. No application exists. Et cetera, et
21 cetera.
22 COMMISSIONER WAITS: We don't apparently have one. That's
23 --
24 ELLISA DAVIDSON: Pretty much.
25 COMMISSIONER WAITS: That's why. That's -- that's why
26 we're going to tackle this for you.
27 ELLISA DAVIDSON: We couldn't pursue it in the past because
28 nobody knew how -- how to pursue it.
29 JOHN DAVIDSON: What was the Lander County code that we
30 referenced in that letter? I don't remember what that happened.
31 ELLISA DAVIDSON: LCC 6.08.180.
32 JOHN DAVIDSON: That has something to do with it somehow.
33 JAN MORRISON: I do want to add with Commissioner Garner's
34 suggestion, special-use permit. You can defer it also and ask
35 that the planning commission is able to consider special-use
36 permit in any district --
37 CHAIRMAN GARNER: Mm-hm.
38 JAN MORRISON: -- and has latitude that's not written in
39 even to actually consider for individual actions.
40 CHAIRMAN GARNER: Mm-hm.

1 JAN MORRISON: It's unusual, but it can do it. And then
2 that would entail notifying the town board and notifying all
3 property owners within 300 feet. And then you will get your
4 community input. It won't have anything to do with any case or
5 citations going on. But it would certainly take care of it --
6 the --

7 COMMISSIONER MASON: What's the fee for that?

8 JAN MORRISON: The fee is \$300. I don't know what the
9 discretion the commission has. A hundred fifty dollars has
10 already been posted at the sheriff's office.

11 I don't know if it's in with your -- if you're able to apply
12 that to a special-use permit or not. I just throw that out.

13 CHAIRMAN GARNER: Okay.

14 ELLISA DAVIDSON: Kennel exception is within that one
15 county code. And that's what we're asking for.

16 JAN MORRISON: That's right.

17 ELLISA DAVIDSON: And it states \$150.

18 JAN MORRISON: That's right. But if the commission decides
19 to direct to go for a special-use permit, then it does. And
20 they -- they can do that. Then it goes into a different one. I
21 just throw that out. It -- it's hard when we don't have --

22 COMMISSIONER WAITS: Anything written. Yeah.

23 JAN MORRISON: Yeah. Yeah. It's difficult.

24 CHAIRMAN GARNER: Motion?

25 Okay. Thank you.

26 COMMISSIONER WAITS: We need to vote.

27 COMMISSIONER BULLOCK: All those in favor.

28 CHAIRMAN GARNER: All those in favor?

29 COMMISSIONER WAITS: Aye.

30 COMMISSIONER MASON: Aye.

31 CHAIRMAN GARNER: We're still in public comment.

32 COMMISSIONER STIENMETZ: Aye.

33 CHAIRMAN GARNER: Aye.

34 COMMISSIONER BULLOCK: Aye.

35 COMMISSIONER WAITS: May I also, just as a side note,
36 say -- would like to have you comply with the ordinance for
37 licensing and --

38 JOHN DAVIDSON: Okay.

39 COMMISSIONER WAITS: -- proof of rabies and such, too.
40 Thank you.

1 JOHN DAVIDSON: They all get their shots. It's just not
2 documented because vets cost a lot of money and we do them
3 ourselves.

4 COMMISSIONER WAITS: You can discuss that with the
5 sheriff's department. They're the ones that do the licensing.

6 SHERIFF RON UNGER: Not on this (indiscernible).

7 JOHN DAVIDSON: Okay. It'll be done.

8 COMMISSIONER MASON: Thank you.

9 COMMISSIONER WAITS: Thank you, Mr. Davidson.

10 COMMISSIONER STIENMETZ: Thank you.

11 CHAIRMAN GARNER: Take a five minute?

12 COMMISSIONER WAITS: Thank you, Ellisa.

13 CHAIRMAN GARNER: Five minutes?
14
15

16 DMV
17

18 11) Discussion for possible action regarding Intrastate
19 Interlocal Contract between Public Agencies Department of
20 Motor Vehicles and Lander County Recorder, and other matters
21 properly related thereto.
22

23 CHAIRMAN GARNER: Discussion for po- -- eleven, discussion
24 for possible action regarding Interstate [sic] Interlocal
25 Contract between Public Agencies Department of Motor Vehicles,
26 Lander County Recorder, and other matters properly related
27 thereto.

28 Idonna? It's you.

29 IDONNA TREVINO: Put this on the agenda. I'll make a
30 comment.

31 Idonna Trevino, Lander County Recorder.

32 I have been --

33 COUNTY CLERK SULLIVAN: Just one moment, Idonna.

34 CHAIRMAN GARNER: Art.

35 COUNTY CLERK SULLIVAN: We need it to be quiet.

36 CHAIRMAN GARNER: Have you step out in the hallway, please,
37 so you guys can converse there.

38 COMMISSIONER MASON: You dropped your --

39 UNIDENTIFIED PARTICIPANT: Your cell.

40 IDONNA TREVINO: Okay. Since I was --

1 CHAIRMAN GARNER: Sorry, Idonna.
2 IDONNA TREVINO: Since I was here last to let you know that
3 we might have had a temporary interruption in DMV services, I
4 have been diligently working with the field services manager who
5 is over all of the branch offices and the contract manager in
6 Carson City.
7 As of yesterday, we have the problem resolved. There will be
8 no interruption in DMV services. It can go forward.
9 CHAIRMAN GARNER: Perfect.
10 COMMISSIONER WAITS: I did --
11 I'm sorry. Did I interrupt you?
12 CHAIRMAN GARNER: Oh, I said perfect.
13 COMMISSIONER WAITS: Yes, indeed. I -- I do have a
14 question. Since a copy of the contract was included and it is a
15 county contract. And we're thrilled to hear that. Because like
16 I said, this is loss of revenue for us, too, as far as the
17 county when anything is interrupted.
18 IDONNA TREVINO: And it would have been just a transition
19 period.
20 COMMISSIONER WAITS: I understand that, but --
21 IDONNA TREVINO: It wasn't going to be --
22 COMMISSIONER WAITS: -- if we don't need it.
23 IDONNA TREVINO: -- a shutdown. Yeah.
24 COMMISSIONER WAITS: But I do have a question. In the
25 actual contract where it does refer to the new people, and that
26 we need to do that. It says: County -- county shall ensure
27 that a thorough background screening of county personnel is
28 conducted prior to initial employment or assignment for all
29 personnel having access to information and so forth. So that
30 comes back on the county.
31 So since we're supposed to be getting them, prior to initial
32 employment, and since we will be having a new recorder taking
33 over, is this already started?
34 KEITH WESTENGARD: I believe she has started the process.
35 COMMISSIONER WAITS: Okay. We'll just double check on
36 that --
37 KEITH WESTENGARD: I will.
38 COMMISSIONER WAITS: -- since this is part of our contract.
39 Thank you.
40 CHAIRMAN GARNER: It has.

1 IDONNA TREVINO: I don't know.
2 CHAIRMAN GARNER: It has.
3 COMMISSIONER WAITS: Thank you.
4 IDONNA TREVINO: Okay. And as the contract says, you know,
5 they needed to be notified in writing, which I have done.
6 COMMISSIONER WAITS: Mm-hm.
7 IDONNA TREVINO: I've notified them that, you know, when my
8 last day will be and that everything under my name would be
9 deleted from the system.
10 And the others will carry on until the new recorder comes in.
11 COMMISSIONER WAITS: Thank you, Idonna.
12 COMMISSIONER STIENMETZ: Thank you.
13 COMMISSIONER MASON: Thank you.
14 CHAIRMAN GARNER: Thank you.
15 IDONNA TREVINO: You're welcome.
16
17

18 **ASSESSOR**

19
20 12) **Discussion for possible action regarding Resolution No.**
21 **2014-18, directing the County Assessor to prepare and publish**
22 **the 2013/14 Secured Tax Roll, and other matters properly**
23 **related thereto.**
24

25 CHAIRMAN GARNER: Twelve, discussion for possible action
26 regarding Resolution Number 2014-18, directing the County
27 Assessor to prepare and publish the 2013/14 Secured Tax Roll,
28 and other matters properly related thereto.

29 COMMISSIONER BULLOCK: Where's our assessor?

30 CHAIRMAN GARNER: Where's our assessor?

31 COMMISSIONER STIENMETZ: This is something we do every
32 year.

33 SHERIFF RON UNGER: Would you like me to go get her or see
34 if she's there? I can check.

35 CHAIRMAN GARNER: Please, Sheriff.

36 COMMISSIONER WAITS: You want to take a break while she's
37 doing that. Yeah. We'll take a five-minute break.

38
39 (Break taken between 10:15 a.m. and 10:25 a.m.)
40

1 CHAIRMAN GARNER: Call the meeting back to order.
2 Would you like us to move up to you?
3 COMMISSIONER BULLOCK: Lura's here.
4 COMMISSIONER STIENMETZ: We've got Lura's here.
5 CHAIRMAN GARNER: We can do Lura and then move up to them,
6 and go, and that will put us in --
7 COMMISSIONER STIENMETZ: Yeah.
8 CHAIRMAN GARNER: -- for eleven.
9 COMMISSIONER STIENMETZ: Mm-hm.
10 CHAIRMAN GARNER: Twelve, discussion for possible action
11 regarding resolution two thousand -- number 2014-18, directing
12 the county assessor to prepare and publish the 2013/14 Secured
13 Tax Roll, and other matters properly related thereto.
14 LURA DUVALL: Lura Duvall, Assessor.
15 This is a statute that's been in existence probably older
16 than I am.
17 CHAIRMAN GARNER: Can you come up to the recorder, please.
18 LURA DUVALL: It just -- you just have to do a resolution
19 every year directing me to close and publish the tax roll. It's
20 just a formality. So each year we come before you for this.
21 COMMISSIONER WAITS: I do know --
22 LURA DUVALL: You just have to sign the resolution, and it
23 has to be recorded.
24 COMMISSIONER WAITS: I did notice in the resolution that
25 you were asking for two different things actually, for
26 publishing, option of mailing or publishing.
27 LURA DUVALL: Yeah.
28 COMMISSIONER WAITS: I wondered if you already had an idea
29 because you usually do with which one.
30 LURA DUVALL: That didn't really need to be in there, but
31 it just kind of has hung over. Because there was one year I did
32 actually mail them. That didn't work out real well. We are
33 publishing.
34 COMMISSIONER WAITS: So you will be publishing again?
35 LURA DUVALL: Yes, we will be publishing in the Bugle.
36 Yes. Mm-hm.
37 Maybe next year I'll get that removed.
38 COMMISSIONER STIENMETZ: I make a motion the commission
39 approve Resolution Number 2014-18, directing the county assessor
40 to prepare and publish the 2013 -- two thousand --

1 LURA DUVALL: Oh. Oh, dear. It's the '15/'16 tax roll.
2 Please tell me that it's correct on the resolution.
3 DEPUTY DISTRICT ATTORNEY TING: Yes, it is.
4 LURA DUVALL: Okay. But it's on wrong on the agenda. Is
5 that a problem?
6 CHAIRMAN GARNER: Yep. We have to defer it.
7 LURA DUVALL: It kind of can't be.
8 CHAIRMAN GARNER: Has to.
9 LURA DUVALL: It, by statute, has to be done.
10 KEITH WESTENGARD: What's the date it has to be done by?
11 LURA DUVALL: Well, it's going to be on the 20th of
12 December.
13 KEITH WESTENGARD: We have a meeting on the --
14 COMMISSIONER WAITS: Yeah.
15 LURA DUVALL: We do?
16 KEITH WESTENGARD: Yes.
17 COMMISSIONER BULLOCK: Mm-hm.
18 KEITH WESTENGARD: We have a meeting --
19 LURA DUVALL: How did that happen?
20 KEITH WESTENGARD: I'm (indiscernible), Lura, I --
21 LURA DUVALL: That's two years ago.
22 COMMISSIONER BULLOCK: We'll have a meeting the 18th so --
23 LURA DUVALL: The 18th? Okay.
24 COMMISSIONER MASON: Can we not correct the agenda right
25 here?
26 CHAIRMAN GARNER: Nope.
27 COMMISSIONER STIENMETZ: Nope.
28 COMMISSIONER WAITS: Nope.
29 CHAIRMAN GARNER: It's published.
30 KEITH WESTENGARD: (Indiscernible.)
31 COMMISSIONER WAITS: Public advertised, yeah.
32 But you should be all ready to go, and --
33 LURA DUVALL: Is it mine?
34 COMMISSIONER WAITS: -- we can approve it on the next one.
35 LURA DUVALL: It says '15/'16 right there.
36 Okay. My fault. Corrected it one spot but not the other.
37 Okay. Yeah, 18th is fine. Perfectly fine.
38 COMMISSIONER BULLOCK: Motion to defer.
39 LURA DUVALL: Thank you.
40 CHAIRMAN GARNER: Thank you.

1 COMMISSIONER STIENMETZ: Second.
2 CHAIRMAN GARNER: Go up to Dolan's? Since --
3 COMMISSIONER BULLOCK: Motion. We need a public comment
4 and all in favor.
5 CHAIRMAN GARNER: Who seconded it?
6 COMMISSIONER STIENMETZ: I seconded it.
7 CHAIRMAN GARNER: Any public comment?
8 (No comment.)
9 CHAIRMAN GARNER: All those in favor?
10 COMMISSIONER MASON: Aye.
11 CHAIRMAN GARNER: Aye.
12 COMMISSIONER WAITS: Aye.
13 COMMISSIONER STIENMETZ: Aye.
14 COMMISSIONER BULLOCK: Aye.
15
16 COMMISSIONER BULLOCK: We can go to Ginger's if you
17 (indiscernible).
18 CHAIRMAN GARNER: Can we do this one?
19 Would you guys like to go next for Dolan?
20 ROBERT DOLAN: Oh, yeah. Sure.
21
22 CHAIRMAN GARNER: We'll move to 19.
23
24 ROBERT DOLAN: Good morning.
25 TAMMY BENDELL: Good morning.
26 COMMISSIONER STIENMETZ: Good morning.
27 COMMISSIONER WAITS: Morning.
28
29

30 COMMISSIONERS

31
32 19) Discussion for possible action regarding approval/disapproval
33 regarding a proposal from Dolan Law, LLC, to provide public
34 defender services to Lander County for the calendar years
35 2015 and 2016, and other matters properly related thereto.
36

37 CHAIRMAN GARNER: Discussion for possible action regarding
38 approval/disapproval regarding a proposal from Dolan Law, LLC,
39 to provide public defender service to Lander County for the
40 calendar years 2015 and 2016, and other matters properly related

1 thereto.

2 COMMISSIONER WAITS: I think we received all those.

3 UNIDENTIFIED PARTICIPANT: There was actually one extra.

4 (Indiscernible.)

5 COMMISSIONER WAITS: It's a new one?

6 ROBERT DOLAN: Well, there was a red-line co- -- version of

7 the contract to show the difference between the proposed

8 contract and the existing contract from 2009 just to help with

9 --

10 COMMISSIONER WAITS: Oh.

11 ROBERT DOLAN: -- seeing where the language is slightly

12 modified.

13 COMMISSIONER MASON: Item number 6?

14 Oh, no. We've got --

15 ROBERT DOLAN: Good morning, all. My name is Robert Dolan.

16 This is Tammy Bendell. She's been with Dolan Law for ten years.

17 And --

18 CHAIRMAN GARNER: Austin? I don't think they're still on.

19

20 (Telephone: If you'd like to make a call. Please hang up

21 and try again ...)

22

23 CHAIRMAN GARNER: We'll have to stop you for one second and

24 get Austin back.

25 MITESHELL LANHAM: Commissioners' office.

26 COUNTY CLERK SULLIVAN: This is Sadie.

27 MITESHELL LANHAM: Okay.

28 COUNTY CLERK SULLIVAN: Thank you.

29 CHAIRMAN GARNER: Go ahead. Sorry, sir.

30 ROBERT DOLAN: Yes. So we -- Ms. Bendell and I are pleased

31 to be here this morning.

32 I'm -- we should begin by commenting that about three or so

33 weeks ago, Dolan Law did make an offer to extend an employment

34 offer to Nicole Ting, who is present in the room here, to come to

35 work for Dolan Law come January of next year. And that offer was

36 accepted by Ms. Ting.

37 And as I've indicated in my cover letter, Ms. Ting's

38 employment, position with Dolan Law, will occur whether or not

39 ultimately Dolan Law is awarded the public defender's contract

40 in Lander County or not. But you all should be aware of that

1 and take whatever notice and appropriate steps in light of that
2 as you consider this issue.

3 From what I understand, there might be another meeting on
4 December 18th in which this matter might be before you. I don't
5 know. But I will not be present on the 18th. My wife is having
6 surgery in Reno that -- the day before.

7 But Ms. Mayo, senior associate of the firm, will be here on
8 the 18th. And Ms. Bendell will also be here to follow up on any
9 questions that you may have or learn of other concerns that you
10 may have.

11 I can keep talking. I can answer questions. We -- the -- it
12 would be -- Dolan Law is a full service, small law firm. We do
13 have two full-time Spanish-speaking employees who are prepared,
14 ready to bring their time and resources to service.

15 The contract for the three attorneys at Dolan Law. Ms.
16 Mayo and Ms. Ting would be primarily servicing the needs of the
17 courts here in Lander County consistent with the obligations under
18 the law.

19 One item that I should point out, which is not an
20 insignificant item, is that in the unfortunate circumstance, if
21 there was a first-degree homicide, first-degree murder in this
22 Lander County and the DA's office chooses to proceed as a capital
23 case, under Nevada rule of -- for the supreme court, there's a
24 Rule 250, which stands for the proposition that there has to be a
25 competent lawyer as lead counsel in death penalty cases to -- and
26 there's also a second chair.

27 But happily, I am and I have been qualified since 1999 by
28 district court order in Nevada to be lead counsel in death penalty
29 cases. So that would mean that Lander County would not have to go
30 out and hire a special expert defense counsel in the -- in that
31 event. I do not know if -- I think Mr. Plimpton may be
32 exercising, showing some interest. I do not know if he's 250
33 qualified or not, but I am.

34 And we have experience in this court. I believe my staff is
35 well received and well regarded by the staff of both the district
36 court and justice court. And in terms of presence, I -- Ms. Ting,
37 when she's working for Dolan Law, my understanding from her,
38 she's certainly free to reside where she wants, but from my brief
39 discussion with her, she's going to retain her residence here.
40 And I'm anticipating increasing the presence of Dolan Law. We

1 might open up a satellite office. In fact, I suspect that will
2 happen. Because, you know, obviously -- I'm -- I was the deputy
3 state public defender in Winnemucca for seven years. And I think
4 I distinguished myself and my service to my clients, making sure
5 that they were always aware of what they were charged with. They
6 always were confident that they had the opportunity to explain
7 themselves to the defense counsel so that we could attempt to
8 mitigate their exposure.

9 And going forward, I've had positive interaction
10 professionally with Mr. Herrera and Mr. Forgeron and as I have
11 with all other professionals who practice law. So I think I'll
12 stop talking and open myself up to questions.

13 CHAIRMAN GARNER: Nan, can you tell me the -- the
14 current -- I have the 2009 is all I got.

15 NAN ANCHO: What's that?

16 CHAIRMAN GARNER: Do you have the current price on the
17 defender agreement?

18 JUDGE MAX BUNCH: Current contract amount?

19 CHAIRMAN GARNER: Heck yeah. All I have -- in the packet
20 it's only 2009.

21 ROBERT DOLAN: That's the last one that I believe --

22 CHAIRMAN GARNER: That is the last?

23 UNIDENTIFIED PARTICIPANT: Yeah.

24 CHAIRMAN GARNER: So it's never been updated?

25 UNIDENTIFIED PARTICIPANT: No.

26 COMMISSIONER WAITS: So we've always paid, like, a full,
27 contracted amount regardless of how many?

28 CHAIRMAN GARNER: Yeah.

29 UNIDENTIFIED PARTICIPANT: Yes, the --

30 COMMISSIONER WAITS: We have? And that's the one that --
31 that we have brought up -- I think it was last time -- it was a
32 concern. And let me ask, Counselor Dolan, I'm sure you're
33 very familiar with the -- the indigent commission on rural
34 subcommittee.

35 ROBERT DOLAN: Mm-hm.

36 COMMISSIONER WAITS: And when they're looking at a full
37 contract like that, they have a question of whether the counties
38 might be a little bit negligent in the way that -- that we
39 actually support these -- these folks that need our legal
40 services. Because they're going to get the same amount

1 regardless. And therefore, did they really do the best job?
2 And I know they were -- that was part of the concern. Or should
3 we be paying them individually? And that's something that the
4 other counties are kind of struggling with. Do you have
5 contracts with any other counties as --

6 ROBERT DOLAN: No, we --

7 COMMISSIONER WAITS: Okay.

8 ROBERT DOLAN: I'm regularly appointed to serve as conflict
9 counsel --

10 COMMISSIONER WAITS: Right.

11 ROBERT DOLAN: -- in Battle Mountain.

12 COMMISSIONER WAITS: Conflict. I thought maybe you could
13 clarify of what the other --

14 ROBERT DOLAN: Actually, in Pershing County and the like.

15 COMMISSIONER WAITS: Okay.

16 ROBERT DOLAN: And we've been charged on a basis of a
17 hundred dollars an hour.

18 COMMISSIONER WAITS: I believe that they had -- they
19 actually had something in court. I don't know if it was --
20 where -- what court -- district court, supreme court, something
21 yesterday regarding this on indigent defense. I think -- or
22 maybe it's today, December 4th. Is that when they're meeting?
23 Today?

24 ROBERT DOLAN: Regularly, you know, they -- the issues that
25 Nevada is wrestling with -- it is wrestled with by every state
26 in the union is in rural parts is about how to insure that the
27 Sixth Amendment Right to Counsel, has some meaning to it.

28 And that's really what this comes down to. It's just a
29 constitutional right to effective assistance of counsel. And
30 the right to effective assistance of counsel has been extended
31 recently by the United States Supreme Court to not just what
32 occurs inside of the courtroom, but what occurs in connection
33 with plea bargaining. Ninety-five percent of most criminal
34 cases are resolved in plea bargaining.

35 CHAIRMAN GARNER: Can I stop there you there? Patsy,
36 that's -- that's past our -- what we're -- we're talking about
37 the proposal for the -- you're on to another subject.

38 COMMISSIONER WAITS: I'm fine with that.

39 ROBERT DOLAN: Okay.

40 CHAIRMAN GARNER: So --

1 ROBERT DOLAN: The -- I extrapolated from the -- from the
2 2009 contract, in terms of the number that I'm with Commissioner
3 Garner. That's obviously what you saw.
4 CHAIRMAN GARNER: So you're -- so you're at 95,000 per
5 year?
6 ROBERT DOLAN: Right.
7 CHAIRMAN GARNER: Quarterly, twenty-three seven fifty. But
8 you took off the 1200 because the public -- the defenders -- NRS
9 obviously is all online now.
10 ROBERT DOLAN: It's online. And my office is -- subscribes
11 to all of the various required, you know, ser- -- database and
12 legal services that rural offices have. And that's an expense
13 that, you know, I have, we don't have to pass that on to --
14 CHAIRMAN GARNER: Okay.
15 ROBERT DOLAN: -- Lander County.
16 COMMISSIONER MASON: I have a question. I -- maybe it's --
17 I'm just not understanding how this works. But who's
18 supervising your work?
19 ROBERT DOLAN: Ultimately, the court.
20 COMMISSIONER MASON: I mean, but do they -- does the
21 court -- let's say there's negligence on your part and the only
22 one that knows about it is the judge; is that right?
23 ROBERT DOLAN: Well, insofar as I've never --
24 CHAIRMAN GARNER: Dave.
25 ROBERT DOLAN: -- been there, it's going to be hard for me
26 to --
27 CHAIRMAN GARNER: I'll have to stop you.
28 COMMISSIONER MASON: Can't answer? You can't ask the
29 question?
30 COMMISSIONER STIENMETZ: No.
31 CHAIRMAN GARNER: No, We're talking about a contract here,
32 Dave. I can reread it for you if you would like.
33 COMMISSIONER MASON: I just wanted some understanding.
34 Where's -- how's the pecking order?
35 ROBERT DOLAN: The Court. The judge. The judge.
36 COMMISSIONER MASON: Okay.
37 COMMISSIONER WAITS: Like any attorney.
38 ROBERT DOLAN: I am -- I am and anybody would be an Officer
39 of the court.
40 And the -- you know, in the final analysis, it's the judge

1 who is responsible for ensuring justice is served and equal
2 protection is applied and those kinds of issues.

3 The role of the defense counsel is different from the role
4 of the prosecutor. The prosecutor seeks justice. Defense
5 counsel represents the defendant's rights. The judge is the
6 arbiter of all of the various moving parts.

7 COMMISSIONER MASON: I guess where I'm coming in is, we're
8 going to -- if we authorize this contract, we're going to pay it
9 regardless.

10 CHAIRMAN GARNER: We do now.

11 COMMISSIONER STIENMETZ: Mm-hm.

12 ROBERT DOLAN: Yeah.

13 COMMISSIONER MASON: Okay.

14 COMMISSIONER WAITS: Mm-hm.

15 COMMISSIONER MASON: Okay.

16 COMMISSIONER WAITS: Yeah.

17 And the -- the applications are accepted till when? This
18 week?

19 KEITH WESTENGARD: Friday.

20 COMMISSIONER WAITS: Friday?

21 KEITH WESTENGARD: Tomorrow.

22 COMMISSIONER WAITS: So we will know at our next time
23 around how many applications have come in and --

24 KEITH WESTENGARD: Currently --

25 COMMISSIONER WAITS: -- which ones we're looking at.

26 KEITH WESTENGARD: It is tomorrow, right?

27 COUNTY CLERK SULLIVAN: Correct.

28 CHAIRMAN GARNER: Yeah.

29 KEITH WESTENGARD: Tomorrow.

30 COMMISSIONER WAITS: Yeah.

31 KEITH WESTENGARD: Currently, we have one additional for
32 the December 18th meeting.

33 COMMISSIONER WAITS: Okay.

34 CHAIRMAN GARNER: Thank you, sir.

35 COMMISSIONER WAITS: Thank you, Counselor.

36 COMMISSIONER STIENMETZ: Thank you, very much.

37 ROBERT DOLAN: You're very -- thank you.

38 COMMISSIONER WAITS: We appreciate you coming in.

39 ROBERT DOLAN: Thank you.
40

1 COMMISSIONER MASON: So is that deferred? What is it?
2 COMMISSIONER WAITS: Hm?
3 COMMISSIONER MASON: Did we just defer it?
4 COMMISSIONER STIENMETZ: No. We're looking at proposals.
5 COMMISSIONER WAITS: It's still open. And so we won't
6 decide till next --
7 CHAIRMAN GARNER: Going on to --
8 COMMISSIONER MASON: Oh, okay.
9 COMMISSIONER WAITS: Yeah.
10 CHAIRMAN GARNER: Move on to 16. Recess the meeting of the
11 Lander County Board of Commissioners and convene the meeting of
12 the Lander County Liquor Board.

13
14
15 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**
16 **RECESSED.)**

17
18 **(MEETING OF THE LANDER COUNTY LIQUOR BOARD CONVENED.)**

19
20
21 **SHERIFF**

22
23 16) **Discussion for possible action regarding issuance of an**
24 **on-site liquor license to Ginger King for Garden Gate Floral**
25 **located at 155 S. Reese Street, Battle Mountain, Nevada, and**
26 **other matters properly related thereto.**

27
28 CHAIRMAN GARNER: Sixteen, discussion for possible action
29 regarding issuance of an on-site liquor license to Ginger King
30 for Garden Gate Floral located at 155 Reese Street, Battle
31 Mountain, Nevada, and other matters properly related thereto.

32 COMMISSIONER MASON: Where are we?

33 COMMISSIONER STIENMETZ: Sixteen.

34 COMMISSIONER WAITS: Sixteen.

35 CHAIRMAN GARNER: Mr. Unger.

36 UNIDENTIFIED PARTICIPANT: Sheriff.

37 SHERIFF RON UNGER: This is on the liquor license, and we
38 have no issues with it at all.

39 CHAIRMAN GARNER: I'll be abstaining from the vote from a
40 relationship with Ms. King.

1 COMMISSIONER WAITS: And if you'd just clarify for me,
2 you're doing also off-site?
3 GINGER KING: No.
4 COMMISSIONER WAITS: Off-site sales? No?
5 COMMISSIONER STIENMETZ: No. Nothing. It's just inside
6 like they did before.
7 GINGER KING: Yeah, nothing (indiscernible).
8 COMMISSIONER WAITS: Thank you.
9 GINGER KING: Uh-huh.
10 COMMISSIONER STIENMETZ: Well, I make a motion we approve
11 the liquor license to Ginger King for Garden Gate Floral,
12 located at 155 South Reese Street, Battle Mountain, Nevada, and
13 authorize -- the chair has to sign it; right?
14 COMMISSIONER MASON: I second it.
15 COMMISSIONER STIENMETZ: Authorize the co-chair to sign.
16 COMMISSIONER BULLOCK: Vice.
17 COMMISSIONER STIENMETZ: Vice chair. Excuse me.
18 COMMISSIONER MASON: I still second it.
19 CHAIRMAN GARNER: Any public comment?
20 (No comment.)
21 CHAIRMAN GARNER: All those in favor?
22 COMMISSIONER MASON: Aye.
23 COMMISSIONER WAITS: Aye.
24 COMMISSIONER STIENMETZ: Aye.
25 CHAIRMAN GARNER: Abstain.
26 COMMISSIONER BULLOCK: Aye.
27 GINGER KING: Thank you.
28
29 CHAIRMAN GARNER: Close?
30 COMMISSIONER BULLOCK: We're on 15.
31 CHAIRMAN GARNER: That's off. I'm off.
32 COMMISSIONER BULLOCK: I think the district attorney's
33 here.
34 KEITH WESTENGARD: I'm not sure if everybody's here yet
35 (indiscernible).
36 CHAIRMAN GARNER: Yeah.
37 KEITH WESTENGARD: (Indiscernible.)
38 CHAIRMAN GARNER: We're waiting.
39 COMMISSIONER STIENMETZ: What's that?
40 KEITH WESTENGARD: Fifteen?

1 CHAIRMAN GARNER: Yeah.

2

3 CHAIRMAN GARNER: Discussion for possible action --
4 fifteen, discussion for possible action regarding request of
5 District Attorney Elect to declare a critical labor shortage
6 pursuant to NRS 286.523 for the position of Chief Deputy
7 District Attorney, and other matters properly related thereto.

8 COMMISSIONER STIENMETZ: Did we close the Liquor Board? Go
9 back to (indiscernible).

10 CHAIRMAN BULLOCK: No, we didn't.

11 COMMISSIONER WAITS: What agenda item are we on?

12 COMMISSIONER MASON: Fifteen.

13 COMMISSIONER WAITS: Fifteen.

14 COMMISSIONER STIENMETZ: You better close the --

15 COMMISSIONER WAITS: (Indiscernible.)

16 COMMISSIONER BULLOCK: You need to go back.

17 COMMISSIONER STIENMETZ: We need to close the --

18 COMMISSIONER BULLOCK: You need to go back and adjourn.

19 And then come back to that.

20 COMMISSIONER STIENMETZ: I'll make a motion we adjourn the
21 meeting of the Lander County Liquor Board and reconvene the
22 meeting of the Lander County Board of Commissioners.

23 COMMISSIONER BULLOCK: Second. We don't need a motion, but
24 --

25 COMMISSIONER WAITS: Yeah. It just -- he just declares it.

26 COMMISSIONER STIENMETZ: All right. I didn't know.

27

28

29 **(MEETING OF THE LANDER COUNTY LIQUOR BOARD ADJOURNED.)**

30

31 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**

32 **RECONVENED.)**

33

34

35 **COMMISSIONERS**

36

37 15) **Discussion for possible action regarding request of District**
38 **Attorney Elect to declare a critical labor shortage pursuant**
39 **to NRS 286.523 for the position of Chief Deputy District**
40 **Attorney, and other matters properly related thereto.**

1 CHAIRMAN GARNER: Moving on to 16. Fifteen, correction.
2 Discussion for possible action regarding the request of District
3 Attorney Elect to declare a critical labor shortage pursuant to
4 NRS 286.523 for the position of Chief Deputy District Attorney,
5 and other matters properly related thereto.

6 Mister -- state your name for the record.

7 TED HERRERA: Ted Herrera, District Attorney Elect for
8 Lander County.

9 I want to thank you all for giving me this opportunity to
10 talk to you today about this. And -- and I look forward to
11 working with you in the future after I take office in January.

12 I'm here today in regards to having you, as the commission,
13 declare a critical labor shortage pursuant to NRS 286.523 for
14 the position of chief deputy district attorney.

15 Presently, there is no position called chief deputy
16 district attorney. So I'll be -- I'll be -- I'm making this
17 position. And let me give you some background.

18 When I was -- after I was elected and I started putting
19 together my plans and my staff -- potential staff, I looked at
20 the problems in the county. And the first one I saw, the most
21 immediate one, the one of great consequence to me, is the fact
22 that I do believe we have a bad -- real bad drug problem in this
23 county.

24 And having a drug problem -- it's methamphetamine mostly.
25 And it's -- it's epidemic proportions in my opinion.

26 I had a few discussions with the sheriff, quite a few. And
27 we talked about this. And when you have a serious drug problem
28 in a county, you're going to have secondary and third and fourth
29 levels of other crimes. And that's burglary, theft. And it's
30 running rampant in this county, countywide.

31 And so I asked the sheriff if he would be willing to
32 aggressively investigate and aggressively -- aggressively pick
33 up and arrest these people. And he told me he would as long as
34 I would aggressively prosecute them.

35 And that seems fair to me. So that's what I'm trying to
36 do. I want a chief deputy district attorney with certain
37 qualifications so day one -- day one I'm going to start
38 aggressively prosecuting these cases.

39 So I put together the qualifications I believed we needed
40 for this position. And after I put this together -- and you

1 should have the qualifications in your packet of the chief
2 deputy district attorney. And I posted it in Lander County,
3 published in Pershing County, published in Humboldt County the
4 whole month of November. And I received no feedback.

5 So then I started -- and I have a lot of contacts. I've
6 been doing this for 25 years in this state. And I have quite a
7 few criminal attorney, prosecutors, and defense attorney
8 contacts, and I started making calls.

9 Nobody with those qualifications is interested in coming to
10 Lander County on the budget that I can pay them.

11 So what became apparent to me is that in Lander County we
12 have a critical labor shortage for the personnel I needed for
13 this job.

14 So I went to Mr. Forgeron who I've known for quite a few
15 years and who -- who was my partner at one time for a few years
16 before he went back in the DA's office and who coincidentally
17 has all the qualifications that I needed to fit this position.

18 Mr. Forgeron suggested to me that since he has taken PERS
19 retirement a few years ago and his ex-wife is also on his PERS
20 retirement, he would be unable to come to work for me unless
21 this august body would declare a critical labor shortage. That
22 would enable Mr. Forgeron to come and work for me. And Mr.
23 Forgeron has all the qualifications, and I'm sure everyone here
24 is aware of Mr. Forgeron's qualifications.

25 So along those lines, I've asked Mr. Forgeron, who is very
26 conversant in this area, to compare and be able to brief this --
27 this honorable commission about what I'm asking. So I will turn
28 my time over to Mr. Forgeron at this time. And I will thank you
29 in advance for your decision.

30 HY FORGERON: Thank you, Ted.

31 Commissioners Waits, Gentlemen, I have some material for
32 you.

33 I appreciate the remarks that Mr. Herrera just made. I
34 would add to them that in my experience as a criminal defense
35 attorney over the past four years, I have observed not only the
36 rise in the methamphetamine problem that we have in the county,
37 but there's a very disturbing rise related to the use of heroin
38 that has apparently sprung up somewhat recently. And that
39 really concerns me even more than the methamphetamine problem.

40 I live here too. And my children grew up here too. And I

1 still have a 17-year-old in school here. And I'm concerned
2 about the quality of life in Lander County as a citizen, in
3 addition to being an attorney here.

4 And life has been pretty good to me the last four years as
5 far as being a defense attorney. It's been too good for me.

6 If we're going to address a significant drug problem, I
7 think you need two things. Number one, you need an actual
8 working drug court, which you can't have unless you prosecute
9 drug-related crimes. And you need that for people who can be
10 saved. And you need an aggressive prosecution of drug-related
11 crimes for the people who can't be. And if those two things can
12 go hand-in-hand, we have a much better chance of making a
13 significant impact in the control of our drug problem here in
14 Lander County.

15 Now there's all sorts of other problems too, but I think an
16 awful lot of it stems right from the drug problem.

17 A good, effective, aggressive prosecutor can do that for
18 you. It doesn't have to be me. It can be a good, aggressive
19 prosecutor. The problem that Mr. Herrera has run into is how do
20 you get one here in Lander County?

21 Like I say, I've been doing pretty well the last four
22 years. I thought we'd probably have a new lawyer here in town
23 when I found out that Ted was the only one that filed for office
24 and he'd be taking over in January. And so I helped him do a
25 few things as far as recruiting for the office. And I was kind
26 of surprised when he came to me and said, you know, I have no
27 applications. None. Zero. Would you be interested in the job?

28 And I told him, well, there's only way I can do it. I
29 think the job, whether I take it or not, qualifies as a critical
30 labor shortage simply because there are no applicants for it.

31 There's nobody willing under the conditions we have right now to
32 come in and do it that has the qualifications for it.

33 What Ted is asking you to do is designate this particular
34 position as a critical-needs position with the public employees'
35 retirement board so that a person, such as myself, who is
36 already retired, can take the position without loss of
37 retirement benefits. Under those circumstances, I would be
38 willing to do it. And it needs to be done by someone.

39 So -- if you have any questions concerning the process,
40 typically what happens is the board declares a shortage based

1 upon findings it makes here today, which are included in the
2 documents I have given to you. That finding gets transmitted to
3 the Public Employees' Retirement Board by your human resources
4 director. They keep statistics. They forward that to the
5 appropriate committees. And they keep statistics on it. But
6 the decision is yours. It's not theirs; it's yours. If you
7 make that decision, then we can go from there, and we'll be
8 ready to go in January.

9 COMMISSIONER WAITS: I do have a couple of questions,
10 Counselors, but right off the bat, if you can clarify that for
11 me.

12 So what happens to the PERS? You continue to get the PERS
13 from your retirement from the old positions, but then you make a
14 new fund for PERS or --

15 HY FORGERON: There's two ways that it can be handled.
16 I've -- I would keep my current retirement income from PERS.

17 COMMISSIONER WAITS: Okay.

18 HY FORGERON: And then I have a choice. I can either -- if
19 there's no critical labor shortage designation, I can go back to
20 work for Lander County, but I would have to forfeit my PERS in
21 the interim while I'm employed by Lander County.

22 If there is a critical labor shortage declaration, then I
23 would continue to collect PERS and would be exempt from the
24 system.

25 So I -- I can't have it both ways --

26 COMMISSIONER WAITS: Okay, so you continue getting your
27 PERS, but what happens for your retirement? You simply lose
28 PERS because they -- they can't start a new fund.

29 HY FORGERON: That's correct.

30 COMMISSIONER WAITS: That's why I was confused. So then
31 what? We pay social security on you? Is that what happens?

32 HY FORGERON: Social security. And I think I have a
33 self-employment tax, too, that I also pay.

34 COMMISSIONER WAITS: But there wouldn't be anything else
35 that we would be paying as far as your retirement?

36 HY FORGERON: Not as far as I know. I'm not in the PERS
37 system at that point.

38 COMMISSIONER WAITS: Okay. Okay.

39 HY FORGERON: As a -- as a --

40 COMMISSIONER WAITS: So PERS says, we just don't stop. We

1 just continue. But you can't add. The county can't add
2 anything to it.

3 HY FORGERON: Right.

4 COMMISSIONER WAITS: Okay. That answers one. Thank you.

5 My other one is -- and this is regarding the actual
6 position. I looked at that and I thought, I understand what
7 you're saying. And if we can clean up this county, this is
8 fabulous. For a long, long time, we've had some problems with
9 doing that.

10 But I'm concerned that it has to be all this. You've got ten
11 years of this and ten years of that. And I know we have some
12 really good prosecutors out there in other counties that have not
13 had this kind of experience.

14 So if this is what you went with, is there anything you could
15 lower and still get a good one that would be a good criminal
16 prosecutor?

17 TED HERRERA: No, I've discussed --

18 COMMISSIONER WAITS: These minimums seem so high to me.

19 COMMISSIONER BULLOCK: Mm-hm.

20 TED HERRERA: Well, you put out minimums for what you want.
21 And then -- and then people apply for the job and say, well, I
22 have these qualifications.

23 I've had people who tell me they're willing to come to here
24 for \$200,000.

25 Now, I know I'm pretty persuasive, but I know I could not
26 persuade this honorable board to give me \$200,000 for a deputy
27 district attorney.

28 On a chief deputy district attorney, this is not just a
29 deputy district attorney. It's not an attorney just out of law
30 school with one or two years of experience because that would do
31 no good. I want somebody out the door ready to go. If -- if
32 somebody had applied with less than those qualifications but they
33 were qualified for the job, I would have snapped them backup to
34 answer your question.

35 COMMISSIONER WAITS: Do you feel they would apply once they
36 saw these minimums?

37 TED HERRERA: I've talked to them. I've talked to deputy
38 district attorneys and district attorneys in this whole state
39 that nobody wants to come to Battle Mountain for the money I can
40 give them.

1 COMMISSIONER WAITS: Okay, so if you -- if you want this to
2 change to chief deputy, are you planning on hiring another
3 deputy too?

4 TED HERRERA: There's already -- there's already another
5 deputy in the budget.

6 I -- in the future, I would want a civil deputy. There is --
7 there is no money in the budget for the next six months. And I'm
8 not going to come in front of this board and ask for any money
9 until we go to budget. Because not only do we have problems in
10 the criminal area, we have civil problems. We have a lot of
11 things that have been backed up for years and that we need to
12 address, a lot of them.

13 So there's already money. There's already position in my
14 department for a deputy district attorney.

15 I would like and I plan on keeping that. And I plan on going
16 to the finance department and this honorable board in the future
17 at the appropriate time to bring in a deputy district attorney,
18 and it doesn't have to have all of these qualifications, to help
19 me on the civil part.

20 COMMISSIONER WAITS: Okay, that's -- that's why you're
21 asking for chief. That was my --

22 TED HERRERA: Yes.

23 COMMISSIONER WAITS: -- clarification.

24 TED HERRERA: That's what I want --

25 COMMISSIONER WAITS: I wondered if --

26 TED HERRERA: -- a chief deputy district attorney --

27 COMMISSIONER WAITS: -- that's where you were going.

28 TED HERRERA: -- with the experience.

29 COMMISSIONER WAITS: Well, of course, the experience is --
30 is one thing. And whether we're really going to get in and
31 prosecute is another. And I certainly know --

32 TED HERRERA: No, you're going to get prosecution. I'm
33 standing here right now to tell you on the record, you're going
34 to get aggressive prosecution. Absolutely. Day one. Day one.

35 I talked to the sheriff. And he's going to start aggressive
36 investigation and arrest day one.

37 He's here. You can ask him.

38 CHAIRMAN GARNER: (Indiscernible.)

39 TED HERRERA: Any other questions?

40 COMMISSIONER MASON: I would like to ask Sheriff Unger for

1 his comments on this.
2 Do you have any comments?
3 SHERIFF RON UNGER: No, other than I have had several
4 meetings with our new DA elect.
5 And what he's telling you is fact. We -- there is issues out
6 there. We deal with them as best we can. With the assistance
7 that we're going to get here, we're going to go after them.
8 There's people that needs to be dealt with.
9 CHAIRMAN GARNER: I would like to reiterate there's a lot
10 civil stuff that needs -- BLM. There's a lot of that stuff that
11 obviously that you're going to address in the future and that we
12 need --
13 TED HERRERA: There's a lot.
14 CHAIRMAN GARNER: There is a ton.
15 TED HERRERA: And it's --
16 CHAIRMAN GARNER: A lot of civil --
17 TED HERRERA: --staggering.
18 CHAIRMAN GARNER: -- issues we need help with that has
19 never been cleared up for, like you say, years. I'm all for it.
20 COMMISSIONER MASON: I'm naive about it so I don't even
21 understand drugs and what their need is.
22 SHERIFF RON UNGER: Well, he's absolutely correct in what
23 he's telling you about the drugs --
24 COMMISSIONER MASON: Yeah.
25 SHERIFF RON UNGER: -- because at least two or three
26 different deals plumb down to domestic violence, which he left
27 out of his statement before. And -- and it's big.
28 It's -- there's lots of issues here.
29 COMMISSIONER MASON: We have -- excuse me -- we have a
30 county of roughly 7500 people, give or take. And --
31 And when you say it's big, I mean, --
32 TED HERRERA: Let me tell you how big.
33 COMMISSIONER MASON: -- it's got me baffled a little bit.
34 TED HERRERA: Let me tell you, in my opinion, without
35 having a statistician coming in and do the statistics. In my
36 opinion per capita, we have the biggest drug problem in the
37 state. That's my opinion.
38 COMMISSIONER WAITS: Does that put it in --
39 COMMISSIONER MASON: No, I'm laughing because I'm ignorant.
40 COMMISSIONER WAITS: Yeah.

1 COMMISSIONER MASON: That's all.

2 TED HERRERA: There's no -- I've been representing these
3 people for 24 years as your public defender and in private
4 practice. I know what I'm talking about. The sheriff can back
5 me up on this.

6 We -- per capita, I believe we have the worst drug problem in
7 the state.

8 And as the sheriff points out, this leads to other
9 problems. It leads -- when they don't have money for the drugs,
10 what do they do? They go in somebody's house and they steal it.
11 They steal things and sell it.

12 COMMISSIONER MASON: I know that --

13 TED HERRERA: They steal their cars.

14 COMMISSIONER MASON: Yeah.

15 TED HERRERA: And then -- and then it goes all the way down
16 to domestic violence. It rips families apart. Rips them apart.
17 And that's what Mr. Forgeron alluded to is that our citizens
18 here in this county can -- that are amenable to rehabilitation,
19 we'd like to rehabilitate them. But those that are beyond that,
20 we -- they need go to prison. And I will put them there.

21 COMMISSIONER MASON: I have another. Judge Bunch, would
22 you like to add anything?

23 JUDGE MAX BUNCH: I don't want to add a thing.

24 COMMISSIONER BULLOCK: I guess I'm with Patsy on the -- on
25 the requirements here.

26 Mr. Herrera, do you meet these requirements that you sent
27 out?

28 TED HERRERA: Nope.

29 COMMISSIONER BULLOCK: So I guess that's my concern.
30 You're sending out requirements that you don't even meet.

31 TED HERRERA: I would have accepted lower requirements, but
32 as I told you, the only one I don't meet --

33 COMMISSIONER BULLOCK: Yeah, but --

34 TED HERRERA: The only one I don't meet there is I'm not
35 death penalty qualified, and that's because I never wanted to
36 be.

37 COMMISSIONER BULLOCK: Okay, and I understand that. And so
38 I guess my concern is you put out requirements you don't even
39 meet. And you know, if I'm looking to applying for something,
40 and I see that, hey, I mean, these requirements are way over, --

1 COMMISSIONER WAITS: You don't apply.
2 COMMISSIONER BULLOCK: -- I'm not going to apply. And I
3 guess my concern is you didn't advertise in the Reno Gazette,
4 the Las Vegas Times, the Idaho State Journal, the Boise
5 Statesman. You just went with the local papers.
6 TED HERRERA: Commissioner Bullock, I'm not asking for a
7 Nevada State designation, only for a Lander County designation.
8 COMMISSIONER BULLOCK: I understand. That's why I said
9 Boise, Idaho State --
10 TED HERRERA: There are no attorneys in this county that
11 are qualified to take --
12 COMMISSIONER BULLOCK: Not under these circumstances.
13 TED HERRERA: No, under almost any circumstances.
14 COMMISSIONER BULLOCK: I mean these -- I'd rather can find
15 anybody other than -- and I'm going to put it out there. You
16 patterned it after what Mr. Forgeron's qualifications are.
17 That's -- that's what it is.
18 TED HERRERA: I've talked to Jack Bullock. I've talked to
19 attorneys that qualify under that. They're not interested in
20 taking this job. They're not interested in coming to Battle
21 Mountain and taking this jog.
22 COMMISSIONER BULLOCK: Right. I understand that. We have
23 to decide if there's really a critical need here. This has put
24 the pressure on us. And we have to verify it. We have to put
25 it in writing that, yeah. So I'm just trying to get a handle on
26 this because we have to verify we cannot find any resolution to
27 this other than to put a critical shortage.
28 So I'm just trying to get a handle on where we're at with
29 this. Don't take it personally.
30 TED HERRERA: I don't.
31 COMMISSIONER BULLOCK: We've got -- we've got to put it out
32 here. We've got to put this in writing to these people what we
33 found. Looking it -- yeah, we've got to have the history of the
34 turnover. Well, there is no history of turnover because there
35 wasn't a position.
36 TED HERRERA: There's no -- exactly.
37 COMMISSIONER BULLOCK: Okay. You know, you've got the
38 length of time the position has been vacant. It hasn't been
39 vacant because there wasn't a position.
40 We have to justify all these things in this statute of why

1 we are declaring this a critical shortage. And I'm just trying
2 to get a handle on this because this is a lot to take in.

3 Is Hy qualified? No doubt. I have no doubt. Would he do
4 well for the county? No doubt in my mind. But we have to -- we
5 have to verif- -- or justify to the state that there is no other
6 resolution to this? There is no other way we can do anything
7 else. And that's what I'm trying to -- to come up on here. So --
8 go ahead.

9 KEITH WESTENGARD: I had a lengthy discussion with both of
10 these attorneys yesterday.

11 Due to fact that it's a -- designated as a new position, we
12 are exempted from some of those critical needs as far as
13 turnover --

14 COMMISSIONER BULLOCK: I understand that.

15 KEITH WESTENGARD: -- as far as -- as -- I think three of
16 them we were exempted from. And we had this very discussion
17 about how it was -- it -- the appearance of it be molded for
18 Mr. Forgeron. And after that discussion, it's very clear that I
19 think it's a good move for the county. And I think it's
20 justified.

21 And I see no real issues with the PERS board. I've gone
22 through something similar to this in the past. And you have
23 some very valid questions, Commissioner, on -- but we've
24 discussed them. And we -- I feel --

25 COMMISSIONER BULLOCK: I know you guys do. We have to
26 verify it.

27 KEITH WESTENGARD: Right.

28 COMMISSIONER BULLOCK: One of them in here says the history
29 and success of the efforts to recruit for the position.

30 KEITH WESTENGARD: Right.

31 COMMISSIONER BULLOCK: So he cited the state, we advertised
32 in the Pershing, the Battle Mountain Bugle, the Humboldt Sun.
33 That was it. Are we justifying to the state that we really gave
34 all the efforts to go out and recruit? That's, I guess, my
35 concern here.

36 TED HERRERA: To touch on your concern, I'm not expected to
37 advertise across this whole -- whole United States.

38 COMMISSIONER BULLOCK: But we have -- we have to justify
39 that you did. That's what I'm saying?

40 TED HERRERA: Not outside the state of Nevada.

1 COMMISSIONER BULLOCK: I'm not even saying the state of
2 Nevada.

3 TED HERRERA: We have -- well, you did. We have a state
4 bar here. And if they're not even in the Nevada state bar, they
5 can't even practice law here.

6 My options at this point, whether -- whether a person needs
7 to know the criteria or not, is to hire somebody right out of
8 law school with one or two years of experience. That's not what
9 we need.

10 I've talked to many people about this. When I got -- when
11 I got nothing in the paper, I got on the phone. I talked to
12 people in Vegas, in Reno. And I have contacts all over. The
13 only people I can get here is somebody that I'd have to train.
14 I don't have time to train. I want to get in and start doing
15 the job.

16 And that's the whole point. That's the whole point.

17 COMMISSIONER BULLOCK: I understand. I was waiting for
18 one. We'd like to start.

19 We have to justify that we aggressively went out to
20 recruit. That's our job. If we approve this, we have to prove
21 to the state that we aggressively went out to recruit.
22 That's -- if you want to look, that's under number 5E where it
23 says, the history and the success of the efforts to recruit for
24 the position including without limitation advertising,
25 recruitment outside of the state, and all other efforts made.

26 We have to justify it. That's why I pointed out Idaho or
27 whatever. We have to justify that recruitment was there.
28 That's part of this statute.

29 TED HERRERA: Well, --

30 COMMISSIONER WAITS: In addition, it's hard to justify when
31 these are -- are such high qualifications. I mean, really. I
32 just -- if we cut that in half to justify that we couldn't find
33 somebody, it would be one thing. But I mean, it's like, we did.
34 We put it out there saying, this is the best and this is what we
35 want. And --

36 TED HERRERA: So --

37 COMMISSIONER WAITS: -- we are a small county.

38 TED HERRERA: I want to hire the best. And I'm able to do
39 that.

40 And it's not going to cost the county any more money to do

1 it.

2 And I talked to people. I talked to people with far less
3 qualifications than those outlined in that, many people, and
4 asked them if they're -- had any interest in coming to Lander
5 County and moving here. And they said absolutely not, time and
6 time again, except right out of law school. They said, yes, I'd
7 love to come.

8 COMMISSIONER WAITS: Well, I understand your experience
9 that you want --

10 TED HERRERA: I would take --

11 COMMISSIONER WAITS: -- more than right out of law school
12 I'll grant you that. But I mean, all of these things. Ten
13 felony jury trials? I mean, some people go all their life in
14 trials and never do ten felonies.

15 TED HERRERA: Not -- not in criminal law. That's not
16 necessarily true.

17 COMMISSIONER WAITS: Oh, really?

18 TED HERRERA: Really.

19 COMMISSIONER WAITS: You know.

20 COMMISSIONER MASON: Well --

21 COMMISSIONER WAITS: I know that we don't have ten felonies
22 here.

23 CHAIRMAN GARNER: Patsy, we need to stay on the --

24 COMMISSIONER BULLOCK: Well, that is part of it.

25 CHAIRMAN GARNER: It is, but she's --

26 COMMISSIONER WAITS: No, it's the qualifications we're
27 asking for.

28 TED HERRERA: The thing that --

29 CHAIRMAN GARNER: We're getting into a debate.

30 COMMISSIONER BULLOCK: I guess here's my point is: You
31 want us to declare a critical shortage --

32 TED HERRERA: Yes.

33 COMMISSIONER BULLOCK: -- and I understand. And I don't
34 blame you for wanting the best position in the job. But it all
35 boils down to, are we going to wave PERS or not? You want us to
36 waive the PERS. We have to justify to the state. Okay. You
37 still get the PERS. Not saying you still couldn't hire the
38 best. He'd just have to agree to go without PERS.

39 This is -- this is the whole decision here, whether if we're
40 going the apply to the state for --

1 TED HERRERA: Well, I'll tell you right now, his ex-wife's
2 not going to agree to go without it.

3 COMMISSIONER BULLOCK: I understand that. You're putting
4 the pressure on us to say, hey, wait a --

5 TED HERRERA: Well, it's not really pressure. I've
6 tried -- systemically tried to get less -- with less
7 qualifications than outlined there to get someone here, and they
8 won't come.

9 COMMISSIONER BULLOCK: Do you have that in writing?
10 Because we -- that's what I'm saying. We've got to have the
11 history. This is my point of the advertising and everything.
12 We've got to have proof that you --

13 TED HERRERA: No, you have my word under oath and that's
14 it.

15 COMMISSIONER BULLOCK: But is the state going to accept
16 that? I mean --

17 TED HERRERA: Of course they're going to accept it. If you
18 designate it as such, they have -- they don't have the
19 discretion not to.

20 COMMISSIONER BULLOCK: We have to justify it in writing.
21 That's what I'm saying. It's sitting right here. We have to
22 put it in writing --

23 TED HERRERA: Right.

24 COMMISSIONER BULLOCK: -- our findings.
25 And -- and I'm just looking at what are we going to put in
26 writing? That you said that you went out. That's my point.

27 TED HERRERA: So --

28 HY FORGERON: If the problem's me, I can withdraw my
29 application.

30 COMMISSIONER BULLOCK: No, the problem --

31 HY FORGERON: It's not a problem --

32 COMMISSIONER BULLOCK: -- is not you.

33 HY FORGERON: -- for me. It's a pay cut for me.

34 COMMISSIONER BULLOCK: And I understand that.

35 HY FORGERON: And I'm willing to do it for Lander County.
36 And if you don't want me to, that's fine.

37 COMMISSIONER MASON: No.

38 COMMISSIONER BULLOCK: We'd love to have you for Lander
39 County. I'm just saying we have to justify it.

40 TED HERRERA: Well, Commissioner, I've -- I've told you

1 everything I can tell you. I've tried everything I can. I've
2 made personal contact with --

3 COMMISSIONER BULLOCK: I understand. So you can you give
4 us that list, that personal contact? Can you give us a list of
5 those that you've contacted so that we have something to go on?

6 TED HERRERA: I don't -- I'm going to have to take that
7 under advisement because I don't know if some of these people
8 who are currently working in other places would want to put that
9 in writing.

10 COMMISSIONER MASON: Oh, you mean that they applied?

11 TED HERRERA: That I talked to them about moving from where
12 they're currently is -- are.

13 They have their own employment issues. They're all working.
14 They're all working.

15 COMMISSIONER MASON: I understand.

16 COMMISSIONER BULLOCK: I understand that.

17 COMMISSIONER MASON: I listen to Ron Unger our sheriff. He
18 says the need is greater than anything else.

19 And I admit I'm a little bit surprised by it. But on the
20 other hand, he's our sheriff.

21 And I think we -- I think if you could compile a list -- it
22 doesn't have to be verified. I don't -- you know, you're going
23 to swear to it or sign it, that's enough for me. If you can
24 compile a list of people that you've talked to, it might satisfy
25 this board.

26 CHAIRMAN GARNER: That's irrelevant.

27 COMMISSIONER MASON: And you could just say they don't meet
28 the qualifications.

29 CHAIRMAN GARNER: That's irrelevant, Dave. It's either a
30 yes or a no.

31 COMMISSIONER MASON: I'm just looking for a way around it.

32 CHAIRMAN GARNER: It's a yes or a no.

33 COMMISSIONER MASON: Because I think we need to --

34 CHAIRMAN GARNER: The way it's agendized --

35 COMMISSIONER MASON: -- we need to go forward with this.

36 TED HERRERA: Yeah, we do. We need go forward with it.
37 We've got a lot of work to do.

38 COMMISSIONER MASON: Are you telling me the board, if we --
39 if we adopt this, that the state will go along with it?

40 TED HERRERA: Yes.

1 HY FORGERON: They don't have any discretion. All they do
2 is compile the forms and report to the committee. They don't
3 have a yes or no.

4 COMMISSIONER MASON: Okay.

5 HY FORGERON: It's your decision.

6 COMMISSIONER MASON: Can you put something in writing to
7 the board about that so that we could adopt it?

8 COMMISSIONER BULLOCK: Okay. And so in two years you'll
9 have this no longer exists.

10 TED HERRERA: What?

11 COMMISSIONER BULLOCK: This is a temporary two-year
12 position. It states it in the statute.

13 HY FORGERON: It is. You have to redo it every two
14 years --

15 COMMISSIONER BULLOCK: Yeah.

16 HY FORGERON: -- if you want to keep the incumbent.

17 TED HERRERA: Yes. Yes.

18 HY FORGERON: I would cite you to NRS 286.523, Subsection
19 4F, that says that the governing body of the local government,
20 which is you guys, shall designate positions with the local
21 government for which there are critical labor shortages.

22 What you do then is, if you decide that there is, you make
23 the findings in or similar to the drafts that have been supplied.
24 And you make that designation on the form, which you have. And it
25 is transmitted to the system, which is the public employee
26 retirement system.

27 And under NRS 286.520, Subsection 6, the system shall
28 compile the forms received from each designating authority and
29 provide a biannual report of the compilation of the interim
30 retirement and benefits committee of the legislature. That's
31 all they can do. They don't bring it in and investigate it and
32 say, take it back, Lander County, we don't believe you. They
33 say, oh, here it is. We put it in this stack. We're done.
34 That's all they do.

35 COMMISSIONER BULLOCK: As far as them. I understand that.
36 And I don't want to get into legal issues so I'm not even going
37 to comment.

38 COMMISSIONER MASON: This is a two-year appointment.

39 TED HERRERA: It's -- yes, it has to be renewed in --

40 COMMISSIONER WAITS: Two-year position.

1 TED HERRERA: -- two years.
2 KEITH WESTENGARD: It's a two-year exemption.
3 TED HERRERA: Exemption.
4 COMMISSIONER MASON: Okay.
5 TED HERRERA: It's not an appointment. It's an exemption.
6 COMMISSIONER MASON: Well --
7 KEITH WESTENGARD: You will have to reapply -- he'll have
8 to reapply for it in two years. And it's up before the
9 legislature this -- this session.
10 It might not even be an issue in two years. But that's a
11 legislative issue.
12 COMMISSIONER MASON: Well, I'm for it.
13 CHAIRMAN GARNER: Do we have a motion?
14 COMMISSIONER MASON: Let me get over here.
15 I make a motion that the Lander County commission declare a
16 critical labor shortage pursuant to NRS 286.523 for the position
17 of chief deputy district attorney.
18 I don't know if -- just leave it at that.
19 COMMISSIONER BULLOCK: I'll second it.
20 CHAIRMAN GARNER: Any public comment?
21 (No comment.)
22 CHAIRMAN GARNER: All those in favor?
23 COMMISSIONER MASON: Aye.
24 CHAIRMAN GARNER: Aye.
25 COMMISSIONER STIENMETZ: Aye.
26 COMMISSIONER BULLOCK: Aye.
27 COMMISSIONER MASON: There we go. Thanks, guys.
28 TED HERRERA: Thank you very much for your time.
29 CHAIRMAN GARNER: Hold on. Oh, you're good.
30 COUNTY CLERK SULLIVAN: We need it for the record.
31 COMMISSIONER WAITS: Aye.
32 HY FORGERON: Thank you, folks. We'll try to make sure
33 you're not disappointed.
34 CHAIRMAN GARNER: Thank you.
35 HY FORGERON: If you are, call us back.
36 TED HERRERA: Absolutely.
37 COMMISSIONER WAITS: Clean it up.
38 COMMISSIONER STIENMETZ: Yep.
39 TED HERRERA: You've got my word. You've got my words on
40 the record now.

1 COMMISSIONER WAITS: I've seen you both in action, and I
2 know you can do it.

3 TED HERRERA: Absolutely.

4
5 CHAIRMAN GARNER: We will now go into a closed labor
6 session, item 13. We'll have to ask everybody to leave.

7
8
9 CLOSED PERSONNEL SESSION

10
11 13) Discussion for possible action regarding closed personnel
12 session pursuant to the Operating Engineers, Local 3 labor
13 agreement, Article 27, Step 2 Grievance Hearing, NRS 288.220
14 and NRS 241.033 to consider employee #1189 character, alleged
15 misconduct, professional competence, or physical and mental
16 health in connection with its review of her appeal of her
17 August 7, 2014 termination of employment with Lander County,
18 and other matters properly related thereto. No action will
19 be taken in closed personnel session.

20
21 (Closed personnel session between 11:18 a.m. and 12:02 a.m.)

22
23
24 CHAIRMAN GARNER: Thirteen's over. Fourteen.

25
26
27 OPEN PERSONNEL SESSION

28
29 14) Discussion for possible action regarding review and possible
30 action to uphold, reverse, or modify the August 7, 2014,
31 termination of employee #1189's employment with Lander
32 County, and other matters properly related thereto. Action
33 will be taken in open session.

34
35 CHAIRMAN GARNER: Open personnel session. Discussion for
36 possible action regarding review and possible action to uphold,
37 reverse, or modify the August 7th, 2014, termination of employee
38 1189 employment with Lander County, and other matters properly
39 related thereto. Action will be taken in open public session.

40 COMMISSIONER BULLOCK: Okay. Before we get started here, I

1 need to abstain from the decision on this due to a relationship
2 to an individual involved.

3 COMMISSIONER WAITS: Mr. Chairman, could I get a
4 clarification on what they mean that we have -- one of our
5 considerations is a possible modification?

6 CHAIRMAN GARNER: Joy, do you -- did you have a
7 modification schedule?

8 KEITH WESTENGARD: We could modify it in the sense of
9 turning over the termination and reinstating her employment with
10 certain back pay, with no back pay, with all the back pay. You
11 could reinstate it with provisions. You could just --

12 COMMISSIONER WAITS: Conditional.

13 KEITH WESTENGARD: Conditional. You could uphold it. So
14 if you wanted to put certain conditions to overturn it, you
15 could put certain conditions on it.

16 Do you agree?

17 SCOTT FULLER: Yeah, you can modify it --

18 KEITH WESTENGARD: Okay.

19 SCOTT FULLER: -- that way and then --

20 KEITH WESTENGARD: It could be -- it could be modified. It
21 could be completely upheld. It's the discretion of what you
22 want to do.

23 COMMISSIONER WAITS: Thank you.

24 SCOTT FULLER: For clarification, we will still have
25 another option through the contract after that. So, I mean --
26 it --

27 CHAIRMAN GARNER: Speak -- we're in open session now. Can
28 you please speak your name.

29 SCOTT FULLER: Oh. I apologize. Scott Fuller from
30 Operating Engineers.

31 Any decision you give, whether it's to uphold or to modify,
32 since this is a termination, they are eligible to take this
33 through to the next level which is arbitration.

34 COMMISSIONER WAITS: Thank you.

35 COMMISSIONER STIENMETZ: Well, if nobody's going to do it,
36 I'll make a motion we uphold the -- the August 7th, 2014,
37 termination of employee #1189, employment with the Lander
38 County.

39 COMMISSIONER MASON: I'm going to second that motion.

40 CHAIRMAN GARNER: That motion was to uphold?

1 COMMISSIONER STIENMETZ: Was -- yeah, to uphold the -- the
2 termination.

3 COMMISSIONER WAITS: The termination.

4 COMMISSIONER STIENMETZ: Deny the appeal.

5 CHAIRMAN GARNER: Any other public comment?

6 (No comment.)

7 CHAIRMAN GARNER: All those in favor?

8 COMMISSIONER MASON: Aye.

9 COMMISSIONER STIENMETZ: Aye.

10 CHAIRMAN GARNER: Aye.

11 COMMISSIONER STIENMETZ: You have to ask her if she wants
12 to abstain.

13 CHAIRMAN GARNER: All opposed?

14 COMMISSIONER WAITS: Aye.

15 COMMISSIONER BULLOCK: And I abstain.

16 CHAIRMAN GARNER: Is that it?

17 COMMISSIONER STIENMETZ: Mm-hm. Patsy.

18 CHAIRMAN GARNER: Moving on. Seventeen.
19
20

21 **TREASURER**
22

23 17) Discussion for possible action regarding the results of the
24 bicycle auction held on November 11, 2014, at the 2nd Street
25 Annex County Yard, located at 825 North Second Street, Battle
26 Mountain, Nevada, and other matters properly related thereto.
27

28 CHAIRMAN GARNER: Seventeen, discussion for possible action
29 regarding the results of the bicycle auction held on November
30 11, 2014, at 2nd Street annex county yard, located at 825 North
31 Second Street, Battle Mountain, Nevada, and other matters
32 properly related thereto.

33 GRACE POWRIE: Good morning.

34 COMMISSIONER WAITS: Morning.

35 GRACE POWRIE: Good afternoon.

36 Item number 17, I was given an order by the court to sell
37 several bicycles that had been accumulated basically between
38 the -- basically lost and stolen through the sheriff's office.
39 And it's just a notification more than anything, it's to let the
40 sale of 73 bicycles and which ones sold and which ones didn't,

1 which ones were turned over to Christmas Alert and the postings of
2 the sale.

3 COMMISSIONER WAITS: Did you group these bicycles or did
4 every one of them go individually?

5 GRACE POWRIE: I -- I can't hear you very well.

6 COMMISSIONER WAITS: Did you group them? Or did every one
7 of them go individually?

8 GRACE POWRIE: I auctioned them individually. Every one of
9 them. And even twice.

10 The sheriff's department helped me do the auction on a
11 Saturday. Or no, it wasn't Saturday. It was November the 11th,
12 Veteran's Day. We did a Veteran's Day sale.

13 COMMISSIONER WAITS: Thank you.

14 GRACE POWRIE: It seemed like a Saturday.

15 I just wanted to give a report on that because I -- I
16 hadn't had that happen before, so that was pretty cool.

17 COMMISSIONER WAITS: Thank you.

18 COMMISSIONER MASON: Did you have any trouble with this
19 auction?

20 GRACE POWRIE: None.

21 COMMISSIONER MASON: Any complaints or --

22 GRACE POWRIE: Why would you have complaints?

23 COMMISSIONER MASON: I don't know. I just was asking the
24 question.

25 GRACE POWRIE: I had complements.

26 COMMISSIONER MASON: Okay. That's cool.

27 Good.

28 COMMISSIONER BULLOCK: I'll make a motion we approve the
29 results of the bicycle auction held on November 11th, 2014, to
30 the Second Street annex county yard, located at 825 North Second
31 Street, Battle Mountain, Nevada.

32 COMMISSIONER MASON: I'll second it.

33 CHAIRMAN GARNER: Any public comment?
34 (No comment.)

35 CHAIRMAN GARNER: All those in favor?

36 COMMISSIONER STIENMETZ: Aye.

37 CHAIRMAN GARNER: Aye.

38 COMMISSIONER MASON: Aye.

39 COMMISSIONER WAITS: Aye.

40 COMMISSIONER BULLOCK: Aye.

1 18) Discussion for possible action regarding approval/disapproval
2 of the delinquent tax sale, and other matters properly
3 related thereto.
4

5 CHAIRMAN GARNER: Eighteen, discussion for possible action
6 regarding approval/disapproval of the delinquent tax sale, and
7 other matters properly related thereto.

8 GRACE POWRIE: I remember 18 is, basically, prior to me
9 doing a tax sale of delinquent property, I need to bring it
10 before the commissioners and just have you recognize that these
11 properties are the ones that are over three years delinquent and
12 are set for sale.

13 So I just have to have a motion that you approve the list
14 and that you direct me that I have the right to sell them.

15 COMMISSIONER WAITS: Grace, it's my understanding now we
16 actually can turn these to collection agencies? Have we ever
17 done that?

18 GRACE POWRIE: You possibly could. But they're not going
19 to do any more than I do. Basically, we've waited three years.
20 We do our certified letters. And we put the money back toward
21 the -- the property itself.

22 So we recover a hundred percent. A collection agent will
23 never give you a hundred percent back. I -- I sell the land. I
24 get the money. It goes back to the taxes. And the -- the excess
25 basically gets put in a savings account for a couple -- actually,
26 it's only one year now. They changed the statute.

27 The prior owner has the right to make a claim or somebody
28 that may have an interest in that property. But then it reverts
29 to the General Fund.

30 COMMISSIONER WAITS: Thank you.

31 UNIDENTIFIED PARTICIPANT: You're welcome.

32 COMMISSIONER WAITS: For both.

33 UNIDENTIFIED PARTICIPANT: You're welcome.

34 For both.

35 COMMISSIONER WAITS: For both.

36 UNIDENTIFIED PARTICIPANT: If I know how to work it.

37 COMMISSIONER BULLOCK: I'll make a motion we approve the
38 delinquent tax sale.

39 COMMISSIONER STIENMETZ: I'll second the motion.

40 CHAIRMAN GARNER: Any public comment?

1 (No comment.)
2 CHAIRMAN GARNER: All those in favor?
3 COMMISSIONER WAITS: Aye.
4 COMMISSIONER MASON: Aye.
5 CHAIRMAN GARNER: Aye.
6 COMMISSIONER STIENMETZ: Aye.
7 COMMISSIONER BULLOCK: Aye.
8
9 CHAIRMAN GARNER: Twenty, discussion for possible action
10 regarding approval/disapproval of the revision of the Lander
11 County --
12 COMMISSIONER BULLOCK: Hm?
13 GRACE POWRIE: I need you to list to -- to approve the list
14 of delinquent properties for sale.
15 COMMISSIONER BULLOCK: We don't have the property -- all
16 we've got's the lot numbers.
17 GRACE POWRIE: No, this is the list.
18 COMMISSIONER BULLOCK: Okay, you want every one of them?
19 GRACE POWRIE: Just the --
20 COMMISSIONER BULLOCK: I want to amend my motion.
21 CHAIRMAN GARNER: He -- he -- he said the whole list.
22 COMMISSIONER BULLOCK: Yeah, I said the list.
23 GRACE POWRIE: And then I need you to make an order on
24 record directing the county treasurer permission to sell the
25 property listed for sale. You should have had this -- this in
26 your packet.
27 COMMISSIONER BULLOCK: Okay, but it -- that's not part of
28 the agenda. All we can do is approve the -- the sale, the
29 delinquent tax sale.
30 COMMISSIONER WAITS: Mm-hm.
31 COMMISSIONER BULLOCK: That's what's on the agenda.
32 COUNTY CLERK SULLIVAN: That's not what we have in our
33 packet, what you just slipped in.
34 GRACE POWRIE: Okay.
35 COUNTY CLERK SULLIVAN: There's not there that description.
36 GRACE POWRIE: Okay. I'll be back.
37 COMMISSIONER BULLOCK: So we can approve the tax sale, like
38 we just did. You'll have --
39 GRACE POWRIE: That's okay.
40 COMMISSIONER BULLOCK: -- to bring it back.

1 GRACE POWRIE: I will review the next agenda item --
2 COMMISSIONER BULLOCK: Okay.
3 GRACE POWRIE: -- on the next agenda and go get it put on
4 there properly. How does that sound?
5 COMMISSIONER BULLOCK: Okay. Thanks.
6 GRACE POWRIE: Thank you.
7 CHAIRMAN GARNER: Twenty.

8
9
10 **COMMISSIONERS**

11
12 **20) Discussion for possible action regarding approval/disapproval**
13 **of revision of the Lander County livestock event center**
14 **rules, and other matters properly related thereto.**
15

16 CHAIRMAN GARNER: Twenty, discussion for possible action
17 regarding approval/disapproval of the revision to the Lander
18 County livestock event center rules, and other matters properly
19 related thereto.

20 SHIRLEY SHEPHERD: My name is Shirley Shepherd, and I'm
21 representing the Battle Mountain livestock event center.

22 And we had a situation last summer and this summer down there
23 that needed to be resolved. And we talked to our commissioner
24 over our board, Brian, and Keith. And we all decided that we had
25 to have a meeting and revise one of our rules so that we could
26 address this problem.

27 So on our rules, what we're changing is on the -- on the page
28 3. It's the very last rule.

29 And previously we -- we did not actually stipulate what we
30 were letting them do down there as far as just a member of the
31 community going down and practicing or riding. And so do you want
32 me to read this or you've all read it and you just -- you're going
33 to --

34 CHAIRMAN GARNER: Yeah, I've read it.

35 SHIRLEY SHEPHERD: Okay. So we're just asking for approval
36 because we had to add that so we could enforce community riding
37 down there.

38 COMMISSIONER WAITS: So when you actually have these
39 events, do they sign a different contract or they just
40 acknowledge receiving these rules?

1 SHIRLEY SHEPHERD: Well, what happened down there is
2 somebody was actually bringing in roping stock and roping. And
3 they didn't come to our board. They didn't ask permission.
4 COMMISSIONER WAITS: No, I understand why you're changing
5 it, Shirley. I'm just asking -- I said, do they sign a contract
6 --
7 SHIRLEY SHEPHERD: Yes.
8 COMMISSIONER WAITS: -- or do you have them sign this form
9 so that they know that?
10 SHIRLEY SHEPHERD: If you're going to have an event down
11 there, we have a contract to sign.
12 COMMISSIONER WAITS: That will be reflecting this
13 information.
14 SHIRLEY SHEPHERD: Exactly.
15 COMMISSIONER WAITS: Okay.
16 SHIRLEY SHEPHERD: Yes.
17 COMMISSIONER WAITS: Thank you.
18 SHIRLEY SHEPHERD: They sign a contract and put down a
19 deposit for any kind of damages.
20 And -- and even though they weren't an event, they can't --
21 people can't just bring in bucking stock and roping stock and hold
22 their own private events at the rodeo grounds.
23 COMMISSIONER WAITS: I understand that. And I'm assuming
24 your contract would be pretty clear on that. I'm just wanting
25 to be sure that they're going to have a copy of these new rules.
26 That's all.
27 SHIRLEY SHEPHERD: Yeah, if you -- if you come to a meeting
28 and you schedule an event, then you have to sign a contract.
29 And you get a copy of the rules and regulations.
30 CHAIRMAN GARNER: This is more so, Patsy, for people that
31 just come --
32 SHIRLEY SHEPHERD: Yes.
33 CHAIRMAN GARNER: -- and abuse the privilege of rodeo
34 grounds and not informing anybody they're even there having --
35 this gives them something when they -- when sheriff's department
36 and events, they allow them to look over the rules. We do have
37 rules at our facility. And these are what stand. You can't
38 just come as you please. There is --
39 COMMISSIONER WAITS: So these are already -- these rules
40 are out there so when I do come in and I'm not signing a

1 contract, it's there for me.

2 CHAIRMAN GARNER: So then they can govern what happens at
3 the facility --

4 COMMISSIONER WAITS: I understand.

5 CHAIRMAN GARNER: -- for insurance reasons and things like
6 that.

7 COMMISSIONER WAITS: Well, I understand why it's needed. I
8 just wanted to see how they got them out for people to know.
9 That's all. Thank you.

10 COMMISSIONER BULLOCK: Okay. I guess my question is here
11 is you're saying that they can't bring any rough stock. Does
12 that mean anybody that has a horse can't go in there and ride
13 it?

14 SHIRLEY SHEPHERD: No. No. No. A bucking horse, yeah.

15 COMMISSIONER BULLOCK: No, but I mean --

16 SHIRLEY SHEPHERD: But -- but no.

17 COMMISSIONER BULLOCK: So --

18 SHIRLEY SHEPHERD: No. No.

19 COMMISSIONER BULLOCK: But I guess why are we being
20 discriminatory?

21 SHIRLEY SHEPHERD: You're limited to riding and exercising
22 your horses in the arena. You cannot bring in bucking stock or
23 roping stock.

24 COMMISSIONER BULLOCK: But we're being discriminatory.
25 It's okay to bring my horse in there and ride it around, but if
26 you want to bring a bucking horse, you can't come in there. So
27 --

28 SHIRLEY SHEPHERD: Because when you ride your horse around
29 the arena, you -- it's you and the dirt. When you are bringing
30 your bucking --

31 COMMISSIONER BULLOCK: Mm-hm.

32 SHIRLEY SHEPHERD: -- stock in and your roping stock in,
33 you are using our gates. You are using our roping chutes.

34 COMMISSIONER BULLOCK: Mm-hm.

35 SHIRLEY SHEPHERD: You are using our facility. And if you
36 break something without having something signed, we are going to
37 have to pay for it.

38 COMMISSIONER BULLOCK: Yeah. So I guess my point is: If
39 you're going to go exercise your horse, why aren't you asking
40 for permission also? Why isn't anybody that's using it asking

1 for permission?

2 SHIRLEY SHEPHERD: Because they're really not using
3 anything that we have to maintain, except the arena.

4 COMMISSIONER BULLOCK: So the horse they're exercising
5 throws a fit, busts a gate, they're not really damaging
6 anything?

7 SHIRLEY SHEPHERD: Well, I mean, when you go to exercise
8 your horse, you open the gate and go in the arena. You're --
9 the chances of you breaking that gate are not -- not --

10 COMMISSIONER BULLOCK: But a horse, but there still can be
11 some damage so --

12 SHIRLEY SHEPHERD: Well, of course there can. But it's few
13 and far between. And we -- and we are okay to maintain those
14 times. But when you take bucking stock and roping stock down
15 there, you are using --

16 COMMISSIONER BULLOCK: And I understand. I understand, but
17 --

18 SHIRLEY SHEPHERD: And the liability for the county to get
19 hurt just increases about a 100 percent if you're going to do
20 either of those two things.

21 COMMISSIONER BULLOCK: But if you exercise your horse and
22 the horse --

23 SHIRLEY SHEPHERD: Well, of course. I'm --

24 COMMISSIONER BULLOCK: -- gets slammed into a fence, --

25 SHIRLEY SHEPHERD: I'm perfectly --

26 COMMISSIONER BULLOCK: -- you're still a liability.

27 SHIRLEY SHEPHERD: I would be --

28 COMMISSIONER BULLOCK: That's my point.

29 SHIRLEY SHEPHERD: We've discussed closing the whole arena.
30 But that's -- that's a terrible thing to do.

31 COMMISSIONER BULLOCK: Which I don't. I think it ought to
32 be open for everybody.

33 SHIRLEY SHEPHERD: Exactly.

34 COMMISSIONER BULLOCK: You know, it's there to be used.
35 That's not my point.

36 SHIRLEY SHEPHERD: Exactly. Exactly.

37 COMMISSIONER MASON: I have a question: Do you post the
38 rules? Are they posted?

39 SHIRLEY SHEPHERD: They -- what we do is at the beginning
40 of the year, we put in the paper that if you are going to want

1 to schedule any event down at the rodeo grounds, --
2 COMMISSIONER MASON: These are the rules.
3 SHIRLEY SHEPHERD: -- then you have to come to a meeting.
4 We have a meeting every month.
5 And -- and I mean, this is a small enough town that people
6 know that if you're going to have something besides just going
7 down there and exercising your horse, it's just common courtesy
8 to notify people on the board -- that's what we're there for --
9 of what you're going to do. And he never did that at all.
10 COMMISSIONER MASON: This is just an opinion, but I think
11 you ought to --
12 SHIRLEY SHEPHERD: Post it.
13 COMMISSIONER MASON: -- have a hard -- yeah, post a sign,
14 and let everybody read the --
15 SHIRLEY SHEPHERD: Yeah.
16 COMMISSIONER MASON: -- rules everytime they go in and
17 out.
18 SHIRLEY SHEPHERD: We've -- we've discussed that. Yeah.
19 COMMISSIONER MASON: I mean, it might be a good thing.
20 SHIRLEY SHEPHERD: I mean, we have three pages of rules.
21 We can't do that. But -- but --
22 COMMISSIONER MASON: Oh, I was just thinking of these that
23 you gave us.
24 SHIRLEY SHEPHERD: -- we could -- we could do this last
25 one, yes. Simplify it and post it.
26 Is that what we should do?
27 CHAIRMAN GARNER: Is there any signage down there at all?
28 COMMISSIONER MASON: It's just an idea.
29 SHIRLEY SHEPHERD: The only thing that we have down there
30 --
31 CHAIRMAN GARNER: In case of emergencies.
32 SHIRLEY SHEPHERD: -- is a sign that says, no boarding.
33 Because we can't do that either.
34 And -- and what we do with that is if it's an emergency and
35 somebody's broke down, then you can keep your horse there or
36 whatever for a couple days till you fix your vehicle or
37 whatever. But as far as somebody saying, I'm going keep my
38 horse down here for an extended amount, we can't do it because
39 of liability to the animal and them. And we've just -- that
40 we've never allowed that. So that is posted. We could post

1 this.

2 CHAIRMAN GARNER: Get with Keith.

3 COMMISSIONER WAITS: I'll make a motion that we approve the
4 revision of the Lander County livestock event center rules.

5 COMMISSIONER STIENMETZ: I'll second the motion.

6 CHAIRMAN GARNER: Any public comment?

7 (No comment.)

8 CHAIRMAN GARNER: All those in favor?

9 COMMISSIONER MASON: Aye.

10 CHAIRMAN GARNER: Aye.

11 COMMISSIONER WAITS: Aye.

12 COMMISSIONER STIENMETZ: Aye.

13 COMMISSIONER BULLOCK: Aye.

14 SHIRLEY SHEPHERD: Thank you.

15 COMMISSIONER WAITS: Thank you.

16 COMMISSIONER STIENMETZ: Thank you.

17

18 21) Discussion for possible action regarding approval/
19 disapproval of an ordinance adding Article V and Chapter
20 17.84 to the Lander County Code to add a chapter for the
21 Lander County Master Plan that includes section on
22 transmission corridors, and other matters properly related
23 thereto.

24

25 CHAIRMAN GARNER: Twenty-one, discussion for possible
26 action approval of the ordinance adding Article V in Chapter
27 17.8 to the Lander County Code to add a chapter for the Lander
28 County master plan that includes a section of transmission
29 corridors, and other matters properly related thereto.

30 What is this about?

31 UNIDENTIFIED PARTICIPANT: This has to do with

32 (indiscernible), Keith?

33 KEITH WESTENGARD: Yes.

34 COMMISSIONER WAITS: This is required under the NRS. Yeah.

35

36

37

38

39

40

1 22) Discussion for possible action regarding approval/disapproval
2 of an ordinance adding Section 17.82 to the Lander County
3 Code to add a section for transmission projects outside of
4 master plan designed transmission corridors, and other
5 matters properly related thereto.
6

7
8 CHAIRMAN GARNER: Number 22. Defer?
9

10
11 23) Discussion for possible action regarding status of the Lander
12 County Courthouse/Administration Building project, and other
13 matters properly related thereto.
14

15 CHAIRMAN GARNER: Discussion for possible action regarding
16 status of the Lander County Courthouse/Administration Building
17 project, and other matters properly related thereto.
18

19 COMMISSIONER WAITS: What happened to the ordinance? What
20 do we have to do?

21 COMMISSIONER STIENMETZ: Deferred.

22 CHAIRMAN GARNER: Deferred. For executive.

23 KEITH WESTENGARD: Number 22.

24 COMMISSIONER STIENMETZ: Yeah.

25 COMMISSIONER WAITS: Okay.
26

27 JUDGE MAX BUNCH: Good afternoon.

28 CHAIRMAN GARNER: Good afternoon.

29 COMMISSIONER WAITS: Hello.

30 CHAIRMAN GARNER: Max Bunch for the record.

31 JUDGE MAX BUNCH: Max Bunch for the record.

32 Quickly, hopefully, the solar went live on November 24th,
33 which means that we are now producing credits. We've got that all
34 taken care of.

35 All the block was also topped out on November 24th.

36 The first floor slab was completed with the exception of
37 the main entry and that was 25th, 26th of November.

38 Structural steel, we started yesterday.

39 And I don't know if you noticed the crane there.

40 There was a safety visit on -- on 11/24. They must have

1 been a little busy on the 24th, got a whole bunch of stuff done
2 on that day. The score was better than last time, but I don't
3 have the number for that because they haven't sent it back.
4 They just said it was better than last time. And as you
5 remember, last time it was a 99.5. So we -- we're expecting it
6 to be better.

7 The lid or the vault roof was poured yesterday. So there's a
8 vault there for the recorder's office. And there's the lid on the
9 roof was poured.

10 The -- for site visits, just for any future incoming
11 commissioner or any group that wants to come in and visit, we need
12 to make sure that you report to the CORE trailer previous, and
13 especially right now because we've got a crane in there, and it's
14 very, very dangerous within the building area with the crane
15 going. So we're hoping that we don't have any visits at all.
16 It's a lot of danger to the (indiscernible). So we want
17 everything to go smooth on this.

18 And then just one last issue is the flag and kind of wanting
19 to get some direction, making sure I have the correct direction
20 that the commission wanted. And that was to put the seal on the
21 flag. And do we have any preference of color of the flag with the
22 seal?

23 I think we were looking at maybe -- I was supposed to look
24 for a couple of options, and I may have forgot to do that.

25 CHAIRMAN GARNER: I think the blue and silver looks nice.
26 Just with the --

27 JUDGE MAX BUNCH: Well, it entails -- it entails the seal
28 onto the flag.

29 COMMISSIONER BULLOCK: Mm-hm.

30 CHAIRMAN GARNER: Keep the seal as it is.

31 JUDGE MAX BUNCH: I know. But I just want to know what the
32 background of the flag color.

33 COMMISSIONER BULLOCK: My preference would be go to another
34 color because you've got the state flag's blue. Distinguish it
35 a little bit with a red or something just to distinguish it with
36 a different color. You can go green. I mean, that's the -- I
37 -- that's just my opinion so --

38 JUDGE MAX BUNCH: So -- and I think as I'm sitting here, I
39 think I remember I was supposed to get some -- I was supposed to
40 get some, like, plans and put it on some background and then

1 bring it to you. And I will -- I will really attempt to get
2 that done here in the next two weeks so that we can get that
3 done.

4 So -- but -- but that was the indication that you wanted.
5 You wanted the seal to go onto the flag; right?

6 COMMISSIONER BULLOCK: Correct.

7 JUDGE MAX BUNCH: Okay.

8 COMMISSIONER STIENMETZ: Mm-hm.

9 JUDGE MAX BUNCH: All right. And that's everything. Any
10 questions?

11 CHAIRMAN GARNER: Nope.

12 COMMISSIONER STIENMETZ: Nope. Thank you.

13 JUDGE MAX BUNCH: Okay.

14 COMMISSIONER MASON: Thank you.

15 COMMISSIONER BULLOCK: Thanks.

16

17 **24) Correspondence/reports/potential upcoming agenda items.**

18

19 CHAIRMAN GARNER: Correspondence, reports, potential
20 upcoming agenda items.

21

22 (The following correspondence was received:

23 1) Communication Use Inventory Certification Newsletter
24 from United States Department of the Interior, Bureau of Land
25 Management, Communication Use Billing Team, Idaho State Office
26 to Lander County Commission, dated August 25, 2014 and received
27 November 14, 2014, regarding requirement from lease/grant
28 holders to submit certified statement to the BLM for
29 authorization of communication-use facilities located on public
30 lands due no later than October 15 each year.

31 2) NDOT meeting agenda from November 10, 2014 to Lander
32 County Commission.

33 3) Copy of letter from the Office of the Churchill County
34 Commissioners to Governor Brian Sandoval, dated September 19,
35 2014, and received by Lander County Commissioners on November 7,
36 2014, regarding actions of the Winnemucca and Carson City
37 district offices of the BLM in relation to management of
38 grazing.

39 4) Schroeder Law Offices, P.C., to Donald Negro, Keith
40 Westengard, et al., letter dated November 10, 2014, regarding

1 request of Dan and Eddyann Filippini for Lander County to apply
2 for a FLPMA grant for the Old 8A Road where it crosses
3 Filippinis' delivery ditch.

4 5) Proposed temporary regulation and amendment of Chapter
5 408 (Recommended Number 408.567) of Nevada Administrative Code,
6 regarding requirements for the relinquishment of roads and road
7 trades between Nevada Department of Transportation and Local
8 Governments, received November 10, 2014.

9 6) State of Nevada, Department of Transportation, Notice of
10 Workshop to Solicit Comments on Proposed Temporary Regulation,
11 received November 10, 2014, regarding locations and times for
12 receipt of comments related to adoption of temporary regulations
13 pertaining to Chapter 408 of the Nevada Administrative Code.

14 7) Draft of State of Nevada Department of Transportation,
15 Guide to Roadway Relinquishments, received November 10, 2014,
16 manual regarding process for transfer of roads and road
17 relinquishments from NDOT.

18 8) Letter from the United States Department of the
19 Interior, Bureau of Land Management, Mount Lewis Field Office,
20 Jon Sherve to Interested Public, dated November 4, 2014,
21 regarding proposed decision of Mule Canyon Spring Mitigation
22 project, pertaining to three spring rehabilitation projects
23 proposed by Newmont Mining Corporation.

24 9) Letter from the United States Department of the
25 Interior, Bureau of Land Management, Mount Lewis Field Office to
26 Permittees, dated November 7, 2014, regarding summary of October
27 21-23, 2014 Argenta Allotment monitoring results and recommended
28 actions to protect natural resources during drought.

29 10) Letter from Idonna Trevino, Lander County Recorder to
30 Department of Motor Vehicles, Heidi Azevedo, dated November 13,
31 2014, regarding Intrastate Interlocal Contract and last day of
32 DMV services out of the Battle Mountain and Austin, Nevada DMV
33 offices.

34 11) Letter from the United States Department of the
35 Interior, Bureau of Land Management, Winnemucca District Office,
36 James W. Schroeder to Interested Parties, dated November 14,
37 2014, regarding issuance of a Determination of NEPA Adequacy and
38 Full Force and Effect Decision Record to treat 3,000 acres
39 annually in the Santa Rosa Medusahead with a BLM-approved
40 herbicide related to the Invasive Annual Control Fuels Project.

1 12) Department of Conservation and Natural Resources,
2 Division of Water Resources, Shannon McDaniel to Lander County
3 Commissioners, dated November 12, 2014, regarding extension of
4 Water Permit 70418 to September 30, 2015.

5 13) State of Nevada, Department of Conservation and Natural
6 Resources, Division of Environmental Protection, Bureau of
7 Mining Regulation and Reclamation, Water Pollution Control
8 Permit, received November 17, 2014, regarding M-I SWACO LLC,
9 Permit Number NEV2014115, authorization for M-I SWACO LLC to
10 construct, operate and close the Mountain Springs Mine effective
11 November 27, 2014 through November 26, 2019, including
12 processing of 850,000 tons of barite ore per year.

13 14) Barrick, Cortez, to Commissioners, letter dated
14 November 17, 2014, notice of application for renewal of permit
15 NEV2007106 for Cortez Hills Project Water Pollution Control.)
16

17 COMMISSIONER BULLOCK: I don't have them again.

18 COMMISSIONER WAITS: There has been a lot of discussion in
19 NACO and around the counties regarding the request for the
20 congressional field hearing that Mark Amodei might be putting
21 together. And so I know that's been on county agendas. Some of
22 them have just approved the letter. Some of them have done a
23 resolution.

24 I would like to see that on our agenda so we can at least
25 take a look at it and see if we'd like to request it.

26 CHAIRMAN GARNER: To request what?

27 COMMISSIONER WAITS: Congressional field hearing from
28 Senator Amodei. I'm sorry.

29 COMMISSIONER BULLOCK: Representative.

30 COMMISSIONER WAITS: Congressman. Excuse me. He just got
31 upgraded.

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34 PUBLIC COMMENT

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36 CHAIRMAN GARNER: Public comment for non-agendized items
37 only.

38 (No comment.)
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ADJOURNMENT

COMMISSIONER BULLOCK: Motion to adjourn.

COMMISSIONER STIENMETZ: Second.

CHAIRMAN GARNER: Public comment?

(No comment.)

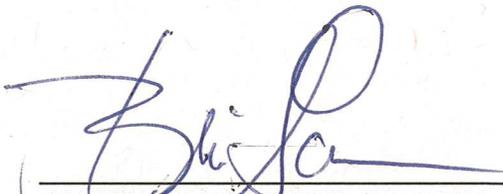
CHAIRMAN GARNER: All those in favor?

COMMISSIONER WAITS: Aye.

COMMISSIONER STIENMETZ: Aye.

COMMISSIONER MASON: Aye.

COMMISSIONER BULLOCK: Aye.



**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.