

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF LINCOLN,
STATE OF NEVADA

August 18, 2008

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The Board met in regular session with Chairwoman Ronda Hornbeck calling the meeting to order at 9:12. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Paul Mathews, Ronda Hornbeck, Wade Poulsen and Bill Lloyd being present. There is a quorum present. The agenda was posted on 8-12-08 to comply with the open meeting law. The Invocation is offered by Wade and Ronda led the Pledge of Allegiance. County Manager John Lovelady is present as well.

CONSENT AGENDA

- 2* Approve/Deny minutes of the August 4, 2008 Regular Commission meeting.
- 3* Approve/Deny replacement of copy machine used on the 3rd floor, damaged during courthouse repairs. Southern Utah Office Supply has provided a bid of \$3,500.00 for a reconditioned copier. Funds from the Lincoln County Water Emergency Disaster Fund will be used until reimbursement from the insurance is received.
- 4* Approve/Deny contract with Armstrong Consultants for the additional environmental work to be done on the Alamo Landing Field.
- 5* Approve/Deny acceptance of grant award from Division of State Lands for the Question One grant in the sum of \$95,000.00
- 6.* Approve/Deny Funding agreement between Lincoln County and the State Historical Preservation Office for the 2008 Cultural Affairs grant for the Thompson Opera House in the amount of \$120,000.00.
- 7* Approve/Deny Tax Strike for Carl Marshall, veterans exemption applied to parcel, APN: 13-042-17. 2260 Assessed.
- 8* Approve/Deny Tax Strike for Roberta Hess basement is not finished livable area/storage. APN: 4-161-15. Assessed Value 15,371.
- 9* Approve/Deny Tax Strike for Jerry Johnson, Sr., agriculture application approved, signed, & recorded before June 1st. APN: 11-200-32, assessed 10,876 - APN 11-200-33 assessed 12,255 for a total of 23,131 Assessed.

Tommy made a motion to approve the consent agenda; seconded by Wade. All voted in favor.

#10-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. **Wade made a motion to approve the vouchers as presented including the Road Department bills; seconded by Bill. All voted in favor.**

#19-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a cash balance of \$462,055.56 with estimated expenditures being \$129,431.22. This will leave General County with a balance of \$332,624.34. Transportation has a negative cash balance of \$818.01 with estimated expenditures being \$2,091.58. This will leave Transportation with a negative balance of \$2,909.59. Senior Nutrition has a cash balance of \$16,167.19 with estimated expenditures being \$8,674.99. This will leave Senior Nutrition with a balance of \$7,492.20. Detention Center has a negative cash balance of \$41,539.55 with estimated expenditures being \$68,375.07. This will leave Detention Center with a negative balance of \$109,914.62, but with the July billing of \$177,170.00 the total cash balance will be \$67,255.38.

#24-COUNTY MANAGER ITEMS

b) Final Clerical and Road Department bargaining agreements—**Tommy made a motion to approve the final labor agreements for Teamsters Clerical and Road; seconded by Paul. All voted in favor.** Leslie advised that she isn't certain when the date was officially approved. In the last meeting, the employees had to work in order to get paid for the days. There are some employees that worked in the old contract but a day was worth 7 hours. Now since it's changed, Leslie questioned if she is deducting 8 hours or 7 hours of annual leave due to the tentative agreement. Greg said that as of July 1 the deduction would be 8 hours; this is the amount that Leslie is to deduct for annual. Wade advised that there is an issue. The negotiations went beyond July 1st. The bargaining unit never ratified until nearly the end of July; this is when they agreed to the county's proposal. The Board then approved the tentative, and there were some employees working 8 hours and some working 7 hours. Greg said that the agreement is retroactive to July 1st. This is where Leslie's problem comes in. Some employees worked only 7 hours and others worked 8, but they took annual leave. Greg said that regardless of how many hours they worked, the 8 hours dates back to July 1st. Anyone that took annual leave after July 1st will be paid for 8 hours and an extra hour will be deducted for any annual leave (up to 8 hours). Leslie received a letter

from Greg concerning his secretary. Leslie has spoken with John about this numerous times and has been advised that Janet, Greg's secretary, isn't a paralegal. John said that something in writing is needed to show that Janet Alexander fits the description of a paralegal, which will exempt her from the contract. Greg said that in spite of the fact that there are a number of institutions that offer training for a paralegal, there isn't a standardized certificate. Greg said that this will be a factual classification and there won't be a certificate. Leslie needs something in writing to back her up so that she can pay Janet accordingly. Greg will provide a written classification and job description for Leslie so that Janet can be classified as a paralegal. Wade believes that if a job description is provided to Gary Mauger it will take care of the issue.

#11-ORDINANCE #2008-08

Ronda read the suggested ordinance title page. This item is the introduction of an ordinance amending Chapter 1 of Title 4 of the LC Code by adding two chapters relating to business and license regulation and amending the other seven chapters previously existing. **Wade made a motion to propose the ordinance and set it for public hearing on 9-15 at 10:00 a.m.; seconded by Bill. All voted in favor.**

#12-ORDINANCE #2008-04

This is the time and place set for public hearing on an ordinance amending Chapter 1 of Title 14 of the Lincoln County Code authorizing Lincoln County to regulate, control and license all persons engaged in, associated with, or in control of the business of liquor sales within Lincoln County and to assess license fees for the privilege of operating such business within Lincoln County as authorized under NRS 244. Doug Carriger, Coyote Springs, and Ellen Whittemore, of Lionel, Sawyer & Collins, are present for this item. Doug reviewed CS's proposed redline version of the ordinance. Greg will provide a highlighted copy to the Board of all suggested changes at the next hearing. Ronda called for comment from the floor. Ed Wright reviewed the all inclusive ordinances for liquor that are already in place and questioned why the Board is creating an all inclusive ordinance; why not make three, one for each development and one for the rest of the county. Ed said that if this goes forward, there will be several businesses uptown that will go away. Ed said that he doesn't want to have to sift through what is going on down in CS so that he knows what to do in his business. **Wade made a motion to continue the public hearing to 10-20 at 10:00; seconded by Paul. All voted in favor.**

#14-ORDINANCE #2008-05

This is the time and place set for a public hearing on an ordinance creating Ch. 8 of Title 4 of the Lincoln County Code authorizing LC to license casinos and gaming establishments operating within LC and to assess license fees for the privilege of operating such businesses within LC as authorized under NRS 244 and allowed under NRS 463. Doug Carriger of Wingfield Group and Ellen Whittemore of Lionel, Sawyer & Collins are present. Doug reviewed WG's proposed redline version of the ordinance. Kerry said that there might be an issue with having people fingerprinted by other agencies as the prints would actually be ID'd by that agency, not LC. Ronda called for public comment. Ed Wright provided the same comments on this ordinance as #2008-04. **Wade made a motion to continue the public hearing to 10-20 at 11:00; seconded by Paul. All voted in favor.**

#15-ORDINANCE #2008-06

This is the time and place set for public hearing on an ordinance creating Ch. 9 of Title 4 of the LC Code authorizing LC to establish a liquor and gaming licensing board policy and procedures authorized under NRS 463. Doug Carriger of Wingfield Group and Ellen Whittemore of Lionel, Sawyer & Collins are present. Doug reviewed WG's proposed redline version. This is the enforcement chapter. Ronda called for public comment. There is none. **Wade made a motion to continue the public hearing to 10-20 at 11:30; seconded by Paul. All voted in favor.**

#16-NEVADA DEPARTMENT OF FORESTRY

Pete Anderson, State Forester of NV Division of Forestry, presented this item. Budget revenues after the close of the last legislative session hit a severe downhill slide. The state is about \$1.3 billion short. NDF budgets have been decreased by about 4%, deferred maintenance being decreased. NDF is looking at a 14% cut as dictated by the Governor. NDF has a flat budget from their base year, which is similar to the Guinn administration. There are a series of decision units that will reduce the NDF budget by 14.1%. Depending on what the economy does in the near future will determine how cuts are to be made throughout the various divisions in the state. Pioche Conservation Camp is solvent through 2009 and no changes are being looked at until 2010. Based on the economy, it could affect Pioche Conservation Camp in 2010. Pete was looking at many other alternatives as opposed to closing any camps. Pete said that there are no "camp closures" in his vocabulary. Pete said that NSP in Carson City will most likely be closed down and two camps will have to be closed. As of this time, their books will be going in with one major closure and two camp closures. Pete said that the closures will not happen without a fight. The DOC budget reflects the next biennial closures. Aaron Boyce advised that there are 11 employees on the NDF side that work with the approximately 30 Pioche Conservation Camp employees that will be affected by this closure. Ronda has spoken with Senator Rhodes, Ensign and Reid's offices as this will be devastating for

this community. Ronda said that the Board will do everything that they can to avoid this; Pete said that he supports this completely. NACO has prepared a letter for the prison board about the situation. There are many people who are beginning to realize that the 14% cuts will have devastating consequences. Pete said that a budget will be presented to the Legislature and he hopes that the right information and impacts will be provided to Legislature. Pete will stay in touch with the Board members to work hard on this. Tommy asked what will happen to the buildings at the Conservation Camp here in Pioche since they are on a 99 year lease and the county owns the property. Pete wasn't sure but cited Silver Springs closure as an example of what could happen. Right now, Silver Springs is in "mothballs". Pete feels that the way that the economy is right now will result in an increase in inmates. There will be a decrease in air attack for fires. Helitac is funded through a different account and the budget office will not let NDF touch those funds. Ronda questioned why Pioche is being considered for closure. Pete wasn't certain exactly, but he's been told that remoteness, transportation and difficulty in hiring are things that were considered. Ronda said that the Board is in support of keeping Pioche Conservation Camp open. This issue needs to be put back on the agenda to discuss *all* of the impacts that this will have and Ronda asked that all these impacts be submitted for discussion. Ed Wright said that there are several committees in this county and an interim committee needs to be appointed to look at this that includes representation from the businesses and the employees at the PCC. Some of the impacts will include loss of business, homes being lost and children taken out of schools. Pete said that this camp has a revenue stream and actually brings in a great deal of money; Pete will provide this information to Wade so that he can contact Scholnick. Pete will put a package together and provide it to the Board members; Wade will start making calls as soon as he receives the information. Pete Peterson said that PCC/NDF have done so much for the school district that saves hundreds of thousands of dollars. Nykki Holton said that for every dollar spent for work done by the Honor Camp \$100 dollars is saved. There are about 30-35 kids that will be impacted by the closure which could equal a loss of \$355,000 from the school budget. The snowball affect will impact teachers/kids/families. The affects will destroy the county. Nykki doesn't believe that LC can tolerate the devastation that this will have on the county. Mike Hurst, Plant Manager for Haycock, said that they supply propane/fuel to almost every state/federal/county entity in LC and this closure will devastate Haycock as well. Haycock will probably have to close, which means that the remaining homeowners/business owners will have to rely on outside providers. The overall impact will touch everyone who needs fuel/propane and everything that petroleum touches. The devastation will go beyond the immediate families of the HC/NDF employees. Many of the food stores for the HC are purchased from county businesses. Vern Shumway said that there are many assemblymen/state senators that aren't aware of what the camp/NDF does. Vern advised that the Board needs to be very vigilant in advising state representatives what the camp/NDF actually does. They don't want to know that it will ruin the county; they want to know how they can save money. Frankie suggested that all conversations be money oriented and solutions need to be offered as opposed to just complaints. It is \$22 per day to house an inmate. There is enough work being done that some of the money goes back into the state. Money will be lost for the state and it will cost the state more to house inmates because the rates will be higher if they have to be housed elsewhere. Frankie suggested that it might be possible for other departments to make cuts to meet the shortfalls of certain departments (if NDF can only cut 7% then perhaps another entity can pick up the additional 7%). Ginger Shumway has sent the bullet point information to all of the senators. Some of them said that they are aware of the fire suppression that is being done. **Formation of a committee to address these issues will be on the next agenda.** Ronda advised that the Board will do everything that they can to avoid the HC closure.

Lunch 12:15-1:00

#10-VOUCHERS

When Cory Lytle was hired the salary was at \$55,000. Since Cory will need training/travel, which will cost about \$2,000, Cory has agreed to have a salary of \$53,000. Within one year and after he has received his certification, his salary will go back up to \$55,000. Ronda referred to the employment agreement between LC/Cory. **Tommy made a motion to approve Cory's salary at \$53,000 for the first year of employment; seconded by Paul. Wade abstains. Motion carries.**

#17-LC NUCLEAR OVERSIGHT PROGRAM

Connie Simkins presented this item. November 9-13 there will be a nuclear technology expo in Reno. Connie recommended that Mike Baughman attend this meeting. GNEP program continues to be active in the US Senate. The DOE is preparing an EIS to decide if they want to recycle the waste or store it in a repository; this EIS doesn't address where the recycling place or the repository would be. Goshute Indians have filed a lawsuit against SNWA for the pipeline project. Ely BLM weed management sent a letter regarding the use of herbicides on noxious weeds; if there are weeds that take hold from the Yucca Mountain rail line BLM will not do anything to eradicate it. Nuclear Regulatory Commission has advised that there will be 60 days to respond to contentions. Neuman and Baughman decided that LC should oppose the DOE motion regarding contentions. Connie will attend a two hour class on the Surface Transportation Board in Las Vegas tomorrow. Connie will meet with Heizers at their place as well as Gracian Uhalde. Marge Detraz presented comments

concerning Yucca Mountain. Marge referred to and read an article from the Las Vegas Sun called "Where I Stand" by Brian Greenspun. Marge said that all of the Board members are native Nevadans and they fight to get Yucca Mountain.

#18-CANVASS PRIMARY ELECTION 2008

Clerk Lisa Lloyd reported that the voter turnout was very low at 22%. Lisa believes it is due to the fact that all of the county races were uncontested. For the most part things went very smoothly. Alamo had one machine that got damaged during delivery and the LCD screen will have to be replaced; Sequoia has already ordered the parts and made arrangements to make the repairs. A memory pack went bad, which resulted in the tally taking longer on election night. Since the pack was bad one precinct had to be entered and tallied manually. **Wade made a motion to approve/certify the 2008 Lincoln County Primary Election results; seconded by Bill. All voted in favor.**

#19-OFFICER/DEPARTMENT REPORTS

COUNTY MANAGER John Lovelady reported on behalf of Steve Chouquer. Previously the Road Department had asked that they be allowed to fill a position for the secretary at only half time; now it appears that they need full time. Greg advised that since this was advertised as part time in order to go full time it will have to go back for re-advertisement. John will contact Steve concerning this issue. **DISTRICT ATTORNEY** Greg Barlow advised that he will meet with Norcal representatives on Wednesday in Mr. Grossbeck's office in Las Vegas. The Board would like to renegotiate and reset contracts with Norcal. Greg will be out of the office Thursday. Greg will meet with Wingfield Group concerning Items #12, 14. The Board agreed that they would like Greg to address CSI and the land act separately and do an overall ordinance for the county. Greg said that putting a specific zoning decision into the ordinance will become a matter of right as opposed to a matter of discretion. **COMMISSIONER BILL LLOYD** attended the Pioche Town Board meeting and toured Meadow Valley Wash. Bill attended the Water District meeting. **COMMISSIONER WADE POULSEN** met with SNWA concerning the pipeline. Negotiations with the Sheriff didn't take place last Friday as planned. Wade will meet with the dispatchers next month. Wade met with Mike and Jerry from NV State Economic Development. **COMMISSIONER TOMMY ROWE** attended a BLM comment meeting on the wilderness areas of Fortification, White Rock and Parsnip. Tommy attended the tour of the Meadow Valley Wash area between Carp and Rocks. Tommy attended the Water District meeting as well as the Southern NV Workforce Investment Board. **COMMISSIONER PAUL MATHEWS** met with Dan McArthur and the Pioche Town Board. Paul attended the LC/Mesquite Task Force meeting. Paul invited the Board members to Ron Miller's memorial service on Saturday at the Panaca Senior Center. The Pioche Town Board agreed to the 11% increase for the PPU General Manager after they met with Dan. **COMMISSIONER RONDA HORNBECK** reported that she attended a communications meeting. Ronda met with Dan McArthur and Pioche Town Board. Ronda attended a water planning meeting as well as a meeting with the developers for the Toquop area. The next water planning meeting is 8-28 at 2:00. 8-26 at 9:00 a.m. there is a Tailings Reclamation Hearing for Pioche Tailings at the Lincoln County Courthouse.

#21-GRANTS

Phyllis Robistow presented this item. a) Update—Phyllis attended City Council meeting in Caliente. There is a public scoping meeting for the Pioche Park this Saturday at noon. Denice and Phyllis will attend a NV Human Service Administrators meeting in Las Vegas next Tuesday. Phyllis will attend SNPLMA quarterly report training. Phyllis asked Congress for \$150,000 to fix the Million Dollar Courthouse and it's nearly time to apply to SHPO for the matching funds. In spring, it'll be known if the monies have been granted. The Thompson Opera House bid will be in the newspaper this week. Bonds have been sold earlier than planned and the funding agreement is available. They will go to bid for both projects at the same time. Bids will be opened on the 15th. b) Change Order for the Alamo Rodeo Grounds in the sum of \$312,727.11—**Wade made a motion to approve; seconded by Paul. All voted in favor.** c) Change Order for the Alamo Children's Park in the negative sum of \$1,150.00—**Wade made a motion to approve; seconded by Tommy. All voted in favor.** d) Letter to the Community Development Block Grant (CDBG) program regarding jobs at the Alamo Industrial Park—If this letter is signed the Board is guaranteeing that they will begin to hire people within three years for the AIP. Until the money is given to the county there is no guarantee that jobs can be provided. These jobs have to be ongoing jobs. CDBG is looking at it as a working industrial park. The county can't guarantee this. HUD is putting the county's feet to the fire based on several different IPs/county accepting a great deal of money without jobs coming to fruition. Tommy said that a letter like this can't be signed with the nation's economy being in a tailspin. It isn't possible to guarantee that 58% low-moderate income people will be hired. There is no way that the county can guarantee that this will be up and running under this scenario. Phyllis believes that the county has the ability to explain that we are waiting on the power and that CDBG could look at this more like an preliminary engineering project. The Board agreed that they aren't willing to approve this letter guaranteeing the three years. Phyllis will work on a different letter and put it on the next agenda.

#22-PLANNING ITEMS

Planning Director, Clint Wertz, presented this item. a) Lincoln County Planning Department work plan and progress report—Clint advised that the Rachel prison has caused an uproar; he recommended approval with a host of conditions. The Planning Commission voted to continue it to next month. There was a great deal of opposition. A meeting will be held in Rachel with a few of the Planning Commissioner, representatives from the Sheriff's Office and some Planning staff. Clint has decided that the PC can make the final decision on this, based on county code. If approved by the PC with the conditions, it sets high end parameters. There are still a great many steps that have to be taken. Approving the project will allow Mr. Toreson to market the project. One condition is that a development agreement will be required for the prison facility. Clint has asked that all those individuals that are opposed to the prison provide a factual foundation for their objections. The closest existing dwelling is about 2 miles from the site. Jim owns all of the land within about 1.75 miles. This is the same property that was offered up for solar energy. PC did a review of the zoning maps. Ratification for the zoning maps will come before the Board at the next meeting. Brimont has filed and recorded their deeds. Right now they are the only private third party affected by these changes. Phase I of aerial photography is up and running on the computer. All parcel information will be linked on the county website. The web students will be putting this data on the nuclear oversight website. The imagery is a way for the county to get baseline data where there might be impacts in the future from various projects. Clint is working on updates to Title 13. Clint had discussions with staff from City of Mesquite concerning the addressing system. Clint is being encouraged to adopt their grid. Clint is inclined to agree. There are some crossovers for names, but Clint is trying to avoid duplication of thoroughfares. b) Contract for the professional services of Zucker Systems to provide a needs assessment for staffing, revenue analysis and other county needs as related to the processing/permitting of large development projects in Lincoln County, not to exceed \$13,000.00—This item is off. c) Lincoln County Planning Department fee schedule review—This item is off. d) Purchase of a binding machine for \$1,119.00 as approved in the budget—This binder will be available for anyone to use. **Tommy made a motion to approve; seconded by Paul. All voted in favor.** e) Abandonment of the 21' multiple use easement on APN 001-035-11, the easement on APN 001-025-10 to be reverted to a limited use easement for the property adjacent (APN 001-025-04) and utilities, and expansion to right-of-way on Bartolo Road—This item cannot be addressed since all three parcel numbers are incorrect on the agenda.

#23-BUILDING & SAFETY

Building Director, Cory Lytle, presented this item. a) Update—Cory advised that they are getting a licensed contractor to come and examine the courthouse roof. As of yet, none of the local contractors are interested in repairing county facilities. An ad was placed for inquiries for a building inspector in the Alamo area. b) Easement agreement between Nebaco, Inc. and Lincoln County for the placement of a propane tank—**Paul made a motion to approve; seconded by Wade. All voted in favor.** c) Contract for Major Mastin to repair and recoat the Lincoln County Courthouse roof per estimate date 8-11-08 with a total of \$5,400.00—No action is taken. d) Contract to purchase and install 2 doors for the kwansit hut housing the Rachel fire engine in the amount of \$4,264.58—No action is taken.

#24-COUNTY MANAGER ITEMS

a) Update—John met with Emilia Cargill to discuss CS's request for frontage on the highway. Formal arrangements have never been made for the airport managers; no written agreement exists. Tommy said that something needs to be given to Frances Miller at the airport such as flowers due to the death of her husband. It has been suggested that landscaping be put in to honor Ron Miller along with a plaque. If Frances is to continue as the manager of the airport a formal agreement needs to be put in place; John will work on this and get it on the next agenda. c) 3% cost of living increase for Lincoln County Board of County Commissioners, as contemplated in 2008-2009 budget—During the budget session an increase was provided for. Ronda advised that there was a certain percentage that was granted for the elected officials and asked if this falls within the range. The rest of the elected officials were given a raise and there is a schedule. The Commissioners have to come back and approve their increases. **Wade made a motion to approve a 3% increase for the County Commissioners, retroactive to July 1st; seconded by Bill. All voted in favor.**

#25-PUBLIC COMMENT

There is no public comment.

#26-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 3:37; seconded by Paul. All voted in favor.**

Attest: _____ Approve: _____