

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on February 27, 2020, at 8:58 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **ART CLARK III, COMMISSIONER (AS INDICATED)**
9 **JUDIE ALLAN, COMMISSIONER**
10 **BRYAN SPARKS, COMMISSIONER**
11 **KATHLEEN ANCHO, COMMISSIONER**
12 **KEITH WESTENGARD, COUNTY MANAGER**
13 **SADIE SULLIVAN, COUNTY CLERK**
14 **THEODORE HERRERA, DISTRICT ATTORNEY**
15

16
17 (Let the record reflect the presence of a quorum of five
18 commissioners. Let the record reflect the presence of Austin
19 via teleconference.)
20

21 VICE CHAIRMAN CLARK: -- Board of Battle Mountain and
22 Austin Board of County Highway Commissioners. We're going to
23 call the meeting to order.

24 And Bryan, will you lead us in the pledge?

25 COMMISSIONER SPARKS: (Off microphone) Yes.
26

27 (Pledge of Allegiance)
28

29 VICE CHAIRMAN CLARK: Have a moment of silence, please.
30

31 (Moment of silence)
32

33 VICE CHAIRMAN CLARK: Okay. Lander County Commissioners
34 may break for lunch from 12:00 to 1:15. Any agenda item may be
35 taken out of order, may be combined for consideration by the
36 public body, and the items may be pulled or removed from the
37 agenda at any time.
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1 **COMMISSIONER REPORTS**

2
3 VICE CHAIRMAN CLARK: Commissioners' reports on meetings,
4 conferences, and seminars attended.

5 We'll start with Patsy.

6 COMMISSIONER WAITS: Thank you.

7 On February 18, I did attend the BLM scoping meeting. That
8 was the one for grazing that was held in Elko. They held it in
9 four different states. And -- and this was the only place that
10 we had in Nevada.

11 Lot of ranchers. John Raby was there, who's our BLM
12 state director. And the project manager, Seth Flanagan, was
13 there. Got a lot of really good input. And we'll be talking
14 about that later as we come to our agenda item on that.

15 On the 21st, I had a NACo meeting. A couple things on that,
16 of course. Our legislative conference is coming up this weekend,
17 actually, the 29th through the 4th of March. And President Trump
18 will actually be addressing our general session. And they are
19 vetting everyone for that right now. So that's kind of exciting.

20 Senator Jacky Rosen is hosting a couple grant series
21 workshops. And with that, she has targeted local government for
22 those grants. And she has representatives from Department of
23 Transportation, Department of Agriculture, and FEMA. And her
24 first workshop is on the 6th of March in southern Nevada and Clark
25 County. And she hasn't announced the one for the north yet, but
26 she's working through NACo on that one. So that's a little bit
27 different with some of the folks that will be attending and a nice
28 opportunity.

29 NACo also made the decision for our annual meeting on 2021,
30 which will be held in September in Virginia City. And because
31 things are so limited there, they wanted to -- to get that on
32 the agenda early, which is what they've done so they can start
33 working on the logistics already.

34 We have an interim legislation -- legislative working group
35 that has requested some -- a presentation from NACo. And this
36 is regarding our county roads. And so NACo has sent out
37 information, gathering that from the county. And they will be
38 presenting that to the interim committee on the 5th of March.

39 One of our speakers was Ken Moen. He's president of
40 the Nevada Airports Association. And he invited all the -- the

1 different commissioners and counties to attend their conference,
2 which is being held in Tonopah on April 6th to 8th. Of course,
3 our airport engineers, J-U-B, always attends. And one of us
4 usually tries to attend. I will be attending with one of our
5 airport board members this year for at least the FAA meeting,
6 but -- but not the whole -- the whole conference.

7 But he -- he gave a lot of good information on -- on what
8 the airports association does and what grants might be available
9 through there.

10 We also had some information on the -- the board for the
11 fund of hospital care for indigent persons. This has been going
12 up quite recently, of course, quite a great deal. And the
13 board, which is also put together by -- by NACo under our
14 statute, actually voted for \$8 million to help pay county
15 assessments for the Medicaid long-term care program. So we'll
16 see what comes out of that. It looks like it might be a little
17 bit of relief.

18 And then closing, I wanted to let you know that our final
19 Environmental Impact Statement for the Fallon Range and Training
20 Complex modernization that has all been completed and NACo is
21 the one that's representing a -- a few of the counties. And one
22 of them is Lander. And they have got their letter out.

23 Actually, I think the Record of Decision is supposed to be
24 out the first part of March. But a lot of the information that
25 we had asked for did not come out clearly in the final EIS that
26 we were asking for.

27 So the way that we have structured it is we've -- we've
28 tackled some of these things. For example, when they decide
29 to -- when they -- the government -- decides to buy out the
30 farms, we had been very, very strong in our opinions of they
31 have to include the AUMs. That's part of the fair market value.
32 These ranchers actually have a lot of AUMs that they have had
33 for many, many years. And we wanted to know what they were
34 going to use to actually come together with the AUMs and how
35 they were going to determine that. And they didn't give us any
36 final.

37 So on all those things that we had questions about that the
38 Navy did not step up for, they've left in the final
39 saying, "We've contacted our legislators. They are very well
40 aware of -- of our opinions and what's going on. And we want

1 the legislators in Nevada to help us get that information nailed
2 down to assist us." And Governor Sisolak was on board with that
3 and agreed with our letter also. So we're happy about that
4 part.

5 On the 26th -- gee, that was yesterday. It sounds so
6 long ago all of a sudden -- I did attend the meeting with the
7 Department of Agricultural -- it was at the Austin Forest
8 Service Ranger District -- regarding our crickets. And we were
9 really behind the curve last year for a couple different
10 reasons. And the Department of Agricul- -- Agriculture told us
11 that they did not have the request letter from BLM or from the
12 forestry service to actually begin their baiting.

13 So even though we were calling them saying, "We're seeing
14 crickets. And they're coming in. And let's do something,"
15 they -- it was such a very few calls that they really didn't get
16 on it. And then when we finally got on it, we said, "They're
17 not doing this." And we tried to order stuff. We couldn't.
18 Everybody was out of bait and so forth.

19 So this year, I think we're on top of it. We actually have
20 crickets that are hatching right now in Austin. So the
21 agriculture -- Department of Agriculture is aware of this. And
22 they claim they're going to start baiting in March. And they
23 have to do certain times. The crickets have to be so old before
24 they can bait and all this other stuff that goes with it. So
25 that's good news. So hopefully our department -- Bert Ramos is
26 on top of that and our county manager is on top of that. So
27 we're going to be coordinating with them and baiting at the same
28 time on some of the different areas that they cannot do. So if
29 any of you have any problems with crickets somewhere, be sure to
30 bring it to our attention as soon as you can. And hopefully we
31 are already ahead of you on that, but in case we missed
32 something.

33 And I have one thing else I wanted to share that's kind of
34 exciting. Tonight, on Wild Nevada, which is our PBS station, they
35 are actually doing a presentation from Elko all the way to Battle
36 Mountain. So they will be doing the California Interpretive Trail
37 Center. And they are highlighting our Cookhouse Museum.

38 COMMISSIONER ANCHO: All right.

39 COMMISSIONER WAITS: So it's at 8:00 o'clock tonight on our
40 PBS channel. Thank you.

1 VICE CHAIRMAN CLARK: I attended Nevadaworks last weekend.
2 And they had a budget audit. And what's happening is because
3 unemployment is going down, the funding is going down. It
4 was kind of interesting to listen to the problems that
5 Nevadaworks is facing. And one of the biggest problems that
6 they're having (off microphone) is training people to show up
7 for work. They'll be hired, and they won't show up to work. I
8 thought that was kind of interesting that they get to that point
9 that they get a job and then they don't show up. But that's the
10 number one issue right now with Nevadaworks.

11 And then the other thing that they talked about was how do
12 they help students that don't quite make it out of high school
13 with the skills that they need? So that's going to be an
14 interesting discussion in the future.

15 I also went to the grazing almost-a-meeting in Elko. It
16 was not the regular kind of meeting the ranchers were looking
17 forward to where they could voice their concerns and get
18 replies. And one of the things that the ranchers were really
19 looking for were well-defined limits and goals with the grazing:
20 the stubble height and when they can turn out and all this. And
21 it didn't -- the format just didn't allow that. The format was
22 a number of stations put up and you watched a presentation of
23 some kind. And you could either email or write down your
24 questions to be sent in. So the ranchers were a little bit
25 aggravated by that. Yeah.

26 COMMISSIONER ANCHO: (Off microphone) I had a Convention &
27 Tourism meeting. I had a conflict with that and when they're --
28 oh, sorry. (On microphone) I had a Convention & Tourism
29 meeting. I actually had a conflict with that meeting, was not
30 attended, but I did not attend it. And that's the only thing I
31 had this go-around.

32 COMMISSIONER SPARKS: Nothing to report.

33 COMMISSIONER ALLAN: Okay. So on the 19th of September, I
34 did a teleconference with SERC, the quarterly meeting with that,
35 which SERC is the State Emergency Response Commission.

36 And we're involved in that through LEPC, which is the Local
37 Emergency Response Commission.

38 Anyway, well -- so it was actually -- it was pretty
39 interesting. A lot of different organizations are members and
40 attended and updated.

1 This was my first time so I wasn't really sure what to
2 expect. And what I got out of it, lots of training. There's
3 unimaginable training available out there for your different
4 emergency response and -- and whatnot. So -- so that's kind
5 of -- I did get some information from that. And it -- it's kind
6 of -- with the LEPC, they'd really like us to participate
7 quarterly. So this is a new thing. I just -- just wanted to
8 report on that, that I don't know if it's ever been mentioned,
9 but it was interesting. Sorry.

10 So then, I did attend NACo last Friday. And Patsy pretty
11 much touched base on -- on everything.

12 One of my notes I took down was talking about the -- the
13 BLM released their draft supplemental EI in the *Federal Register*
14 to address the greater sage grouse. So that now is -- has a
15 45-day comment period.

16 And they were talking about also the -- the grazing.
17 And one of the things that was mentioned is the targeted
18 grazing. They had hired a private contractor to kind of do
19 their study. And he did not perform as per the NEPA. And so he
20 was basically fired. So they haven't gotten their NEPA in on
21 time. So that's really put -- put a delay on a lot of those
22 things. So that kind of messed things up there. But other than
23 that, that's all I have to report.

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25
26 **STAFF REPORTS**

27
28 VICE CHAIRMAN CLARK: Staff reports on meetings,
29 conferences, seminars attended.

30 KEITH WESTENGARD: So next week, Kyla and I are going to
31 Washington, D.C. Unfortunately, it's not for NACo. But we are
32 going to support and promote our lands bill.

33 We have several meetings with several different
34 representatives from Nevada. We're going to meet with and talk
35 with them about our lands bill, justify it, and hopefully get
36 it -- get it on the fast track to be approved.

37 Our right-of-way for our water line project for the airport
38 water line project with BLM has been approved. I have that. It's
39 been given to Public Works as well as our engineer of record -- or
40 our engineer who's been working on it.

1 There's airport things that are coming up, but J-U-B is here
2 to discuss all that. We're ready to move forward with -- with our
3 grants and our letters of intent and so forth.

4 And as far as the crickets go, we did have a -- a meeting
5 separate of the public meetings with the Department of Ag
6 on -- on a couple of occasions, recently about two and a half
7 months ago. And we are prepared to put out the cricket bait.
8 We're going to work with ag and forest service and BLM.

9 That's what I have. Thank you.

10
11
12 **PUBLIC COMMENT**

13
14 VICE CHAIRMAN CLARK: Public comment for nonagendized items
15 only.

16 Persons are invited to submit comments in writing and/or
17 attend and make comments on any nonagenda item at the board
18 meeting, if any, and dis- -- and discussion of those comments at
19 the discretion of the board. All public comment may be limited
20 to three minutes per person, again at the direction of the
21 board. Reasonable restrictions may be placed on public comments
22 based upon time, place, manner, but public comment based upon
23 viewpoint may not be restricted.

24 Any public-comment?

25 RONDA GURLEY: Hello.

26 GAIL CHO: Hello.

27 RONDA GURLEY: We were tied to go up there.

28 GAIL CHO: Where do I go?

29 VICE CHAIRMAN CLARK: Please state your name.

30 COMMISSIONER ANCHO: She's got her mic (indiscernible).

31 VICE CHAIRMAN CLARK: Yeah. Hold on a second. We need to
32 record it.

33 RONDA GURLEY: Oh.

34 VICE CHAIRMAN CLARK: Okay.

35 GAIL CHO: My name is Gail Cho. And I live on Broyles
36 Ranch Road.

37 And currently I have a lot of concern about the
38 intersection of Broad and Broyles Ranch Road, which has an
39 enormous amount of traffic now, much more than we ever had.

40 I used to call it Battle Mountain rush hour when the mines

1 got out, but now there are constant trucks that are not only
2 going up and down into that intersection, they're making wrong
3 turns into Broyles Ranch Road so that they're going down,
4 turning around, and coming back.

5 I personally have been avoiding that intersection like the
6 plague because -- and the exit where you would get off right on
7 Broad Street from the highway.

8 The trucks are just tearing up those roads there. They
9 don't seem to really care about any of us that live here.

10 And in addition, they are going to cause additional damage
11 to the road that -- I don't know the name of it -- that runs
12 between the John Peters and the hospital, because most everyone
13 I know, including me, are avoiding that area of Broyles Ranch.
14 So we're using the road between Peters -- the Peters Building
15 and the hospital. And that's going to put a lot of extra
16 traffic on that road, which is really -- I'm sure -- going to
17 start getting to people who live there. And the road is not
18 really prepared for any kind of heavy traffic.

19 And I'm just very concerned. The kids cross at that
20 intersection. There's nothing but a stop sign, which hopefully
21 everyone obeys, but there's no guarantee on that.

22 And I just think it's turned into a really dangerous si- --
23 situation. And I'd like to suggest that perhaps a stoplight,
24 not a blinking, but an actual stoplight could be put on that
25 intersection.

26 Originally I thought maybe, you know, that it would only
27 work during the rush hours. But with the amount of trucks, I
28 think maybe we need something more than just a stop sign for
29 truckers who aren't familiar at all with the area before someone
30 gets really badly hurt.

31 VICE CHAIRMAN CLARK: Thank you.

32 GAIL CHO: And that's all. Thank you.

33 VICE CHAIRMAN CLARK: We -- we can't comment on this.

34 Anyone else?

35 RONDA GURLEY: Do I have to sit down?

36 My name is Ronda Gurley. I live on Broyles Ranch Road.

37 I've almost -- at -- at the -- right there by the Bakkers
38 Brew and the Port of Subs, that stop sign, I've been almost hit
39 within three feet of my rear end of my car by trucks, big trucks
40 that just come barreling out of there.

1 I called the deputies one night. He said, Come here and
2 see you guys, you know, because it's -- I have -- I pick up my
3 grandkids from school. And a lot of times I have kids in my
4 car. It's very dangerous.

5 You know, I don't know what they could do except maybe put
6 the flashing lights like what they have at The Owl. I don't
7 think they see it. I don't know. But it's pretty dangerous,
8 you know, for me to have to call a deputy out. I was so shook
9 up. He was so close to the rear end of my car. And I -- I'm
10 upset now because it's like, there's going to be an accident.
11 And that's all I've got to say.

12 VICE CHAIRMAN CLARK: Thank you.

13 RONDA GURLEY: Thank you.

14 COMMISSIONER ANCHO: Thank you.

15 VICE CHAIRMAN CLARK: Keith?

16 KEITH WESTENGARD: Keith Westengard, for the record.

17 I just -- I -- I feel your -- your concern very, very
18 deeply on this.

19 We've been trying to work with NDOT on this to try to get
20 some resolution to the trucks. So it's not that we're -- we're --
21 we don't know about it. We are attempting to get something worked
22 out with DOT. And not -- not to -- to put any bad, black eye on
23 DOT, but it's just a slow process.

24 But we are well aware of it. We've talked about different
25 options. And hopefully we'll get some resolution sooner than
26 later.

27 VICE CHAIRMAN CLARK: There --

28 KEITH WESTENGARD: But that is a state highway so we have
29 to work with DOT on that.

30 VICE CHAIRMAN CLARK: Hasn't there been some private
31 property sold to try to remedy this?

32 KEITH WESTENGARD: There is -- it's in the works right now.

33 My understanding is there's some property that Maverik is
34 looking at purchasing, which would expand the areas hopefully to
35 relieve that traffic on -- on 305 and Broyles Ranch.

36 Thanks.

37 VICE CHAIRMAN CLARK: Thanks.

38 COMMISSIONER WAITS: Keith? Would you turn that off?

39 VICE CHAIRMAN CLARK: Any more public comment?

40 (No comment.)

1 **CONSENT AGENDA**

2
3 VICE CHAIRMAN CLARK: Okay. Consent agenda.

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

12 We're going to pull Check #206743.

13 COMMISSIONER WAITS: You have to read them in first.

14 VICE CHAIRMAN CLARK: I have read these in first?

15 COMMISSIONER WAITS: Uh-huh.

16 VICE CHAIRMAN CLARK: Okay. Go back to the consent agenda
17 and what we're going to allow.

18 Approval of February 27, 2020, agenda notice; approval of
19 October 24, 2019, meeting minute; approval of November 7, 2019,
20 meeting minutes; approval of November 25, 2019, special meeting
21 minutes; approval of December 5, 2019, meeting minutes; approval
22 of December 19, 2019, meeting minutes; approval of January 2020
23 meeting minutes; approval of January 23, 2020, meeting minutes;
24 approval of February 13, 2020, meeting billets -- meeting minutes;
25 and approval of the payment of bills.

26 We're going to pull 206743 --

27 COMMISSIONER WAITS: I'll make --

28 VICE CHAIRMAN CLARK: -- and --

29 COMMISSIONER WAITS: -- a motion, --

30 VICE CHAIRMAN CLARK: Okay.

31 COMMISSIONER WAITS: -- Mr. Chair -- Vice Chair, if it's
32 okay. I'll make a motion that we approve Number 1, which is
33 February 27 agenda notice and Number 2, approval of October 24,
34 2019, meeting minutes.

35 COMMISSIONER SPARKS: (Off microphone) I'll second the
36 motion.

37 VICE CHAIRMAN CLARK: It's been seconded.

38 COMMISSIONER ANCHO: (Off microphone) Aye.

39 VICE CHAIRMAN CLARK: Everybody?

40 COMMISSIONER SPARKS: (Off microphone) aye.

1 VICE CHAIRMAN CLARK: Aye.
2 COMMISSIONER WAITS: Aye.
3 COMMISSIONER ALLAN: Aye.
4 VICE CHAIRMAN CLARK: Opposed?
5 Nobody's opposed.
6 Now we go on to pulling the checks?
7 Okay. We're going to pull 206743, 206864 for Bryan, and
8 206741 for Patsy, and 206729 for Judie.
9 COMMISSIONER WAITS: I'll make a motion that we approve the
10 balance of those bills.
11 COMMISSIONER ALLAN: I'll second.
12 (Off microphone) Seconded.
13 VICE CHAIRMAN CLARK: Aye.
14 COMMISSIONER SPARKS: Aye.
15 COMMISSIONER ANCHO: Aye.
16 COMMISSIONER ALLAN: Aye.
17 COMMISSIONER WAITS: Aye.
18 VICE CHAIRMAN CLARK: Okay. It's approved unanimously.
19 Okay. We're done with that.
20 COMMISSIONER WAITS: (Off microphone) You have to approve
21 each check now.
22 VICE CHAIRMAN CLARK: Oh. Okay.
23 Okay. Now we need to approve checks 206743, 2068- --
24 COMMISSIONER WAITS: One at time.
25 VICE CHAIRMAN CLARK: One at a time?
26 COMMISSIONER WAITS: The --
27 VICE CHAIRMAN CLARK: Okay.
28 COMMISSIONER WAITS: Otherwise we can't all vote.
29 COMMISSIONER ALLAN: Well, you --
30 VICE CHAIRMAN CLARK: Okay.
31 COMMISSIONER ALLAN: -- you can --
32 VICE CHAIRMAN CLARK: Oh. Right.
33 COMMISSIONER ALLAN: Yeah.
34 VICE CHAIRMAN CLARK: Okay.
35 COMMISSIONER ALLAN: Just Bryan's and then --
36 VICE CHAIRMAN CLARK: Okay. We'll do Bryan's first.
37 206743, 206864.
38 All in favor?
39 COMMISSIONER WAITS: I'll --
40 VICE CHAIRMAN CLARK: Aye.

1 COMMISSIONER WAITS: -- I make a motion --
2 VICE CHAIRMAN CLARK: Oh.
3 COMMISSIONER WAITS: -- that we --
4 VICE CHAIRMAN CLARK: Right.
5 COMMISSIONER WAITS: -- approve those bills.
6 VICE CHAIRMAN CLARK: Okay.
7 COMMISSIONER ALLAN: I -- I will second that.
8 COMMISSIONER ANCHO: (Off microphone) All in favor?
9 VICE CHAIRMAN CLARK: All in favor?
10 COMMISSIONER ANCHO: (Off microphone) Aye.
11 COMMISSIONER WAITS: Aye.
12 VICE CHAIRMAN CLARK: Aye.
13 COMMISSIONER ALLAN: Aye.
14 COMMISSIONER SPARKS: And I will abstain because they were
15 made --
16 VICE CHAIRMAN CLARK: Right.
17 COMMISSIONER SPARKS: -- to my employer.
18 VICE CHAIRMAN CLARK: Okay. For Patsy, 206741.
19 COMMISSIONER ALLAN: Make a motion to approve Check
20 #206741.
21 COMMISSIONER ANCHO: (Off microphone) I'll second.
22 I'll second it.
23 VICE CHAIRMAN CLARK: It's -- Kathy seconded?
24 COMMISSIONER ANCHO: I'm all right.
25 VICE CHAIRMAN CLARK: Yeah. Okay.
26 COMMISSIONER ANCHO: I'm okay.
27 VICE CHAIRMAN CLARK: In favor?
28 COMMISSIONER SPARKS: Aye.
29 COMMISSIONER ALLAN: Aye.
30 VICE CHAIRMAN CLARK: Aye.
31 COMMISSIONER ANCHO: Aye.
32 VICE CHAIRMAN CLARK: Okay.
33 COMMISSIONER WAITS: I abstain --
34 VICE CHAIRMAN CLARK: And --
35 COMMISSIONER WAITS: -- on that. Thank you.
36 VICE CHAIRMAN CLARK: And then for Judie, 206729.
37 COMMISSIONER SPARKS: (Off microphone) I'll make --
38 VICE CHAIRMAN CLARK: Make a --
39 COMMISSIONER SPARKS: -- a --
40 VICE CHAIRMAN CLARK: -- motion.

1 COMMISSIONER SPARKS: -- motion to approve.
2 COMMISSIONER ANCHO: (Off microphone) Yeah. I'll second
3 it.
4 VICE CHAIRMAN CLARK: All in favor?
5 COMMISSIONER WAITS: Aye.
6 COMMISSIONER SPARKS: Aye.
7 COMMISSIONER ANCHO: Aye.
8 VICE CHAIRMAN CLARK: Okay. We're going to take --
9 COMMISSIONER ALLAN: And I abstain.
10 VICE CHAIRMAN CLARK: -- a five-minute break, folks.
11 COMMISSIONER SPARKS: Thank you, Art.

12
13 (Break taken between 9:22 a.m. and 9:36 a.m.)
14

15 VICE CHAIRMAN CLARK: -- session.
16

17 1) **COUNTY MANAGER: For possible action and an update from**
18 **A. M. Engineering on the proposed sports complex and the**
19 **direction that should be taken.**
20

21 VICE CHAIRMAN CLARK: County manager. Number 1.
22 For possible action and update from A. M. Engineering on
23 the proposed sports complex and the direction that should be
24 taken.

25 KEITH WESTENGARD: (Off microphone) So last year, the --
26 the commission gave -- gave --

27 SADIE SULLIVAN: Keith?

28 KEITH WESTENGARD: -- me some money, --

29 SADIE SULLIVAN: Will you hit that --

30 KEITH WESTENGARD: -- a thousand --

31 SADIE SULLIVAN: -- speaker, --

32 KEITH WESTENGARD: -- dollars --

33 SADIE SULLIVAN: -- please. Thank you.

34 KEITH WESTENGARD: -- (on microphone) to look into some
35 different projects.

36 There were several projects that -- that were -- that I
37 looked into. This one seemed to be -- I put at the top of the
38 list was the sports complex for the community.

39 When I got together with Aaron here at A. M. Engineering,
40 I -- I told him to make this thing the Cadillac of Cadillacs for

1 the community.

2 And then when he presents it, as he goes through the
3 different stages and the different parts of -- of this project,
4 if the commission wants to trim things down or -- or make things
5 different, that's what it's for.

6 But just keep in mind this is -- this is the Cadillac of
7 Cadillacs. This is second to none.

8 And I'll -- with that, I'll give it to Aaron and his crew --
9 team.

10 AARON MARTINEZ: Thank you, Keith.

11 So Aaron Martinez with A. M. Engineering, for the record.

12 My lead designer is with me today, Rosanna Recindiz. And
13 we're very happy to -- to present to you today.

14 And I'll have Rosanna take her spot at her computer
15 station. And we'll start to go through this.

16 And I apologize to anyone in the audience. We could only
17 get our computer as far over as we could. So if anyone would
18 like to see the presentation, you want to sit on this side of
19 the room, feel free to come on over.

20 Okay. I'll stand back here, just so I can stay out of
21 people's way. I apologize (off microphone, indiscernible) --

22 VICE CHAIRMAN CLARK: Hold on --

23 AARON MARTINEZ: -- (indiscernible).

24 VICE CHAIRMAN CLARK: -- a second, Aaron.

25 KEITH WESTENGARD: Just -- I just got a voicemail. Is
26 Austin on the line?

27 They -- they said --

28 COMMISSIONER SPARKS: (Off microphone) Miteshell, are you
29 there?

30 MITESHELL LANHAM: We're here.

31 KEITH WESTENGARD: Oh, okay.

32 VICE CHAIRMAN CLARK: Okay.

33 COMMISSIONER SPARKS: All right. Good. Thank you.

34 AARON MARTINEZ: Okay.

35 So today we're going to be talking about the sports
36 complex. And it is located -- Rosanna, if you wouldn't mind
37 going to that overall, a C2, if we can kind of globally talk
38 about the whole site.

39 She's got to see from multiple angles. So we apologize
40 there.

1 So, Commissioners, today the item in front of you is most
2 likely going to be one of the largest impacting projects you'll
3 most likely have on your community.

4 So today's agenda item is for possible action, but the
5 intent is to kind of get your opinions and the comment from the
6 public in what we call our programming phase.

7 And that programming phase tries to hone the design or the
8 master plan of the design into what the community and the
9 stakeholders actually want to see.

10 And so this is a meeting to open a large, broad discussion.
11 I think it's going to open a lot of questions, comments, and
12 concerns. And so we're here to take that information. If we
13 need to tweak the design or do any of that and come back to you
14 with that feedback, we're happy to do that.

15 So this project, like I said, is -- is -- is very impact
16 wide. And my experience from sports complexes have brought me to
17 the vision that you're seeing here. This vision is -- is from my
18 firm. And -- and -- and the -- the main point of it is to try to
19 encompass every type of sports activity you could possibly have in
20 a true sports complex.

21 Usually when you think about a sports complex, it's
22 softball, baseball.

23 What we've tried to do is try to encomp- -- encompass the
24 entire community. And so I'll just kind of give you a brief
25 breakdown of -- of the sports that are going to be included in
26 here.

27 We have baseball, softball, football, soccer, basketball,
28 tennis, skate park, and an equestrian.

29 So sports complex, equestrian what are we talking about?
30 So I'll get there.

31 But it's a -- this is an all-encompassing idea. And then,
32 again, if -- if we don't like it, we can take things in or out.
33 So we're happy to -- to adjust that.

34 So globally on the project, you have your -- your fields
35 here. And it doesn't seem like my pen's very easily to see on
36 the TV. But we have our -- our foot- -- main football field and
37 all the school district property here. The scom- -- the sports
38 complex is just next to that on the easterly side.

39 It encompasses the entire parcel boundary that's currently
40 in that -- in that property. And there's also some discussion

1 of encompassing some property just north of the football field
2 as well. And I'll -- and I'll get into that.

3 The main access of this site comes off here.

4 We have a -- kind of an industrial access into the sports
5 complex for offload and ADA parking.

6 The remaining portion all comes off of an existing roadway.
7 And we -- we -- that we would extend into the main parking lot
8 on the northerly portion of the complex.

9 The -- the soccer field is located on the far north of the
10 complex. And it too has its own parking lot as well.

11 Rosanna, if you wouldn't mind shooting over to the model, we
12 can start to navigate through this for you. We'll kind of talk
13 about the project overall.

14 It's a very huge model. We brought our best computer here.
15 So you'll have -- I apologize if it has any delays or anything as
16 it -- as it starts to be created.

17 So while that's loading, I'll start by talking about the
18 baseball and softball fields.

19 And I think the most important thing to understand about this
20 design is, again, we're trying to be all-encompassing. It's not
21 about T-ball. It's not about major leagues. It's not about
22 tournament play. It's about all of those items.

23 And that kind of leads me into the specifics on each field.
24 And I'll start to touch on those.

25 For instance, with removable fencing, removable bases,
26 including pitching mounds, we can basically allow for -- on the
27 soft- -- softball side -- or excuse me -- on the baseball side,
28 T-ball; majors and minors; what they call a 50/70, which is a
29 70-foot base path; and then you have your juniors, seniors, and
30 your big leagues.

31 Now, on the two fields that are on the far easterly portion
32 of the site -- that's these two guys here -- those are designed
33 for tournament play so that Lander County -- and I'll get into
34 some of this investment leverage -- Lander County can start to
35 target maybe some more tournament play type things in order to
36 generate revenue for the sports complex.

37 But kind of getting down into the local community with
38 removable base paths and -- and removable fencing, we're able
39 to basically allow any age group, whether it's softball or
40 baseball, to play on -- on all the fields.

1 Now, the two smaller fields here, they're smaller because we
2 are restricted on our total space for the site. So we originally
3 looked at trying to place two of the larger fields on that site.
4 But it's just not feasible with the current layout.

5 And so that's why you see the two larger fields on the
6 easterly side with the smaller fields on the westerly side.

7 Now, on the smaller fields, we're able to, again, achieve
8 an -- an enormous amount of age groups.

9 And on D2 that we provided to you folks, you can start to
10 see exactly which age groups those are. And we break them down
11 by color coding.

12 So you can see each base path that's identified there:
13 yellow, purple, green. Those all pertain to a very specific age
14 group. And we've listed that for you on D2 and D3 of the items in
15 your packet.

16 Another interesting thing that we were able to incorporate,
17 path softball and baseball. So I think globally we've got all
18 these age groups on as many fields as possible.

19 Some of those age groups, the older ones obviously have to
20 play on these larger fields. Whereas the younger age groups can
21 fit within these smaller fields.

22 Kind of quickly jumping over to football. What's interesting
23 that we were able to do here, again, with removable fencing and --
24 and some slight tweaking to the layout of the complex, we're able
25 to achieve a 80-yard Pop Warner football field here with a 20yard
26 end zone. And then on the larger fields, we're able to achieve a
27 hundred yard football field with 20-yard end zones.

28 So just on these four fields alone, you have all of your
29 softball, baseball, and football groups incorporated onto those
30 fields.

31 Now obviously there's time conflicts, like obviously
32 softball and football are going to be playing at the same time.
33 But it does offer Lander County the ability to continue to have
34 these kids being able to play in multiple fields to just kind of
35 leverage that investment.

36 So instead of placing all those funds towards softball or
37 baseball, they're being placed towards softball, baseball, and
38 football. And so that's kind of the thought behind that
39 methodology is that you're leveraging that investment across all
40 of those groups versus just one particular group.

1 Talking about soccer now. The soccer fields are located on
2 the far north end of the project. You'll see several individual
3 fields here. Those, again, are fields designed for particular
4 age groups. With removable goals, this whole field becomes one
5 for the regulation-size soccer field.

6 So, again, on the soccer, we're trying to utilize as many
7 of the age groups as possible. And so even down to the little
8 tots, you actually cut these fields in half. And each of those
9 fields becomes two fields.

10 So kind of just looking at it eyeball-wise there's 16
11 fields within the soccer field itself for different age groups.

12 Then those 16 fields turn into eight fields for older age
13 group and then ultimately one primary field for the single,
14 older groups.

15 There's been some discussion about the equestrian trail.
16 And I'll bring that up now.

17 We have an existing detention basin that takes stormwater
18 for the site. And then this site -- and I'll get into some of
19 the main attributes -- but essentially this site is going to be
20 discharging a ton of stormwater. And we're planning on putting
21 it on the southeast corner of the property.

22 Those -- that infrastructure is usually unsightly. It's
23 like a big hole in the ground. A bunch of water goes there.
24 Weeds grow. Nothing really ever occurs there except on major
25 storm events. The water discharges into these basins.

26 And so what we've tried to utilize in the past is we
27 utilize these detention basins in order to have some sort of
28 activity in them.

29 And you could have an equestrian trail that's circled the
30 entire parcel is the design right now.

31 And inside those detention basins, you could do an
32 equestrian trail where they could walk their horses, step over
33 logs, climb over a bridge, those types of things that some
34 equestrians like to do. And this could be a facility for them.

35 Obviously, there's some liability concerns and some things
36 that we'll talk about further, but, globally, these detention
37 basins for stormwater would be a multiuse effect where the
38 equestrians would be able to occupy that space in some sort of
39 trail aspect.

40 Rosanna, if you could, please, go back to C2 again. I'd

1 like to talk about where those parking would occur.

2 So right now, we have a parking lot design over here,
3 again, taking on the north portion above the football field.
4 That's where the parking of the equestrians would occur. Trying
5 to keep it segregated and away from everything, including
6 offload and things like that for safety reasons.

7 And then also this space is available for an additional
8 activity that I'll jump into shortly.

9 So aside from football, softball, baseball, and soccer, we
10 have the existing tennis courts, which are on the south end of the
11 parcel. Those are currently existing. And the budget allocation
12 that you see now has those being resurfaced and re-retrofitted,
13 but trying to save the leveraged dollars that are already in place
14 on those tennis courts to just kind of rehab them in order to get
15 those up to speed as well.

16 Okay. So the last thing sportwise that is included in the
17 current design is a skate park. Rosanna, will you jump into
18 your 3D? Kind of hone in over towards that skate park, please.

19 So this skate park is currently designed to be what they
20 call -- well, what I call is an electronic Segway and skate
21 park.

22 So the new -- the newer age, they're riding these Segways
23 and basically electronic scooters that require more of an easy,
24 rolling type of concrete design. And then you have your
25 traditional skate park as well.

26 So the current skate park that's out there is -- is in the
27 absolute worst location possible for this current design. And
28 so we were instructed to potentially remove that existing skate
29 park in order to have it coincide with our master plan.

30 That's good. Thank you.

31 So that skate park is located near the soccer fields. And,
32 again, it's designed for a typical skate park that you would
33 see, as well as the electronic Segway-type park as well.

34 Okay. So the only sports that I can come up with that are
35 not included in this design currently is an ultimate Frisbee
36 course, which is kind of a newer -- well, it's not new -- but it's
37 a sport that is becoming more popular. And it requires some poles
38 and some chains in order to throw a Frisbee between the poles,
39 kind of like you're playing golf.

40 And then the other sport that's not included right now is

1 an ice skating or -- or some sort of winter skating approach.
2 Obviously, the skate park, they can have rollerblades and
3 things like that. But in the wintertime, the only other thing I
4 could think of was an ice skating portion.
5 So with that said, if you don't have any questions about the
6 globally, I can start to hone in on the actual site itself. What
7 does that entail, materials, and those types of things?
8 Any questions so far?
9 Okay. Let's look at the -- the center complex, Rosanna, and
10 the deck. Or I guess before you pull that deck up, we can talk
11 about that concession facility.
12 So, again, you can see all the multiple base paths in those
13 color identifications so you can start to see those age groups
14 of the field and how that works, all the way down to where those
15 batter boxes are and all those things take place.
16 So on the field level, now, what we're looking at is a
17 combination of a restroom and concession facility.
18 But we're also very concerned about storage with -- is --
19 the design that we have here, we've got a ton of removable
20 fencing that's going to have to be easily accessible by each
21 field. And so we've got some innovative designs on that storage
22 that I'll be talking about here shortly.
23 But this center concession facility does have some storage
24 ability. But it's more of incidental type storage and not
25 necessarily mass storage like removable fencing.
26 This is a single-story structure design right now. And it
27 encompasses about 4800 square feet.
28 All right. Let's go to level 2, Rosanna.
29 Bear with me as she transitions.
30 So -- so this design here and -- and the model that you're
31 seeing in your agenda packet is obviously the model we're
32 looking at here.
33 And that's A101. And I just want you to rest assured the way
34 that this rendering came out, it looks like a -- like a -- a
35 two-story structure, which it is, with a roof on it, which is
36 true.
37 The rendering makes it look like a solid roof. And what
38 we're trying to achieve is a pergola-type roof on the upper
39 deck.
40 And so what you see here is -- is essentially we have a --

1 a -- a spanning deck structure that is basically encompassed all
2 within the fields themselves.

3 That deck structure is about 12 feet in the air. And it has
4 a substructure underneath it to where the staff can wash the deck
5 down. That water falls into essentially an underground -- or
6 underground -- an underdeck, underlayment, gutter system that then
7 allows that water to discharge. So anybody underneath that deck
8 shouldn't get too many drips on their heads.

9 And that kind of takes me to the storage item I talked
10 about. With this type of structure, we're able to then frame up
11 other storage component areas underneath this structure that
12 then allow the field access to pull -- push and pull all the
13 fencing to and from the field really easily.

14 And so we're kind of leveraging costs by creating this upper
15 deck scenario, which then creates a ton of storagability
16 underneath, which I think is -- is a nice item because if we do go
17 with this design, there's lot of work it takes to getting the
18 fields prepped to get the proper baselines in and also the proper
19 fencing in place.

20 This upper deck portion here, again, is -- is -- is
21 overlooking the fields. It's going to allow seating and also
22 your announcer's booth are located at each corner of the field.
23 So you can see the announcer's booth there. And the current
24 design right now, again, has a structure that's spanning the
25 roof of this entire portion. And it is a pergola-style roof.
26 so it's not something that's going to hold snow. But the
27 thought was is that if there was a ball flying through the air
28 unbeknowingly that it would significantly decrease the odds of
29 someone being hit by a fly ball.

30 Now, we can't stop a fly ball from hitting someone in any
31 field, right? And that's why they have those fences.

32 The current design of this is a super tall fence. So we've
33 kind of got about another 15 feet of vertical height on this
34 fence that's been typical of most fields. So it's even an
35 additional safety factor.

36 So I think that the combination of that fencing and our
37 pergola -- pergola-style roof, I think that that upper deck is
38 extremely safe in comparison to your typical fields where it
39 would just be a standard fence, no overhead structure
40 protection.

1 So with that said, the lower portion is -- is currently
2 designed with a stamped concrete. The upper portion being a
3 Trex type of deck material, again, with a pergola style roof.

4 In the center here, you'll see we have a playground on that
5 upper deck.

6 The goal would be to then potentially -- if -- if the ice
7 skating rink was something that was wanted, we could potentially
8 look at a slab-on-grade structure right here in that center
9 section, which you would then remove the playground area in the
10 wintertime. And then you could then utilize it as an ice skating
11 rink in the wintertime.

12 There is some -- some significant design features that
13 would go into an ice skating rink here or on the ground. So,
14 again, I'm trying to provide the commission with as much
15 information about the sports that can be included on this
16 design. And if you do think that, like, an ice skating rink is
17 something you want to see, I can always come back with some more
18 definitive costs on that. Because my current cost estimate
19 that's been provided to you does not encompass an ice skating
20 rink.

21 Okay. We have -- also utilize underneath these -- the -- the
22 deck structure some indoor pitching areas so that the -- if there
23 are some rough weather days, those folks that are warming up can
24 kind of do so in a little bit more of a controlled environment.

25 One item that we are also looking at is on the prevailing
26 wind side, we're looking at a barn-style accordion door system
27 so that you could almost wall off a majority of this open space
28 on the prevailing wind side with some -- a barn-style accordion
29 doors, large rolling doors that we think would further protect
30 any items stored underneath this structure in the winter and --
31 and then also just kind of protecting that investment from
32 those -- those winter -- har- -- harsh winters that we sometimes
33 get.

34 Okay. So I think, without any questions, I'm going to jump
35 kind of into some investment op- -- the leverage of the investment
36 itself.

37 So without, you know, having --

38 COMMISSIONER SPARKS: (Off microphone) I have --

39 AARON MARTINEZ: Mr. Sparks.

40 COMMISSIONER SPARKS: (Off microphone) -- one question.

1 AARON MARTINEZ: You bet.

2 COMMISSIONER SPARKS: (On microphone) Will it have -- what
3 is -- what's the parking design for this? I mean, how many
4 people will it -- can park?

5 AARON MARTINEZ: So right now the current model illustrates
6 about 150 parking spots, I think, off the cuff. It seems a
7 little limited for the amount of people that we can harness on
8 the site. And -- and that's one of the items I have to bring up
9 with the commission is -- is how far they would like us to go
10 with the tourn- -- tournament play. And that's where I was
11 getting into my leverage of investment. Because if we start to
12 do tournament play and things like that, people bring RVs. And
13 so there's all sorts that would just eat our parking lot up.

14 But currently right now, the parking lot's semi
15 underdesigned and would probably need to be increased by
16 15 percent with the current that we have here.

17 So you've got the two parking structures here that will
18 adjoin this portion of the complex. And then the soccer has its
19 own segregated as well.

20 And then ult- -- ultimately we have the school overflow
21 parking on the other side, which makes sense because school and
22 sports typically don't coexist at the same time frame. So we
23 did look at that overflow parking at the -- at the school as
24 being a secondary option.

25 But to get into the leverage of -- of -- of the investment,
26 one of the key factors that I see as a -- as a potential
27 opportunity for Lander County to at least supplement their
28 budget with offset costs that can be raised from this
29 investment. The -- the -- the big opportunity that I see is
30 tournament play. And how can Lander County be involved in that?

31 With this type of field design, inclu- -- and if you did
32 the -- the structure the way we've identified, those teams would
33 even have some small locker room areas to change into.

34 And I think those types of aspects are not offered anywhere
35 else that we're aware of. And so it really would, I think, be a
36 great selling point for that type of approach if you want to go
37 that route.

38 One thing that we were looking at was potentially utilizing
39 that northern portion above the -- the field as a -- as an RV
40 space if that's what the commission would like to see so that you

1 could really try to get, like, those 24-hour tournaments here
2 where people are literally flooding your town and they need a
3 place to stay. And whether they can utilize some space that we've
4 allocated here or your local vendors, those are all opportunities.

5 And so right now the tournament play is an extremely viable
6 income generator. And I think it should be seriously considered
7 for this type of investment.

8 So with that said, the secondary revenue generator that I see
9 as a potential for this is we looked at a -- as a -- as an
10 alternate -- Rosanna, if you could go back to that concession
11 facility.

12 We looked as an alternate of -- and -- and I know this is on
13 the agenda today for your golf course. But another opportunity,
14 if the commission would like, is you could do on the second story
15 or even the first story of the concession facility, we had
16 actually envisioned on the second story being a restaurant.

17 And so where that playground was and that little ice
18 skating rink that I'd identified, what we have laid out here is
19 a second-story restaurant, which you could allow seating outside
20 just like we currently have. And -- and that restaurant could
21 be leveraged for all sorts of vending opportunities.

22 Now I know that the county has had some discussion about
23 the golf course and -- and -- and being able to have a vendor
24 oc- -- occupy that. And so this would obviously compound that
25 issue. And so -- but it is definitely an option that we wanted
26 to bring forward as that innovative approach to making this
27 complex the best, frankly, in probably the western United
28 States.

29 Globally materialwise, the fields are all AstroTurf.

30 So what that does for maintenance-wise is no one has to mow
31 the lawn, but someone does have to vacuum the lawn.

32 It has a sand ballast that gets placed on it, but as rocks
33 and things get on there, it takes maintenance. And they have
34 these machines -- and I think that Lander County's familiar with
35 it as the school district item that's already in place is
36 AstroTurf. So their maintenance is at least somewhat
37 understanding of it.

38 The design life of that typical AstroTurf can run anywhere
39 from 10 years to 30 years, depending on how much usage and
40 weather you get on that facility. So that's one thing to keep

1 in mind.

2 Rosanna, if you wouldn't mind quickly pulling up that cost
3 savings analysis I did.

4 It's up on your second tab.

5 She can't see around that thing. Okay. All right.

6 So I think the biggest item that's going to be pertained here
7 is -- is water save. I think maintenance-wise, it's hard to say
8 your maintenance is going to completely go away. Like I said,
9 no one has to mow the lawn, but there's maintenance associated
10 with this AstroTurf, and I would never try to candy coat that.
11 So I look at it as the maintenance is almost a wash. You
12 want -- it's going to go towards improving this nice complex and
13 keeping it up to date. So I think your maintenance costs are
14 really going to increase because you don't have this type of
15 park currently. So I think globally you'll want to look at your
16 maintenance costs as increasing. Also globally you'll want to
17 look at your -- your -- your resources being saved in that in
18 terms of water.

19 So right now if we were to have this current sports complex
20 as grass, you would be spending about 48,000 gallons a day just
21 to water it.

22 Okay.

23 VICE CHAIRMAN CLARK: (Off microphone) Forty-eight thousand
24 a day?

25 AARON MARTINEZ: 48,000.

26 So in a six-month water per- -- watering period -- so we
27 figured you'd water your grass from April to the end of
28 September, essentially.

29 That co- -- that -- that's about 8.7 million gallons of water
30 every watering year.

31 So the cost per day -- now, Lander County's costs for water
32 are ex- -- very low. You've got a pretty good water department
33 over there.

34 So there are \$323 a day in cost savings on water. That
35 equates to \$58,000 per watering period, which is every six
36 months, which equates to a -- in a ten-year decade, you'd have
37 about a half a million dollars saved. And across the 30-year
38 design life of the project, you're about \$1.8 million saved just
39 in water.

40 So that is, of course, a small percentage of the overall

1 cost, probably around 3 percent. But you're able to save a lot
2 of -- a lot of water just going to spit on a bunch of grass.
3 So -- so there is some serious savings there in terms of that
4 water resource that needs to be taken into consideration.

5 Yes.

6 VICE CHAIRMAN CLARK: (Off microphone) I have --

7 AARON MARTINEZ: Yes, --

8 VICE CHAIRMAN CLARK: -- a question.

9 AARON MARTINEZ: -- Mr. Clark.

10 VICE CHAIRMAN CLARK: (On microphone) Aaron, I have a
11 question.

12 AARON MARTINEZ: You bet.

13 VICE CHAIRMAN CLARK: What's the average water use in -- in
14 a house? An average family of four people?

15 AARON MARTINEZ: So when we do our design calculations for
16 that, NDEP would probably tell me to use 700 gallons a day.

17 VICE CHAIRMAN CLARK: Seven hundred a day.

18 AARON MARTINEZ: But I think realistically we're all using
19 probably anywhere from 2- to 400 gallons a day.

20 VICE CHAIRMAN CLARK: Okay. So what I was thinking about
21 is -- with the water savings -- is how many new homes we can
22 provide with -- with water for the --

23 AARON MARTINEZ: Sure.

24 VICE CHAIRMAN CLARK: -- future. I mean, homes are
25 important because then we have a good tax base.

26 AARON MARTINEZ: Well, yeah. I mean, just off the cuff,
27 just on a per day perspective, you could imagine how 400 gallons
28 could go into 50,000 pretty --

29 VICE CHAIRMAN CLARK: Yeah.

30 AARON MARTINEZ: -- easy. So it definitely, from that
31 perspective, is significant, most certainly.

32 Great question. Thank you, Mr. Clark. Okay.

33 Rosanna, back to your (indiscernible), please.

34 Again, so I'm kind of finalizing this with kind of giving you
35 an understanding of materials that are going into the site. And
36 then from there, I can take any more questions.

37 So, again, we've got AstroTurf in all of the -- all of
38 the fields, including soccer.

39 And the inner portions of the track, the warming track, all
40 of that is also AstroTurf.

1 Again, the -- the concession facility will primarily be a --
2 what we call a CMU structure, Concrete Masonry Unit. It'd
3 basically be blocks with concrete filled in the center. That was
4 actually a masonry.

5 And, again, stamped concrete on the bottom portion, Trex
6 decking on the upper deck.

7 Again, the restaurant that you're seeing here is just a --
8 is it's just an incent- -- a cost revenue incentive possibility.

9 Again, we have all the pitching mounds and batting cages in
10 between the fields.

11 And I think one of the largest cost expenses for the
12 project -- and you can see in that breakdown, is the lighting.
13 There's a lot of costs that go into that lighting.

14 And so with that, we kind of -- let's pull open that
15 overall cost estimate, please.

16 So the way that my firm breaks down cost estimates is we tar-
17 -- we track the market in previous bids. And we take those values
18 and we -- and we bring them into our spreadsheet and we keep them.
19 So when you're looking at this overall estimate, we have our
20 typical market, high market, and a low market estimate.

21 So, again, the typical market is pretty much an average
22 across the board of -- or the most frequent number utilized for
23 that bid item.

24 The high market and low market are exactly that. The highest
25 number we've ever received for that bid item is what's placed
26 there. And the low market would be the lowest bid item we've ever
27 received for that bid item.

28 So with that said, the highest value that this complex is --
29 is at -- is 51 million. The typical market value is 36 million.
30 And the lowest is 25-.

31 We feel that right now this current design minus the restroom
32 facil- -- or excuse me -- the restaurant facility and ice rink
33 item that we discussed, this project is sitting roughly around 29-
34 to \$36 million.

35 There are some, again, some bid alternates that we had
36 identified in this particular estimate.

37 One item I -- I did not bring up which was a dog park.
38 That was one other sport that I forgot to mention as an
39 opportunity if the commission would like.

40 So with --

1 VICE CHAIRMAN CLARK: Would this --
2 AARON MARTINEZ: -- that said --
3 VICE CHAIRMAN CLARK: I have a question.
4 AARON MARTINEZ: Please.
5 VICE CHAIRMAN CLARK: I have a question.
6 This wouldn't be for one budget year, would it? How many --
7 how many years?
8 KEITH WESTENGARD: (Off microphone) I'm looking at about
9 three.
10 VICE CHAIRMAN CLARK: Three years.
11 KEITH WESTENGARD: Over a three-year budget period. Yes.
12 VICE CHAIRMAN CLARK: Twenty-nine to 36, huh?
13 COMMISSIONER SPARKS: And I think that that -- a
14 three-phased approach is very -- it coincides very well with the
15 field development.
16 I can hone in to each field cost more descriptively.
17 However, the commission would like to see.
18 That is the nuts and bolts of the -- of the site and kind
19 of our global presentation. And I can go into any specifics
20 you'd like.
21 VICE CHAIRMAN CLARK: Let me -- you have questions?
22 COMMISSIONER SPARKS: Yeah. I have questions.
23 VICE CHAIRMAN CLARK: Judie?
24 COMMISSIONER ALLAN: So I guess one of my questions, Aaron,
25 was: Have you looked at other sites besides, you know, that
26 area over by Lemaire School.
27 I know we're still working on the lands bill and whatnot
28 for the golf course property.
29 AARON MARTINEZ: Uh-huh.
30 COMMISSIONER ALLAN: But that's a large piece of property
31 still remaining from what hasn't been used for the golf course.
32 Plus the -- the fact that there's already ball fields. And
33 they're kind of -- you know, there's a lot of -- of feelings
34 towards those ball fields because, you know, a very beloved man,
35 you know, helped build those. And to -- to kind of save that
36 history of -- of Battle Mountain and -- and incorporate a new
37 field into it. Plus you've got adding to the sports, the
38 whole -- the concept of sports right next to the golf course.
39 And you've got the -- the clubhouse.
40 So I'm just kind of curious if that was ever mentioned.

1 AARON MARTINEZ: Sure. That's a great question.
2 So the question was, basically, have other sites been
3 evaluated, right? Is that --

4 COMMISSIONER ALLAN: Yeah.

5 AARON MARTINEZ: And so -- so our direction from Lander
6 County was to specifically look at this site only. And so to
7 answer your question, no, I have not looked at any other sites.
8 The golf course did come up as a potential opportunity, but --
9 because of that current location where those existing fields
10 were, the decision made at that time for us to look at just that
11 location only for our design and purposes. Because we have to
12 go through -- and -- and Lander County's invested money in the
13 survey aspect of that site.

14 So part of the design criteria for this project is we need
15 topographic information in order to properly create a master
16 plan. So Lander County invested money towards a site that
17 seemed feasible as most to them at that time, be- -- and -- and
18 to allocate those resources to go survey that particular site.
19 Because at that time, it was the only feasible site that we --

20 COMMISSIONER ALLAN: Can I -- can I stop you for one second
21 and point out the fact that Lander County did not do this.

22 The commission did not have a say in it, that this
23 is pretty much new to the commission as far as location and
24 whatnot.

25 So one individual is the one that's making this
26 determination.

27 AARON MARTINEZ: And that's part of why this discussion's
28 in front of you today -- right? -- this discussion is to come
29 and generate proper discussion. Right?

30 So the question that you had posed seems more than
31 appropriate to be asked, right?

32 And so that's the discussion that we're here to have today.

33 So I'm not sure if it was one person, as you've identified.
34 We've actually spoke to several folks in order to create this
35 programming phase. And we've been trying to interview different
36 people, including folks in your community, that participate in
37 the sports leagues. And I think some of those folks may be here
38 today.

39 VICE CHAIRMAN CLARK: According to the people that I talk
40 to that are involved in the softball, they're for this because

1 one reason. They want to consolidate the baseball fields so
2 that you don't have one kid over here and one kid over there and
3 another kid over there. You can have everything in one place.
4 The big thing is water savings, especially for the future.
5 AARON MARTINEZ: Absolutely.
6 COMMISSIONER SPARKS: Yeah. Thanks, Art.
7 Thank you for the presentation, by the way.
8 When I first seen it, I was like, holy cow. I'm like, are
9 you kidding me, right?
10 AARON MARTINEZ: Right. When we set out to have Keith, you
11 know, direction to do the study.
12 AARON MARTINEZ: Right.
13 COMMISSIONER SPARKS: So my concerns are --
14 SADIE SULLIVAN: Bryan, will you do your mic, please?
15 COMMISSIONER SPARKS: Huh?
16 SADIE SULLIVAN: Your mic.
17 VICE CHAIRMAN CLARK: No.
18 COMMISSIONER SPARKS: It's --
19 COMMISSIONER ALLAN: Mine was --
20 COMMISSIONER SPARKS: -- on.
21 SADIE SULLIVAN: It's on?
22 VICE CHAIRMAN CLARK: You're good. You're good, --
23 SADIE SULLIVAN: Oh, --
24 VICE CHAIRMAN CLARK: -- Bryan.
25 SADIE SULLIVAN: -- okay.
26 COMMISSIONER SPARKS: Was that first and foremost the
27 location. So my concern was -- because I know there's a lot of
28 people in the community that are softball players, they're --
29 you know, I've heard talk like the 44-hour tournaments could
30 bring a lot of people into the community and whatnot.
31 With the location, my concern is that it's so close to a
32 school.
33 AARON MARTINEZ: Uh-huh.
34 COMMISSIONER SPARKS: I don't know if that's -- if there's
35 been any thought to that, you know, and if you have kids and
36 they're holding a tournament. Because some of those, I think
37 they're on, like, Fridays and things like that.
38 AARON MARTINEZ: Right.
39 COMMISSIONER SPARKS: My next thing was: Is it a bit
40 overkill for Lander County?

1 I mean, Keith said he spared no expense. It was -- this is,
2 like, state of the art. You'd see -- this is something I think
3 you'd see in Las Vegas or -- or Los Angeles or --

4 Battle Mountain? Three thousand people? Really?

5 I mean, that was my thoughts. And I'm --

6 AARON MARTINEZ: Uh-huh.

7 COMMISSIONER SPARKS: -- not -- I'm not -- I'm not making
8 any sort of I'm in favor or against it. I'm just opening this
9 up for discussion, getting everyone to look at it.

10 AARON MARTINEZ: Right.

11 COMMISSIONER SPARKS: And my last comment is if -- if we
12 decided to do something like this, I think absolutely we should
13 have a community meeting, involve the rest of the community
14 because this is a large chunk of money. So that's all I have to
15 say.

16 COMMISSIONER ALLAN: So Bryan, I just want to comment. A
17 little bit of -- of what you said about, you know, overkill for
18 Lander County.

19 I was really curious, when I go over Errecart Road in Elko,
20 what was going on down by the river.

21 And so I actually talked to one of the city council members.
22 And they are building a sports complex.

23 And they are also going in phases. And one of the things
24 they're looking at is -- is these tournaments. I know he
25 mentioned Car- -- or Sparks has -- has a really nice sports
26 complex and ball fields and whatnot. And they actually do
27 generate quite a bit of money for these different tournaments.

28 And it would be a draw to Lander County. And -- and I do
29 think that, you know, it is a lot of money. And -- and maybe
30 just a tad bit overkill. But -- but by the same token, you
31 know, Elko's getting one. It's a bigger draw that it's a lot
32 more involved than we realize how many people play these
33 tournaments and travel around.

34 And, you know, it kind of sold me on it, talking to -- to the
35 city councilman, and -- and the potential.

36 And also, as Art had mentioned, having everything, all the
37 fields in one particular area versus how they are now, spread out.
38 Plus more of a professional-feel design.

39 So there's -- there is some money to be made on it. I
40 don't know if it would ever pay for itself.

1 AARON MARTINEZ: Right.

2 COMMISSIONER ANCHO: One of the issues I see is if they
3 aren't staying in RVs where if we don't have enough hotel space
4 to -- for people to stay, where -- what are we going to do for
5 that?

6 COMMISSIONER SPARKS: That's a great question.

7 And I -- I fully agree with you. I think that if we do want
8 to target tournament play, we need to be able to house them
9 appropriately. Or that's an opportunity for one of your community
10 members to, you know, maybe start a business also.

11 VICE CHAIRMAN CLARK: Is anybody here in the audience have
12 anything to say about this?

13 NOLIENA CASTELLANOS: I have a question.

14 VICE CHAIRMAN CLARK: Okay. Could we come up one at a
15 time, please?

16 UNIDENTIFIED PARTICIPANT: (Indiscernible) I will --

17 VICE CHAIRMAN CLARK: We'll have --

18 COMMISSIONER SPARKS: (Off microphone) Come to the front.

19 VICE CHAIRMAN CLARK: Yeah, public comment.

20 NOLIENA CASTELLANOS: It's Noliena Castellano.

21 VICE CHAIRMAN CLARK: Come on up.

22 NOLIENA CASTELLANOS: Noliena Castellano, for the record.

23 I just have a question. Looking at this, you didn't have a
24 volleyball -- outdoor volleyball section. And I bring that up
25 because any time you drive by Elquist Park, --

26 AARON MARTINEZ: Uh-huh.

27 NOLIENA CASTELLANOS: -- you'll see kids are always using
28 it. We even have kids in their 20s do it. They have a group.
29 They send out messages saying, hey, let's go over here, play.
30 So I think, you know, if we're doing something like this,
31 that should be added. Because that's --

32 AARON MARTINEZ: And --

33 NOLIENA CASTELLANOS: -- something that is definitely used
34 in this community.

35 AARON MARTINEZ: Yeah. Thank you.

36 COMMISSIONER ALLAN: Oh.

37 VICE CHAIRMAN CLARK: De Vries?

38 REID DE VRIES: My name is Reid De Vries. And I'm a field
39 maintenance guy for Battle Mountain Little League. I am also a
40 board member and a coach.

1 And one of the concerns I have right now is we have six
2 baseball and softball fields. And we use every one of them in
3 town every night for practicing games. We're also using -- the
4 soccer fields you're going to tear out these for three T-ball
5 fields for practice and games almost every single night. And
6 we're also using a soccer field of the schools to make a
7 practice softball field for the girls because we've got so many
8 signed up this year.

9 And my concern is if we rip out these two baseball fields
10 and that soccer field, we're essentially losing five Little
11 League fields. And not only during the construction of it, but
12 even after the construction, we're still short on fields.

13 I'd almost say if we could move these fields somewhere else
14 and use them in addition to what we've already got, we'd be
15 better off in the future.

16 I mean, we're limited right now. I mean, trying to get
17 those kids home before 10:00 o'clock at night, it's a huge
18 challenge right now, especially on school nights.

19 Like I said, we're short on fields now. I think we're
20 going to be shorter when you get done with this project. Even
21 though it's a very beautiful complex, it's well laid out, I
22 think another location needs to be chosen so we can keep these
23 fields in play.

24 KEITH WESTENGARD: (Off microphone) Can --

25 REID DE VRIES: And the --

26 VICE CHAIRMAN CLARK: (Off microphone) Let me ask you on
27 the scheduling.

28 (On microphone) On the scheduling, Reid, you're saying we
29 need more than four fields at one time? Or are you saying that
30 you're concerned about the construction and not having fields
31 available?

32 REID DE VRIES: Both. During the construction, I'm
33 concerned that we won't have these fields in the spring for the
34 kids. And then we're going to have to obviously look elsewhere
35 and change our schedule as much as possible.

36 But the other problem is, is trying to get all those games
37 and practices. Even normally, with all the fields we have now,
38 we're struggling to get everything done before 10:00 o'clock at
39 night.

40 VICE CHAIRMAN CLARK: How many ball fields do we have right

1 now?
2 REID DE VRIES: Six.
3 VICE CHAIRMAN CLARK: Six.
4 REID DE VRIES: Yep.
5 VICE CHAIRMAN CLARK: And -- and we can't schedule with
6 six?
7 REID DE VRIES: Well, we also have the high school using
8 two of those.
9 VICE CHAIRMAN CLARK: Okay. So then --
10 REID DE VRIES: And --
11 VICE CHAIRMAN CLARK: -- you're down to four.
12 REID DE VRIES: And, I mean, we do everything we can to
13 schedule it, but it's still a challenge.
14 VICE CHAIRMAN CLARK: Yeah. Oh, I know.
15 REID DE VRIES: I --
16 VICE CHAIRMAN CLARK: I know that scheduling was an issue
17 when I talked to some softball people.
18 REID DE VRIES: Uh-huh.
19 VICE CHAIRMAN CLARK: And, you know, having a kid in one
20 league and a kid in another league and you're at practice all
21 night.
22 REID DE VRIES: And as far as them being spread out across
23 Battle Mountain, that's not really a big issue to us just
24 because, I mean, it's a fairly small town.
25 It's just we don't have enough fields right now.
26 And I -- and the fields are already there. I'm -- all I'm
27 saying is we need to move these fields somewhere else and save
28 what we've already got as much as possible.
29 And then it takes the stress off these new fields as well.
30 And we're not fighting with everybody, trying to get field time.
31 The other question I have is the synthetic turfs are really
32 nice, but you're saying they're only going to last 10 to 30
33 years. At what cost per field are we looking at to replace the
34 synthetic turf over the years? And are we going to have that
35 money in 10, 15, 20 years to replace that synthetic turf?
36 I know the school had said their football field's going to
37 cost them \$500,000 every 10 years to replace it.
38 I think this is something we need to look at so we're not
39 getting ourselves into a bind in the future budgets.
40 COMMISSIONER SPARKS: Aaron, what is the replacement cost

1 on --
2 AARON MARTINEZ: Yeah.
3 COMMISSIONER SPARKS: -- the turf --
4 AARON MARTINEZ: So you --
5 COMMISSIONER SPARKS: -- fields?
6 AARON MARTINEZ: -- you could take a look at each field.
7 I've broken down fully that synthetic turf portion.
8 Right now we're targeting about \$8.25 a square foot, which
9 puts that field for this -- let me see -- for field one, that's
10 about 444,000.
11 REID DE VRIES: Per field.
12 AARON MARTINEZ: Uh-huh.
13 COMMISSIONER SPARKS: (Off microphone) Per field. So 10.
14 So just say if it was 10 years or more. So we're looking
15 1.6 million every 10 years. Wow.
16 COMMISSIONER ALLAN: (Off microphone) And in 10 years --
17 UNIDENTIFIED PARTICIPANT: (Off microphone) The cost for
18 those.
19 COMMISSIONER ALLAN: (On microphone) And in 10 years, the
20 cost is going to go -- increase.
21 REID DE VRIES: Uh-huh.
22 COMMISSIONER ALLAN: You know, it's not going to stay at
23 eight something.
24 REID DE VRIES: Right.
25 COMMISSIONER ALLAN: That's --
26 REID DE VRIES: I mean, they're very nice. I'm just
27 concerned that we're going to get ourselves into a bind and then
28 not be able to replace them.
29 VICE CHAIRMAN CLARK: Well, we just want to -- we want to
30 talk about this and get some ideas.
31 AARON MARTINEZ: We do.
32 VICE CHAIRMAN CLARK: We all agree that it's nice. And we
33 all agree that it'd be a nice addition to the county. But we
34 really have to weigh, you know, the cost associated and, you
35 know, how many people extra to the employees are we going to
36 need? Is it going to be seasonal? Is it going to be full-time?
37 I mean, there's a lot of questions with this. There's no doubt
38 it's a huge project.
39 REID DE VRIES: Yeah.
40 AARON MARTINEZ: To kind of touch on some of your comments,

1 though. So right now under the current scenario, I have two
2 fields and a soccer field. When this is done, you'll have four
3 fields and a soccer field. So you're gaining two much larger
4 fields that technically could get broken up into several
5 practice groups on these ones here, especially --

6 REID DE VRIES: Okay.

7 AARON MARTINEZ: -- for your younger groups. So -- so to
8 me, on your younger groups that you're talking about here,
9 you're probably gaining six fields with this current layout,
10 because you guys don't need that entire space to practice. I
11 think we used to spray those fields up into two when I coach.

12 UNIDENTIFIED PARTICIPANT: Yes.

13 AARON MARTINEZ: But that -- so -- so that was kind of my
14 first off the cuff.

15 But in terms of the construction portion, you're dead
16 right. You're going to be missing two fields and an entire big
17 soccer field while that construction goes. So that is something
18 that definitely needs to be taken into consideration to assist
19 you guys so that you can continue to practice. And I don't know
20 if the golf course has some options there.

21 COMMISSIONER WAITS: Thank you.

22 You all are absolutely right. We have never really brought
23 this on as an agenda item before. It had been discussed and a lot
24 of people. And we started putting a little bit of money away.

25 I think we were all under the impression it was going to
26 run a few hundred thousand dollars, to be truthful.

27 And so I think you've caught us all in -- in absolute awe
28 most certainly with the cost. But the other is what it could
29 be.

30 And so I know we aren't going to make any decisions today.
31 But I do agree with Commissioner Bryan. I think this needs to
32 have a public meeting. We -- or a couple of them to go into
33 some more detail and most certainly get feedback from this
34 community before we ever do anything.

35 My first inclination is always to say, let's cut the cost
36 here. And you said how much we had for storage. And I'm going,
37 oh, my goodness. We don't need that. But the bottom line is,
38 if we're really going to do this, we don't -- we don't want to
39 be caught short in 10 years down the road saying, I wish we'd
40 have built this bigger.

1 So if we're going to have a vision, we've got to have the
2 vision before all of us. And we've got to do it right.

3 AARON MARTINEZ: Uh-huh.

4 COMMISSIONER WAITS: So I don't know if you, Mr. Chair, if
5 you want a motion for us just to continue and -- and have a
6 couple of community meetings. But, like I said, I think we all
7 want to know more. Nobody's going to vote no on this today, I'm
8 sure. But nobody's going to vote yes either because we have a
9 lot to do. So --

10 COMMISSIONER SPARKS: (Off microphone) I think we --

11 COMMISSIONER WAITS: -- how would you --

12 COMMISSIONER SPARKS: -- have --

13 COMMISSIONER WAITS: -- like to do this?

14 COMMISSIONER SPARKS: Art, I think you have more public
15 comment there.

16 VICE CHAIRMAN CLARK: Yeah. We have more public comment.
17 Come on up, John.

18 JOHN DAVIS: John Davis, resident of Battle Mountain, for
19 the record.

20 I don't have a problem with what Mr. Martinez put together or
21 the county put together with this. I don't have a problem with
22 doing something for the community.

23 I agree with Commissioner Sparks on -- is this a bit
24 overkill? Prima, I mean, this is the top notch, best of the
25 best.

26 But from a taxpayer and somebody that's been here my entire
27 life, there's no way in the rest of my lifetime that we could
28 have enough softball tournaments or baseball tournaments to ever
29 pay for this.

30 If -- If we approve a \$36 million complex, it's a breach of
31 your guys' responsibility with my money.

32 Maybe we could look at shrinking the project, getting it
33 down.

34 But if we have this kind of money to spare, to throw
35 around, maybe you ought to give the taxpayers a little back.

36 I pay all kinds of taxes. I don't have a problem with that.
37 I'll pay them. But when we're looking at these kinds of dollars,
38 it's huge. And I -- well, you just can't be throwing that money
39 around.

40 Smaller scale, I get -- anything to help our kids and give

1 them a place, I'm for.

2 My past experience with the board, maybe the commission ought
3 to get together with school district and give them a portion of
4 the net -- of the proceeds, our tax dollars so we can get a
5 continuing -- I think that that money at the district, we're going
6 to have more impact on more kids at -- on that side than we will
7 building a \$36 million complex.

8 I also don't like it next to the school. I -- I think it's
9 a bad deal. You get these 24-hour tournaments. There's
10 alcohol, probably some drugs. I just don't think it's a -- a
11 prime spot for that, especially when you have a -- a school
12 function going on, a basketball game or something going on at
13 the junior high on weekends, and we have all these things going
14 on.

15 Other, maintenance costs. Art, you brought it up. How
16 many staff is it going to take? Are we going to -- are we just
17 going to hand the keys over to adult softball, Little League,
18 say, "Here you go" with a \$36 million complex? Are we going to
19 have one? One person isn't going to take care of this.

20 VICE CHAIRMAN CLARK: It's going to be --

21 JOHN DAVIS: It's a -- it's a two-person deal at least.

22 VICE CHAIRMAN CLARK: At a minimum.

23 JOHN DAVIS: The synthetic turf on your design, I get it.
24 I mean, water is a precious resource.

25 I just don't know that it's something that if the return on
26 investment is -- is there, especially in 10 years down the road
27 when you go to replace it and it costs us 30 percent higher than
28 what we budgeted.

29 But we got to work in today's dollars. That's all we have.

30 So I just voice my concern as a taxpayer. I don't like it
31 at this scale, anywhere close to this scale.

32 So go back to the drawing board. Community meetings very
33 much need to be done. You know, your 36 million, if there's
34 5,000 people in the county, that's \$7600 a person that it would
35 work out to build this thing.

36 And I'm sure Commissioner Waits probably has something to
37 say about that, representing Austin that's not going to get
38 anything out of this. So --

39 Well, they still have a voice.

40 VICE CHAIRMAN CLARK: Well, Austin surely can come up here

1 and play baseball.

2 JOHN DAVIS: Well --

3 VICE CHAIRMAN CLARK: And on one of your other comments,
4 the school district does get a lot of net proceeds of mines from
5 the county. It comes through the state to us and we disperse
6 it.

7 JOHN DAVIS: That's correct. But where the district has
8 nothing on the tax rolls per se.

9 Elko County, if I'm not mistaken there, they have a
10 percentage of -- quarter percent or a penny or something on the
11 roll.

12 AARON MARTINEZ: Not that I'm aware of.

13 JOHN DAVIS: So the district used to be on there. At some
14 point, we got booted off. So it's an option that I think that
15 everybody needs to look at and be aware of.

16 AARON MARTINEZ: John, if I could kind of reply back a
17 little bit on some of the things --

18 JOHN DAVIS: Sure.

19 AARON MARTINEZ: -- you said. So my experience is take a
20 look at what's being built in Elko, and all due respect, they're
21 my client as well. Take a look at what's being built there.

22 We didn't design that. But just take a look at that.
23 Okay. And put that into perspective of about 11 to \$15 million.

24 And so I want to caution everyone here today that yet --
25 today's meeting is a -- is step one. No one's asking for
26 approval.

27 JOHN DAVIS: Uh-huh.

28 AARON MARTINEZ: The county manager wanted this to be as a
29 step one to this process.

30 And so that is why we're here is to create this discussion.

31 So all the items that have been said here are duly noted.

32 And I -- this is exactly what we needed to start this off.

33 But -- but to go build four fields out of grass and sitting
34 at a 11- to \$15 million price tag, I think you would be doing
35 your taxpayers a major disservice.

36 And so my experience with the reality of building these
37 complexes is your end product at this cost versus your end
38 product at this cost are significantly different.

39 So when you go to Elko and you see that \$15 million
40 project, I think you'll start to maybe be able to visually

1 compare this design to that. And I think you'll see
2 astronomical differences.
3 And I --
4 VICE CHAIRMAN CLARK: Aaron.
5 AARON MARTINEZ: -- think that needs to be taken into
6 consideration.
7 VICE CHAIRMAN CLARK: Eleven to \$15 million for what they
8 did in Elko?
9 AARON MARTINEZ: Yeah. It's 11- to --
10 VICE CHAIRMAN CLARK: That's a --
11 AARON MARTINEZ: -- 15-.
12 VICE CHAIRMAN CLARK: -- a third -- a third of what this
13 is.
14 AARON MARTINEZ: Yeah.
15 It's a -- it's a -- it's -- it's got its own complications.
16 And the City of Elko did a great job with that project, but that
17 is the reality.
18 VICE CHAIRMAN CLARK: Thanks, John.
19 JOHN DAVIS: Thank --
20 VICE CHAIRMAN CLARK: Thanks, --
21 JOHN DAVIS: -- you.
22 VICE CHAIRMAN CLARK: -- (indiscernible).
23 COMMISSIONER ALLAN: Thank you, John.
24 JOHN DAVIS: Appreciate it. Good work.
25 AARON MARTINEZ: Thank you.
26 VICE CHAIRMAN CLARK: Oh. Sorry, Judie.
27 COMMISSIONER ALLAN: No. No, I mean, I was just going to
28 say for -- Elko is going in phases. And I don't know what the
29 app- -- the end cost --
30 AARON MARTINEZ: The --
31 COMMISSIONER ALLAN: -- is going to be.
32 AARON MARTINEZ: Well, so it's got a lot of -- that project
33 is very complex.
34 But basically, this current phase was around 11- to
35 \$15 million for the infrastructure you're currently seeing.
36 COMMISSIONER ALLAN: Yeah.
37 AARON MARTINEZ: And the -- the overall project was a
38 \$35 million project, an infill project. But that project could not
39 be budgetarily obtained.
40 COMMISSIONER ALLAN: One of the other things I know is they

1 actually did get some grant money --
2 AARON MARTINEZ: Yeah. That --
3 COMMISSIONER ALLAN: -- for --
4 AARON MARTINEZ: -- helped.
5 COMMISSIONER ALLAN: -- that.
6 AARON MARTINEZ: Yeah.
7 COMMISSIONER ALLAN: And --
8 AARON MARTINEZ: And there's a masquerading component that
9 was brought on by their design engineer that was unfortunate.
10 So there's -- there's -- again, there's complications to
11 that project. But -- but to me, how I look at it is even if
12 it's on the low end of an \$11 million project, that does not
13 feel to me like an \$11 million sports complex.
14 And so that is where our design initiatives have taken that
15 information and -- and -- and created the vision that you see
16 here as our best approach.
17 And in terms of if we want to trim items out of this, we
18 can most certainly do that.
19 VICE CHAIRMAN CLARK: Any other public comment?
20 Please come up.
21 CORY MILLS: My name is Cory Mills. I'm the head baseball
22 coach for Battle Mountain High School.
23 And my question is: Is this going to incorporate these --
24 are these high school fields now as well? Or will the current
25 high school fields also be retrofitted?
26 Because I'll tell you right now, the current high school
27 baseball field is in absolutely horrendous condition.
28 VICE CHAIRMAN CLARK: They're what?
29 CORY MILLS: The high school baseball field is in horrible
30 condition.
31 VICE CHAIRMAN CLARK: Yeah.
32 CORY MILLS: I personally spend hundreds of hours every
33 year just keeping it playable --
34 VICE CHAIRMAN CLARK: Thank you.
35 CORY MILLS: -- on my own time.
36 And so I have -- my question is, I know this is geared
37 towards Little League and all the -- the young kids, which is
38 amazing because we need to keep them involved in the community.
39 I personally think part of the reason our sports
40 participation is dwindling is because we don't have great

1 facilities for these kids. You know, you look at the Little
2 League football team, the football league, and their numbers
3 stay high because they have a cool, awesome field to look
4 forward to when they get to high school.

5 You know, we've got gopher holes and goat heads and
6 potholes and -- and so -- and so if this incorporates high
7 school that just puts another complication into it as -- as far
8 as Little League is involved as well.

9 And I'm just wondering, Is this also going to be a high
10 school complex? Or is that another item that has to be
11 addressed in a different time?

12 VICE CHAIRMAN CLARK: Bert. Or --

13 The softball field and the high school field, are they county
14 or are they school district?

15 BERT RAMOS: County.

16 VICE CHAIRMAN CLARK: County.

17 CORY MILLS: Uh-huh.

18 VICE CHAIRMAN CLARK: Okay.

19 COMMISSIONER SPARKS: (Off microphone) With the agreement,
20 right, county, with the agreement that the school keeps them up,
21 is that right?

22 BERT RAMOS: Right.

23 VICE CHAIRMAN CLARK: Yeah.

24 CORY MILLS: Yes.

25 COMMISSIONER SPARKS: (Off microphone) Just wanted to make
26 sure.

27 UNIDENTIFIED PARTICIPANT: (Off microphone) Right.

28 VICE CHAIRMAN CLARK: I -- I --

29 CORY MILLS: So --

30 VICE CHAIRMAN CLARK: -- I think that that would just have
31 to be part of the discussion. And we've never excluded the high
32 school from anything.

33 CORY MILLS: Right. But that -- that was my -- my question
34 is: Is this now going to be the high school's new baseball
35 field and softball field? Or are we staying over there?

36 And if that's the case, I really feel that needs to be
37 addressed as well --

38 VICE CHAIRMAN CLARK: Yeah.

39 CORY MILLS: -- as --

40 VICE CHAIRMAN CLARK: Yeah. Scheduling's --

1 CORY MILLS: -- as --
2 VICE CHAIRMAN CLARK: -- going to be --
3 CORY MILLS: So --
4 VICE CHAIRMAN CLARK: -- an issue. There's no doubt about
5 that.
6 AARON MARTINEZ: But to answer your question, the two
7 larger fields are designed for high school play. So they would
8 fit your needs.
9 CORY MILLS: Uh-huh.
10 AARON MARTINEZ: But as Art identified that --
11 VICE CHAIRMAN CLARK: Mr. Mills, how many --
12 CORY MILLS: Yes.
13 VICE CHAIRMAN CLARK: -- fields do you need for a
14 tournament for high school?
15 CORY MILLS: You could do a tournament on one field. So --
16 VICE CHAIRMAN CLARK: So if you --
17 CORY MILLS: -- it's --
18 VICE CHAIRMAN CLARK: -- have two, you could have a --
19 CORY MILLS: It's --
20 VICE CHAIRMAN CLARK: -- bigger field.
21 CORY MILLS: Yeah. If -- if --
22 VICE CHAIRMAN CLARK: You could --
23 CORY MILLS: -- you --
24 VICE CHAIRMAN CLARK: -- have --
25 CORY MILLS: -- had two --
26 VICE CHAIRMAN CLARK: -- zone.
27 CORY MILLS: -- full-size baseball fields, you could do it
28 a lot easier.
29 VICE CHAIRMAN CLARK: You could --
30 CORY MILLS: So --
31 VICE CHAIRMAN CLARK: -- have zones.
32 CORY MILLS: Yeah.
33 Yes.
34 VICE CHAIRMAN CLARK: Yeah.
35 CORY MILLS: And we had --
36 VICE CHAIRMAN CLARK: And with a --
37 CORY MILLS: So --
38 VICE CHAIRMAN CLARK: -- with a --
39 CORY MILLS: -- we had regionals here two years ago.
40 And going back to the condition of the field, the two weeks

1 before regionals, I spent 87 hours on that baseball field.

2 VICE CHAIRMAN CLARK: Home field advantage.

3 CORY MILLS: So -- no. No.

4 No. It -- it's -- it's honestly unsafe in a lot of areas
5 to play on it.

6 VICE CHAIRMAN CLARK: Well --

7 CORY MILLS: And we continue to work on it. And -- but
8 it's -- no. I -- I do it because I love it. And I love the
9 kids in this community.

10 I definitely don't do it for the money if anyone's ever
11 coached. So it's -- that's -- that's a -- that's a big concern
12 when I heard about this is: Is the high school going to be
13 benefiting from this as well, not just Little League? So --

14 VICE CHAIRMAN CLARK: Well, I think that our concern is
15 that the whole community benefits --

16 CORY MILLS: Uh-huh.

17 VICE CHAIRMAN CLARK: -- from our decisions, not --

18 CORY MILLS: Yep.

19 VICE CHAIRMAN CLARK: -- just one group.

20 CORY MILLS: Right.

21 VICE CHAIRMAN CLARK: That's what we have to keep in --

22 CORY MILLS: Yep.

23 VICE CHAIRMAN CLARK: -- mind.

24 CORY MILLS: Thank you.

25 VICE CHAIRMAN CLARK: You're welcome.

26 DAWNETTE JOHNSON: Hi, guys. Dawnette Johnson, resident
27 here in Lander County.

28 I'm also on the board for adult softball. We've got that
29 league going. And we did two years now. We're going on our
30 third year here coming up.

31 Along with Cory, you know, and what he had to say as far as
32 things go, if you guys decided to, say, get rid of the turf and
33 you did the grass, what is the maintenance looking like?

34 Because the adult softball fields, the high school fields,
35 the Little League fields, all that we have right now, there is
36 no maintenance to them pretty much besides what we can do.

37 And being that they're fields -- baseball or softball --
38 being that they're fields out there, you know, and the county
39 does own them, there is no maintenance to them.

40 We use them and we take care of them when we use them. But

1 like adult softball, we play from, maybe, June to -- to August,
2 you know, from the time school gets out till the time school
3 starts, that's what we play. So we maintain them then. But
4 throughout the whole rest of the year, they don't get mainta- --
5 maintained at all.

6 So that is a big concern is if we're going to spend this
7 money, who is going to be responsible to maintain them?

8 I also think that we do need to do it in a separate place. I
9 do -- I've got kids on Little League. I do the adult softball.
10 I've done it all. It sucks. It really does, excuse my language,
11 it does suck to have one kid playing over here at 6:30 and the
12 other kid playing over here at 6:30. And it doesn't seem like a
13 lot, but it is, even in Battle Mountain, trying to get to all the
14 fields if it's at the same time. Because you're only one person.

15 So I do think that is a big consideration to go to a
16 different spot to have that available.

17 I've done the 44-hour tournaments, like you mentioned, in,
18 like, Winnemucca and that kind of stuff. I've been around adult
19 softball my whole life.

20 They revenue a lot of people coming in for those tournaments.
21 Winnemucca actually got rid of their 44-hour tournament. I heard
22 they're trying to bring it back. I haven't heard for sure if they
23 have or not. But they did get rid of it. That's a huge thing for
24 us to pick up something like that for the adult softball league.
25 To bring that in here, we would have to have the right type of
26 facility to do that, though.

27 COMMISSIONER SPARKS: Do we have --

28 DAWNETTE JOHNSON: With the --

29 COMMISSIONER SPARKS: -- what -- can I ask you?

30 DAWNETTE JOHNSON: Yeah.

31 COMMISSIONER SPARKS: Why did Winnemucca get rid of it?

32 DAWNETTE JOHNSON: I don't know why they ended up getting
33 rid of it. I just went the last year that they did it.

34 But I know my aunt and uncle had played in that pretty much
35 since it started, since they started doing it. And they live in
36 Fallon. But there's people that would come from Arizona,
37 California, I mean, and then obviously all over Nevada to go to
38 those things.

39 Where we're located, we might not be a big town, but we're
40 in the middle, which makes it so much better for us. So even

1 though it's like -- like you said earlier, Bryan, you know, it
2 seems like a lot for Battle Mountain. It -- it's probably a lot
3 for Battle Mountain. But it's a lot to bring into Battle
4 Mountain.

5 And we brought that Rec Center in here and nobody around
6 here -- Winnemucca, Elko, they don't have anything like that.

7 We've been able to bring in a swim team. We've been able
8 to bring in gymnastics for the kids. So even though it seems
9 like too much right now, it is a huge thing to bring people
10 into. More in between Elko and Winnemucca and Carlin and all
11 these different places, Lovelock, that do softball and that kind
12 of stuff, it's a huge opportunity for us to bring it in.

13 Thank you.

14 AARON MARTINEZ: (Off microphone) Thank you very much.

15 COMMISSIONER WAITS: Are you ready for a motion?
16

17 (Commissioner Sparks left the commission chambers.)
18

19 VICE CHAIRMAN CLARK: Anyone else?

20 I'm waiting for Bryan to get back.

21 Do you want to make a motion?

22 COMMISSIONER WAITS: Sure. I'll make a motion that we ask
23 A. M. Engineering to -- to look at some other options for us in
24 reducing some of the costs, some of -- and some comparisons and
25 that we hold a community meeting for probably in the evening for
26 more input from our citizens.

27 AARON MARTINEZ: Could I ask a question?

28 So do you want other sites evaluated?

29 And if so, there has to be some modification in scope.
30 Because in order to obtain costs, like grading costs and those
31 things, in order to accurately project costs as I've identified
32 here, we have to do survey components for those particular
33 sites. So --

34 COMMISSIONER WAITS: I'd say let's have the hearing first.
35 And at the hearing we can get more input and see if they want to
36 do other sites from there.

37 AARON MARTINEZ: Got it.

38 COMMISSIONER WAITS: Because, I mean, we could spend all
39 day on this. I'm sorry.

40 AARON MARTINEZ: Absolutely.

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(Commissioner Sparks reentered commission chambers.)

COMMISSIONER WAITS: And it -- it is a beginning.
And if it's something we're going to look at, I know we have to cut the costs. I know we do.
So at this point, I think what we'd really like to do is a couple hours. I'm sure it'll take that or more at the meetings.
And then we'll -- we'll decide whether we want you to continue with surveying other sites, et cetera, and where we're going to go.

AARON MARTINEZ: So your expectation of my firm at the next --

COMMISSIONER WAITS: Take --
AARON MARTINEZ: -- meeting --
COMMISSIONER WAITS: -- take a look --
AARON MARTINEZ: -- is to --
COMMISSIONER WAITS: -- at this --
AARON MARTINEZ: -- perform --
COMMISSIONER WAITS: -- right now --
AARON MARTINEZ: -- this --
COMMISSIONER WAITS: -- and see what -- see what we could cut. Give us --

AARON MARTINEZ: Okay.
COMMISSIONER WAITS: -- some -- some options if we did do the regular -- the regular soil or --
AARON MARTINEZ: Uh-huh.
COMMISSIONER WAITS: -- if -- if we've cut any. You might have some other ideas how we can cut it.

AARON MARTINEZ: Okay.
COMMISSIONER WAITS: And we may not need the top and the skating rink. We might go another way.
I mean, just something. Because I have to agree, this is -- I mean, this is more than this whole building right here.
And -- and -- and -- and I'm okay with -- with going ahead.
But, like I said, I'm still stuck on the 2- or 300,000 that I thought we were going to do. So I'm -- I'm -- I'm really still in shock.
But if -- if the commissioners are okay with something like that?

1 VICE CHAIRMAN CLARK: Okay. I -- I'm not in shock about
2 the price. I figured it'd be that much. But what's your
3 motion? You need to --

4 COMMISSIONER WAITS: My motion -- my motion is for him to
5 look at some other options to try and get our costs down and to
6 hold a community meeting in the evening.

7 VICE CHAIRMAN CLARK: (Off microphone) Can we get a second
8 on that?

9 COMMISSIONER SPARKS: (Off microphone) I'll second it.

10 VICE CHAIRMAN CLARK: (On microphone) All in favor?

11 COMMISSIONER ANCHO: Aye.

12 COMMISSIONER SPARKS: Aye.

13 VICE CHAIRMAN CLARK: Aye.

14 COMMISSIONER WAITS: Aye.

15 COMMISSIONER ALLAN: Aye.

16 VICE CHAIRMAN CLARK: Okay.

17 AARON MARTINEZ: Commission, thank --

18 VICE CHAIRMAN CLARK: We'll take --

19 AARON MARTINEZ: -- you --

20 VICE CHAIRMAN CLARK: -- a five-minute --

21 AARON MARTINEZ: -- so much for your time.

22 VICE CHAIRMAN CLARK: -- break here.

23 COMMISSIONER SPARKS: (Off microphone) Thanks, Aaron.

24 VICE CHAIRMAN CLARK: Thanks, Aaron.

25
26 (Break taken between 10:42 a.m. and 10:52 a.m.)
27

- 28 **14) COMMISSIONERS: For possible action to approve and discuss**
29 **comments for submission on the proposed revisions by the**
30 **Bureau of Land Management who have recently been tasked with**
31 **updating its regulations for grazing (43 CFR Part 4100) --**
32 **Grazing Administration Exclusive of Alaska with comments**
33 **accepted online through March 6, 2020.**
34

35 COMMISSIONER ANCHO: Move ahead to Item Number 14.

36 SADIE SULLIVAN: (Off microphone) Do you want to ask if
37 she's --

38 VICE CHAIRMAN CLARK: For possible action to approve,
39 discuss comments for submission on the proposed revisions by the
40 Bureau of Land Management, who have recently been tasked with

1 updating its regulations for grazing, 43 CFR Part 4100, grazing
2 administrative -- administration exclusive of Alaska with
3 comments accepted online through March 6, 2020.

4 Patsy?

5 COMMISSIONER WAITS: Thank you. Yes. We had this on our
6 agenda last time for us to do a letter and make our comments.

7 And this is so extremely important because our -- our folks
8 out there on the rangeland have been under the rangeland laws
9 for -- what? -- the last 25 years, I guess, and certainly have
10 needed updating.

11 And for the first time, they've asked for our input, which
12 we think is so important from everyone and even individuals.

13 So if any individuals today would like to also make
14 comments, we have some copies of some comment forms that you're
15 very welcome to take. So please stay afterwards to do that.

16 So along with that, our county manager has filled our
17 request and put together a two-page letter that comments on the
18 regulations and our information. And I think you all have
19 copies of that letter now.

20 There's just a couple things that I would like to add to
21 that.

22 Number one, I would like it -- right now it's on the
23 letterhead of our county manager. But I would like it on the
24 letterhead of our county commissioners if we vote to go this way
25 because I -- I'm extremely interested in -- in those folks
26 getting the individual comments and knowing this is directly
27 from our commission and how we feel about this.

28 So I'll hold up on the -- the couple of comments that I
29 have on the letter and go ahead and let you finish our public
30 comment.

31 VICE CHAIRMAN CLARK: (Off microphone) Yeah. I'm opening
32 it to public comment unless the commissioners have anything to
33 say.

34 Judie?

35 COMMISSIONER ALLAN: I -- only thing I have to add to
36 Patsy's -- and thank you for that, Patsy -- is being -- being on
37 the letterhead of the commissioners, which I definitely agree
38 with is would we all sign?

39 I mean --

40 COMMISSIONER WAITS: Well, as long as it's on our

1 letterhead, I'm o- -- I'm okay with the county manager signing
2 it, knowing, you know, like -- either way we want to do it. But
3 we can address that. Okay. Thank you.

4 VICE CHAIRMAN CLARK: Okay. Public comment.

5 PAUL TOMERA: For the record, Paul Tomera, with Tomera
6 Ranches.

7 We went to the public scoping meeting in Elko last week.
8 There were four meetings held across the western United States.
9 Kind of went with the expectations of learning what this whole
10 process was going to address.

11 When we got up there, it was very uninformative. We did
12 not get anything from BLM is what's going to be addressed by
13 this.

14 We did talk to Jake Tibbets, who is Eureka County's public
15 lands adviser or something, and J. J. Goicoechea, who is working
16 on a committee with recommendations that is being submitted to
17 the national BLM.

18 And Eureka County did hold a meeting the day after, I
19 believe, the Elko meeting. And they presented what -- and I
20 think J. J. and Jake worked on a -- a handout. I believe you
21 guys have that in your packet now. But it's a few talking
22 points that Eureka County felt needed to be addressed in these
23 regulation changes.

24 We have since got that. I've read that. A lot better --
25 I got a better idea of what's going to be -- or what we need to do
26 in our public comments.

27 But as far as anything from BLM, I wasn't able to get
28 anything from it. I know Art and Patsy were both there. And I
29 don't know whether you talked to anybody from BLM that got
30 anything from it, but -- but I didn't.

31 So looking at this packet that we got from Eureka County,
32 it looks like a lot of what they want to have addressed is what
33 we've been working on in the Argenta Allotment. Some of this
34 adaptive management is some of the stuff that we work with with
35 BLM. And it's kind of a process where you address an issue,
36 come up with a plan to address it, and make changes on the fly
37 as needed.

38 If something works, you continue it. If not -- and I think
39 these -- one of the -- one of the requests is to allow this
40 adaptive management and regulations of -- we usually operate on

1 a 10-year permit that has been kind of set in stone.
2 They're asking for some flexibility to it to use this
3 adaptive management.
4 There's a couple entities that are working on outcome-based
5 grazing.
6 There, again, at the end of the season, the -- an allotment
7 is evaluated. If the conditions warrant more cattle being
8 turned out, you get a really wet spring, more grass is -- is out
9 there and it needs to be addressed to reduce fuel loads or just
10 to have the ability to run more cattle on an allotment, this
11 outcome-based grazing addresses that.
12 But if you addr- -- if you come into a drought year and the
13 feed is not there, running more cattle may not be in the best
14 interest of the allotment, this outcome-based grazing also
15 addresses that and adaptive management.
16 And so that is some of the things that I think I've read
17 these talking points is wanting the flexibility in the permits.
18 I don't -- what do you have for them to --
19 DAN TOMERA: Well, I haven't read what your guys' letter is
20 so I don't know what's entailed in that.
21 This is Dan Tomera, for the record. Thank you, Judie.
22 But some -- some thoughts that -- that I had, not
23 pertaining to Eureka's, I think cheatgrass is a pretty big
24 concern in the West. It's what fuels most of the wildfires.
25 It's not recognized as a forage or a feed value by the BLM.
26 It's a -- considered an invasive -- invasive weed.
27 I think that would be a -- a step in the right direction if
28 cheatgrass was con- -- considered and managed as feed instead of
29 as an invasive.
30 The -- another thing that I think is important would be range
31 improvements because in the desert you need water. The closer it
32 is, the better or -- or strategically placed in areas to utilize
33 the feed availability.
34 And a lot of the times when you try to get a rangeland
35 improvement in, it is a very costly and time-consuming endeavor.
36 If they could simplify the process to be able to put in
37 range improvements, it would help a lot, you know. When it
38 takes you 10 years to put in a simple water trough, then
39 thousands and thousands of dollars, it's ridiculous.
40 Maybe a -- with a categorical exclusion, maybe it could be

1 utilized more. That's a -- a way they kind of bypass the full
2 NEPA, EA process on simple projects. And maybe it could be
3 utilized more often.

4 The next thing I got here's the wildland urban interface.
5 And they've been talking about this terminology for quite a
6 while, but I've not seen much done with it. It could be as
7 simple as grading bar ditches alongside the county roads, make
8 your clear strip wider.

9 And it could also be targeted grazing for, you know, if
10 there's a dry grass out there, they could hit it with cows, get
11 it grazed down.

12 You know, and -- and the targeted grazing is something that
13 I believe they're really going to look at with this reregulation
14 of their rules. So that is something that probably you should
15 look at.

16 One thing with targeted grazing, if you have a -- you guys
17 have all been around. You've been out north Battle Mountain.
18 You'll see dry grass up to your waist. Nobody has enough cows
19 to eat all that anymore. Everybody's been cut down on their
20 numbers and their AUMs and everything.

21 I don't want a situation where they say, well, the fuel
22 load on this particular area has got to be eaten down to
23 whatever their rule's going to be, 200, 300 pounds per acre,
24 whatever it is. I don't want them to bring in livestock from
25 other areas into our area to eat those places down, whether it's
26 sheep or goats or, you know, they could call a contract --

27 PAUL TOMERA: Wild horses.

28 DAN TOMERA: -- buyer. Yeah.

29 They could call a contract buyer, and he could have
30 2,000 head shipped in a week.

31 I don't want that type of scenario for many reasons. One,
32 it's my area of use that we bought and paid for and have been
33 running. Two, a lot of the times these cattle from other areas
34 bring in different diseases or, you know --

35 VICE CHAIRMAN CLARK: I -- I've got a question. How can
36 they do that? How can they break your contract?

37 DAN TOMERA: Well, that -- that's not something that I've
38 seen happen. That's something that I do not want to happen.

39 PAUL TOMERA: We want to make sure it doesn't happen.

40 VICE CHAIRMAN CLARK: Well, it's --

1 DAN TOMERA: Yeah.
2 VICE CHAIRMAN CLARK: -- foreseeable.
3 PAUL TOMERA: Uh-huh.
4 DAN TOMERA: It -- it --
5 VICE CHAIRMAN CLARK: It's --
6 DAN TOMERA: -- is.
7 VICE CHAIRMAN CLARK: -- foreseeable.
8 PAUL TOMERA: Yes.
9 DAN TOMERA: Yeah. And -- and I would like to see
10 terminology to dissuade that from happening.
11 COMMISSIONER ALLAN: So, Dan, I -- I understand the
12 targeted grazing. I'm just curious, is it really that feasible
13 for you guys to be moving the cows this -- that much? I mean, I
14 know it's a pain.
15 DAN TOMERA: It's --
16 COMMISSIONER ALLAN: You have --
17 DAN TOMERA: -- it would be --
18 COMMISSIONER ALLAN: -- an area. Is --
19 DAN TOMERA: It would be circumstance by circumstance,
20 whether it'd be feasible or not, I would -- I would think.
21 You know, there's a lot of -- a lot of the times you will
22 have an area that should be grazed down more. You're using low
23 levels of utilization on the -- particularly uplands or away
24 from the creeks, the riparian areas.
25 But since the water is so limited -- and that gets back to
26 the range improvements -- the cattle might overgraze the ri- --
27 riparian areas along the -- the waterways.
28 And because that area has been overgrazed, they will not
29 allow you to stay and actually consume the fuel load.
30 So for that reason, they just continue to grow and grow and
31 grow. So that -- that's an issue.
32 PAUL TOMERA: And sometimes for targeted grazing to be
33 effective, you don't need to graze the whole 20,000-acre
34 cheatgrass patch.
35 A lot of times you put a bunch of cattle in there and
36 you'll get cow trails leading to water. You'll get areas where
37 the cattle have grazed around the water.
38 You can place supplements out there that will bear off a
39 certain area that you are trying to concentrate the cattle in.
40 So you may burn up to a point. But if you have supplements

1 in a line leading to water, sometimes those will create natural
2 firebreaks.

3 You may not graze off that whole area of cheatgrass, but
4 you may create a spot that the fire will not be able to -- to
5 jump through by -- by the targeted grazing.

6 So it doesn't necessarily mean to be effective at targeted
7 grazing. It'll look like this tabletop. It just creates
8 natural fire breaks in there by the cattle trailing and
9 everything.

10 That's -- sometimes it can be effective. So --

11 DAN TOMERA: The last thing on my list is the checkerboard
12 ground along the railroad corridor. Every other section being
13 private, formerly railroad ground, now it's Nevada Lands or is
14 for sale or has been sold.

15 I don't know what they're going to do with that. But
16 they -- there's something needs to happen. It either needs to
17 be consolidated where they do land swaps to block up federal,
18 private, or something.

19 But it -- it makes --

20 If you are -- were to want to put a fence line in, for
21 example, to -- for whatever reason it is, it just causes a big
22 headache.

23 And I don't -- I don't know if that's completely out of the
24 scope of -- of what they're trying to do with this, but
25 something needs to be done with that.

26 I'm not smart enough to tell you what that is, but
27 something.

28 VICE CHAIRMAN CLARK: Well, as far as I'm concerned, I'm
29 going to do everything I can as long as I'm a commissioner to
30 help the ranchers, because every time I listen to the ranchers,
31 they are the most reasonable people in the room.

32 I listen to the scientists and all the people with
33 alphabets behind their name and they just don't make any sense.

34 So is there anything in here that we need to change, Paul?

35 PAUL TOMERA: I have not read it, Art.

36 COMMISSIONER WAITS: I don't --

37 PAUL TOMERA: It is --

38 COMMISSIONER WAITS: -- think --

39 PAUL TOMERA: -- in this --

40 COMMISSIONER WAITS: -- they --

1 PAUL TOMERA: -- package.
2 VICE CHAIRMAN CLARK: I don't think we have time.
3 COMMISSIONER WAITS: No.
4 PAUL TOMERA: Yeah.
5 COMMISSIONER WAITS: Let -- let me assure you, we did
6 address checkerboard. We certainly did address the flexibility
7 and adaptive management, all that.
8 And I -- I think you're going to be okay with -- with the
9 letter.
10 PAUL TOMERA: Uh-huh.
11 COMMISSIONER WAITS: And we did -- I -- I had J. J., you
12 know, send the stuff, and Jake Tibbets, both. So I think -- I
13 think we're okay with it.
14 But I sincerely appreciate you being here and your input
15 because it's so important in what we do.
16 So let me go ahead and make a couple changes on the letter
17 if I may.
18 Oh, go ahead, Judie.
19 COMMISSIONER ALLAN: I was just going to ask. One thing I
20 -- I -- I -- really stuck out was to simplify the process for --
21 for range improvements.
22 PAUL TOMERA: Uh-huh.
23 COMMISSIONER ALLAN: Is I think that's -- that's definitely
24 critical.
25 PAUL TOMERA: Because in these talking points, they talk
26 about addressing water improvements, especially being a big
27 issue. But in the several years with the settlement agreement
28 we had in the Argenta Allotment, you'd get out there with the
29 national riparian team. The state of Nevada had people out
30 there. The Battle Mountain office had people out there. We had
31 NDOW out there. And we'd look at a project. And everybody's
32 agreement that it should be done.
33 Two years later, everybody's done shuffling the paperwork.
34 And an environmental group comes in and then protests it because
35 there's so many hoops they have to jump through.
36 Dan brought up the CX process. And maybe if the powers of
37 that CX was expanded -- it does not require the same scope of
38 work of a NEPA process or the environmental assessment.
39 So that CX right now it's for smaller projects. If that is
40 expanded, that may be something that just a note should -- could

1 be made that the powers of the CX could be expanded. That would
2 maybe give the agency.

3 Because I know a lot of times you talk to people in the BLM
4 office, they're frustrated by the process too. They see the
5 need to make something happen. And they can't do it as well.
6 They have the rules they have to follow.

7 So if the CX is some -- a tool that can be used to
8 fast-track some of these projects, I think that maybe should be
9 mentioned.

10 COMMISSIONER WAITS: I sincerely hope this -- this -- this
11 letter will cover most of it.

12 PAUL TOMERA: Uh-huh.

13 COMMISSIONER WAITS: I also saw -- I also saw some of the
14 draft letters, like, from the farm bureau, which is addressing
15 all of that, but they're five pages long.

16 PAUL TOMERA: Uh-huh.

17 COMMISSIONER WAITS: And so I -- I know we aren't going to
18 go that way. And we couldn't possibly hit everything. But
19 that's why I encouraged everybody else to do individual
20 comments --

21 PAUL TOMERA: Yeah.

22 COMMISSIONER WAITS: -- so that those are done.
23 But we'll make sure you get a copy of our letter too.
24 So with that, I would like to make a couple corrections.
25 On the very first paragraph, of course, I think we need to
26 move this up a little bit. But the -- where it says "grazing
27 administration regulations," comma, and then we need to move
28 that sentence up to the top.

29 And I think we don't need as many spaces so we can use a
30 little bit more of the letter here.

31 Down on the one part where we're saying, "Lander County
32 believes that the following measures should first be
33 considered." And then we have quite a list of things. But when
34 it comes to off-site water development, I want to put "with the
35 water rights retained by the holder."

36 VICE CHAIRMAN CLARK: Has -- has --

37 COMMISSIONER WAITS: And --

38 VICE CHAIRMAN CLARK: -- that been an issue?

39 COMMISSIONER WAITS: Absolutely.

40 PAUL TOMERA: Yes, it is.

1 COMMISSIONER WAITS: Oh.

2 PAUL TOMERA: If you do any range improvements on BLM
3 ground at -- and I don't know exactly the way the regulation's
4 at present, but in the past they've requested a portion of your
5 water right returned to BLM in the name of wildlife habitat,
6 wild horses, and that.

7 So a portion of your water rights has become federal
8 property in the past. So that is --

9 VICE CHAIRMAN CLARK: Special --

10 PAUL TOMERA: -- that is --

11 VICE CHAIRMAN CLARK: -- property.

12 PAUL TOMERA: Federal.

13 VICE CHAIRMAN CLARK: Federal property.

14 PAUL TOMERA: Federal property. Yes.

15 COMMISSIONER WAITS: No. I think that's important.

16 A lot of our ranchers are ready to -- to drill a well and
17 to put in the water and -- and then, of course, lose their water
18 rights.

19 But why do you put it in? You put it into your livestock
20 grazing? You put it in for wildlife. You put it in for
21 recreation.

22 They're the ones that are -- are the best holders of our
23 land.

24 And so I want to be sure that's said there.

25 The only other one is the last sentence, which needs to be
26 corrected a little bit. "We are here to assist you with
27 anything you may need during the progression of these changes."

28 With that, I make a motion that we approve this letter, put
29 on our county commissioner letterhead with those changes made.

30 COMMISSIONER SPARKS: (Off microphone) I'll second the
31 motion.

32 VICE CHAIRMAN CLARK: Do you want everybody -- the
33 commissioners to sign it? Or do you just --

34 COMMISSIONER WAITS: Okay.

35 VICE CHAIRMAN CLARK: -- want Keith --

36 COMMISSIONER WAITS: Apparently --

37 VICE CHAIRMAN CLARK: -- to sign it.

38 COMMISSIONER WAITS: -- they do. So I'll -- I'll amend my
39 motion to say -- but, see, that letter has to be done today,
40 then, for all the commissioners to sign it.

1 KEITH WESTENGARD: (Off microphone) You'll have to wait,
2 then.
3 COMMISSIONER WAITS: Then we'll all -- all have to wait.
4 Are you all okay with that?
5 COMMISSIONER ALLAN: Well --
6 VICE CHAIRMAN CLARK: (Off microphone) Does it have to --
7 COMMISSIONER WAITS: If --
8 PAUL TOMERA: Could --
9 COMMISSIONER WAITS: -- we all have to --
10 PAUL TOMERA: We could put a --
11 COMMISSIONER WAITS: -- sign it, we have to sign it --
12 COMMISSIONER ALLAN: Well, --
13 COMMISSIONER WAITS: -- today.
14 COMMISSIONER ALLAN: -- yeah. But --
15 VICE CHAIRMAN CLARK: Yeah. Well, just get it typed up.
16 COMMISSIONER ALLAN: Yeah. Get it typed up. And it'll be
17 done before the meeting. We can sign it.
18 UNIDENTIFIED PARTICIPANT: It's not that big of a deal.
19 DISTRICT ATTORNEY HERRERA: (Off microphone) Aren't you
20 guys -- aren't you leaving town?
21 SADIE SULLIVAN: Here's a copy for you.
22 DISTRICT ATTORNEY HERRERA: Aren't you leaving town?
23 DAN TOMERA: Can we keep this?
24 VICE CHAIRMAN CLARK: Oh, yeah.
25 SADIE SULLIVAN: You can keep --
26 VICE CHAIRMAN CLARK: That'll --
27 SADIE SULLIVAN: -- that (indiscernible).
28 VICE CHAIRMAN CLARK: -- be the 12th.
29 SADIE SULLIVAN: I'll put this with --
30 COMMISSIONER SPARKS: I mean, it's --
31 SADIE SULLIVAN: -- this one.
32 COMMISSIONER SPARKS: -- still -- I mean, it's a matter of
33 public record.
34 We're -- it's all of this. It's from the Lander County
35 Commission with the county manager signing. And I think that's
36 appropriate.
37 VICE CHAIRMAN CLARK: Okay.
38 DISTRICT ATTORNEY HERRERA: They may not get the letter
39 by -- by 12:00 noon is what I'm saying.
40 VICE CHAIRMAN CLARK: Okay. Yeah.

1 COMMISSIONER WAITS: Okay. I'll leave my motion as is.
2 And it has a second as is.

3 VICE CHAIRMAN CLARK: Did you second? Okay.

4 COMMISSIONER SPARKS: Yes, I did.

5 VICE CHAIRMAN CLARK: All in favor?

6 COMMISSIONER SPARKS: Aye.

7 COMMISSIONER ANCHO: Aye.

8 COMMISSIONER WAITS: Aye.

9 VICE CHAIRMAN CLARK: Aye.

10 COMMISSIONER ALLAN: Aye.

11 VICE CHAIRMAN CLARK: Do we need to turn this on --

12 PAUL TOMERA: Thank you.

13 VICE CHAIRMAN CLARK: -- when we --

14 PAUL TOMERA: Thank you, all.

15 VICE CHAIRMAN CLARK: Any time.

16 COMMISSIONER SPARKS: Thanks, guys.

17 COMMISSIONER WAITS: Thank you, gentlemen.

18

19 (No audio available to transcribe. All microphones off.)

20

21 KEITH WESTENGARD: (Off microphone) It's actually Tuesday.
22 We're leaving Monday morning to go to Washington, D.C., myself
23 and Kyla.

24 We'll be leaving with Senator Rosen, Senator Cortez Masto
25 and -- and two other representatives to discuss the lands bill
26 we have. And we're going to promote --

27 COMMISSIONER WAITS: (Off microphone) Should have --

28 KEITH WESTENGARD: -- it.

29 COMMISSIONER WAITS: -- that on.

30 KEITH WESTENGARD: Sorry.

31 (On microphone) We're -- to -- to promote that land bill
32 and get it -- get it into the House, get it through the first
33 steps to hopefully get it in place and approved and --

34 PAUL TOMERA: So if we have anything that we need you to
35 bend somebody's ear, we need to get ahold of you before you
36 leave.

37 KEITH WESTENGARD: Or you can call me when I'm there too.

38 PAUL TOMERA: Great.

39 KEITH WESTENGARD: I think you have my number. So you're
40 welcome to call me anytime. And we will make any other

1 arrangements that we -- we need to and that we are able to, to
2 push other issues.

3 PAUL TOMERA: Very good.

4 KEITH WESTENGARD: All right?

5 PAUL TOMERA: All right. Thank you, all.

6 KEITH WESTENGARD: Thank you.

7 DAN TOMERA: Thank you too.

8 VICE CHAIRMAN CLARK: Hy, are you waiting on a -- a
9 particular item? I know you're busy. We can bump you up if you
10 would --

11 DISTRICT ATTORNEY HERRERA: (Off microphone) He's --

12 VICE CHAIRMAN CLARK: -- like us --

13 DISTRICT ATTORNEY HERRERA: -- waiting --

14 VICE CHAIRMAN CLARK: -- to.

15 DISTRICT ATTORNEY HERRERA: -- on Number -- Number 3.

16 VICE CHAIRMAN CLARK: Number 3?

17 DISTRICT ATTORNEY HERRERA: (Off microphone) No. Five.
18 I'm sorry.

19 VICE CHAIRMAN CLARK: Five?
20

21 **5) COUNTY MANAGER: For possible action to approve/disapprove**
22 **abolishing Lander County Code 2.04.024 payroll changes**
23 **contained in Title 2 Administration and Personnel.**
24

25 VICE CHAIRMAN CLARK: Okay. Let's go to Number 5.

26 The requested action of the Lander County Commissioner is:
27 For possible action the approval, disapproval abolishing Lander
28 County Code 2.04.024 payroll changes contained in Title 2
29 Administration and Personnel.

30 So I guess, Keith, you're going to tell us about this?

31 DISTRICT ATTORNEY HERRERA: (Off microphone) This -- this
32 could be an ordinance that --

33 VICE CHAIRMAN CLARK: Ted, turn your microphone on.

34 DISTRICT ATTORNEY HERRERA: (On microphone) I thought you
35 were saying Hy.

36 This is an ordinance that's been on the books for -- for
37 quite a few years. And with the -- the changing laws and the
38 NRSs, it's really outdated.

39 And to briefly go over, before Mr. Forgeron proceeds, this
40 is an ordinance that says all payroll change requests must be

1 approved by the county commissioners.

2 Now, the problem with that is it sounds sterile on its face
3 and it sounds fine on its face, but the problem is that the
4 county commissioners approved the job title, created the job,
5 approved the budget, and -- and that's their duty to finance
6 these positions. And now you have to go back in front of them
7 and now we have to put the person's name on it.

8 And now so you'll be -- you're being asked to approve,
9 under this ordinance, the hiring of a particular individual,
10 which you don't have the authority to do. That's the problem
11 with that -- I have with the ordinance.

12 Now, the ordinance would -- there is one example where the
13 ordinance would be needed, or if it was modified, and that is if
14 the job title didn't exist or the department or the elected
15 official did not have financing for that position. Then they
16 have to come in front of you and tell you, "This is the job
17 title. This is at what I want to pay the person. And please
18 finance it." Then you'd be doing your job.

19 But you've already done it in two phases before, under this
20 ordinance. And so you're -- you're getting into a -- the
21 ordinance as it reads today, you would be subjecting an elected
22 official to approve hiring a particular person and -- and you
23 don't have the authority to do that. That's the problem I have
24 with it.

25 COMMISSIONER SPARKS: (Off microphone) This --

26 (On microphone) I have some comments.

27 So first off, you stated there are some NRS changes. I'd
28 like copies. I'd like to know what those NRSs are.

29 The second thing I'd like to point out is that this was an
30 ordinance that was passed by the County Board of Commissioners,
31 well back when.

32 My point was, who had the authority to have those removed
33 from this agenda? Because it was not this board that said to
34 remove them. I have a problem with that. My other thing is
35 in -- just what you're saying is that everything is approved
36 prehand on the budget. You're correct. But we deal with it
37 every single meeting when we approved the payment of bills.
38 This is no different.

39 And I'm not saying that the person's name should be on it.
40 It's a number, how it has been in the past, a number.

1 And we're not approving the position. We're approving the
2 way the money is spent. And it's transparency to the taxpayer.
3 They have the right to know that.

4 So I'm in complete favor of keeping that ordinance exactly
5 the way it is and to direct Keith to make sure pay request
6 changes are put back on the agenda.

7 VICE CHAIRMAN CLARK: Okay.

8 COMMISSIONER SPARKS: Thank you.

9 VICE CHAIRMAN CLARK: I -- I have a comment. This is -- is
10 this personnel? Is this a personnel issue?

11 DISTRICT ATTORNEY HERRERA: Well, if you're going to
12 discuss an employee that's already -- that's going in, you have
13 to put her name on -- on the agenda now. That -- that's the
14 problem. That's the problem I have.

15 VICE CHAIRMAN CLARK: Yeah.

16 DISTRICT ATTORNEY HERRERA: You -- and then if you do that,
17 you're getting into personnel issues.

18 Mr. Forgeron, do you have any comments?

19 DEPUTY DISTRICT ATTORNEY FORGERON: (Off microphone) Well,
20 I'm waiting my turn.

21 VICE CHAIRMAN CLARK: Okay.

22 DISTRICT ATTORNEY HERRERA: Okay.

23 VICE CHAIRMAN CLARK: I --

24 COMMISSIONER SPARKS: Let's --

25 VICE CHAIRMAN CLARK: -- I've got another question. How
26 many other counties put their payroll change requests on the
27 agenda for county commissioners' approval or to read or
28 whatever?

29 DISTRICT ATTORNEY HERRERA: The counties I've contacted,
30 none of them do.

31 VICE CHAIRMAN CLARK: Okay.

32 COMMISSIONER SPARKS: So --

33 DISTRICT ATTORNEY HERRERA: But I can't -- I can't say --

34 COMMISSIONER SPARKS: Right.

35 DISTRICT ATTORNEY HERRERA: -- that -- that it's not done.
36 But --

37 COMMISSIONER SPARKS: Right.

38 So I have another comment is that I'm not asking for the
39 employee's name to be put on it. How we've done it in the past,
40 it was -- there was always a number that only personnel knows

1 about.

2 VICE CHAIRMAN CLARK: Your employee number.

3 COMMISSIONER SPARKS: Yes. So --

4 VICE CHAIRMAN CLARK: And --

5 COMMISSIONER SPARKS: And then I want to -- I just want to

6 state that the state does this very same thing with the finance

7 board. They approve everything. Any spend of money, any change

8 of money, it is approved on a public record. We're just not big

9 enough to have a finance board. But that's what we are. We're

10 an acting Board of County Commissioners.

11 DISTRICT ATTORNEY HERRERA: Right.

12 And -- and I -- I would agree with you except that you're

13 approving a elected official's budget. In approving an elected

14 official's budget, you've already approved that. And they have a

15 right to spend their budget any way they want without another

16 approval from you.

17 COMMISSIONER SPARKS: You're absolutely right. But we see

18 the payment of bills, every single thing, on things we've

19 already approved for you. We've approved this line item, this

20 line item, this line item. But all those checks come to us.

21 VICE CHAIRMAN CLARK: But, Bryan, are --

22 COMMISSIONER ALLAN: Art --

23 VICE CHAIRMAN CLARK: -- you saying that you want to

24 approve --

25 COMMISSIONER SPARKS: (Off microphone) Nope.

26 VICE CHAIRMAN CLARK: -- a payroll change request?

27 COMMISSIONER SPARKS: (On microphone) Any payroll change

28 request, anytime there's been a change in money or status, all

29 I'm saying, it is this board's right to see that and taxpayers

30 to know, to see that.

31 VICE CHAIRMAN CLARK: Well, you can get that on Transparent

32 Nevada.

33 COMMISSIONER ANCHO: I'm --

34 COMMISSIONER ALLAN: Art --

35 VICE CHAIRMAN CLARK: You can get wages. You can get

36 benefits. You can get all that stuff. But coming in front of

37 commissioners, I -- I don't know.

38 COMMISSIONER ANCHO: (Off microphone, indiscernible.)

39 VICE CHAIRMAN CLARK: (Off microphone) Judie.

40 COMMISSIONER ALLAN: Okay. Well, I definitely agree with

1 Bryan. And -- and the one thing I was -- I advocated for the
2 people's names because that goes back again with the
3 transparency.

4 I really can't remember an incident being on this board
5 that we've actually singled out an employee.

6 As far as --

7 UNIDENTIFIED PARTICIPANT: (Off microphone, indiscernible.)

8 DISTRICT ATTORNEY HERRERA: I can think of one.

9 COMMISSIONER ALLAN: Well, I'm sorry. I'm just saying I
10 can't. Whether you can or not, fine.

11 It's not a habit we make of singling people out or -- or
12 questioning.

13 Is as far as elected officials go and their employees, they
14 work for the elected official, yes. But if that official
15 leaves, they don't leave. So they are still an employee of
16 Lander County.

17 This is the transparency for our taxpayers, because they
18 are entitled to know what the people working here are getting.

19 You know, we approve the budget for merit increases. And,
20 you know, maybe somebody gets 1 percent, maybe somebody gets 2
21 percent. Is we need that to be transparent and visible to the
22 public.

23 And -- and I don't really care if you have a problem with
24 this, Ted, because this is the Board's decision. This is --

25 DISTRICT ATTORNEY HERRERA: I --

26 COMMISSIONER ALLAN: -- this is --

27 DISTRICT ATTORNEY HERRERA: Commissioner, you cannot -- you
28 cannot take over another elected per- -- person's power. You
29 can't do it.

30 VICE CHAIRMAN CLARK: Right.

31 DISTRICT ATTORNEY HERRERA: You have --

32 COMMISSIONER ANCHO: Well, I have something --

33 DISTRICT ATTORNEY HERRERA: -- no authority to --

34 COMMISSIONER ANCHO: -- to --

35 DISTRICT ATTORNEY HERRERA: -- do that.

36 COMMISSIONER ANCHO: -- say --

37 DISTRICT ATTORNEY HERRERA: So --

38 COMMISSIONER ANCHO: -- some --

39 DISTRICT ATTORNEY HERRERA: -- I don't -- I don't care if
40 you don't care what I think!

1 COMMISSIONER ALLAN: Well, we're not taking over another
2 elected official's power. We're making transparency to the
3 public and to the taxpayers of Lander County.

4 DISTRICT ATTORNEY HERRERA: An elected official goes in
5 front of the board -- and they should -- to create a position
6 and then to fund it. That's the end of it in that department.
7 I'm not talking about your department.

8 COMMISSIONER ALLAN: Well, so --

9 DISTRICT ATTORNEY HERRERA: I'm not talking about your
10 department.

11 COMMISSIONER ALLAN: And -- and -- and I'm not really
12 either. I'm just saying that, you know, we're the ones to make
13 the decisions here.

14 I also -- not saying it hasn't happened -- I don't recall
15 too many elected officials coming up and saying, Gee, I don't
16 want my employees on the payroll change request.

17 Your department and the county manager's are the ones that
18 are making an issue out of this.

19 DISTRICT ATTORNEY HERRERA: I was asked for a legal opinion
20 and I'm giving it. That's it.

21 UNIDENTIFIED PARTICIPANT: Yep.

22 DISTRICT ATTORNEY HERRERA: I don't have any personal --

23 VICE CHAIRMAN CLARK: This -- this is --

24 DISTRICT ATTORNEY HERRERA: I was asked to give a legal
25 opinion today, Commissioner. And that's all I'm doing. So
26 don't be pointing your finger, wagging it at me. That's my job.
27 And that's what I did.

28 VICE CHAIRMAN CLARK: And, you know, the thing about legal
29 opinion, the legal opinion of Lander County is generated from
30 the DA's Office. You can go opinion shopping, but it doesn't
31 matter. The DA's opinion is what rules the day.

32 And I s- -- I see this as an attempt -- an attempt to
33 micromanage. That's how I see it. We do not have the authority
34 to tell elected officials what to do with their payroll change
35 request or anything else. It's a separate deal.

36 COMMISSIONER ANCHO: I have something to say.

37 VICE CHAIRMAN CLARK: Kathy.

38 COMMISSIONER ANCHO: My i- -- one of my issues with this is
39 before it was changed -- I respect what everyone is saying --
40 but before it was changed to stop being done, it should have

1 been brought back in front of the commissioners for it to do
2 what we're doing right now. I think that when the problem came
3 up and it was discovered, that it should have come and not just
4 stopped, because then you're violating code. And we are picking
5 and prodding at which codes we're going to follow. If we're
6 going to change it, then it needs to go through the right
7 chain -- chain to be changed, not just decided to change and not
8 anybody come in front of the commissioners. That's one of my
9 big issues.

10 COMMISSIONER SPARKS: Thank you, Kathy.

11 DISTRICT ATTORNEY HERRERA: I -- I was --

12 VICE CHAIRMAN CLARK: Hey, Art, I have something to say.
13 So first off, Ted, thank you for your legal opinion, because
14 that's what we're doing is government, --

15 DISTRICT ATTORNEY HERRERA: And that -- that's --

16 COMMISSIONER SPARKS: -- this --

17 DISTRICT ATTORNEY HERRERA: -- all --

18 COMMISSIONER SPARKS: -- balance --

19 DISTRICT ATTORNEY HERRERA: -- I do.

20 COMMISSIONER SPARKS: -- of power.

21 DISTRICT ATTORNEY HERRERA: I'm --

22 COMMISSIONER SPARKS: And I want to -- I want to correct
23 something in Art's stead is that we're trying to micromanage.
24 We're not. If that's the case, Art, we should do away with
25 payment of bills every single meeting. We shouldn't even look
26 at them, because it's micromanaging. It's approved in the
27 budget!

28 So why --

29 VICE CHAIRMAN CLARK: Bryan --

30 COMMISSIONER SPARKS: -- do we need to see them?

31 VICE CHAIRMAN CLARK: Calm down.

32 COMMISSIONER SPARKS: No. You understand --

33 COMMISSIONER ANCHO: (Indiscernible.)

34 COMMISSIONER SPARKS: -- what I'm saying?

35 VICE CHAIRMAN CLARK: No, I don't --

36 COMMISSIONER SPARKS: This is --

37 VICE CHAIRMAN CLARK: -- under- --

38 COMMISSIONER SPARKS: -- ridiculous!

39 VICE CHAIRMAN CLARK: No. I don't understand what you're
40 saying. You don't understand that you're opening up the -- the

1 opportunity to -- for somebody to file a grievance. You're
2 opening up the opportunity to micromanage.

3 COMMISSIONER SPARKS: (Off microphone) No.

4 VICE CHAIRMAN CLARK: Why --

5 COMMISSIONER SPARKS: (Off microphone) At the --

6 VICE CHAIRMAN CLARK: -- do that?

7 COMMISSIONER SPARKS: -- point that we try to -- on these
8 payroll change requests. We're looking at just strictly the
9 finance side of it. There's a -- there's a change. We get to
10 look at and say, "Yep. Everything looks good." Good. We
11 approve it off -- not that different than we do the bills, Art!

12 VICE CHAIRMAN CLARK: Bryan!

13 COMMISSIONER SPARKS: (Off microphone) And we'd like --

14 VICE CHAIRMAN CLARK: Brian!

15 COMMISSIONER SPARKS: -- to pull this --

16 VICE CHAIRMAN CLARK: No.

17 COMMISSIONER SPARKS: -- bill because we have a --

18 VICE CHAIRMAN CLARK: Here's --

19 COMMISSIONER SPARKS: -- a question on it.

20 VICE CHAIRMAN CLARK: -- here's where your argument falls
21 down. We approve the budget. As long as the person's job
22 description and payment is within what it needs to be, it's none
23 of our business.

24 Once we approve the budget and -- and the position, it's up
25 to the elected officials to do what they do.

26 Okay, Judie.

27 COMMISSIONER ALLAN: Thank you, Commissioner.

28 And -- and, again, I -- I totally agree with Bryan and --
29 and Kathy. And I think there's another issue that we need to
30 stop and look at is we follow what ordinances we want. We pick
31 and choose and do what we want. And so we have -- we have
32 county employees that just disregard our county ordinances. Is,
33 you know, that's wrong.

34 So I'm going to make a motion that we do not abolish the
35 Lander County Code 2.04.02 for payroll change requests contained
36 in Title 2 Administration and Personnel and that these payroll
37 change requests go back on the agenda.

38 COMMISSIONER ANCHO: (Off microphone, indiscernible) --

39 VICE CHAIRMAN CLARK: (Off microphone) Okay.

40 COMMISSIONER ANCHO: -- something to say.

1 VICE CHAIRMAN CLARK: (Off microphone) Even a second?
2 COMMISSIONER SPARKS: (Off microphone) I'll wait for my
3 second. I'd like --
4 VICE CHAIRMAN CLARK: (Off microphone) Okay.
5 COMMISSIONER SPARKS: -- hear if I (indiscernible) --
6 COMMISSIONER ANCHO: (Off microphone, indiscernible.)
7 VICE CHAIRMAN CLARK: Let's get some public comment.
8 COMMISSIONER WAITS: Make --
9 DISTRICT ATTORNEY HERRERA: Mr. Forgeron has given a legal
10 opinion.
11 COMMISSIONER ANCHO: Opinion.
12 COMMISSIONER WAITS: Yeah.
13 VICE CHAIRMAN CLARK: Oh. Our legal opinion?
14 COMMISSIONER ANCHO: Uh-huh.
15 VICE CHAIRMAN CLARK: Mr. Forgeron will give us our legal
16 opinion.
17 DEPUTY DISTRICT ATTORNEY FORGERON: (Off microphone) I
18 believe that's up to the district attorney.
19 I'm just a flunky.
20 (On microphone) Hy Forgeron, Deputy District Attorney.
21 I'm appearing before the board today because this
22 particular item is of some concern to me.
23 I have 16 years of experience as this county's elected
24 district attorney. During that time, I have advised the county
25 commissioners as to various issues, some of which include
26 finance. I have maintained a consistent position in this
27 regard. And I still have that position. And that is the county
28 commission, of course, sets the overall policy issues for Lander
29 County and for the employees that you -- over which you have
30 jurisdiction. And it reinforces that with the overall financial
31 obligation that you have to the county in constructing the
32 county's budget and allowing the various department heads a
33 portion of that budget within which to operate.
34 There is a limitation on your ability to control that
35 budget once the overall decision has been made.
36 So if you allocate a certain amount of money to an elected
37 official, and a portion of that is obviously salaries along with
38 other items, you have then allowed that elected official room
39 within which to manage that budget, which you no longer have.
40 So I'll -- I'll pick on Sadie for a minute. If Sadie,

1 within her budget, has a sufficient amount of money to give
2 Kathy a thousand dollars a month raise, she's entitled to do
3 that.

4 Your check on that is at the next budget hearing, you can
5 look at that and say, "Oh, my gosh, Sadie, that was only half
6 enough or that was twice too much. And we're going to adjust
7 your budget up or down with that in mind."

8 What you cannot do is approve or disapprove that raise at
9 the time it's given. You do not have the a- -- the jurisdiction
10 or the authority to do that.

11 So if a payroll change request comes before you that says
12 this particular employee has been granted this particular raise
13 by this elected official or department head, there's no point to
14 that because you can't deny it or change it. You just don't
15 have the authority to do that.

16 What if you did?

17 So Sadie gives Kathy a raise and doesn't give Sally a raise.
18 Are you going to raise Sally now so -- because you think she
19 should make as much as Kathy? Are you going to deny Kathy's raise
20 because Sally didn't get her raise? You can't do it. So why
21 would that come before you? It makes no sense.

22 COMMISSIONER ALLAN: So, Counselor, as you stated before,
23 you know, you -- you were our district attorney for many, many,
24 many years. I don't know when this -- this code was --
25 ordinance was made. But I guess my question is, is you were our
26 legal counsel for all those years and never said a word about
27 it. And all of a sudden, it's becoming an issue? And your sta-
28 -- sitting there and -- and arguing against it?

29 What changed?

30 DEPUTY DISTRICT ATTORNEY FORGERON: With all due respect,
31 Commissioner, you're wrong.

32 I have maintained a consistent position throughout my
33 entire tenure as district attorney of this county. Whenever it
34 was inquired of me, I have informed the then-existing county
35 commissioners exactly in the same fashion as I have at this
36 point in time.

37 I'm not the district attorney anymore and haven't been for
38 the last -- What is it? -- five years now. There's been someone
39 else in that office. If you need a legal opinion, that's the
40 person you go to.

1 I'm here today because the issue has now come up. It
2 wasn't mine to raise in the first instance, but it has now come
3 up. And I want to give you the benefit of what my experience
4 has been over a long period of time.

5 I have nothing personal in this. I don't have a raise
6 pending.

7 COMMISSIONER WAITS: Counselor, I have a question, just a
8 clarification. And I understand what you're saying as far as
9 elected officials.

10 How does that affect, like, our county manager and the
11 folks that -- that he oversees? Is that something that still
12 should come before us?

13 DEPUTY DISTRICT ATTORNEY FORGERON: That brings up an -- an
14 entirely new question.

15 My feeling on that is when you have approved a budget and
16 you have delegated to a person hiring and firing authority, you
17 then become an appellate board.

18 The raise that that particular individual, who's subordinate
19 to the department head, has been given, doesn't come to you for
20 approval or disapproval at that point. The -- you have overall
21 authority over the department head in certain areas: contract
22 negotiations; just like an elected official, approval or
23 disapproval of an overall budget at some point in time.

24 But if the individual who was denied a raise, for example,
25 or even who was given a raise is dissatisfied with that, then
26 they would file a grievance. And it is certainly conceivable
27 that at some point in time, you would hear that grievance as an
28 appellate board.

29 So you don't approve it or disapprove it in the first
30 instance.

31 You have to wait sort of in the background to determine
32 whether or not your appellate authority is invoked.

33 COMMISSIONER WAITS: So --

34 DEPUTY DISTRICT ATTORNEY FORGERON: You're also in a
35 situation where you are bound by a number of CBAs. And what are
36 you going to do with those? You're going to violate a CBA
37 because --

38 COMMISSIONER SPARKS: (Off microphone) Now what's a CBA?
39 Sorry. (Indiscernible).

40 DEPUTY DISTRICT ATTORNEY FORGERON: Collective.

1 VICE CHAIRMAN CLARK: (Off microphone) Collective --
2 DEPUTY DISTRICT ATTORNEY FORGERON: -- bargaining --
3 VICE CHAIRMAN CLARK: -- bargaining --
4 DEPUTY DISTRICT ATTORNEY FORGERON: -- agreement.
5 VICE CHAIRMAN CLARK: -- agreement.
6 COMMISSIONER SPARKS: (Off microphone) Okay.
7 DEPUTY DISTRICT ATTORNEY FORGERON: Do you want to get the
8 union involved in it?
9 VICE CHAIRMAN CLARK: I --
10 DEPUTY DISTRICT ATTORNEY FORGERON: Talk about grievances,
11 you'll really have some grievances.
12 COMMISSIONER WAITS: So basically it's handled the same
13 way. We give the budget and -- and our county manager then can
14 set whatever type of payroll that he wants for that person, if
15 we --
16 As long as it's in the budget, we're okay.
17 DEPUTY DISTRICT ATTORNEY FORGERON: If you've given him
18 that authority in the first instance, yes.
19 VICE CHAIRMAN CLARK: So --
20 COMMISSIONER WAITS: Thank you.
21 VICE CHAIRMAN CLARK: -- let me ask you a question here.
22 The way I control what is going on in Denise's office, in
23 Lesley's office is how I vote.
24 As a commissioner, I approve their budget. And what they
25 do in their office is their business, not mine. As long as
26 they're within budget, that's all I need to be concerned about,
27 right?
28 DEPUTY DISTRICT ATTORNEY FORGERON: That's about all you
29 can be concerned --
30 VICE CHAIRMAN CLARK: Right.
31 DEPUTY DISTRICT ATTORNEY FORGERON: -- about as a --
32 VICE CHAIRMAN CLARK: Okay.
33 DEPUTY DISTRICT ATTORNEY FORGERON: -- commissioner.
34 As a voter, you're free to reelect them or dump them.
35 VICE CHAIRMAN CLARK: Right.
36 COMMISSIONER ANCHO: (Off microphone) Is --
37 VICE CHAIRMAN CLARK: And under the Freedom of Information
38 Act, you can get any information about a public employee you
39 want -- right? -- except, like, write-ups and stuff like that?
40 DEPUTY DISTRICT ATTORNEY FORGERON: Pretty much. And --

1 and Transparent Nevada, as you mentioned, --

2 VICE CHAIRMAN CLARK: Right.

3 DEPUTY DISTRICT ATTORNEY FORGERON: -- is --

4 VICE CHAIRMAN CLARK: Right.

5 DEPUTY DISTRICT ATTORNEY FORGERON: -- another source.

6 COMMISSIONER ANCHO: The -- I have a question. If that's
7 the -- if we only have it at budget time -- and bear my
8 stuttering, you guys. I'm trying to be able to say what I need
9 to say.

10 If that's the case, then why -- and I'm not saying this in
11 a sarcastic way. If it sounds like that, that's not what --

12 If that's the way it is, then why do we bother -- bother to
13 ratify their bills? Because that's how they're spending their
14 funds, why do we do that then?

15 Sorry.

16 DEPUTY DISTRICT ATTORNEY FORGERON: No, that's a perfectly
17 good question. You have an overall fiduciary duty to the
18 county. And part of that would be, for example, if a elected
19 official gives a raise that exceeds their budget, then you could
20 certainly step in at that point in time. But those routine
21 payroll change requests are not something that -- that you have
22 authority over.

23 COMMISSIONER ANCHO: But the hire in that -- even the
24 visual part of not being able to do anything with it. But with
25 a new hire, just the -- so they know for the -- who is being
26 hired, that falls the same way. Not being able to vote if you
27 can hire them or not, just the information that they're being
28 hired.

29 DEPUTY DISTRICT ATTORNEY FORGERON: And --

30 COMMISSIONER ANCHO: Does that make sense?

31 DEPUTY DISTRICT ATTORNEY FORGERON: Well, normally, I would
32 expect that the person who's doing the hiring, the department
33 head or the elected official, would come before the board to
34 inform you of that. You would already have approved the
35 position and would have funded the position.

36 So once the -- that's done, then the department head or the
37 the -- the elected official is the one who has authority to make
38 a determination as to who to hire for that position and within
39 the overall budget at what particular salary that person would
40 start out at.

1 COMMISSIONER ANCHO: Which I respect. I understand that.
2 But the proper way to have done it would have been this way to
3 begin with when you brought back in front of the commission and
4 have it changed this way instead of it just stop, considering it
5 was a county code to begin with? Does that make sense?
6 DEPUTY DISTRICT ATTORNEY FORGERON: I'm not sure I
7 understand. I'm --
8 COMMISSIONER ANCHO: Is --
9 DEPUTY DISTRICT ATTORNEY FORGERON: -- sorry.
10 COMMISSIONER ANCHO: -- that -- that because of the county
11 code being in place and following it and then just stopping it.
12 Instead of just stopping it, should have come back in front of
13 the county commissioners to have it fixed to begin with.
14 DEPUTY DISTRICT ATTORNEY FORGERON: If I understand
15 correctly, that's basically where it is now.
16 COMMISSIONER ANCHO: Oh, I -- that -- I know. But it ha--
17 -- where this all came from is because it was stopped and not
18 brought back in front of the board, I think is why it got
19 back -- put back on.
20 COMMISSIONER SPARKS: (Off microphone) That's exactly
21 correct, Kathy. Was -- was --
22 (On microphone) Hy, what she's saying is that the -- this
23 has been now -- correct me if I'm wrong, any other commission--
24 -- but they have been left off our agendas for several months.
25 COMMISSIONER ALLAN: (Off microphone) Two years.
26 COMMISSIONER SPARKS: For how long?
27 COMMISSIONER ALLAN: (Off microphone) Go- -- well, no.
28 Going on a year, --
29 COMMISSIONER SPARKS: Okay.
30 COMMISSIONER ALLAN: -- over a year.
31 COMMISSIONER SPARKS: And it was not brought to the
32 commission to do that. It was just done. And that's -- that's
33 what she's saying. They're -- it's a county ordinance that's
34 expected to be followed. And it should have been at that point
35 brought to this board and addressed. And it wasn't. It was
36 just automatically pulled off, despite my saying, "I want them
37 back on. I want him back on." Just flagrant no -- ig- --
38 ignoring the -- the ordinance. That's what she's trying to say.
39 (Off microphone) Am I correct, Kathy?
40 COMMISSIONER ANCHO: (Off microphone) Yeah. That it should

1 have just been brought at that moment when they didn't -- when
2 it was realized or they wanted it off just to bring it forward
3 at that time instead of just stopping doing it.

4 DEPUTY DISTRICT ATTORNEY FORGERON: I'm -- I'm sorry. I
5 don't have anything to do with that. So --

6 COMMISSIONER ANCHO: (Off microphone) Oh. No, no. I'm
7 just a- -- that the --

8 VICE CHAIRMAN CLARK: (Off microphone) Keith?

9 KEITH WESTENGARD: (Off microphone) I -- I have two things
10 to bring up. One is we did talk to the --

11 COMMISSIONER ANCHO: (Off microphone) Is there a piece that
12 we --

13 COMMISSIONER ALLAN: (Off microphone) I'm sorry. Sadie's
14 been sitting there, waiting for public comment.

15 DISTRICT ATTORNEY HERRERA: (Off microphone) Well, this is
16 not a public comment.

17 COMMISSIONER ANCHO: (Off microphone) Then she needs
18 to (indiscernible) --

19 VICE CHAIRMAN CLARK: (Off microphone) Keith, --

20 COMMISSIONER ANCHO: -- (indiscernible).

21 VICE CHAIRMAN CLARK: -- proceed, please.

22 KEITH WESTENGARD: (Off microphone) This has been a hot
23 topic. I understand that.

24 COMMISSIONER ANCHO: (Off microphone) You need your mic on.

25 KEITH WESTENGARD: (Off microphone) Oh, thank you.

26 (On microphone) This has been a hot topic. I understand
27 that. And there's been some stones cast at me.

28 And this was discussed, before we took it off, with Kathy
29 and Patsy that the legal opinion was to take it off from
30 POOL/PACT as well as the district attorney.

31 So I didn't just take it off of the agenda. It was
32 discussed with the chair and the vice chair at the time.

33 Okay.

34 The other thing is that this was also discussed with the
35 union. And the union is completely against this. And I'm
36 speaking on Phil Herring's behalf. He can't be here. We could
37 call them if you'd like. The union is completely against this
38 because we're putting names into the public, which is a
39 personnel issue, which would require a closed session.

40 Now when we do our -- our -- our payroll -- our collective

1 bargaining raises, that's over 150 closed sessions we would have
2 to discuss each and every one of those individually.

3 So I want to make sure that the board understands I didn't
4 just pull these off. It was discussed before I did it.

5 I didn't just inad- -- just say, "Oh, we're done. We're
6 not going to do it." I don't do that.

7 And it was discussed with the union as well. And the union
8 is -- is against these going on there.

9 So you want them back on, I don't care. I -- I understand
10 that. I understand what you're saying, Commissioner. You want
11 to see what's going on.

12 But as the Deputy DA said, you approve the job
13 descriptions. I don't just -- we don't just make a job
14 description up. You approve the salary range of those job
15 descriptions. So what I'm seeing and -- and it is this is to
16 see who's being hired. And there has been instances in the
17 past -- I can think of two times -- when a payroll change
18 request was pulled because of the name on the paper. Twice.

19 And I believe you did sit on board at that time,
20 Commissioner Allan.

21 COMMISSIONER ALLAN: (Off microphone) I don't remember
22 that.

23 COMMISSIONER SPARKS: Thanks, Keith. I have some --

24 KEITH WESTENGARD: I --

25 VICE CHAIRMAN CLARK: (Off microphone) Go ahead, Bryan.

26 KEITH WESTENGARD: Okay. I'm --

27 COMMISSIONER SPARKS: Thanks --

28 KEITH WESTENGARD: All right.

29 COMMISSIONER SPARKS: -- for the comment.

30 KEITH WESTENGARD: Okay.

31 COMMISSIONER SPARKS: Thanks, Art.

32 So first off, I'm -- and I'll state again. I'm not asking
33 for names.

34 When I was a commissioner for the first four years, with Hy
35 as our legal, --

36 KEITH WESTENGARD: Uh-huh.

37 COMMISSIONER SPARKS: -- it was -- it was -- it was numbers
38 that were assigned.

39 KEITH WESTENGARD: May I -- may I --

40 COMMISSIONER SPARKS: And it's like --

1 KEITH WESTENGARD: -- address that real quick? So I
2 don't --
3 COMMISSIONER SPARKS: Yes.
4 KEITH WESTENGARD: -- forget?
5 COMMISSIONER SPARKS: Yes.
6 KEITH WESTENGARD: So we did use -- we did -- in the past,
7 we did numbers. It was the employee ma- -- number. That is
8 correct.
9 An NRS did come out. And, Commissioner Allan, you were
10 advocating for that, that we go to names. So we -- that's when
11 we went to names. We went from employee numbers to names
12 And then it went to -- we shouldn't even be putting them on
13 there.
14 The oth- -- the other two coun- -- the closest counties --
15 Humboldt, Elko -- they don't do -- they don't do them. It was
16 checked on.
17 I can't say -- speak for outside, other counties. But I
18 did check with them.
19 Anyway, I just wanted to address why we went from ID
20 numbers to names, --
21 COMMISSIONER SPARKS: Okay.
22 KEITH WESTENGARD: -- so forth.
23 COMMISSIONER SPARKS: Thank you. And then also, I
24 appreciate the fact that you talked to Kath- -- Kathy and Patsy.
25 But you can't pull an ordinance or stop using an ordinance
26 because two commissioners outside of a public board says to do
27 that.
28 KEITH WESTENGARD: And I will take the blame for that, --
29 COMMISSIONER SPARKS: Yeah, that's -- that's --
30 KEITH WESTENGARD: -- clearly.
31 COMMISSIONER SPARKS: -- what -- that's what I'm --
32 KEITH WESTENGARD: Clearly.
33 COMMISSIONER SPARKS: -- saying. And that's --
34 KEITH WESTENGARD: Yes.
35 COMMISSIONER SPARKS: -- what I'm upset about is that --
36 KEITH WESTENGARD: Okay.
37 COMMISSIONER SPARKS: -- that -- that ordinance was passed
38 by a majority vote.
39 KEITH WESTENGARD: Okay.
40 COMMISSIONER SPARKS: Two commissioners don't get to say,

1 "Take it off."
2 KEITH WESTENGARD: Okay.
3 VICE CHAIRMAN CLARK: I --
4 KEITH WESTENGARD: And I'll take the heat for that,
5 Commissioner.
6 VICE CHAIRMAN CLARK: Go ahead.
7 KEITH WESTENGARD: That was --
8 COMMISSIONER SPARKS: (Off microphone) That's --
9 KEITH WESTENGARD: -- my shortfall.
10 COMMISSIONER SPARKS: (On microphone) Okay.
11 (Off microphone) Thank you.
12 COMMISSIONER ALLAN: I -- I can take the heat for that too
13 since I was chairing at the time.
14 And I did not know that there was an ordinance, that
15 POOL/PACT said, "No. We should take it off. We shouldn't be
16 doing that." And that's the DA's legal opinion. And that's
17 when we said, "Okay. It's coming off."
18 So everybody's absolutely right. We should be making this
19 decision. We didn't, but we have all the information now. And
20 it was handled improperly. And -- and I'll do the buck stops
21 here because I did not say, "Oh. Is this an ordinance? I'm so
22 sorry. We have to put up before everybody."
23 So with that, are you -- there -- there's --
24 VICE CHAIRMAN CLARK: So --
25 COMMISSIONER WAITS: -- no second on your motion, Judie.
26 VICE CHAIRMAN CLARK: Okay. I've got something.
27 So if the NRS changes and it affects county ordinances, you
28 stop doing what now the NRS says is improper. And then you
29 should bring that obsolete ordinance forward to the board, like
30 we're doing today, to have it removed.
31 Am I right?
32 COMMISSIONER ANCHO: (Off microphone) Yeah. You're right.
33 DISTRICT ATTORNEY HERRERA: Yes. If -- if we find out that
34 that's happening. This was discovered by me when I was asked
35 for a legal opinion.
36 If you're asking if I, with a microscope, look at every --
37 every law change by the -- by the Nevada legislature and apply it
38 to every ordinance, no, I don't have time. And I don't have the
39 manpower for that.
40 But when I'm asked for a legal opinion, that's all I give.

1 I don't give my personal --
2 VICE CHAIRMAN CLARK: Right.
3 DISTRICT ATTORNEY HERRERA: -- opinion.
4 VICE CHAIRMAN CLARK: Right.
5 DISTRICT ATTORNEY HERRERA: I give a legal opinion. And --
6 VICE CHAIRMAN CLARK: Saying --
7 DISTRICT ATTORNEY HERRERA: -- the legal -- and the legal
8 status in Nevada now is that we have -- we can't put a number or
9 we violate the open meeting laws. We have to put the name. And
10 Commissioner Allan was right when she said that. We have to put
11 the names.
12 And if you put the names, then you have to have a closed
13 meeting. And then you have to give them 10 days' notice. And
14 you have to do all that for every one of them.
15 VICE CHAIRMAN CLARK: (Off microphone) I understand that.
16 Sadie, you had -- waiting patiently. Thank you.
17 SADIE SULLIVAN: I don't mind sitting by Hy.
18 Sadie Sullivan, Lander County clerk.
19 I just have a couple of comments and -- and questions.
20 So, for instance, when we submit our budget, as far as
21 elected officials, and our -- the majority of our employees are
22 union, we budget for their merit increase or even a step in
23 grade.
24 Also, with talking in past with one of the union reps, of
25 course, they are never going to disagree if you choose to
26 increase an employee's pay above that step increase or that
27 merit increase.
28 So what my question is, is when we submit our budgets, we
29 submit it per the union contract on what those steps in grades
30 are. But like Hy had stated -- and hopefully I understood
31 incorrectly -- if I did choose to give a little bit of a higher
32 raise for a staff that has more knowledge, at that time our
33 budget doesn't reflect those monies. And so can -- or should
34 elected officials do additional, say, 5,000 in there to cover
35 that, if that was to occur -- occur, you know, for additional
36 increase or what have you.
37 So, say, for instance, if my staff gets 36 cents an hour or
38 38 cents an hour, that's roughly around a \$19 an hour position.
39 But a salary employee gets budgeted and they get a -- say, 1,000
40 or \$5,000 increase. So if it's a \$5,000 increase at 26

1 payrolls, they're getting a \$2.40 cent -- and these are just
2 rough figures -- increase.

3 So what my question is, as an elected official, when we
4 submit our budget, should we ask, you know, for additional, say,
5 5,000 if we feel that that employee does have that coming? Or
6 otherwise you're pulling the funds from another line item. And
7 then that, you know, creates havoc.

8 So that's what my question is, is we submit them, we go off
9 of what our union contract is, their merit increase if there's a
10 step in grade. But, like I stated, the union did say they're
11 never going to, you know, tell you, no, you can't give an
12 employee additional increase to that.

13 So my question is, is just when we come to the Board of
14 Commissioners and we have an amount that gets printed out, Cindy
15 has a program that tells you what your wages are overall for
16 your staff.

17 And so, you know, should we or can we or is that my bad for
18 not submitting additional, you know, 5,000 in there just for
19 that cushion for possible?

20 Does that make sense?

21 DISTRICT ATTORNEY HERRERA: I --

22 VICE CHAIRMAN CLARK: The quick answer is, it's --

23 DISTRICT ATTORNEY HERRERA: I --

24 VICE CHAIRMAN CLARK: -- your budget.

25 SADIE SULLIVAN: Right.

26 DISTRICT ATTORNEY HERRERA: I --

27 SADIE SULLIVAN: But we don't --

28 COMMISSIONER ALLAN: Can I --

29 SADIE SULLIVAN: -- we don't --

30 DISTRICT ATTORNEY HERRERA: I believe the policies and
31 procedures cover that.

32 COMMISSIONER ALLAN: Okay. Can I --

33 VICE CHAIRMAN CLARK: Policies and procedures outline --

34 DISTRICT ATTORNEY HERRERA: Yeah.

35 COMMISSIONER WAITS: Very --

36 DISTRICT ATTORNEY HERRERA: The --

37 VICE CHAIRMAN CLARK: -- your budget.

38 DISTRICT ATTORNEY HERRERA: There is --

39 SADIE SULLIVAN: Right. Beyond merit increase, though.

40 DISTRICT ATTORNEY HERRERA: The -- beyond the merit

1 increase --
2 If you don't have it in your budget, you have to ask
3 permission from the people --
4 SADIE SULLIVAN: Right.
5 DISTRICT ATTORNEY HERRERA: -- who run the budget. And --
6 VICE CHAIRMAN CLARK: Right.
7 DISTRICT ATTORNEY HERRERA: -- that's you.
8 SADIE SULLIVAN: Right. But, see, what my point is, is
9 that it's a union position. So we just -- like I submit the
10 title and what their rate is and those increases. And I don't
11 submit additional funds --
12 COMMISSIONER ALLAN: Art --
13 SADIE SULLIVAN: Do you see what I'm saying to him?
14 DISTRICT ATTORNEY HERRERA: Yeah.
15 SADIE SULLIVAN: She'll work --
16 DISTRICT ATTORNEY HERRERA: But you --
17 SADIE SULLIVAN: -- in the --
18 DISTRICT ATTORNEY HERRERA: -- you --
19 SADIE SULLIVAN: -- building --
20 DISTRICT ATTORNEY HERRERA: -- you -- you -- you can't do
21 that unless you already know you're going to give them the
22 raise. Then you would budget for it.
23 VICE CHAIRMAN CLARK: Right?
24 COMMISSIONER SPARKS: (Off microphone) You'd have to do
25 it --
26 SADIE SULLIVAN: Right.
27 COMMISSIONER SPARKS: -- at the --
28 SADIE SULLIVAN: Right.
29 COMMISSIONER SPARKS: -- budget process.
30 SADIE SULLIVAN: Right.
31 DISTRICT ATTORNEY HERRERA: Yeah.
32 SADIE SULLIVAN: Absolutely. But, see, my formulas go in
33 to --
34 COMMISSIONER ALLAN: Sadie.
35 SADIE SULLIVAN: -- Cindy. And so Cindy has it in a
36 spreadsheet-type deal. Is Cindy here today?
37 COMMISSIONER ALLAN: Maybe Judie can --
38 SADIE SULLIVAN: And so --
39 COMMISSIONER ALLAN: No.
40 SADIE SULLIVAN: -- those --

1 COMMISSIONER ALLAN: It --
2 SADIE SULLIVAN: -- are the money. She comes up with my
3 total amount.
4 COMMISSIONER ALLAN: Sadie. I'm sorry.
5 SADIE SULLIVAN: No, no. You're fine.
6 COMMISSIONER ALLAN: This isn't on the agenda.
7 SADIE SULLIVAN: Okay.
8 COMMISSIONER ALLAN: It's not an agenda item.
9 SADIE SULLIVAN: Okay. So I'm just letting you know that
10 there -- there's additional issues --
11 COMMISSIONER ALLAN: Right. No. That's --
12 SADIE SULLIVAN: -- with that.
13 COMMISSIONER ALLAN: That's for --
14 SADIE SULLIVAN: Thank you.
15 COMMISSIONER ALLAN: But I --
16 COMMISSIONER ANCHO: (Off microphone) All right.
17 COMMISSIONER ALLAN: -- do have a question regarding --
18 SADIE SULLIVAN: Okay. Thanks.
19 DEPUTY DISTRICT ATTORNEY FORGERON: Sorry I picked on --
20 COMMISSIONER ALLAN: -- this.
21 DEPUTY DISTRICT ATTORNEY FORGERON: -- you.
22 SADIE SULLIVAN: No. You're fine.
23 COMMISSIONER ALLAN: Is when you submit your budget and --
24 on the payroll -- you have the person's name on that sheet,
25 don't you?
26 SADIE SULLIVAN: Uh-huh.
27 COMMISSIONER ALLAN: There we --
28 SADIE SULLIVAN: And --
29 COMMISSIONER ALLAN: -- go.
30 SADIE SULLIVAN: -- it comes -- yeah, and it comes through
31 for our packets.
32 COMMISSIONER ALLAN: Yep.
33 SADIE SULLIVAN: So it --
34 COMMISSIONER ALLAN: So the --
35 SADIE SULLIVAN: -- has --
36 COMMISSIONER ALLAN: -- names --
37 SADIE SULLIVAN: -- a name. It will say their job
38 title --
39 COMMISSIONER ALLAN: Yeah.
40 SADIE SULLIVAN: -- and if they're an executive secretary

1 1, 2, 3.
2 And then I don't put a number there because Cindy has it to
3 where she plugs it in or used to on the old ADS system. She
4 plugs in those numbers.
5 COMMISSIONER ALLAN: Right. But I'm --
6 SADIE SULLIVAN: So I've --
7 COMMISSIONER ALLAN: -- just --
8 SADIE SULLIVAN: -- never seen --
9 COMMISSIONER ALLAN: What I --
10 SADIE SULLIVAN: -- any --
11 COMMISSIONER ALLAN: -- wanted to --
12 SADIE SULLIVAN: -- numbers --
13 COMMISSIONER ALLAN: Yeah.
14 SADIE SULLIVAN: -- for --
15 COMMISSIONER ALLAN: Is --
16 SADIE SULLIVAN: -- the --
17 COMMISSIONER ALLAN: -- I just wanted --
18 SADIE SULLIVAN: -- employees because they're union
19 positions. But, yes.
20 COMMISSIONER ALLAN: I just wanted to know is on the
21 elected officials' budget request for payroll is they have their
22 employees' names on that.
23 SADIE SULLIVAN: So we need to -- may need to change that
24 then, those that may do it?
25 VICE CHAIRMAN CLARK: Any more --
26 SADIE SULLIVAN: So --
27 VICE CHAIRMAN CLARK: -- questions? And --
28 COMMISSIONER ANCHO: (Off microphone) I have --
29 VICE CHAIRMAN CLARK: -- more --
30 SADIE SULLIVAN: Thank you.
31 VICE CHAIRMAN CLARK: -- comments?
32 COMMISSIONER ANCHO: -- a comment. One --
33 VICE CHAIRMAN CLARK: Okay.
34 COMMISSIONER ANCHO: -- before --
35 VICE CHAIRMAN CLARK: Kathy --
36 COMMISSIONER ANCHO: -- you (indiscernible).
37 VICE CHAIRMAN CLARK: -- has --
38 SADIE SULLIVAN: Thank you.
39 VICE CHAIRMAN CLARK: -- one (off microphone) last (on
40 microphone) question.

1 COMMISSIONER ANCHO: I just -- it's not a question. I just
2 wanted to say I didn't realize that it was an ordinance either.
3 And I'm going to also own that part of it because I didn't know
4 and gave him direction. So I will absolutely own that as well.

5 VICE CHAIRMAN CLARK: (Off microphone) And so we're going
6 to clear it up now.

7 COMMISSIONER ANCHO: Uh-uh.

8 VICE CHAIRMAN CLARK: (Off microphone) Okay. We have a --

9 COMMISSIONER ANCHO: (Off microphone, indiscernible.)

10 VICE CHAIRMAN CLARK: (Off microphone) Keith?

11

12 (Cell phone ringing.)

13

14 VICE CHAIRMAN CLARK: (Off microphone) Click your --

15 KEITH WESTENGARD: (Off microphone) Sorry about that.

16 (On microphone) I -- I just wanted to -- to speak a little
17 bit about our union contracts. We have to stay within our union
18 contracts whenever we give a raise. We can't just arbitrarily say
19 we're going to put some -- we're going to give somebody 10 percent
20 because we like them. We have to stay within our -- and it's in
21 our policies. You guys would see that.

22 DISTRICT ATTORNEY HERRERA: And in --

23 KEITH WESTENGARD: I was --

24 DISTRICT ATTORNEY HERRERA: -- the budget.

25 KEITH WESTENGARD: -- una- -- I was --

26 DISTRICT ATTORNEY HERRERA: And in the budget.

27 KEITH WESTENGARD: I was -- in the budget -- I was unaware
28 that people -- that you were putting your names. It's supposed
29 to be by position, not name.

30 SADIE SULLIVAN: Yeah. There's several if we wanted to go
31 back through the --

32 KEITH WESTENGARD: Anyway, --

33 SADIE SULLIVAN: -- packets.

34 KEITH WESTENGARD: -- I -- I just --

35 SADIE SULLIVAN: So --

36 KEITH WESTENGARD: -- wanted --

37 SADIE SULLIVAN: Sadie Sullivan, --

38 KEITH WESTENGARD: Putting that --

39 SADIE SULLIVAN: -- Lander --

40 KEITH WESTENGARD: -- out.

1 SADIE SULLIVAN: -- County clerk.
2 Also, with that -- and I think I'm hearing Keith right -- a
3 couple years back, I did talk to -- so we do have to stay in
4 compliance with the union contract. But the union
5 representative did say they would not ever deny or if there was
6 something that came up that somebody that's been here for this
7 many years, has this much experience, and you choose to give
8 them more than that step increase, the union's not going to
9 deny -- or they're going to back up that employee for that
10 increase. So --
11 VICE CHAIRMAN CLARK: Yeah. But I'll tell you what they
12 will do, they'll come back and they'll want more for somebody
13 else.
14 SADIE SULLIVAN: Right. Right.
15 So anyway. Just to let you know, that's what was stated.
16 VICE CHAIRMAN CLARK: (Off microphone) So Judie made a
17 motion. We don't have a second yet on Number 5.
18 COMMISSIONER ANCHO: (Off microphone) Keith had something
19 he wanted to say.
20 VICE CHAIRMAN CLARK: (Off microphone) Keith has something
21 else --
22 KEITH WESTENGARD: I --
23 VICE CHAIRMAN CLARK: -- to say.
24 (On microphone) Keith has something else to say.
25 KEITH WESTENGARD: I just want to say when we do the
26 budgets, when they come to you, they show the cost of living,
27 which was agreed on in the union contract at 2 percent. The
28 merit increases are up to 2 percent.
29 They're -- anybody -- they're not supposed to go over the
30 percent. That's what this board gave was a 2 percent cost of
31 living and up to a 2 percent of your merit raise.
32 So if -- if they -- if a -- somebody decides to give
33 somebody -- o- -- other than a salaried employee, a -- a 10
34 percent raise, they are exceeding their authority that was given
35 to them by this board.
36 COMMISSIONER SPARKS: (Off microphone) Wrap it up.
37 KEITH WESTENGARD: Thank --
38 VICE CHAIRMAN CLARK: So --
39 KEITH WESTENGARD: -- you.
40 VICE CHAIRMAN CLARK: -- so what we -- so what's happening

1 here is you can't put anybody with a CBA in the agenda.
2 We're -- we're closing in on a specific group it sounds like.
3 DISTRICT ATTORNEY HERRERA: (Off microphone) Yes. Salaried
4 employees.
5 VICE CHAIRMAN CLARK: What, Ted?
6 DISTRICT ATTORNEY HERRERA: (on microphone) Salaried
7 employees.
8 COMMISSIONER ANCHO: (Off microphone) Salaried --
9 VICE CHAIRMAN CLARK: Yeah. Salaried --
10 COMMISSIONER ANCHO: -- employees --
11 VICE CHAIRMAN CLARK: -- employees.
12 COMMISSIONER ANCHO: -- and anything --
13 VICE CHAIRMAN CLARK: Okay. So --
14 COMMISSIONER ANCHO: -- else --
15 VICE CHAIRMAN CLARK: -- are we ready --
16 COMMISSIONER ANCHO: -- but that's --
17 VICE CHAIRMAN CLARK: -- now?
18 COMMISSIONER ANCHO: -- an option.
19 COMMISSIONER SPARKS: Yeah. So thank you for everybody. I
20 mean, I'm going to second the motion.
21 I'd like for them to go back on. And I'm going to continue
22 my look into this. And if I find myself being incorrect, then I
23 will be the first to put it back on the agenda to get the old
24 ordinance pulled.
25 But at this point from this -- from what I have checked
26 out, we're perfectly fine doing it. So --
27 VICE CHAIRMAN CLARK: Okay.
28 COMMISSIONER SPARKS: -- that's --
29 VICE CHAIRMAN CLARK: Bryan, --
30 COMMISSIONER SPARKS: -- that's my opinion.
31 VICE CHAIRMAN CLARK: -- you're going to --
32 COMMISSIONER SPARKS: I second.
33 SADIE SULLIVAN: (Off microphone) May I have verification?
34 Sadie Sullivan, for the record.
35 Is that an employee number? Or -- or a name?
36 VICE CHAIRMAN CLARK: I'd --
37 SADIE SULLIVAN: (Off microphone) Because when I go to --
38 COMMISSIONER ANCHO: (Off microphone) We need a name.
39 SADIE SULLIVAN: -- submit --
40 COMMISSIONER ANCHO: (Off microphone) Our number.

1 SADIE SULLIVAN: -- with a number -- when I go to submit my
2 staff for the payroll change request, I needed to know as a
3 Lander official --
4 COMMISSIONER SPARKS: Right.
5 SADIE SULLIVAN: -- what to submit to HR.
6 COMMISSIONER SPARKS: Right. Well, hopefully if you could
7 provide me with that NRS, Ted, that --
8 DISTRICT ATTORNEY HERRERA: Right.
9 COMMISSIONER SPARKS: -- so I can read it myself.
10 DISTRICT ATTORNEY HERRERA: The open meeting law.
11 COMMISSIONER SPARKS: Yeah, absolutely.
12 DISTRICT ATTORNEY HERRERA: Right. I'll look that up.
13 COMMISSIONER SPARKS: Yes. So --
14 COMMISSIONER ANCHO: (Off microphone, indiscernible). Back
15 on another one. And then we'll four-year. We're gone anyway.
16 COMMISSIONER SPARKS: Well, the point is we have a current
17 county ordinance that's being violated. So that's what I'm
18 saying. We -- that goes back into text because this board did
19 not -- did not dissolve it.
20 VICE CHAIRMAN CLARK: Well, --
21 COMMISSIONER SPARKS: So that's --
22 VICE CHAIRMAN CLARK: -- it's --
23 COMMISSIONER SPARKS: -- what I'm --
24 VICE CHAIRMAN CLARK: -- not --
25 COMMISSIONER SPARKS: -- saying.
26 VICE CHAIRMAN CLARK: -- it's not being violated because
27 it's been superseded by NRS.
28 COMMISSIONER SPARKS: We said the --
29 COMMISSIONER ALLAN: No, it --
30 COMMISSIONER SPARKS: -- ord- --
31 COMMISSIONER ALLAN: -- hasn't.
32 COMMISSIONER SPARKS: There's an ordinance in the book,
33 Art. We're not -- we're not adhering --
34 VICE CHAIRMAN CLARK: And I --
35 COMMISSIONER SPARKS: -- to our --
36 VICE CHAIRMAN CLARK: -- spoke --
37 COMMISSIONER SPARKS: -- ordinance!
38 VICE CHAIRMAN CLARK: -- to this. I spoke to this. And I
39 said that when the NRS dictates something different than the
40 ordinance, the ordinance needs to come back so that we're told

1 that it's obsolete. And that's what we're doing --
2 COMMISSIONER SPARKS: And it has to --
3 VICE CHAIRMAN CLARK: -- today.
4 COMMISSIONER SPARKS: -- be approved by this board. Yeah.
5 So that -- anyway, my sec- -- I -- I second. So --
6 COMMISSIONER ALLAN: I would like to know what ordinance
7 or -- or what NRS is superseding this ordinance.
8 VICE CHAIRMAN CLARK: Well, it's -- it's in the open
9 meeting law. And Ted's going to forward that to Bryan. Do you
10 want a copy?
11 COMMISSIONER ALLAN: No, I know what it --
12 COMMISSIONER ANCHO: It's in --
13 VICE CHAIRMAN CLARK: Okay.
14 COMMISSIONER ALLAN: -- is.
15 COMMISSIONER ANCHO: -- these somewhere.
16 COMMISSIONER SPARKS: Well, I -- because you had stated
17 there was some NRSs that -- that said these payroll change
18 requests were in direct violation of that NRS.
19 DISTRICT ATTORNEY HERRERA: Because of the open meeting law
20 violation.
21 COMMISSIONER SPARKS: Okay. So if you could provide that,
22 Ted, that would --
23 DISTRICT ATTORNEY HERRERA: It --
24 COMMISSIONER SPARKS: -- be great --
25 DISTRICT ATTORNEY HERRERA: -- it's --
26 COMMISSIONER SPARKS: -- so I can --
27 DISTRICT ATTORNEY HERRERA: -- over --
28 COMMISSIONER SPARKS: -- read it.
29 DISTRICT ATTORNEY HERRERA: -- and -- and, --
30 COMMISSIONER ALLAN: So --
31 DISTRICT ATTORNEY HERRERA: -- Commissioner Allan, --
32 COMMISSIONER SPARKS: (Off microphone) That's a --
33 COMMISSIONER ANCHO: It's on --
34 COMMISSIONER SPARKS: -- wary --
35 COMMISSIONER ANCHO: -- here --
36 COMMISSIONER SPARKS: -- face.
37 COMMISSIONER ANCHO: -- somewhere.
38 COMMISSIONER ALLAN: Huh?
39 COMMISSIONER ANCHO: Yeah. NRS is on there somewhere.
40 VICE CHAIRMAN CLARK: Patsy?

1 COMMISSIONER WAITS: Yeah. Mr. Chair, just a
2 clarification.
3 So the motion on the floor is that we -- we do not abolish.
4 COMMISSIONER SPARKS: Right.
5 COMMISSIONER WAITS: Right? We disapprove. And that's
6 been seconded. Okay.
7 VICE CHAIRMAN CLARK: Okay. All in favor?
8 COMMISSIONER SPARKS: Aye.
9 COMMISSIONER ALLAN: Aye.
10 COMMISSIONER ANCHO: Aye.
11 VICE CHAIRMAN CLARK: I didn't hear.
12 Did -- did she say aye?
13 COMMISSIONER SPARKS: I don't know.
14 COMMISSIONER ALLAN: Yes, she --
15 COMMISSIONER ANCHO: Aye.
16 COMMISSIONER ALLAN: -- did.
17 VICE CHAIRMAN CLARK: Aye?
18 Okay.
19 Opposed?
20 Aye.
21 COMMISSIONER WAITS: Nay.
22 COMMISSIONER ALLAN: So --
23 VICE CHAIRMAN CLARK: There's --
24 SADIE SULLIVAN: (Off microphone) I have a question.
25 VICE CHAIRMAN CLARK: -- three for it and two opposed.
26 And --
27 SADIE SULLIVAN: (Off microphone) Mr. Chairman, --
28 COMMISSIONER SPARKS: Art?
29 VICE CHAIRMAN CLARK: Break for lunch.
30 KEITH WESTENGARD: May --
31 VICE CHAIRMAN CLARK: Oh, Keith.
32 I -- Sadie, I had a question. I'm sorry.
33 SADIE SULLIVAN: (Off microphone) You're fine.
34 Sadie Sullivan, Lander County clerk.
35 Is this the only thing that we're supposed to have in the
36 packet is just that ordinance? Or are you looking at something
37 else? Are we -- we're supposed to have?
38 Kathy stated that there was some things --
39 COMMISSIONER SPARKS: Well, that --
40 SADIE SULLIVAN: -- said.

1 COMMISSIONER SPARKS: She said that -- I think what she was
2 referring to is that the county code is on the agenda. I didn't
3 see an NRS.

4 SADIE SULLIVAN: (Off microphone) Okay. I just was
5 confirming that I had what you guys had is all.

6 VICE CHAIRMAN CLARK: So I have one last question.
7 Will we be breaking open meeting law by doing this at the
8 next meeting?

9 COMMISSIONER ALLAN: Can I --

10 DISTRICT ATTORNEY HERRERA: If we put the name down, no.

11 COMMISSIONER SPARKS: Right.

12 DISTRICT ATTORNEY HERRERA: No.

13 VICE CHAIRMAN CLARK: But then you're violating personnel.

14 DISTRICT ATTORNEY HERRERA: Well, then you're going to be
15 liable. And --

16 VICE CHAIRMAN CLARK: Okay.

17 DISTRICT ATTORNEY HERRERA: -- and --

18 COMMISSIONER ALLAN: So --

19 VICE CHAIRMAN CLARK: I just want the people that voted for
20 this to understand --

21 DISTRICT ATTORNEY HERRERA: And that people --

22 VICE CHAIRMAN CLARK: -- that they are the one's --

23 DISTRICT ATTORNEY HERRERA: -- people --

24 VICE CHAIRMAN CLARK: -- responsible --

25 DISTRICT ATTORNEY HERRERA: -- could --

26 VICE CHAIRMAN CLARK: -- for the backlash.

27 DISTRICT ATTORNEY HERRERA: -- grieve and -- and sue or
28 whatever. I mean, that's --

29 VICE CHAIRMAN CLARK: Yeah.

30 COMMISSIONER ALLAN: So, --

31 DISTRICT ATTORNEY HERRERA: I'm just --

32 COMMISSIONER ALLAN: -- Art, --

33 DISTRICT ATTORNEY HERRERA: -- giving you the legal advice
34 that there's a possibility that there is liability will
35 accrue --

36 VICE CHAIRMAN CLARK: Yeah.

37 DISTRICT ATTORNEY HERRERA: -- because --

38 COMMISSIONER ALLAN: Art.

39 DISTRICT ATTORNEY HERRERA: -- of this ordinance. That's
40 all.

1 VICE CHAIRMAN CLARK: Okay. Judie Allan has something to
2 say.
3 COMMISSIONER ANCHO: Any question for you?
4 COMMISSIONER ALLAN: Is -- is -- don't hold me to this
5 because I don't have it memorized. But I believe in the open
6 meeting law, when it comes to employees, is when you put them on
7 the agenda to discuss their character, competency, whatnot, it
8 doesn't mention anything about their --
9 VICE CHAIRMAN CLARK: The --
10 COMMISSIONER ALLAN: -- pay.
11 VICE CHAIRMAN CLARK: -- legal -- the legal opinion in
12 Lander County is that it's an open meeting violation. That's
13 the --
14 COMMISSIONER ALLAN: I'm just --
15 VICE CHAIRMAN CLARK: -- that's the rule.
16 COMMISSIONER ALLAN: Well, --
17 DISTRICT ATTORNEY HERRERA: That we don't --
18 COMMISSIONER ALLAN: -- I'm just --
19 DISTRICT ATTORNEY HERRERA: -- put their --
20 COMMISSIONER ALLAN: -- stating --
21 DISTRICT ATTORNEY HERRERA: -- names on it.
22 COMMISSIONER SPARKS: Right. So --
23 VICE CHAIRMAN CLARK: So --
24 COMMISSIONER ALLAN: Huh?
25 COMMISSIONER SPARKS: -- with the numbers -- I'm sorry,
26 Judie, go ahead. I apologize.
27 COMMISSIONER ALLAN: No. What -- what -- and maybe I'm
28 wrong. What -- what Ted's implying is that -- or -- or I don't
29 know, Commissioner, if this is what you're implying that -- that
30 we would have to give everybody notice if we put the payroll
31 change requests in the -- on the -- in the packet that we would
32 have to give everyone notice to put them in the --
33 DISTRICT ATTORNEY HERRERA: If we --
34 COMMISSIONER ALLAN: -- packet.
35 DISTRICT ATTORNEY HERRERA: -- if we put their names on it.
36 COMMISSIONER ALLAN: But we have to put their names on it
37 because that's part of the open meeting law.
38 But the thing is, is if you -- if you read the open meeting
39 law and the statute on personnel and it talks about to consider
40 the character, et cetera, et cetera, et cetera, of the employee,

1 it does not mention the pay or -- payment.

2 We're not considering the employee's character. We're just
3 looking at what they're getting paid. And so I don't see where
4 that falls into that statute.

5 DISTRICT ATTORNEY HERRERA: I -- I'd have to look that up.
6 I would -- if you're asking me for a legal opinion, as a board,
7 I'll look that up specifically.

8 VICE CHAIRMAN CLARK: Denise.

9 JUDGE DENISE FORTUNE: Hi. Denise Fortune, for the record.
10 Judie, I just wanted to clarify when you just stated you
11 wanted to "look at." Is it just "look at"? Or are you saying
12 that you guys would have a right to oppose it?

13 COMMISSIONER ALLAN: And, Denise, I'm sorry for that
14 because I -- I don't know how anyone else is -- have stated it.
15 But I think it's more -- you know, maybe we could have gone back
16 and -- and made the motion that we don't take action on it.

17 Is I want the transparency to the -- to the -- the
18 citizens.

19 I don't want it, you know -- I guess, apparently, yeah,
20 there has been cases that we've discussed someone's payroll.

21 But, realistically, you know, that's -- that's not
22 something we really want to do. And we all agree to that.

23 But I want it to be visible to the public.

24 JUDGE DENISE FORTUNE: And I -- I'm not saying that the
25 public shouldn't know. Because, again, we do have Transparent
26 Nevada. And people can go on --

27 COMMISSIONER SPARKS: Right.

28 JUDGE DENISE FORTUNE: -- there and see what everybody
29 makes.

30 COMMISSIONER ALLAN: So --

31 JUDGE DENISE FORTUNE: My -- my main comment to this is we
32 have two Lander County legal eagles right here. And I don't
33 agree with going against them, is my own personal opinion.

34 And I probably shouldn't even be up here because as
35 judicial, it doesn't really affect me.

36 COMMISSIONER ALLAN: Yeah.

37 JUDGE DENISE FORTUNE: But it does affect everybody else in
38 here.

39 COMMISSIONER ALLAN: Denise, Can I -- I'm sorry.

40 JUDGE DENISE FORTUNE: Absolutely.

1 COMMISSIONER ALLAN: I just want to --
2 Is Transparent Nevada -- I -- I don't know if you can go in
3 and look and see how much somebody makes by the hour, which really
4 doesn't matter, but still.
5 I think, you know, with -- with another agenda item
6 discussing, you know, a member of the public came up and said,
7 "Hey, --
8
9 (Alarm ringing.)
10
11 COMMISSIONER ALLAN: -- this is my money. And I don't
12 think you should be spending it like this." Is -- or my
13 taxpayer money. Is these people, you know, we -- we do owe the
14 taxpayers this transparency.
15 And, you know, when the employees get the raises, you know,
16 when it comes before us for, Okay. Here's the -- the cost of
17 living. And -- or this is the merit. And, you know, the
18 salaried employees, you know, when they come up and -- and --
19 and they're getting, you know, a chunk for -- it's for the --
20 the taxpayers --
21 JUDGE DENISE FORTUNE: But --
22 COMMISSIONER ALLAN: -- that --
23 JUDGE DENISE FORTUNE: -- I believe --
24 COMMISSIONER ALLAN: -- I want --
25 JUDGE DENISE FORTUNE: -- believe --
26 COMMISSIONER ALLAN: -- to be --
27 JUDGE DENISE FORTUNE: -- that --
28 COMMISSIONER ALLAN: -- aware --
29 JUDGE DENISE FORTUNE: -- decision --
30 COMMISSIONER ALLAN: -- of that.
31 JUDGE DENISE FORTUNE: -- rests in the elected officials'
32 hands not the Lander County Commissioners.
33 Our budget rests with you guys. You guys have the right to
34 approve most -- not all -- most of the budgets. Okay.
35 And so if the money's in our budget, I believe it's up to
36 the elected officials to decide what employees get what.
37 I'm not saying absolutely don't put it in there. That's
38 your guys' decision.
39 I just think us, as elected officials, it's our job also to
40 answer to the taxpayers. The taxpayers voted us in. They're

1 trusting us to do our budgets and to bring a clear and concise
2 budget to you guys and not go crazy and not waste their money.
3 And then if they have a problem, it -- that's not on you
4 guys, I don't believe. I believe that's on us as the --
5 VICE CHAIRMAN CLARK: (Off microphone) Yes.
6 JUDGE DENISE FORTUNE: -- elected officials. It's not on
7 you. It's on us.
8 So, again, I just mainly wanted to say there's two guys in
9 here I've gone to for over 24 years with the court. And I would
10 not go against anything of their opinion is -- is my opinion.
11 So --
12 VICE CHAIRMAN CLARK: Well, we'll see if there's any open
13 meeting violations filed.
14 COMMISSIONER WAITS: Denise.
15 COMMISSIONER ALLAN: Thank you, Denise.
16 JUDGE DENISE FORTUNE: Thank you.
17 VICE CHAIRMAN CLARK: Thanks, Denise.
18 COMMISSIONER ANCHO: We have some --
19 KEITH WESTENGARD: Commissioner --
20 VICE CHAIRMAN CLARK: We're going to break for lunch from
21 now to 1:15.
22 KEITH WESTENGARD: I -- I was --
23 VICE CHAIRMAN CLARK: Keith, --
24 KEITH WESTENGARD: -- wa- --
25 VICE CHAIRMAN CLARK: -- make it quick.
26 KEITH WESTENGARD: I will try to.
27 I was hoping we could hit up Number 6 real quick. The
28 AirMed thing for just a clarif- -- some clarification.
29 VICE CHAIRMAN CLARK: Okay. Let's try to get six done.
30 KEITH WESTENGARD: I think it can be done pretty quick.
31 GINA FACCENETTI: Gina Faccenetti. AirMedCare network
32 manager, for the record.
33 I understand you're all hungry. I'll try to keep it brief.
34 Keith and I had a meeting earlier in the week. And so I
35 think that I am pretty clear on -- on what you guys need
36 clarification for on the agreement that you voted to put through
37 last -- last meeting.
38 So I think a large part of this comes from the fact that
39 basically no one's really ever explained to you the purpose of
40 membership and kind of how the air ambulance works in general.

1 So if I'm hearing him correctly, what you guys are looking
2 for in a contract with an air ambulance company is a well-trained,
3 well-equipped ambulance crew to respond to the emergencies in the
4 area; financial protection for not only the residents but the
5 county itself, like keeping money in the area; best possible
6 coverage for the area; and the -- the best program that you can
7 get for your money. It's -- it's a combination of all these. Is
8 that correct?

9 SADIE SULLIVAN: (Off microphone) Does this need to be read
10 into the record?

11 The item. It just said Number 6.

12 VICE CHAIRMAN CLARK: (Off microphone) Oh.

13 SADIE SULLIVAN: (Off microphone) Just a question.

14 COMMISSIONER ALLAN: Oh, yeah. You need to read the agenda
15 item.

16 VICE CHAIRMAN CLARK: Patsy?

17 COMMISSIONER WAITS: Thank you. I do have a clarification
18 that I would like, please, because I understand where we were
19 coming from, but I thought the amount per person -- and we had
20 an average of 6,000 people, roughly. So 6,000 people, all of a
21 sudden now we owe \$66,000 to cover 6,000 people?

22 DISTRICT ATTORNEY HERRERA: Okay. Commissioner, the -- the
23 agenda item needs to be read in the record prior to any further
24 discussion.

25 VICE CHAIRMAN CLARK: (Off microphone) Okay.

26 DISTRICT ATTORNEY HERRERA: I'm sorry.

27 VICE CHAIRMAN CLARK: (Off microphone) Yeah. I've got
28 to --

29 COMMISSIONER ANCHO: (Off microphone) Agenda Item Number 6.
30 Possible action --

31 COMMISSIONER ALLAN: (Off microphone) Art -- turn your --

32 VICE CHAIRMAN CLARK: (Off microphone) Excuse me?

33 COMMISSIONER ANCHO: (Off microphone) You need to turn your
34 mic on, please.

35 COMMISSIONER ALLAN: (Off microphone) Thank you.

36
37
38
39
40

1 **6) COUNTY MANAGER: For possible action to approve/disapprove**
2 **revisiting and obtaining clarification of the proposal from**
3 **AirMedCare Network for nationwide coverage at an amount not**
4 **to exceed \$66,031.70.**
5

6 VICE CHAIRMAN CLARK: (On microphone) Possible action to
7 approve, disapprove revisiting and obtaining clarification of
8 the proposal from edmair -- edmaircare-- MedCare Network for
9 nationwide coverage in the amount not to exceed \$66,031.70.

10 KEITH WESTENGARD: So the clarification that I wanted to
11 put out -- and I asked Gina to come -- there were -- there were
12 two things that seemed -- I get a lot of quest- -- that I got a
13 lot of questions on. And we discussed it.

14 Number one was this is a nationwide coverage. The -- the
15 perception out there is that they are covered 100 percent
16 nationwide, which is true, but it's also not true.

17 It's true in the sense that if they get one of the assets
18 from AirCareMed Network, they may not get a bill.

19 But what I want to make clear and on the record and for --
20 if you are ever asked about it, there is a possibility they
21 could get a bill if they don't get one of the assets from
22 AirCareMed Network outside of our area.

23 The perception that I've been getting is that they're
24 covered 100 percent nationwide. Well, they're not. People
25 aren't.

26 They have over 300 assets in the -- in -- nationwide. So
27 their chances are pretty good that they will get an -- one of
28 their assets.

29 But I don't want people to think that they are -- they're
30 100 percent chance they're not going to get a bill. Because the
31 possibility is out there.

32 The other clarification I wanted to make has to do with --
33 Gina, help me -- the Fallon --

34 GINA FACCENETTI: Oh, our Care Flight?

35 KEITH WESTENGARD: Care Flight.

36 GINA FACCENETTI: The assets that are covered under Care
37 Flight.

38 KEITH WESTENGARD: Assets that are covered under Care
39 Flight are their fixed-wing, not their helicopters.

40 So if we do get a helicopter in here, which is -- I don't

1 know that we've even ever got one from them, maybe once or
2 twice, there -- they might --
3 COMMISSIONER WAITS: Yes, we --
4 KEITH WESTENGARD: -- get --
5 COMMISSIONER WAITS: -- do.
6 KEITH WESTENGARD: Okay. They might get a bill from them.
7 Those were the only two clarifications I wanted to make.
8 There's a possibility If you're outside of the area, you're
9 in Montana, you get -- or -- and you get flown out, and it's not
10 one of their assets, there's a possibility of a bill.
11 But, like I said, there's over 300 AirCareMed Network In
12 the flight -- or in the program.
13 VICE CHAIRMAN CLARK: I would make a request that you write
14 something up and put it in the paper --
15 KEITH WESTENGARD: And --
16 VICE CHAIRMAN CLARK: -- after we --
17 KEITH WESTENGARD: Okay.
18 VICE CHAIRMAN CLARK: -- finalize what we're doing --
19 KEITH WESTENGARD: Sure.
20 VICE CHAIRMAN CLARK: -- with this.
21 KEITH WESTENGARD: Yes. This was, like I said, this was
22 just for clarification. I want -- I -- I don't want the board
23 to be -- not on purpose -- but mislead the public by saying,
24 "Oh, yeah, --
25 VICE CHAIRMAN CLARK: Uh-huh.
26 KEITH WESTENGARD: -- we've got 100 percent coverage
27 nationwide." We don't. Or potentially get a bill from a
28 carrier outside of AirCareMed Network.
29 And the Fallon group is only covered with the fixed-wing.
30 They have one helicopter, I think.
31 GINA FACCENETTI: So --
32 KEITH WESTENGARD: But they also have -- many have
33 helicopters close by that we normally get.
34 GINA FACCENETTI: Right. So to touch on that, that's
35 always been the thing. The -- these membership programs work If
36 you use our assets, the same as any other company, even without
37 a membership program.
38 If we were flown in an area they covered, they're not going
39 to cover our bill either.
40 So the whole purpose of this agreement that you guys

1 entered into is to give the best possible chance for your people
2 not to get balance billed if they're flown.

3 COMMISSIONER WAITS: Okay. Gina, let's go back to my
4 original question, then, because I was concerned about the
5 amount. And -- and if we're looking at \$66,000, this is one
6 year -- right? -- one year?

7 GINA FACCENETTI: That --

8 VICE CHAIRMAN CLARK: (Off microphone) One --

9 GINA FACCENETTI: -- is, --

10 COMMISSIONER SPARKS: -- year.

11 GINA FACCENETTI: -- yes.

12 COMMISSIONER WAITS: That's a thousand dollars a person?

13 VICE CHAIRMAN CLARK: (Off microphone) Uh-huh.

14 GINA FACCENETTI: \$66,000 for the one year. And you have
15 the 6,000 residents? Is that --

16 COMMISSIONER WAITS: I mean, if I came to you as an
17 individual and said, I want to buy an individual membership,
18 your fee wasn't \$1,000 per person.

19 VICE CHAIRMAN CLARK: No, it was 300 when I --

20 COMMISSIONER WAITS: Well, how --

21 VICE CHAIRMAN CLARK: -- signed --

22 COMMISSIONER WAITS: -- do we get to 66,000 --

23 GINA FACCENETTI: I'm sorry.

24 COMMISSIONER WAITS: -- with only --

25 GINA FACCENETTI: (Indiscernible.)

26 COMMISSIONER WAITS: -- 6,000 and --

27 KEITH WESTENGARD: That's -- that's done by their corporate
28 headquarters. And I think she's getting the formula now for --
29 for you guys, how they -- how they --

30 COMMISSIONER WAITS: Okay. But you understand --

31 KEITH WESTENGARD: -- calculate --

32 COMMISSIONER WAITS: -- where I'm --

33 KEITH WESTENGARD: -- that.

34 COMMISSIONER WAITS: -- coming from?

35 COMMISSIONER SPARKS: Yeah.

36 COMMISSIONER WAITS: Art gets coverage for \$300 nationwide.
37 And all of a sudden, we buy it as a county? That's some
38 discount.

39 GINA FACCENETTI: Okay. Let's see.

40 COMMISSIONER ALLAN: (Off microphone) Yeah.

1 COMMISSIONER WAITS: We may have to postpone this till
2 after lunch. You're really cutting it.
3 KEITH WESTENGARD: Well, and I -- I didn't realize it would
4 take so long. I just wanted clarification. So Comm- --
5 COMMISSIONER WAITS: I --
6 VICE CHAIRMAN CLARK: I did.
7 COMMISSIONER WAITS: I did too. I wanted clarification
8 too.
9 GINA FACCENETTI: Okay.
10 KEITH WESTENGARD: So if that's what you guys want to do,
11 then we can break for lunch. That's up to the --
12 COMMISSIONER ANCHO: (Off microphone) Do you want --
13 KEITH WESTENGARD: -- commission.
14 COMMISSIONER ANCHO: -- to break?
15 GINA FACCENETTI: I -- I think you're actually figuring out
16 your math completely wrong.
17 COMMISSIONER SPARKS: It's only \$11.
18 GINA FACCENETTI: So what I was doing is pulling up my
19 calculator. Because if you look at \$66,000 versus a population
20 of 6,000 people, just say, you're looking at \$11 a person per
21 year, Commissioner.
22 COMMISSIONER SPARKS: That's right. She's correct.
23 GINA FACCENETTI: So you're looking at this nationwide
24 coverage for, you know, between 10 and \$12 if you look at the
25 population that you have here, for all of our bases, not just
26 the ones here locally.
27 So what you have now, the difference between the agreement
28 that you have in place now, your partial, is if they are in
29 Lander County only. Lander County residents flown out of Lander
30 County, they are covered -- right? -- no balance bill, no money
31 out of pocket.
32 COMMISSIONER WAITS: Right.
33 And then we asked if they could be covered anywhere in the
34 state --
35 GINA FACCENETTI: You --
36 COMMISSIONER WAITS: -- and then --
37 GINA FACCENETTI: -- you did.
38 COMMISSIONER WAITS: -- went to, No, we're going to send
39 some of these folks -- perhaps you're going to take them to Salt
40 Lake City.

1 GINA FACCENETTI: Correct.
2 COMMISSIONER WAITS: Well, then we have to have nationwide
3 coverage.
4 GINA FACCENETTI: Well, yeah. You would have to have our
5 full footprint. So we have over 320 --
6 COMMISSIONER WAITS: Okay.
7 GINA FACCENETTI: -- bases. We're the largest
8 membership-based program in the country. So the full municipal
9 site plan, the difference between that, mainly, was, A, it
10 covers them for if they're out of your county and one of --
11 COMMISSIONER WAITS: Okay.
12 GINA FACCENETTI: -- our assets fly them. And, B, it came
13 up last time -- one of the commissioners had asked, in your
14 current membership agreement, if someone has zero insurance,
15 they're not insured, they get billed at the Medicare- --
16 COMMISSIONER WAITS: No, we --
17 GINA FACCENETTI: -- allowable --
18 COMMISSIONER WAITS: -- understand --
19 GINA FACCENETTI: -- rate.
20 COMMISSIONER WAITS: -- that. Yes.
21 GINA FACCENETTI: That also goes away in the new. So that
22 was another clarification that we wanted to make.
23 But, yeah, it's not \$1,000 a person. It's actually 11,
24 somewhere --
25 COMMISSIONER WAITS: Okay.
26 GINA FACCENETTI: -- in there.
27 VICE CHAIRMAN CLARK: (Off microphone) Any more questions?
28 We -- we approved this last --
29 COMMISSIONER SPARKS: Yeah.
30 VICE CHAIRMAN CLARK: -- time.
31 COMMISSIONER SPARKS: We approved.
32 COMMISSIONER ALLAN: (Off microphone) Yeah.
33 COMMISSIONER ANCHO: (Off microphone) It was just a --
34 KEITH WESTENGARD: (Off microphone) It was just for
35 clarification.
36 VICE CHAIRMAN CLARK: Okay. We're going to break for lunch
37 now.
38 KEITH WESTENGARD: (Off microphone) Thank you.
39 COMMISSIONER ALLAN: (Off microphone) Dave --
40 GINA FACCENETTI: Are you done with --

1 VICE CHAIRMAN CLARK: See you all --

2 GINA FACCENETTI: -- me now?

3 VICE CHAIRMAN CLARK: -- later.

4 GINA FACCENETTI: Okay.

5

6 (Break taken between 12:10 p.m. and 1:14 p.m.)

7

8 ACTING CHAIRMAN WAITS: -- this meeting for February 27,
9 2020, back to order.

10 Hello, everyone.

11 Art had to leave us for the rest of the day. So we --

12 Well, actually, we're on Number 2.

13 COMMISSIONER SPARKS: (Off microphone) But they're not
14 here.

15 COMMISSIONER ALLAN: (Off microphone) Patsy, actually --
16 I'm sorry.

17 ACTING CHAIRMAN WAITS: And he's not back yet.

18 COMMISSIONER ALLAN: I think -- I'm not sure if that's her.
19 Do you want me to turn to that to do that one? Till -- because
20 she's been sitting and waiting?

21 ACTING CHAIRMAN WAITS: Everybody's been sitting and
22 waiting.

23 COMMISSIONER ALLAN: Well, everyone's that way.

24 It's Number 11.

25 Are you here for the liquor license? Yeah.

26 ACTING CHAIRMAN WAITS: Okay.

27 It's been a long day. And we sincerely appreciate you
28 folks that have been with us all morning long.

29 So to skip ahead -- let's see, J-U-B is not here -- so
30 let's move over to Number 11, actually.

31

32 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**
33 **RECESSED.)**

34

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

36

37 COMMISSIONER ANCHO: We will recess the Board of Lander
38 County Commissioners and convene the meeting of the Lander
39 County Liquor Board, composed of the Lander County Board of
40 Commissioners and the Lander County Sheriff.

1 11) SHERIFF'S OFFICE: For possible action regarding Lander
2 County Liquor License for Taqueria El Gavilan.
3

4 COMMISSIONER ANCHO: Number 11. Sheriff's Office.
5 For possible action regarding Lander County liquor license
6 for Taqueria El Gavilan.

7 I'm sorry if I did that really poorly for you.

8 COMMISSIONER ALLAN: (Off microphone) I will --
9 (On microphone) I'll make a motion that we approve the liquor
10 license for --

11 COMMISSIONER ANCHO: (Off microphone) Can we not --

12 COMMISSIONER ALLAN: -- Taqueria El Gavilan.

13 COMMISSIONER SPARKS: I just had a question.

14 Robert, have you done all of the background on it?
15 Everything's good?

16 Sorry, Judie.

17 COMMISSIONER ALLAN: No, that's all right.

18 ACTING CHAIRMAN WAITS: The type of business?

19 UNDERSHERIFF ROBERT QUICK: Robert Quick for the Sheriff's
20 Office.

21 We've processed the application. And we didn't find any
22 immediate disqualifiers.

23 The only question we had, which would be a question for the
24 District Attorney's Offices, is I didn't see anything specific
25 in the ordinance that allows for this type of license.

26 ACTING CHAIRMAN WAITS: This is for an off-site license
27 only.

28 UNDERSHERIFF ROBERT QUICK: This is my understanding is a
29 mobile type of --

30 COMMISSIONER ALLAN: (Off microphone) A food truck.

31 COMMISSIONER ANCHO: (Off microphone) A food --

32 UNDERSHERIFF ROBERT QUICK: A food truck.

33 COMMISSIONER ANCHO: -- truck. And we don't currently have
34 in our ordinance that cover --

35 ACTING CHAIRMAN WAITS: (Off microphone) Kathy.

36 COMMISSIONER ANCHO: -- any -- I'm sorry.

37 (On microphone) We currently don't have in our ordinance
38 anything that covers, like, a food truck. We have on- and
39 off-sale and then temporary licenses. We don't have one that
40 covers mobile --

1 ACTING CHAIRMAN WAITS: Mobile per se. And that was my
2 question was the type of business. So it's a mobile type of
3 business. So --

4 COMMISSIONER SPARKS: But it would still be on-site, right?
5 You're buying it and taking it away from the business? Or --

6 ACTING CHAIRMAN WAITS: No. No.

7 DISTRICT ATTORNEY HERRERA: (Off microphone) No. And --

8 ACTING CHAIRMAN WAITS: Off-site sale means that they don't
9 drink it there. They're just --

10 COMMISSIONER ANCHO: Like --

11 ACTING CHAIRMAN WAITS: It's to go.

12 COMMISSIONER SPARKS: Oh.

13 DISTRICT ATTORNEY HERRERA: (Off microphone) Yeah. And
14 this one is to drink it there if they would. But there could
15 be --

16 COMMISSIONER SPARKS: Either/or.

17 DISTRICT ATTORNEY HERRERA: They could -- they could change
18 locations at -- at whim or at will.

19 And I don't think our ordinance covers that completely.

20 COMMISSIONER ANCHO: Uh-uh.

21 DISTRICT ATTORNEY HERRERA: From the top of my head, --

22 COMMISSIONER ALLAN: Patsy --

23 DISTRICT ATTORNEY HERRERA: -- I --

24 COMMISSIONER ANCHO: I -- it -- from the person who did
25 liquor licenses for countless years, that's not how the -- the
26 ordinance is formed. It's for groc- -- like the off-sale is
27 like grocery stores or liquor stores where you go in and you
28 purchase it and you take it home.

29 On-sale is like you are at a restaurant and you drink --
30 have o- -- open containers there. And you can actually buy a
31 few there, a six pack of beer at a restaurant and take it home.
32 So that's why they have on-sale, slash, off-sale.

33 Or you have the temporary. And those are the ones who
34 already have the licenses, who are doing a one-day event at the
35 park.

36 But we don't have, like, a catering license or a mobile
37 license. Because one of the stipulations is at any time law
38 enforcement can go in and check the premises to make sure
39 there's not any underage drinking.

40 So it's a little sticky on that.

1 DISTRICT ATTORNEY HERRERA: (Off microphone) Right. And
2 they have to make sure that the (on microphone) license is
3 posted in a conspicuous place. And if they don't know the
4 location, they can't do that.

5 ACTING CHAIRMAN WAITS: We can't check it.
6 So I don't know how we can authorize this.

7 COMMISSIONER ALLAN: I just had a question. We don't have
8 a specific code that addresses this. But for lack of a code, it
9 -- it's, like, you know, maybe having a law. Is you have a law
10 that says what you can and can't do. But if you don't have a
11 law that says anything, you can do anything.

12 DISTRICT ATTORNEY HERRERA: Right. And -- and normally I
13 would agree with you, Commissioner, because if there's nothing
14 that prohibits it --

15 COMMISSIONER ALLAN: That's (indiscernible).

16 DISTRICT ATTORNEY HERRERA: -- then they're entitled to do
17 the -- except in this case as -- as Kathy points out, the
18 licenses must be put in a conspicuous place. And -- and the
19 Sheriff's Office needs to know the location. And if they move
20 around the location, they don't fall within what we do have.

21 COMMISSIONER ALLAN: Okay. Well, I guess my other
22 question -- I understand that now when you're saying moving
23 around. I mean, I could see posting it conspicuously, you know,
24 in the food truck somewhere. But -- but then you're right.

25 So if, you know, they're sitting by one of the grocery
26 stores one day and maybe the other one the next day --

27 DISTRICT ATTORNEY HERRERA: Exactly.

28 COMMISSIONER ALLAN: Yeah.

29 DISTRICT ATTORNEY HERRERA: That -- that's where I see
30 the -- the possible problem is.

31 ACTING CHAIRMAN WAITS: Well, the other concern is if -- if
32 they're eating and they hand them a beer that isn't opened, they
33 can open it right there and -- and drink it while they're
34 eating. And that would be on-site. So we still have a problem.
35 So --

36 DISTRICT ATTORNEY HERRERA: Yeah.

37 ACTING CHAIRMAN WAITS: I'm sorry. Ms. Gavilan, it doesn't
38 appear that we can -- we can assist you with that.

39 COMMISSIONER ANCHO: Excuse me. Can -- is -- do -- are we
40 able to redo our -- our update, our ordinances -- our ordinance

1 on that, Ted?

2 COMMISSIONER SPARKS: We're looking at that today, aren't

3 we? Isn't that on the agenda?

4 DISTRICT ATTORNEY HERRERA: Y- -- is it that ordinance that

5 we're looking at --

6 COMMISSIONER ANCHO: Is it --

7 DISTRICT ATTORNEY HERRERA: -- today?

8 COMMISSIONER ANCHO: -- that --

9 ACTING CHAIRMAN WAITS: If --

10 COMMISSIONER ANCHO: -- ordinance?

11 ACTING CHAIRMAN WAITS: -- if we wanted to. But the

12 question is: Do we want to? We don't have any control.

13 COMMISSIONER ANCHO: Well, that -- there has come up

14 instances --

15 DISTRICT ATTORNEY HERRERA: Yeah.

16 COMMISSIONER ANCHO: -- like we have people who want to do

17 catering that come in that want to do catering. And they can't

18 do -- they can't hire a caterer, like for weddings and things

19 like that.

20 So, I mean, there are different things that can be looked

21 at that we can't solve today that should be looked at with this

22 license.

23 One of the things before I retired I wanted to get done was

24 this ordinance looked at. I just didn't understand the

25 technical way of doing that.

26 But I think there should be some updating in this by the

27 Sheriff's Office ultimately, you know, has the opinion of what

28 they think because it -- it's underneath them. They have to be

29 the ones that go in and make sure everything is okay.

30 DISTRICT ATTORNEY HERRERA: And that's Number 15 on the

31 agenda today.

32 COMMISSIONER ALLAN: (Off microphone) Okay. Patsy?

33 ACTING CHAIRMAN WAITS: Judie.

34 COMMISSIONER ALLAN: So I do have a -- a question, I guess.

35 Is this mobile truck is going to be parked on private property,

36 basically. I mean, if they park it at -- I mean -- I don't

37 know -- not -- not always. Because I know that they have the --

38 the mobile for -- they take over to the school for lunches. And

39 I think the Owl Club does that.

40 But, you know, the ones -- I don't know if it's the same

1 one you see. It will be parked by -- by Midway a lot. And
2 that's on private property.
3 So how would that work into this also?
4 DISTRICT ATTORNEY HERRERA: Well, it would -- if they have
5 permission to be there and -- and sell food and alcohol from the
6 owner of the private property, then they would go get the
7 license and they would use that location as a permanent
8 location.
9 COMMISSIONER ALLAN: Okay.
10 DISTRICT ATTORNEY HERRERA: But that's not what they
11 applied for.
12 COMMISSIONER ALLAN: Yeah.
13 DISTRICT ATTORNEY HERRERA: They applied for something we
14 just don't have right now.
15 And we can discuss it more thoroughly when we open up
16 Item 15 --
17 ACTING CHAIRMAN WAITS: No.
18 DISTRICT ATTORNEY HERRERA: -- unless you want to open it
19 up now and discuss it. But --
20 ACTING CHAIRMAN WAITS: No. I think for right now we're
21 just going to have to say, I'm sorry, Ms. Gavilan, but the -- we
22 don't have any way to -- to authorize that for you right now.
23 So --
24 COMMISSIONER SPARKS: And you're more than welcome. We are
25 discussing the ordinance as the last agenda item today. So if
26 you'd like to be here as a part of that, if you have public
27 comment or anything on it. Okay?
28 CINDY AYALA: (Off microphone) If -- if it works out, do --
29 do I have to reapply? Or --
30 COMMISSIONER ALLAN: No.
31 You've got to -- please come up.
32 CINDY AYALA: Okay.
33 COMMISSIONER ALLAN: You have to turn the --
34 ACTING CHAIRMAN WAITS: Yeah. Turn -- turn the --
35 COMMISSIONER ALLAN: Turn it --
36 ACTING CHAIRMAN WAITS: -- speaker --
37 COMMISSIONER ALLAN: -- green.
38 ACTING CHAIRMAN WAITS: -- on.
39 COMMISSIONER ALLAN: And state your name for the record.
40 COMMISSIONER SPARKS: (Off microphone) The little button

1 right in the front. No, right there.
2 CINDY AYALA: Okay.
3 My name is Cindy Ayala.
4 COMMISSIONER ALLAN: Okay. Now you can --
5 CINDY AYALA: Okay. Would I be able to reapply if
6 something worked out in my favor?
7 COMMISSIONER ALLAN: Absolutely.
8 CINDY CLARK: Yeah? Oh.
9 COMMISSIONER ALLAN: Yes.
10 ACTING CHAIRMAN WAITS: This doesn't --
11 CINDY AYALA: It doesn't --
12 ACTING CHAIRMAN WAITS: -- prohibit it. It's not one --
13 CINDY AYALA: Okay.
14 ACTING CHAIRMAN WAITS: -- time only.
15 CINDY AYALA: Okay.
16 COMMISSIONER ALLAN: Yeah.
17 CINDY AYALA: Okay.
18 ACTING CHAIRMAN WAITS: Thank you.
19 CINDY AYALA: Thank you.
20 ACTING CHAIRMAN WAITS: Okay.
21 DISTRICT ATTORNEY HERRERA: (Off microphone) We're going to
22 have to ask for a different type of remedy.
23 By that I mean, (on microphone) right now you've asked for
24 a mobile license, which we -- which the county commissioners
25 don't have the authority to give you --
26 CINDY AYALA: Okay.
27 DISTRICT ATTORNEY HERRERA: -- under our present ordinance.
28 CINDY AYALA: Okay.
29 DISTRICT ATTORNEY HERRERA: If you would like to ask for
30 something that is permitted by our ordinance, then they'd be
31 happy to -- to hear your cause.
32 CINDY AYALA: Okay.
33 COMMISSIONER ALLAN: Or like you --
34 CINDY AYALA: Perfect.
35 COMMISSIONER ALLAN: -- said, if -- if we do change the
36 ordinance to allow something like this, then definitely come
37 back and reapply.
38 CINDY AYALA: Okay. Sounds great. Thank you, guys, --
39 COMMISSIONER ALLAN: Thank you.
40 CINDY AYALA: -- for your time.

1 ACTING CHAIRMAN WAITS: Thank you.
2 CINDY AYALA: Thank you.

3
4 **(MEETING OF THE LANDER COUNTY LIQUOR BOARD ADJOURNED.)**

5
6 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**
7 **RECONVENED.)**

8
9 ACTING CHAIRMAN WAITS: Okay. With that, we will adjourn
10 the meeting of the Lander County Liquor Board and reconvene the
11 meeting of the Lander County Board of Commissioners.

12 Okay. We still don't have Number 2.
13 And --

14 COMMISSIONER SPARKS: (Off microphone) I think -- may I
15 make a suggestion?

16 We -- we have a business owner that's waiting to hear. Can
17 we maybe move to the -- the Item 7? Unless there's --
18 Just a suggestion.

19 ACTING CHAIRMAN WAITS: Seven. Yes. Kelli is here, right?
20 KELLI SONDERMAN: Yes.

21
22 7) **COUNTY MANAGER: For possible action to approve/disapprove**
23 **awarding the management services for the Mountain View Golf**
24 **Course to the following bidder: 1) Kelli Sonderman, dba**
25 **Overtime Sports Bar & Grill, LLC.**

26
27 ACTING CHAIRMAN WAITS: Okay. We'll go to Number 7.
28 That's under the county manager.

29 For possible action to approve or disapprove awarding the
30 management services for the Mountain View Golf Course to the
31 following bidder. And we just have one: Kelli Sonderman dba
32 Overtime Sports Bar & Grill, LLC.

33 Thank you for waiting.

34 Do you want to come forward, Kelli?

35 KELLI SONDERMAN: (Off microphone) If I have to.

36 ACTING CHAIRMAN WAITS: And then we'll ask you to turn that
37 on for us.

38 I know the commission's had a chance to take a look at
39 this, and you probably have some questions.

40 COMMISSIONER SPARKS: (Off microphone) Yeah. I --

1 (On microphone) Hi, Kelli.
2 KELLI SONDERMAN: Hi.
3 COMMISSIONER SPARKS: My first question is under scope of
4 services, Item 1, where it asked for the \$7,588 as an annual
5 to -- to help you -- compensate you to collect our fees. What's
6 been the standard in the past?
7 DISTRICT ATTORNEY HERRERA: Commissioner, under our present
8 arrangement with BLM, we cannot do that.
9 And, matter of fact, we had to turn down an applicant for a
10 contract last time because they wanted the county to pay them
11 basically to manage. And we can't do that.
12 COMMISSIONER SPARKS: So we can't pay --
13 DISTRICT ATTORNEY HERRERA: No.
14 COMMISSIONER SPARKS: -- is what you're saying?
15 DISTRICT ATTORNEY HERRERA: We can't pay.
16 All -- all the last one did was they received -- they paid
17 the county \$500 a month, I believe, off top of my head, to rent
18 the -- the building. And -- and the BLM approved that, which they
19 had to approve prior --
20 COMMISSIONER SPARKS: Uh-huh.
21 DISTRICT ATTORNEY HERRERA: -- because under our present
22 arrangement, we shouldn't even have the golf club there,
23 Commissioner.
24 So we're in the process of trying to buy it -- the land --
25 or have the land given it to us under the land act. Then we can
26 do whatever we want.
27 But right now we cannot --
28 COMMISSIONER SPARKS: Well, I thought -- correct me and
29 other commissioners -- didn't we have discussion on this?
30 Because I remember that we said we could move forward with this.
31 I'm trying to recall what the -- do you -- does anybody recall
32 that meeting that we had?
33 ACTING CHAIRMAN WAITS: I remember at one time -- and it
34 was still when I first started -- they -- they did give it a
35 one-time amount as an initial startup fee, because we had to do
36 a lot of different things to it. We did do that.
37 DISTRICT ATTORNEY HERRERA: We just paid for it, though.
38 We didn't give that money to them to do it.
39 ACTING CHAIRMAN WAITS: Yeah.
40 DISTRICT ATTORNEY HERRERA: We paid for it ourselves.

1 COMMISSIONER SPARKS: Well, like I said, --
2 ACTING CHAIRMAN WAITS: But that --
3 DISTRICT ATTORNEY HERRERA: And --
4 ACTING CHAIRMAN WAITS: -- that was allowed. But -- but
5 everything's pretty well --
6 DISTRICT ATTORNEY HERRERA: You can't --
7 ACTING CHAIRMAN WAITS: -- up to --
8 DISTRICT ATTORNEY HERRERA: -- pay --
9 ACTING CHAIRMAN WAITS: -- date, I --
10 DISTRICT ATTORNEY HERRERA: -- for --
11 ACTING CHAIRMAN WAITS: -- think, --
12 DISTRICT ATTORNEY HERRERA: -- their --
13 ACTING CHAIRMAN WAITS: -- now --
14 DISTRICT ATTORNEY HERRERA: -- any --
15 ACTING CHAIRMAN WAITS: -- and --
16 DISTRICT ATTORNEY HERRERA: -- employees.
17 ACTING CHAIRMAN WAITS: -- everything.
18 So --
19 DISTRICT ATTORNEY HERRERA: We just can't.
20 COMMISSIONER SPARKS: But we could give them monthly
21 compensation to collect on behalf of the county, could we --
22 DISTRICT ATTORNEY HERRERA: No.
23 COMMISSIONER SPARKS: -- not?
24 ACTING CHAIRMAN WAITS: No.
25 COMMISSIONER SPARKS: Why?
26 DISTRICT ATTORNEY HERRERA: No. Because we're -- we're
27 prohibited because of the deal. When the -- when the -- when
28 the golf course was given to the county, there's a reversion
29 clause that reverts back to them if we -- if we breach any of
30 the conditions. And that's one of the conditions.
31 COMMISSIONER SPARKS: So how are we doing with our last
32 vendor?
33 DISTRICT ATTORNEY HERRERA: Beca- -- they were paying us
34 to --
35 COMMISSIONER ALLAN: Non-clean --
36 DISTRICT ATTORNEY HERRERA: -- operate --
37 COMMISSIONER ALLAN: -- lease.
38 DISTRICT ATTORNEY HERRERA: -- the golf --
39 COMMISSIONER SPARKS: Oh, got you.
40 DISTRICT ATTORNEY HERRERA: -- course.

1 ACTING CHAIRMAN WAITS: So the -- the question,
2 Ms. Sonderman, is that since we --
3 COMMISSIONER SPARKS: I see.
4 ACTING CHAIRMAN WAITS: -- can't actually allow that, the
5 \$7,588 that you're asking for to do the paperwork for reporting
6 to us, --
7 KELLI SONDERMAN: Uh-huh.
8 ACTING CHAIRMAN WAITS: -- do you need to go back and --
9 and look at your offer again? Or does --
10 KELLI SONDERMAN: Yeah, it definit- -- it would change
11 things, for sure. I mean --
12 Yeah. I haven't worked it without those numbers --
13 ACTING CHAIRMAN WAITS: Okay. Because --
14 KELLI SONDERMAN: -- in there.
15 ACTING CHAIRMAN WAITS: -- we would love to have somebody,
16 of course, operating it. But the thing is, is we're -- we're
17 giving you the property, basically, for \$500 a month --
18 KELLI SONDERMAN: Yes.
19 ACTING CHAIRMAN WAITS: -- for the rental. And we're
20 keeping up the utilities. We're keeping up the repairs.
21 So we're saying, we're giving you a business for --
22 COMMISSIONER SPARKS: Right.
23 ACTING CHAIRMAN WAITS: -- the \$500. You get more than
24 just -- just the -- the place to do business. But you get the
25 others -- the offset from what --
26 KELLI SONDERMAN: And --
27 ACTING CHAIRMAN WAITS: -- we don't get. So we're --
28 KELLI SONDERMAN: I understand that.
29 ACTING CHAIRMAN WAITS: -- hoping you take another look at
30 that because the sooner we can open, you know, in April or so,
31 the better --
32 KELLI SONDERMAN: Yeah.
33 ACTING CHAIRMAN WAITS: -- it would be. But -- but --
34 DISTRICT ATTORNEY HERRERA: Do --
35 ACTING CHAIRMAN WAITS: -- I know from -- from at least
36 from the offer that you made, that you probably want to think
37 again about it?
38 DISTRICT ATTORNEY HERRERA: The only strictly legal thing
39 we can do at this point while we're awaiting one of the two
40 options that -- that the commissioners have pursued, buying the

1 land outright or getting it gifted to us in the land act, would
2 be to have the -- the county operate it itself.
3 Unless the -- the BLM would agree on a short- --
4 COMMISSIONER SPARKS: Right.
5 DISTRICT ATTORNEY HERRERA: -- -term thing to -- to a
6 proposal. And I know they won't -- they've already rejected
7 this kind of proposal. We can't pay them.
8 COMMISSIONER ALLAN: And that would take a long time to get
9 the peo- -- BLM to do --
10 DISTRICT ATTORNEY HERRERA: Yes.
11 COMMISSIONER ALLAN: -- all the paperwork involved in that.
12 DISTRICT ATTORNEY HERRERA: Yes. It would, Commissioner.
13 So -- so the -- the only safe way we can do it now, to be
14 quite honest, is to run it ourselves.
15 COMMISSIONER ALLAN: But we can't have the -- the
16 restaurant and bar if we run it ourselves -- can we? --
17 DISTRICT ATTORNEY HERRERA: We can't --
18 COMMISSIONER ALLAN: -- because --
19 DISTRICT ATTORNEY HERRERA: -- have --
20 COMMISSIONER ALLAN: -- we can't --
21 DISTRICT ATTORNEY HERRERA: -- we can have the restaurant.
22 COMMISSIONER ALLAN: And not the bar.
23 DISTRICT ATTORNEY HERRERA: Well, we -- we could -- the
24 county could sell liquor that's unopened.
25 They can't -- we can't provide -- our liability would be too
26 excessive if we had a bartender that worked for the --
27 ACTING CHAIRMAN WAITS: Okay.
28 DISTRICT ATTORNEY HERRERA: -- county and stuff like that.
29 But if you just had a -- iceboxes that sold cans of beer or
30 whatever, then -- then we could do it that way.
31 COMMISSIONER ANCHO: So then I have a question, then if our
32 restrictions were so great, why did we put this out? But
33 would -- how did we put this out for bid to begin with?
34 COMMISSIONER SPARKS: That's what --
35 DISTRICT ATTORNEY HERRERA: Well --
36 COMMISSIONER SPARKS: -- I'm saying. It's that meeting
37 that I'm referring to that -- and I'll have to pull the minutes,
38 but I could have swore you said that -- it was said on the
39 public record that we could do it. And we were very close to
40 striking a deal with BLM. So where are we at in that process?

1 KEITH WESTENGARD: So I -- I put it out. Let me -- it's a
2 two-part question. So let me -- let me do both of them,
3 commissioner Ancho.
4 I put this out because we needed to get it out in order to
5 get the golf -- golf club open -- or the clubhouse open.
6 The -- the golf course itself will be open, but we needed
7 to get it in place so that we could have somebody out there
8 running it.
9 I'd had several inquiries. And there was only one that
10 was -- that was turned in. So --
11 ACTING CHAIRMAN WAITS: And --
12 KEITH WESTENGARD: -- that's how it went in is --
13 ACTING CHAIRMAN WAITS: And, Kathy, how we put it out is in
14 your book.
15 KEITH WESTENGARD: Yeah.
16 ACTING CHAIRMAN WAITS: There's --
17 KEITH WESTENGARD: We --
18 ACTING CHAIRMAN WAITS: -- actually --
19 KEITH WESTENGARD: -- we --
20 ACTING CHAIRMAN WAITS: -- a copy of the ad. So, --
21 KEITH WESTENGARD: Yes.
22 ACTING CHAIRMAN WAITS: -- I mean, it's --
23 COMMISSIONER ANCHO: (Off microphone) What I --
24 ACTING CHAIRMAN WAITS: -- whatever --
25 COMMISSIONER ANCHO: -- read and --
26 COMMISSIONER SPARKS: (Off microphone) That's why it's not
27 open.
28 ACTING CHAIRMAN WAITS: Okay.
29 KEITH WESTENGARD: Okay. And -- and as far as Commissioner
30 Sparks, there -- there was some discussion on it that we could
31 do it. But I think what -- it was either left out or missed --
32 was we still have to get BLM's okay. It has to -- so it's --
33 it's -- it's the agreement that we ma- -- that was made with BLM
34 20 years ago or longer that says -- in a nutshell, it says we
35 can't make a profit out there. And they're not a 501(c)(3) so
36 we can't pay them for wages.
37 It's just like the Austin Chamber. We can't give them a
38 grant to pay their wages.
39 COMMISSIONER SPARKS: (Off microphone) So how are we doing
40 with the last vendor?

1 KEITH WESTENGARD: They -- they were paying us.
2 DISTRICT ATTORNEY HERRERA: They were paying us --
3 COMMISSIONER SPARKS: Yeah.
4 DISTRICT ATTORNEY HERRERA: -- and --
5 COMMISSIONER SPARKS: -- so she wanted to pay us \$500 a
6 month, we could do the deal.
7 KEITH WESTENGARD: Oh, yeah. We just can't give her
8 money --
9 COMMISSIONER SPARKS: No.
10 KEITH WESTENGARD: -- to pay --
11 COMMISSIONER SPARKS: That's --
12 KEITH WESTENGARD: -- her --
13 COMMISSIONER SPARKS: -- fine.
14 KEITH WESTENGARD: -- employees.
15 COMMISSIONER SPARKS: Okay. I just want to make sure I
16 just --
17 KEITH WESTENGARD: Oh. Yeah.
18 COMMISSIONER SPARKS: I was hearing a --
19 KEITH WESTENGARD: Yeah.
20 COMMISSIONER SPARKS: -- different message.
21 KEITH WESTENGARD: Yeah.
22 DISTRICT ATTORNEY HERRERA: Oh, no.
23 COMMISSIONER SPARKS: If they're --
24 DISTRICT ATTORNEY HERRERA: No.
25 COMMISSIONER SPARKS: -- willing to rent that, then --
26 DISTRICT ATTORNEY HERRERA: And --
27 COMMISSIONER SPARKS: -- she --
28 DISTRICT ATTORNEY HERRERA: -- and if -- if we get
29 permission from BLM prior.
30 COMMISSIONER SPARKS: Did we have permission from BLM on --
31 DISTRICT ATTORNEY HERRERA: Yes.
32 COMMISSIONER SPARKS: -- the last vendor?
33 Okay.
34 KEITH WESTENGARD: We did.
35 COMMISSIONER SPARKS: So it's -- it's a doable thing, then.
36 KEITH WESTENGARD: Oh, yes.
37 COMMISSIONER SPARKS: Yeah. So we --
38 KEITH WESTENGARD: Absolutely.
39 COMMISSIONER SPARKS: -- have an interested party. Let's
40 get the --

1 ACTING CHAIRMAN WAITS: No.
2 COMMISSIONER SPARKS: -- proc- -- I mean, if --
3 ACTING CHAIRMAN WAITS: No. What we're missing, Bryan, is
4 they want an additional 7,000 --
5 COMMISSIONER SPARKS: No, I --
6 ACTING CHAIRMAN WAITS: -- dollars.
7 COMMISSIONER SPARKS: -- understand that. She --
8 ACTING CHAIRMAN WAITS: Yeah.
9 COMMISSIONER SPARKS: -- knows that. But I'm ju- -- that's
10 what I'm saying. If she goes back and refigures and they want
11 to rent it and not get the seven, that works for --
12 ACTING CHAIRMAN WAITS: Right.
13 COMMISSIONER SPARKS: -- her, --
14 ACTING CHAIRMAN WAITS: Right.
15 COMMISSIONER SPARKS: -- we still have a vendor that could
16 possibly run our golf course.
17 ACTING CHAIRMAN WAITS: Yes. We're putting --
18 COMMISSIONER SPARKS: Okay.
19 ACTING CHAIRMAN WAITS: -- it back --
20 COMMISSIONER SPARKS: I --
21 ACTING CHAIRMAN WAITS: -- in her --
22 COMMISSIONER SPARKS: Okay.
23 ACTING CHAIRMAN WAITS: -- lap.
24 COMMISSIONER SPARKS: I was mi- -- I -- I was mishearing
25 everything, I guess.
26 COMMISSIONER ALLAN: Okay. I --
27 So could we contract her as a -- a contract employee of
28 Lander County? Would that --
29 DISTRICT ATTORNEY HERRERA: No, the --
30 COMMISSIONER ALLAN: -- basically --
31 DISTRICT ATTORNEY HERRERA: -- BLM said, no, unless --
32 COMMISSIONER ALLAN: Okay.
33 DISTRICT ATTORNEY HERRERA: -- unless the county runs it or
34 unless --
35 They will waive any problems because we're trying to buy it
36 from them -- as long as we are not paying them.
37 COMMISSIONER ALLAN: Well, I guess I was just wondering is
38 maybe the four hours a day as a contract employee for -- of
39 Lander County that would get a 1099 from Lander County that four
40 hours a day would be a semi employee of -- of ours. And --

1 DISTRICT ATTORNEY HERRERA: Well --
2 COMMISSIONER ALLAN: -- then she would have the lease for
3 the rest of the hours.
4 DISTRICT ATTORNEY HERRERA: I- -- if -- if she became a
5 employee, either by contract or by -- by becoming a Lander
6 County employee, then technically you could.
7 But they'd have to be an employee.
8 COMMISSIONER ALLAN: Okay.
9 DISTRICT ATTORNEY HERRERA: It -- it would be --
10 COMMISSIONER ALLAN: You couldn't -- you couldn't do, like
11 I said, the contract employee with a 1099?
12 DISTRICT ATTORNEY HERRERA: I don't know. I -- I -- I
13 don't really know, but I --
14 COMMISSIONER ALLAN: Because --
15 DISTRICT ATTORNEY HERRERA: Through some --
16 COMMISSIONER ALLAN: -- we use those for, you know, the
17 Clerk's Office, --
18 DISTRICT ATTORNEY HERRERA: Right.
19 COMMISSIONER ALLAN: -- which I know is --
20 But, I mean, they're -- they're working for the county.
21 DISTRICT ATTORNEY HERRERA: There's probably ways to do it,
22 Commissioner. If -- if you set it up right, if you do the
23 contract right.
24 But they would be considered -- coun- -- Lander County
25 employees --
26 COMMISSIONER ALLAN: But if we just went for that --
27 DISTRICT ATTORNEY HERRERA: -- by contract.
28 COMMISSIONER ALLAN: -- four hours a day --
29 KELLI SONDERMAN: Would that be a conflict of interest?
30 DISTRICT ATTORNEY HERRERA: Well, the -- the problem with
31 that --
32 COMMISSIONER ALLAN: So what --
33 DISTRICT ATTORNEY HERRERA: -- is that they'd want -- for
34 them to make money, they'd have to be open for more than four
35 hours a day.
36 KELLI SONDERMAN: No. For --
37 COMMISSIONER ALLAN: No. What --
38 KELLI SONDERMAN: -- sure.
39 COMMISSIONER ALLAN: -- I'm saying is those four hours a
40 day that she's talking about in that first clause that she wants

1 the \$7300.
2 DISTRICT ATTORNEY HERRERA: Oh. To get around --
3 ACTING CHAIRMAN WAITS: Okay.
4 DISTRICT ATTORNEY HERRERA: -- that?
5 KELLI SONDERMAN: Yeah.
6 ACTING CHAIRMAN WAITS: Yeah.
7 COMMISSIONER ALLAN: Yeah.
8 ACTING CHAIRMAN WAITS: But what -- what we're back to,
9 Judie, is I -- I don't think I want to pay somebody four hours a
10 day out there when all they have to do is collect their money
11 and report it. I mean, I -- I think that's overkill. I really
12 do --
13 KELLI SONDERMAN: Well, --
14 COMMISSIONER ALLAN: It -- and I --
15 KELLI SONDERMAN: -- it's --
16 COMMISSIONER ALLAN: -- do --
17 ACTING CHAIRMAN WAITS: So even if there were another way,
18 right now, we're going, we're going to drop it back to them and
19 say, if you want -- if you want to rent it for \$500 a month,
20 this is great. And please think it over again because we'd love
21 to have you consider it.
22 KELLI SONDERMAN: I have a question. I know that the last
23 people you say leased it and -- and got no money from the
24 county. However, prior to that, we've had people who have
25 gotten money --
26 COMMISSIONER SPARKS: Yes.
27 KELLI SONDERMAN: -- to run the golf --
28 DISTRICT ATTORNEY HERRERA: Prior --
29 KELLI SONDERMAN: -- course.
30 DISTRICT ATTORNEY HERRERA: -- to that we were doing it
31 wrong, according to the BLM.
32 And when we went and researched it, we found, oh, my gosh.
33 And BLM's --
34 KELLI SONDERMAN: But it -- you're saying it's still wrong.
35 DISTRICT ATTORNEY HERRERA: It's --
36 KELLI SONDERMAN: But --
37 DISTRICT ATTORNEY HERRERA: -- still wrong, but --
38 KELLI SONDERMAN: But --
39 DISTRICT ATTORNEY HERRERA: -- but they're --
40 KELLI SONDERMAN: But not as --

1 DISTRICT ATTORNEY HERRERA: -- waiving --
2 KELLI SONDERMAN: -- wrong?
3 DISTRICT ATTORNEY HERRERA: Well, no. They're waiving it
4 because we're trying to purchase --
5 KELLI SONDERMAN: Okay.
6 So if I said something like we lease it for a dollar to
7 offset some of those costs, would that be something you would
8 consider?
9 DEPUTY DISTRICT ATTORNEY FORGERON: You'd have to pay --
10 It's --
11 KELLI SONDERMAN: And that still wouldn't even amount
12 to, --
13 DISTRICT ATTORNEY HERRERA: No, you'd have --
14 KELLI SONDERMAN: -- you know, --
15 COMMISSIONER ALLAN: So --
16 DISTRICT ATTORNEY HERRERA: -- to -- you'd have to pay --
17 the administrator of 501(c)(3), you'd have to pay the going rate
18 for -- for the lease of the building.
19 COMMISSIONER SPARKS: So what is the --
20 COMMISSIONER ALLAN: Kelli?
21 COMMISSIONER SPARKS: How is the going rate determined? Is
22 that --
23 KELLI SONDERMAN: What is --
24 COMMISSIONER SPARKS: -- something we --
25 KELLI SONDERMAN: -- the --
26 COMMISSIONER SPARKS: -- determine?
27 KELLI SONDERMAN: -- going --
28 COMMISSIONER SPARKS: Or --
29 DISTRICT ATTORNEY HERRERA: Well, we --
30 COMMISSIONER ALLAN: Can I --
31 DISTRICT ATTORNEY HERRERA: -- just --
32 COMMISSIONER ALLAN: -- can I speak on that?
33 DISTRICT ATTORNEY HERRERA: Yes.
34 COMMISSIONER ALLAN: So kind of how we came up with -- I
35 don't remember. I don't think it was 500 for the last --
36 DISTRICT ATTORNEY HERRERA: It may not be.
37 COMMISSIONER ALLAN: It may -- I think it might have been
38 maybe six or something.
39 But it was averaged that the utilities ran an average of
40 \$900 a month.

1 Well, then when we advertised, the offers came back at 600
2 a month. So -- so what this is doing is basically is covering
3 the utilities. And it's not even covering the utilities.
4 But -- but that's how this money -- that amount came about
5 was --
6 KELLI SONDERMAN: Yeah.
7 COMMISSIONER ALLAN: -- to --
8 DISTRICT ATTORNEY HERRERA: I mean --
9 COMMISSIONER ALLAN: -- to cover --
10 KELLI SONDERMAN: And if the county had to pay someone to
11 sit out there, you'd be paying them whatever your minimum county
12 wage would be. It would be considerably more than 8.25. And --
13 DISTRICT ATTORNEY HERRERA: Well, as the --
14 KELLI SONDERMAN: -- minimum wage is going up --
15 DISTRICT ATTORNEY HERRERA: The county has to --
16 KELLI SONDERMAN: -- per year.
17 DISTRICT ATTORNEY HERRERA: -- pay people to run the golf
18 course anyway.
19 COMMISSIONER SPARKS: Yeah. Honestly think about it,
20 Kelli. You're getting a -- a location, all utilities are paid,
21 and you guys are setting up and being able to operate your --
22 your --
23 KELLI SONDERMAN: Yeah.
24 COMMISSIONER SPARKS: -- food, your beer, liquor, whatever
25 it is, --
26 KELLI SONDERMAN: I understand.
27 COMMISSIONER SPARKS: -- and for collection.
28 KELLI SONDERMAN: Yeah.
29 COMMISSIONER SPARKS: I mean --
30 COMMISSIONER ALLAN: For \$500 a month.
31 COMMISSIONER SPARKS: Yeah. I mean, --
32 COMMISSIONER ALLAN: I don't know your business so I don't
33 want to sound ignorant, but, man, it sounds like a pretty sweet
34 deal.
35 KELLI SONDERMAN: It does. But there are a lot of costs in
36 doing --
37 COMMISSIONER SPARKS: Right.
38 KELLI SONDERMAN: -- business.
39 I mean, --
40 DISTRICT ATTORNEY HERRERA: But --

1 KELLI SONDERMAN: -- besides (indiscernible).
2 DISTRICT ATTORNEY HERRERA: -- I understand.
3 We could -- Keith and I could talk to -- to the BLM again and
4 see what -- what they will allow. I mean, that's what it comes
5 down to.
6 COMMISSIONER ALLAN: So I have another question, then.
7 We had another applicant you said was -- didn't qualify or
8 something. Would we ha- -- oh, maybe I'm misunderstanding.
9 COMMISSIONER SPARKS: No.
10 DISTRICT ATTORNEY HERRERA: Oh, no. That --
11 COMMISSIONER SPARKS: She's --
12 DISTRICT ATTORNEY HERRERA: -- was last time.
13 COMMISSIONER ALLAN: Oh, okay.
14 DISTRICT ATTORNEY HERRERA: The last go-around, they
15 wanted --
16 COMMISSIONER ALLAN: I --
17 DISTRICT ATTORNEY HERRERA: -- us --
18 COMMISSIONER ALLAN: -- remember that.
19 DISTRICT ATTORNEY HERRERA: -- to pay them money.
20 COMMISSIONER ALLAN: Right.
21 DISTRICT ATTORNEY HERRERA: One --
22 COMMISSIONER ALLAN: Okay.
23 DISTRICT ATTORNEY HERRERA: -- applicant, we had to pay a
24 lot of money, wasn't it?
25 KEITH WESTENGARD: \$40,000.
26 COMMISSIONER ALLAN: Yeah.
27 DISTRICT ATTORNEY HERRERA: Forty --
28 COMMISSIONER ALLAN: No, I --
29 DISTRICT ATTORNEY HERRERA: -- thousand.
30 COMMISSIONER ALLAN: -- remember that. So --
31 DISTRICT ATTORNEY HERRERA: Yeah.
32 COMMISSIONER ALLAN: We wouldn't have to readvertise this
33 if we made some changes to it, would we?
34 Because she's basically alternating --
35 DISTRICT ATTORNEY HERRERA: We --
36 COMMISSIONER ALLAN: -- her --
37 DISTRICT ATTORNEY HERRERA: -- we probably --
38 COMMISSIONER ALLAN: -- her proposal.
39 DISTRICT ATTORNEY HERRERA: -- would because you'd be
40 making a different proposal.

1 COMMISSIONER ALLAN: Okay.
2 DISTRICT ATTORNEY HERRERA: But we should --
3 KELLI SONDERMAN: Because either --
4 DISTRICT ATTORNEY HERRERA: -- probably --
5 KELLI SONDERMAN: -- way, it would be a different proposal
6 no matter --
7 DISTRICT ATTORNEY HERRERA: Yeah.
8 KELLI SONDERMAN: -- which way we go right now.
9 DISTRICT ATTORNEY HERRERA: So we would -- we would
10 probably -- I would suggest that you let us talk to Mr. Sherve
11 and ask what they would allow or if they would prefer the county
12 to run it.
13 COMMISSIONER SPARKS: And, if you guys don't mind, I'd like
14 to sit in on that with you with Mr. Sherve.
15 KEITH WESTENGARD: Sure.
16 COMMISSIONER SPARKS: If that's okay.
17 DISTRICT ATTORNEY HERRERA: Yeah. It's --
18 COMMISSIONER SPARKS: Thank you.
19 DISTRICT ATTORNEY HERRERA: -- okay with me.
20 COMMISSIONER ALLAN: So I guess -- I mean, I would love,
21 Kelli, for -- for you guys to be out there and -- and definitely
22 want to make it work.
23 KELLI SONDERMAN: Okay.
24 COMMISSIONER ALLAN: You know, I -- I was kind of coming up
25 with the sort of contract employee just to, you know, try -- try
26 to get this thing going so we can reopen in March for the
27 golfers.
28 Although, personally, I really think that -- that whoever's
29 in there really should be paying. And -- and 500 is very
30 reasonable.
31 KELLI SONDERMAN: Yes.
32 COMMISSIONER ALLAN: Because you've got a ready-made
33 business.
34 So that's just my opinion. I don't think 500 is enough. I
35 think it should be more to cover at least the utilities. But --
36 but I think we -- you know, we want to make it work because we
37 need somebody out there.
38 KELLI SONDERMAN: So --
39 COMMISSIONER SPARKS: Well, and --
40 KELLI SONDERMAN: -- have you looked at the rest of it? I

1 mean, is the rest of the proposal -- and are you in agreement
2 with everything else?

3 ACTING CHAIRMAN WAITS: I was okay with it, personally.
4 How about you folks?

5 That's the only one I had any question on at all.

6 COMMISSIONER ALLAN: Well, I do think, you know, the -- the
7 kitchen and bar equipment to be professionally cleaned, you
8 know, that probably should have been done by the -- the previous
9 occupants. And I don't know as though, you know, it's -- the
10 county's responsible for that.

11 Also \$5,000 for improvements.

12 COMMISSIONER SPARKS: Right.

13 COMMISSIONER ALLAN: I -- I don't agree with that one.

14 ACTING CHAIRMAN WAITS: We thought the equipment was up to
15 date. We -- we didn't know what else would be needed I think
16 was the question on it. So we'd look at it, but it wouldn't be
17 automatic.

18 COMMISSIONER SPARKS: I'd like to add too just on that
19 comment, Judie, that -- enough to make the -- the utilities.

20 I think any of our county of facilities -- I don't think a
21 rec center makes money, does it?

22 KEITH WESTENGARD: No.

23 COMMISSIONER SPARKS: Yeah. So --

24 UNIDENTIFIED PARTICIPANT: No.

25 COMMISSIONER SPARKS: -- it's just -- we're providing a
26 service. And so I'm interested in getting it -- somebody in
27 there under agreement because we're going to be starting golfing
28 soon, you know, so --

29 UNIDENTIFIED PARTICIPANT: Right.

30 COMMISSIONER SPARKS: Patsy.

31 KEITH WESTENGARD: And -- and the reason for the utility
32 amount, it's an estimated amount because it's one meter out
33 there for that entire system. So we just -- we had to estimate
34 it. It --

35 And I -- I think you're right, Commissioner Allan, I
36 believe it was 600 for the previous owner.

37 COMMISSIONER ALLAN: Yeah.

38 KEITH WESTENGARD: We can look at all that. But that was
39 based on utilities for the whole place. And then we tried to
40 narrow it down to just the clubhouse because it's only one

1 meter.

2 COMMISSIONER ALLAN: So I guess my other question is, is
3 you're going for an eight-month lease. You don't want to go for
4 an option of year-round?

5 KELLI SONDERMAN: No.

6 COMMISSIONER ALLAN: Okay.

7 COMMISSIONER ANCHO: I have a question. Now the lands deal
8 that you're going to -- and next week is the -- this is part of
9 it; correct?

10 KEITH WESTENGARD: That is correct. Yes. The -- the golf
11 course is on there. And then we do have that dollar amount from
12 BLM. But hopefully we can get the lands bill through sooner
13 than -- than the --

14 COMMISSIONER ANCHO: Absolutely. Because I --

15 KEITH WESTENGARD: -- the --

16 COMMISSIONER ANCHO: -- don't want to --

17 KEITH WESTENGARD: -- the --

18 COMMISSIONER ANCHO: -- pay for --

19 KEITH WESTENGARD: -- the sale.

20 COMMISSIONER ANCHO: -- land that we've put all of the
21 money into.

22 KEITH WESTENGARD: Right.

23 COMMISSIONER ANCHO: That was dirt when we started.

24 KEITH WESTENGARD: We've had that discussion.
25 Yes, it is. As what --

26 ACTING CHAIRMAN WAITS: Okay. Any more discussion on this
27 one?

28 We all set? Thank you, Kelli.

29 COMMISSIONER SPARKS: (Off microphone) Yeah. So get
30 something worked up. We'll bring --

31 KELLI SONDERMAN: Okay.

32 COMMISSIONER SPARKS: We'll be --

33 KELLI SONDERMAN: So what exactly are you --

34 COMMISSIONER SPARKS: I -- I'd say --

35 KELLI SONDERMAN: What are we --

36 COMMISSIONER SPARKS: -- pick --

37 KELLI SONDERMAN: -- saying?

38 COMMISSIONER SPARKS: I su- --

39 COMMISSIONER ALLAN: Kelli --

40 COMMISSIONER SPARKS: I suggest, if I may --

1 COMMISSIONER ALLAN: I just want to -- if you don't recall
2 your proposal, it's in the packet there --
3 KELLI SONDERMAN: Okay.
4 COMMISSIONER ALLAN: -- under Item 7. So if you --
5 KELLI SONDERMAN: Okay.
6 COMMISSIONER ALLAN: -- want to look through it.
7 DISTRICT ATTORNEY HERRERA: As -- what I would suggest, to
8 be strictly legal, is that we talk to Mr. Sherve and then we
9 find out what we can put there and then advertise specifically
10 for that.
11 KELLI SONDERMAN: I know time is of the essence for the
12 golfers in town.
13 Is there a way that we could lease the building without the
14 number one, you know, the Item 1 on the proposal, until you come
15 back and we can revisit that, whether it has to be taken out or
16 not.
17 I'm just saying to get things started in order to be open
18 by the end of March.
19 COMMISSIONER SPARKS: (Off microphone) Yes. So basically
20 she's negotiating, saying if I drop the 7,800, can we get going
21 on this?
22 I'm (indiscernible) --
23 KELLI SONDERMAN: And, you know, --
24 COMMISSIONER SPARKS: I just think --
25 KELLI SONDERMAN: -- at a later date --
26 COMMISSIONER SPARKS: -- if we can --
27 KELLI SONDERMAN: -- we can come back if the land deal goes
28 through. And we can say, you know, can we revisit that -- that
29 part of it?
30 DISTRICT ATTORNEY HERRERA: I'll -- it's not agenda --
31 agendized properly, to be quite candid. We could only approve
32 or disapprove the proposal.
33 COMMISSIONER ALLAN: But can we -- can we disapprove parts
34 of it?
35 COMMISSIONER SPARKS: (Off microphone) Well, let me -- let
36 me (on microphone) bring something up.
37 Last meeting, we -- or the meeting before with the building
38 or county building, we were proposed a lease by the state. We
39 changed it and voted in that meeting on that.
40 So what -- what's different about Kelli?

1 DISTRICT ATTORNEY HERRERA: I don't know. I don't have
2 that agenda in front of me, Commissioner, to answer that
3 question specifically.
4 But I know the --
5 ACTING CHAIRMAN WAITS: The agenda doesn't say anything
6 about the rate. The simp- -- the agenda -- our agenda simply
7 says, Are we going to approve awarding the management
8 services --
9 DISTRICT ATTORNEY HERRERA: Right.
10 ACTING CHAIRMAN WAITS: -- to the golf course to the
11 following bidder?
12 So when we look at the bid, we're g- -- we said, No, --
13 COMMISSIONER SPARKS: (Off microphone) We don't like it.
14 ACTING CHAIRMAN WAITS: -- we're not going to award --
15 DISTRICT ATTORNEY HERRERA: Okay.
16 ACTING CHAIRMAN WAITS: -- it for that -- for all those
17 things.
18 COMMISSIONER SPARKS: (Off microphone) She's saying we
19 don't have to have that.
20 ACTING CHAIRMAN WAITS: But we can award it for this if you
21 want it, right?
22 So we take out the -- the additional amounts for the four
23 hours a person.
24 DISTRICT ATTORNEY HERRERA: We still need the BLM's prior
25 approval.
26 ACTING CHAIRMAN WAITS: Right. Right.
27 COMMISSIONER SPARKS: Well, that's what --
28 ACTING CHAIRMAN WAITS: We know --
29 COMMISSIONER SPARKS: -- I'm saying.
30 ACTING CHAIRMAN WAITS: -- that.
31 COMMISSIONER SPARKS: And then --
32 ACTING CHAIRMAN WAITS: But -- but regardless, even if we
33 took it, we'd still need it.
34 COMMISSIONER SPARKS: Yes.
35 ACTING CHAIRMAN WAITS: So -- so we're still okay. So if
36 you would consider taking the 7,000 for under whatever out --
37 COMMISSIONER ALLAN: Number 1.
38 ACTING CHAIRMAN WAITS: Huh?
39 COMMISSIONER ALLAN: Number 1.
40 COMMISSIONER SPARKS: Number 1 of the proposal.

1 ACTING CHAIRMAN WAITS: Oh, okay. I'll go back to
2 Number 1.
3 Okay. And then the one on the amount for the --
4 COMMISSIONER SPARKS: Stipend.
5 ACTING CHAIRMAN WAITS: -- the extra 5,000 is negotiable.
6 Right? Depending on what you might need.
7 KELLI SONDERMAN: Yeah. And that's -- what I said in there
8 is just as needed. I don't know what's needed. I haven't, --
9 ACTING CHAIRMAN WAITS: Okay. Well, --
10 KELLI SONDERMAN: -- you know, --
11 ACTING CHAIRMAN WAITS: -- we'll work with --
12 KELLI SONDERMAN: -- gotten a chance --
13 ACTING CHAIRMAN WAITS: What we're --
14 KELLI SONDERMAN: -- to --
15 ACTING CHAIRMAN WAITS: -- saying --
16 KELLI SONDERMAN: -- really --
17 ACTING CHAIRMAN WAITS: -- is we'd --
18 KELLI SONDERMAN: -- see them.
19 ACTING CHAIRMAN WAITS: -- work with you. We change that
20 to work with you. If you need something, we certainly want to
21 make sure that we have it for you. And we're okay with the
22 cleaning. Right?
23 COMMISSIONER SPARKS: What's that?
24 COMMISSIONER ALLAN: Like I said, --
25 ACTING CHAIRMAN WAITS: The cleaning?
26 COMMISSIONER ALLAN: -- I don't feel it's really -- I mean,
27 it should have been cleaned when it was vacated.
28 And --
29 ACTING CHAIRMAN WAITS: Okay.
30 COMMISSIONER ALLAN: -- and when you go rent an apartment
31 there, you know, or rent a building, they're clean. But you --
32 you are expected --
33 ACTING CHAIRMAN WAITS: That's not --
34 COMMISSIONER ALLAN: -- to.
35 ACTING CHAIRMAN WAITS: -- expe- --
36 What we are -- are right now is if it needs cleaning, are you
37 going to authorize the cleaning?
38 COMMISSIONER SPARKS: (Off microphone) You could clean it,
39 right?
40 KELLI SONDERMAN: I can clean it. For a small fee, I will

1 do anything.

2 ACTING CHAIRMAN WAITS: Okay.

3 COMMISSIONER ANCHO: (Off microphone) We --

4 KELLI SONDERMAN: (Off microphone) Average lunchtime on --

5 COMMISSIONER ANCHO: -- know. Are --

6 KELLI SONDERMAN: -- that.

7 COMMISSIONER ANCHO: -- we --

8 KELLI SONDERMAN: -- on that.

9 SADIE SULLIVAN: Sadie Sullivan, for the record. I believe

10 -- and I don't know if Sean can help us, but I think if it's the

11 hood, isn't there a certified -- you have to hire a specific

12 company that's certified to do that.

13 KEITH WESTENGARD: Yeah, we have a --

14 KELLI SONDERMAN: You do.

15 KEITH WESTENGARD: -- com- --

16 SADIE SULLIVAN: Okay.

17 KEITH WESTENGARD: We have a company --

18 SADIE SULLIVAN: Just so --

19 KEITH WESTENGARD: -- coming in --

20 SADIE SULLIVAN: -- that you guys know that you --

21 KEITH WESTENGARD: -- that cleans the --

22 SADIE SULLIVAN: -- have --

23 KEITH WESTENGARD: -- grill.

24 SADIE SULLIVAN: -- to have a specific certified company.

25 COMMISSIONER ALLAN: So that would be the only thing.

26 COMMISSIONER SPARKS: Well, we'd probably want to take that

27 on as a county. If it's a liability with a potential grease

28 fire, probably --

29 KEITH WESTENGARD: Yes.

30 COMMISSIONER SPARKS: -- pay the guy and make sure it's

31 clean and --

32 KEITH WESTENGARD: And -- and --

33 COMMISSIONER SPARKS: -- protect your --

34 KEITH WESTENGARD: -- that's --

35 COMMISSIONER SPARKS: -- investment.

36 KEITH WESTENGARD: -- that's -- that's --

37 KELLI SONDERMAN: Well, and --

38 KEITH WESTENGARD: -- what we've done --

39 KELLI SONDERMAN: -- it's mandated --

40 KEITH WESTENGARD: -- throughout the last --

1 KELLI SONDERMAN: -- by the fire marshal.
2 KEITH WESTENGARD: -- agreement. We had a -- a company
3 come in and do the cleaning ev- -- every time just because it
4 needs to be done --
5 COMMISSIONER SPARKS: Okay.
6 KEITH WESTENGARD: -- professional.
7 COMMISSIONER SPARKS: So that's --
8 COMMISSIONER ALLAN: So we'll leave that. But Number 6, I
9 think we should under, "lease a building" is back --
10 ACTING CHAIRMAN WAITS: I'm sorry. Number 6, what?
11 COMMISSIONER ALLAN: Under lease a building, Number 6 is
12 the stipend for improvements.
13 And I don't know if you guys have been out to the golf
14 course. It's -- it's been improved vastly.
15 You know, there's new carpeting. I mean, it looked really
16 nice. And --
17 ACTING CHAIRMAN WAITS: But on Number 6, didn't we say that
18 we will work with her on that? And we can do that through our
19 county manager.
20 COMMISSIONER ALLAN: Well --
21 ACTING CHAIRMAN WAITS: That's all. But it's not an
22 automatic.
23 KELLI SONDERMAN: It's things as needed, you know.
24 KEITH WESTENGARD: So what -- if we're going to follow past
25 practice with all of our grants, what they do is they submit --
26 if you give them the 5,000. We don't give -- the county doesn't
27 give them a \$5,000 check.
28 They will come in and say, we need a thousand dollars for new
29 chairs. That's how you -- the commission decided to do it last
30 year with grants, that we just don't give him a lump sum check.
31 COMMISSIONER ANCHO: Oh.
32 KEITH WESTENGARD: We can follow that procedure. Or we can
33 do it a different way. But that is the past practice. Anytime
34 the county gives out money in a grant, they -- we don't give
35 them a lump sum. They come and say, well, we have \$1,000. And
36 here's the receipts and then we take care of it that way.
37 COMMISSIONER ANCHO: Which I think is the better way to do
38 it is when -- that they come in as needed.
39 And but -- with doing all of this, are we following within
40 the agenda request?

1 COMMISSIONER SPARKS: Yes.
2 COMMISSIONER ANCHO: Are we --
3 KELLI SONDERMAN: Yes.
4 ACTING CHAIRMAN WAITS: Yes.
5 COMMISSIONER ANCHO: Okay.
6 KELLI SONDERMAN: That's what I wrote in there. Yeah.
7 ACTING CHAIRMAN WAITS: Judie.
8 COMMISSIONER ALLAN: So of that money, that would be in a
9 grant form, I feel that anything purchased for the -- the
10 clubhouse should stay with the clubhouse.
11 KEITH WESTENGARD: And it did. Everything that --
12 COMMISSIONER ALLAN: Okay.
13 KEITH WESTENGARD: -- we purchased in the past has stayed
14 with the -- with the -- with the county.
15 COMMISSIONER ALLAN: Okay.
16 KELLI SONDERMAN: And that's what's written in there.
17 Anything that I'm talking about with that \$5,000 is stuff to
18 stay with -- with the clubhouse even after we leave. I mean, --
19 COMMISSIONER ALLAN: Okay.
20 KELLI SONDERMAN: -- that's not things that --
21 ACTING CHAIRMAN WAITS: No, it's --
22 KELLI SONDERMAN: -- we would take.
23 ACTING CHAIRMAN WAITS: -- it's county material -- county,
24 you know, physical assets. I understand that.
25 But I have a problem calling it a grant because it's not
26 a --
27 KELLI SONDERMAN: Yeah.
28 ACTING CHAIRMAN WAITS: -- grant.
29 DISTRICT ATTORNEY HERRERA: No, it's not.
30 ACTING CHAIRMAN WAITS: We are just simply authorizing up
31 to \$5,000 and for you to work with the county manager on what is
32 needed. And then how you work that out --
33 DISTRICT ATTORNEY HERRERA: It's basically --
34 ACTING CHAIRMAN WAITS: No. We're not doing -- we're --
35 DISTRICT ATTORNEY HERRERA: It's basic --
36 ACTING CHAIRMAN WAITS: -- not just handing over --
37 DISTRICT ATTORNEY HERRERA: -- upkeep --
38 ACTING CHAIRMAN WAITS: -- \$5,000.
39 DISTRICT ATTORNEY HERRERA: -- on county property.
40 KELLI SONDERMAN: (Off microphone) Uh-huh.

1 ACTING CHAIRMAN WAITS: And no, --
2 COMMISSIONER SPARKS: Thank you, --
3 ACTING CHAIRMAN WAITS: -- we're --
4 COMMISSIONER SPARKS: -- Ted.
5 ACTING CHAIRMAN WAITS: -- not doing --
6 COMMISSIONER SPARKS: That's all --
7 ACTING CHAIRMAN WAITS: -- it --
8 COMMISSIONER SPARKS: -- it is. Yeah.
9 COMMISSIONER ANCHO: Upkeep.
10 COMMISSIONER SPARKS: No different if she was renting a
11 house. Hey, --
12 DISTRICT ATTORNEY HERRERA: Right.
13 COMMISSIONER SPARKS: -- my -- my water softener broke
14 down. Can you, --
15 DISTRICT ATTORNEY HERRERA: Right.
16 COMMISSIONER SPARKS: -- you know, I'm going to fix it as
17 the renter, --
18 DISTRICT ATTORNEY HERRERA: Right.
19 COMMISSIONER SPARKS: -- you know. So --
20 DISTRICT ATTORNEY HERRERA: Right.
21 KELLI SONDERMAN: And there maybe come times when something
22 bigger than -- I don't know what's out there or what equipment,
23 you know, but there's always something that needs --
24 ACTING CHAIRMAN WAITS: So, Kelli, --
25 KELLI SONDERMAN: -- replaced. Yeah.
26 ACTING CHAIRMAN WAITS: -- are you okay with that with
27 these changes? Do you want us to take some action on that?
28 KELLI SONDERMAN: No. That, I'm okay with because that's
29 how I wrote it. And the --
30 COMMISSIONER ALLAN: The only change we're doing --
31 KELLI SONDERMAN: -- \$5,000 --
32 COMMISSIONER ALLAN: -- I'm sorry -- is actually back again
33 to taking off Number 1 for the --
34 KELLI SONDERMAN: Yeah.
35 COMMISSIONER SPARKS: You're fine with that?
36 COMMISSIONER ALLAN: \$7500.
37 KELLI SONDERMAN: I'm okay with that.
38 COMMISSIONER SPARKS: Great. So, Ted, you think we can get
39 some -- Ted, Sherve -- Ted and Keith with Ted Sherve first part
40 next week? Monday, Tuesday?

1 COMMISSIONER ALLAN: Jon --
2 KEITH WESTENGARD: Jon Sherve.
3 COMMISSIONER ALLAN: -- Sherve.
4 COMMISSIONER SPARKS: Jon Sherve. Sorry. Yes.
5 KEITH WESTENGARD: I'm sorry. I won't be here, but --
6 DISTRICT ATTORNEY HERRERA: Keith --
7 KEITH WESTENGARD: -- I'll be in --
8 DISTRICT ATTORNEY HERRERA: I'll --
9 COMMISSIONER SPARKS: Oh, you'll be --
10 DISTRICT ATTORNEY HERRERA: -- I'll --
11 COMMISSIONER SPARKS: -- in --
12 DISTRICT ATTORNEY HERRERA: -- do --
13 COMMISSIONER SPARKS: -- Washington.
14 DISTRICT ATTORNEY HERRERA: He's going --
15 KEITH WESTENGARD: But --
16 DISTRICT ATTORNEY HERRERA: -- to be in --
17 COMMISSIONER SPARKS: Okay.
18 DISTRICT ATTORNEY HERRERA: -- Washington.
19 KEITH WESTENGARD: Ted --
20 COMMISSIONER SPARKS: So, yeah. If that -- if you're
21 available. When will you be back?
22 KEITH WESTENGARD: We'll be back Friday afternoon. We'll
23 be back --
24 COMMISSIONER SPARKS: Okay.
25 KEITH WESTENGARD: -- to work Monday.
26 COMMISSIONER SPARKS: Yeah. If that works for you, Ted.
27 KEITH WESTENGARD: Or, no. I'm sorry. The following
28 Monday I have to go to the tax commission for our -- our tax
29 abatement or tax waiver. So it would be the following Tuesday.
30 COMMISSIONER SPARKS: Okay.
31 KEITH WESTENGARD: Yes.
32 COMMISSIONER SPARKS: If you're fine with that, we can meet
33 with Jon.
34 DISTRICT ATTORNEY HERRERA: I'm fine with that. Or we
35 could meet -- you and I and him could meet next week sometime.
36 COMMISSIONER SPARKS: Yeah.
37 Yeah. It's just whatever. I'm just -- I -- I want the
38 golfers to have a place to golf.
39 DISTRICT ATTORNEY HERRERA: No, I -- I understand -- and
40 I -- I don't mind what you guys decide to do on this and who --

1 who -- and Kelli looks like a wonderful applicant.
2 But we just have to get permi- -- we have to be very
3 delicate now. We're right -- we're right at the end of getting
4 the land ourselves. And then we wouldn't be having this
5 conversation.
6 COMMISSIONER SPARKS: Right.
7 ACTING CHAIRMAN WAITS: Okay. Keith?
8 KEITH WESTENGARD: So the golf course will be open. We --
9 we're going to open on our regularly scheduled time.
10 The school has already showed interest in the -- the golf
11 club at the school. So the golf course will be open.
12 The majority of the fees are collected at the treasurer's
13 office except for the day when somebody walks in and wants to
14 play golf for the day.
15 But the passes and golf carts are all paid for at the
16 Treasurer's office.
17 COMMISSIONER SPARKS: (Off microphone) Okay. So they'll be
18 able to golf. They just --
19 KEITH WESTENGARD: Yeah. Well, we're --
20 COMMISSIONER SPARKS: -- won't be inside --
21 KEITH WESTENGARD: -- going to open --
22 COMMISSIONER SPARKS: -- to --
23 KEITH WESTENGARD: -- regular --
24 COMMISSIONER SPARKS: -- close in --
25 KEITH WESTENGARD: -- scheduled golfing time. There just
26 wouldn't --
27 COMMISSIONER SPARKS: Right.
28 KEITH WESTENGARD: -- be some- -- somebody in the golf --
29 in the clubhouse.
30 ACTING CHAIRMAN WAITS: But either way, even if we would
31 take this exactly as -- as she proposed it and it would still
32 have to go through BLM. So we're still on the same -- right on
33 the same wavelength. We're just saying we made some changes.
34 And if you want us to go ahead with that, I think we're
35 ready for a motion.
36 So you're okay with that, Kelli?
37 KELLI SONDERMAN: Yes, I am.
38 COMMISSIONER ANCHO: Okay.
39 COMMISSIONER ALLAN: (Off microphone) I'll make the motion
40 that we approve the management services for the Mountain View

1 Golf Course and award the contract to Kelli Sonderman dba as
2 Overtime Sports Bar & Grill and approve the proposal submitted
3 by Ms. Sonderman with the exception of removing under scope of
4 services, Item Number 1.
5 Would you like me to read that in?
6 DISTRICT ATTORNEY HERRERA: (Off microphone) Yes, please.
7 But please add contingent upon --
8 ACTING CHAIRMAN WAITS: Approval.
9 DISTRICT ATTORNEY HERRERA: -- approval of --
10 COMMISSIONER ALLAN: For approval.
11 DISTRICT ATTORNEY HERRERA: -- BLM. And you better put in
12 how many years you'd make this contract.
13 COMMISSIONER ALLAN: (Off microphone) She requested three.
14 COMMISSIONER SPARKS: (Off microphone) Three. Yeah.
15 DISTRICT ATTORNEY HERRERA: I would suggest you do it one
16 year.
17 COMMISSIONER SPARKS: Which is how we do most our --
18 UNIDENTIFIED PARTICIPANT: Ted.
19 COMMISSIONER SPARKS: -- contracts.
20 DISTRICT ATTORNEY HERRERA: (Off microphone) Well, and
21 that's what the BLM had us do last time, I think.
22 ACTING CHAIRMAN WAITS: Okay. Go ahead, Judie.
23 DISTRICT ATTORNEY HERRERA: But no, two --
24 COMMISSIONER ALLAN: (Off microphone) You're okay with --
25 ACTING CHAIRMAN WAITS: Is your --
26 COMMISSIONER ALLAN: -- one?
27 DISTRICT ATTORNEY HERRERA: (Off microphone) Two.
28 ACTING CHAIRMAN WAITS: Excuse me.
29 DISTRICT ATTORNEY HERRERA: (Off microphone) Two years.
30 ACTING CHAIRMAN WAITS: Are you on?
31 COMMISSIONER ALLAN: (On microphone) No.
32 Kelli, you're okay with two?
33 KELLI SONDERMAN: It's just a lot of upfront money to be
34 put toward a business to -- to not have extended amount of time.
35 You know what I mean? That's why I put three years.
36 COMMISSIONER SPARKS: (Off microphone) So if we did do
37 three years, we have a 30-day out?
38 COMMISSIONER ALLAN: We do.
39 COMMISSIONER SPARKS: (Off microphone) Can we -- or would
40 that be a violation of contract application?

1 COMMISSIONER ALLAN: She's got a 30-day out.
2 COMMISSIONER SPARKS: (Off microphone) Does she?
3 COMMISSIONER ALLAN: Uh-huh.
4 DISTRICT ATTORNEY HERRERA: (Off microphone) Both sides?
5 COMMISSIONER SPARKS: (Off microphone) Both sides?
6 COMMISSIONER ALLAN: Yeah. Thirty-day notice by either
7 party with notice by county prior to the three-year agreement
8 time limit to be for just cause only.
9 COMMISSIONER SPARKS: (Off microphone) Yeah. But it
10 would --
11 DISTRICT ATTORNEY HERRERA: (Off microphone) No.
12 COMMISSIONER SPARKS: -- be just --
13 DISTRICT ATTORNEY HERRERA: (Off microphone) That's --
14 COMMISSIONER SPARKS: -- Kelli's --
15 DISTRICT ATTORNEY HERRERA: -- not --
16 COMMISSIONER SPARKS: -- out?
17 DISTRICT ATTORNEY HERRERA: (Off microphone) That -- for
18 any reason.
19 COMMISSIONER ALLAN: So we'll leave --
20 DISTRICT ATTORNEY HERRERA: (Off microphone) But we put
21 that -- we -- you guys have mandated that in every contract.
22 ACTING CHAIRMAN WAITS: (Off microphone) You don't have
23 yours on either.
24 DISTRICT ATTORNEY HERRERA: (On microphone) You guys have
25 mandated that in every contract that we have a 30-day-out
26 clause. So --
27 KELLI SONDERMAN: So at will you can terminate the contract
28 for any reason?
29 DISTRICT ATTORNEY HERRERA: Yes.
30 ACTING CHAIRMAN WAITS: (Off microphone) We don't make a
31 habit of doing that.
32 KELLI SONDERMAN: Well, --
33 ACTING CHAIRMAN WAITS: (On microphone) We don't make a
34 habit or doing that, Kelli. That isn't what we --
35 KELLI SONDERMAN: Well --
36 ACTING CHAIRMAN WAITS: -- do.
37 KELLI SONDERMAN: -- I'm -- I'm not saying you do. I'm
38 just -- yeah. It's -- it's -- that's a very scary thing, you
39 know, when you have a lot of money invested into something.
40 ACTING CHAIRMAN WAITS: Well, it is a three-year contract.

1 KELLI SONDERMAN: Yeah.

2 ACTING CHAIRMAN WAITS: But we have to allow ourselves to
3 be able to get out if we need to.

4 COMMISSIONER ALLAN: And I don't think we've ever --

5 COMMISSIONER SPARKS: Ever --

6 COMMISSIONER ALLAN: -- ever --

7 COMMISSIONER SPARKS: But you can leave us high and dry
8 too. And then they don't have such a nice experience out there.
9 They can golf, but they don't have food or drinks or --

10 KELLI SONDERMAN: Yeah.

11 COMMISSIONER SPARKS: -- anything like that.

12 KELLI SONDERMAN: Okay. I'm taking your --

13 COMMISSIONER ALLAN: Okay. So I am going to try and start
14 over.

15 So I will approve the contract for the management services
16 for the Mountain View Golf Course submitted by Kelli Sonderman,
17 doing business as Overtime Sports Bar & Grill, with the proposal
18 submitted, removing under "Scope of Services," Item Number 1,
19 stating "We will collect all golf fees for the county for the full
20 golf season. In order to do this, we ask that Lander County
21 provide \$7,588 to us annually to help compensate for part of the
22 wages and payroll taxes needed to cover labor costs for the hours
23 that are not typical for an operation as a bar, restaurant, or
24 retail shop. The money provided to us by the county would cover a
25 minimum cost for a person to work four hours a day, we would be
26 responsible for all wages above minimum wage pay for those hours.
27 We will pay the labor costs for the other 8- to 12-hour-plus days,
28 hours of day of operation depending on the time of year."

29 Also under "Lease of Building," Item Number 4, changing the
30 contract to read "30-day notice by either party." That will be
31 the exception under "Lease of Building." This is contingent
32 upon the BLM approving.

33 DISTRICT ATTORNEY HERRERA: And -- and subject to
34 modification of the contract prior to the signing, because we've
35 got to make sure that the language we put in the last contract
36 exists in this one, such as -- such as they -- what their
37 responsibilities and duties in collecting our fees and -- and
38 what to do with them.

39 COMMISSIONER SPARKS: (Off microphone) So basically we have
40 a contract as a county. Is that what you're saying, Ted?

1 DISTRICT ATTORNEY HERRERA: Yes. We have one.
2 COMMISSIONER ALLAN: Okay. I'm not going to s- --
3 DISTRICT ATTORNEY HERRERA: But you can -- if you would --
4 a suggestion would be to accept the proposal without the -- the
5 \$7,000 and to put in county form -- and subject to the approval
6 of the BLM. And the finalized contract would be subject to your
7 approval.
8 COMMISSIONER ALLAN: Okay. So basically kind of covered
9 all that other part except for the finalized contract would be
10 subject to our approval?
11 DISTRICT ATTORNEY HERRERA: Yes. Because we have to --
12 COMMISSIONER ALLAN: To --
13 DISTRICT ATTORNEY HERRERA: -- put certain --
14 COMMISSIONER ALLAN: -- approval of --
15 DISTRICT ATTORNEY HERRERA: -- language in --
16 COMMISSIONER ALLAN: -- all parties.
17 DISTRICT ATTORNEY HERRERA: -- there that's not contained
18 in her proposal.
19 COMMISSIONER ALLAN: Okay.
20 COMMISSIONER SPARKS: (Off microphone) Are you good with
21 that?
22 KELLI SONDERMAN: I -- yes.
23 COMMISSIONER SPARKS: (Off microphone) Okay. I'll second
24 the motion.
25 KELLI SONDERMAN: (Indiscernible.) That's not what I heard.
26 COMMISSIONER ALLAN: Please don't make me repeat.
27
28 (Simultaneous indiscernible conversations off microphone.)
29
30 ACTING CHAIRMAN WAITS: (Off microphone) I guess if you --
31 just remember the contract will come back to you too.
32 DISTRICT ATTORNEY HERRERA: Yes.
33 KELLI SONDERMAN: Yes. And --
34 ACTING CHAIRMAN WAITS: (Off microphone) Okay.
35 KELLI SONDERMAN: Okay.
36 ACTING CHAIRMAN WAITS: (Off microphone) So it isn't like
37 you're signing your (indiscernible) --
38 KELLI SONDERMAN: Okay.
39 DISTRICT ATTORNEY HERRERA: No.
40 ACTING CHAIRMAN WAITS: So all in favor?

1 COMMISSIONER SPARKS: Aye.
2 COMMISSIONER ANCHO: Aye.
3 COMMISSIONER ALLAN: Aye.
4 COMMISSIONER ANCHO: Aye.
5 COMMISSIONER ALLAN: Sadie's --
6 ACTING CHAIRMAN WAITS: Any --
7 COMMISSIONER ALLAN: -- going to --
8 ACTING CHAIRMAN WAITS: -- opposed?
9 Oh. Sadie? Sorry.
10 SADIE SULLIVAN: (Off microphone) So I don't get -- get
11 rash for it. Okay. Just to make it clear for the record, for
12 the recording. With Judie making the motion, taking one out
13 that she completely read in, does that mean that Kelli will not
14 be collecting all golf course fees for the county? Because like
15 she read that whole --
16 COMMISSIONER SPARKS: (Off microphone) Oh, I see --
17 SADIE SULLIVAN: -- Number 1 --
18 COMMISSIONER SPARKS: -- what you're signing --
19 SADIE SULLIVAN: -- in there so who's going to be
20 collecting those?
21 So I just want to make it clear for the record for
22 transcribing and for the county's when you --
23 UNIDENTIFIED PARTICIPANT: Oh.
24 SADIE SULLIVAN: -- minused out the whole entire Number 1,
25 you're also minin- -- minusing out the whole --
26 KELLI SONDERMAN: Oh. Okay.
27 COMMISSIONER ANCHO: (Off microphone) Yeah.
28 DISTRICT ATTORNEY HERRERA: (Off microphone) That's why --
29 COMMISSIONER ALLAN: (Off microphone) Look at --
30 DISTRICT ATTORNEY HERRERA: -- I pointed out that --
31 ACTING CHAIRMAN WAITS: (Off microphone) Judie.
32 DISTRICT ATTORNEY HERRERA: -- it would be subject to the
33 language contained in Lander County's contract.
34 SADIE SULLIVAN: (Off microphone) Yeah. So --
35 COMMISSIONER SPARKS: (Off microphone) Pretty low.
36 SADIE SULLIVAN: -- I just wanted to make that clear.
37 COMMISSIONER ALLAN: (Off microphone) So we're good.
38 DISTRICT ATTORNEY HERRERA: (Off microphone) We're good
39 because you put in subject to our -- to our legalese, to our
40 language.

1 COMMISSIONER SPARKS: (Off microphone) So basically we're
2 approving all of one, just not the amount of 7,000, right?
3 COMMISSIONER ALLAN: Right.
4 DISTRICT ATTORNEY HERRERA: (Off microphone) We're going to
5 put all the -- her proposal elements --
6 ACTING CHAIRMAN WAITS: Just --
7 DISTRICT ATTORNEY HERRERA: -- in our contract language.
8 ACTING CHAIRMAN WAITS: Ted. I'm -- I'm sorry, folks.
9 We're having a real problem this afternoon with the green.
10 So -- so please remember to push before you talk.
11 Go ahead, Ted.
12 DISTRICT ATTORNEY HERRERA: So we're essentially going to
13 adopt her proposal, put it in our contract that already exists
14 that also contains the language we need on how they -- they --
15 they collect our fees and what they do with them and stuff like
16 that.
17 And at that point, when it's finished, I will give a copy
18 to Kelli and she could go over it and -- and make any
19 modifications she wishes. And then finally, when we're done, it
20 goes to you.
21 COMMISSIONER SPARKS: And I might add that it's -- the
22 contract's been pretty standard throughout all the time through
23 the golf course's --
24 DISTRICT ATTORNEY HERRERA: Oh, it --
25 COMMISSIONER SPARKS: It hasn't --
26 DISTRICT ATTORNEY HERRERA: Yes.
27 COMMISSIONER SPARKS: -- changed. Because I know we --
28 we -- that's right -- we approved sev- -- a -- a few when I was
29 not --
30 DISTRICT ATTORNEY HERRERA: It was --
31 COMMISSIONER SPARKS: -- you know --
32 DISTRICT ATTORNEY HERRERA: Usually what we just change
33 is -- is we put the 30-day clause in there. We put the time,
34 you know, the years. And --
35 COMMISSIONER SPARKS: Take a --
36 DISTRICT ATTORNEY HERRERA: -- everything else is the same.
37 Now they collect the fees and they have to give it to the
38 treasury once a week and stuff like that.
39 ACTING CHAIRMAN WAITS: (Off microphone) And it's passed.
40 Are we okay?

1 KELLI SONDERMAN: Sure. I just have a question.
2 A few. But --
3 So what does this mean? We wait to do anything until that
4 final contract --
5 DISTRICT ATTORNEY HERRERA: Yes.
6 KELLI SONDERMAN: -- that you do?
7 Okay.
8 DISTRICT ATTORNEY HERRERA: We'll try to get that as soon
9 as possible.
10 COMMISSIONER SPARKS: (Off microphone. Indiscernible) and
11 we'll text (indiscernible). So --
12 KELLI SONDERMAN: All right.
13 COMMISSIONER ALLAN: I do have a question, though. Would
14 it be possible for Kelli to go out and look at the golf course
15 prior --
16 DISTRICT ATTORNEY HERRERA: Oh.
17 COMMISSIONER ALLAN: -- to that to -- to --
18 DISTRICT ATTORNEY HERRERA: Sure.
19 COMMISSIONER ALLAN: -- see what --
20 KELLI SONDERMAN: I -- I did --
21 DISTRICT ATTORNEY HERRERA: Legally --
22 KELLI SONDERMAN: -- a walk-through --
23 COMMISSIONER ALLAN: Oh.
24 KELLI SONDERMAN: -- prior to --
25 COMMISSIONER ALLAN: Okay.
26 KELLI SONDERMAN: -- just to kind of -- I mean -- a fast
27 one.
28 COMMISSIONER ALLAN: Okay. That's all I was wondering.
29 So --
30 KELLI SONDERMAN: Yeah.
31 All right.
32 DISTRICT ATTORNEY HERRERA: So the --
33 UNIDENTIFIED PARTICIPANT: (Off microphone.
34 Indiscernible.)
35 DISTRICT ATTORNEY HERRERA: -- the --
36 UNIDENTIFIED PARTICIPANT: (Off microphone.
37 Indiscernible.)
38 DISTRICT ATTORNEY HERRERA: What's going to take the
39 longest is the BLM approval, when we can get and sit with
40 Mr. Sherve.

1 He can give it to himself. He doesn't have -- I don't
2 think he has to -- he doesn't like to contact Washington on this
3 issue because they're -- they're just as culpable as we are for
4 violating the -- the conditions.

5 ACTING CHAIRMAN WAITS: Okay. We're moving on. And, --

6 COMMISSIONER ANCHO: Thank you.

7 ACTING CHAIRMAN WAITS: -- gee, it's only 2:00 o'clock in
8 the afternoon. And we are on Agenda 2.

9 COMMISSIONER SPARKS: (Off microphone.) And they're not
10 here.

11 ACTING CHAIRMAN WAITS: And J-U-B is not here, but we still
12 can approve it unless we have any questions at all. But it is
13 pretty standard.

14
15 2) **COUNTY MANAGER: For possible action to approve/disapprove**
16 **the FY 2020 FAA Airport Improvement Program (AIP) Grant**
17 **Application for the Access Road & Taxi Lane project at the**
18 **Austin Airport for an FAA share of \$853,125 and a Lander**
19 **County match of \$56,875 and approve the county manager to**
20 **sign.**

21
22 COMMISSIONER ANCHO: For possible action to approve or
23 disapprove the fiscal year 2020 FAA Airport Improvement Program,
24 which is the AIP grant application for the access road and taxi
25 line project at the Austin Airport for the FAA share of
26 \$853,125, and a Lander County match of \$56,875, and approve the
27 county manager to sign.

28 KEITH WESTENGARD: So this is the -- the contract that
29 we've -- or the project that we've talked -- talked about
30 several times in the past. And this is the contract. It's a
31 standard contract. Ted's reviewed it?

32 DISTRICT ATTORNEY HERRERA: Yes.

33 KEITH WESTENGARD: Okay.

34 And -- and there's nothing out of line. We have the money
35 for it.

36 J-U-B, we had a -- he had a meeting out at the airport
37 related to our project.

38 So I'm -- I'm -- I'm here to give it to you. But it's
39 standard FAA stuff. It's the standard grant, 94.75 percent,
40 they pay, and then our match.

1 COMMISSIONER ALLAN: Well, that's a lot shorter than if
2 they'd been here. So --

3 KEITH WESTENGARD: Yes.

4 COMMISSIONER ALLAN: I will make a -- a motion that we
5 approve the fiscal year 2020 FAA Airport Improvement Grant, AIP,
6 grant application for the access road and taxi lane project at
7 the Austin Airport for an FAA share not to exceed \$853,125, and
8 a Lander County match not to exceed \$56,875, and approve the
9 county manager to sign.

10 COMMISSIONER SPARKS: (Off microphone) I'll second.

11 ACTING CHAIRMAN WAITS: (Off microphone) Okay. Judie made
12 the motion and Bryan seconded that.

13 Any other discussion?

14 (No comment.)

15 ACTING CHAIRMAN WAITS: (Off microphone) All in favor?

16 COMMISSIONER SPARKS: (Off microphone) Aye.

17 COMMISSIONER ANCHO: (Off microphone) Aye.

18 COMMISSIONER ALLAN: Aye.

19 ACTING CHAIRMAN WAITS: (Off microphone) Aye.

20 Okay. And that passes.

21
22 **3) COUNTY MANAGER: For possible action to approve/disapprove or**
23 **modify a newly revised and updated Lander County Policy and**
24 **Procedures.**
25

26 ACTING CHAIRMAN WAITS: (Off microphone) Number 3. County
27 manager.

28 For possible action to approve or disapprove or modify a
29 newly revised and updated Lander County policy and procedures.

30 KEITH WESTENGARD: So this is something that everybody
31 knows that we've been working on for -- for a while.

32 It's all been updated. You guys got copies of everything
33 last week to review and compare.

34 The final copy that you have -- the -- the -- the -- it's
35 not a draft -- is the -- it's right out of POOL/PACT's template
36 with our -- our name inserted.

37 The -- the only things that are not in there that we put in
38 were the credit card policy and the merit language.

39 COMMISSIONER ALLAN: So I just want to state that I think
40 that we should defer this item for maybe possibly another week

1 to give us time to revi- -- review again.
2 COMMISSIONER SPARKS: (Off microphone) I agree.
3 ACTING CHAIRMAN WAITS: Judie, I'm sorry. I can't hear you
4 this far down. You'd want to do what?
5 COMMISSIONER ALLAN: I -- I would like to possibly have
6 this deferred for at least another -- till -- till another
7 meeting to allow our newest commissioners to review it and --
8 and to not take any action on this item and the following until,
9 again, we can bring it back again for -- after more time.
10 COMMISSIONER SPARKS: I agree with Judie too. I mean, I --
11 I scanned it, but, I mean, you know --
12 ACTING CHAIRMAN WAITS: Just make a motion to defer.
13 DISTRICT ATTORNEY HERRERA: (Off microphone) Okay. And --
14 and -- and part -- I'm sorry. Thank you.
15 (On microphone) As part of the proposal, I've read -- you
16 all should have a copy in front of you.
17 It says 1.2 scope.
18 It should have been in front of you this morning.
19 And that is the suggested language, in talking to the
20 sheriff's department and my department, that we need to insert
21 into the scope. And the admin department knew this was coming
22 because we didn't like the language that was contained in the old
23 one that -- that -- that separated us.
24 But to -- to explain this, legally, there is a
25 confidentially requirement for my office and the sheriff's
26 office. And that does not extend to the rest of the county.
27 Now, it does not mean that the DA's Office won't adopt the
28 policies and procedures of the county into our policy, because
29 we will. And that's what I put there is we anticipate when you
30 adopt it that we're going to adopt it.
31 And the Sheriff's Department has their own updated policies
32 and procedures in place.
33 ACTING CHAIRMAN WAITS: Thank you.
34 COMMISSIONER SPARKS: (Off microphone) I have a question.
35 It's the same question I had back when (on microphone) we
36 were -- had this kind of this topic came up was that I don't
37 understand why everything is not under one central HR department
38 in the county. And I checked with Winnemucca and the DA's
39 Office over there does not -- they -- they -- they operate under
40 one DA's office.

1 DISTRICT ATTORNEY HERRERA: They do.
2 COMMISSIONER SPARKS: I mean, under one HR. They don't
3 have their own HR department.
4 DISTRICT ATTORNEY HERRERA: That's true.
5 COMMISSIONER SPARKS: So I don't understand why you want to
6 have that in your department.
7 DISTRICT ATTORNEY HERRERA: Because in talking to our
8 district court judge, not their district court judge, he -- he
9 says he can do an order if he has to, but -- but he demands it.
10 He says there's a confidentiality requirement that exists and
11 the -- if -- if we -- right now we share the same HR person. So
12 it's no big deal.
13 But I anticipate at some point in time, I know, that we're
14 going to have different HR persons. If we have one centralized
15 HR, then that HR would be over confidential information in my
16 department. And not only would the HR, which is the county
17 manager, the assistant HR would and the county commissioners
18 would.
19 And those confidential matters in the sheriff's office, in
20 the DA's office, are not privileged to go to those people.
21 COMMISSIONER ALLAN: Patsy?
22 DISTRICT ATTORNEY HERRERA: So we're going to have the same
23 policies is what I'm saying, Commissioner.
24 ACTING CHAIRMAN WAITS: So do we have a motion to defer?
25 COMMISSIONER ANCHO: No, you all --
26 COMMISSIONER SPARKS: We should.
27 COMMISSIONER ALLAN: I just -- I wanted to make a comment
28 before Sadie. Is --
29 COMMISSIONER ANCHO: I do too.
30 COMMISSIONER ALLAN: Not to argue with you, Ted. I'm not
31 just saying that HR should be confidential in every aspect.
32 What department she's in -- or he -- what- -- whatever
33 department HR is working in should have the utmost
34 confidentiality, is all.
35 I will make a motion that we defer Item Number 3. And can I
36 add four?
37 Can I add four?
38 ACTING CHAIRMAN WAITS: Can you what?
39 COMMISSIONER ALLAN: It hasn't been opened, but can I add
40 four?

1 ACTING CHAIRMAN WAITS: Oh, yeah.
2 COMMISSIONER ALLAN: And four.
3 COMMISSIONER ANCHO: All right. I have something to say
4 first, please.
5 COMMISSIONER SPARKS: So hold on. You're saying
6 Item Number 4?
7 ACTING CHAIRMAN WAITS: Oh.
8 COMMISSIONER ALLAN: Three and --
9 COMMISSIONER SPARKS: On the --
10 COMMISSIONER ALLAN: -- four.
11 COMMISSIONER SPARKS: -- defender?
12 ACTING CHAIRMAN WAITS: No, let's -- we want to do that
13 separately if you want to --
14 COMMISSIONER SPARKS: (Off microphone) Yes.
15 ACTING CHAIRMAN WAITS: -- do --
16 COMMISSIONER ALLAN: (Off microphone) Good.
17 ACTING CHAIRMAN WAITS: -- that.
18 COMMISSIONER SPARKS: So what do you --
19 COMMISSIONER ALLAN: (Off microphone) All right.
20 COMMISSIONER SPARKS: -- mean by four?
21 ACTING CHAIRMAN WAITS: Okay.
22 COMMISSIONER ALLAN: Four's the following.
23 ACTING CHAIRMAN WAITS: Is there a second --
24 COMMISSIONER ALLAN: (Off microphone) No.
25 ACTING CHAIRMAN WAITS: -- on --
26 COMMISSIONER ALLAN: (Off microphone) Three.
27 ACTING CHAIRMAN WAITS: -- Judie's?
28 COMMISSIONER ANCHO: (Off microphone) No. I wanted to add
29 something to say first. Is that okay or not?
30 ACTING CHAIRMAN WAITS: You can definitely add. You're the
31 commissioner.
32 COMMISSIONER ANCHO: (Off microphone) Okay.
33 COMMISSIONER ALLAN: But hit your thing.
34 COMMISSIONER ANCHO: (Off microphone) Oh, I will.
35 (On microphone) So I went on this -- I went through this
36 policy that had to do with the swimming pool. And I want --
37 COMMISSIONER ALLAN: (Off microphone) Kathy --
38 COMMISSIONER SPARKS: We're -- we're not on --
39 ACTING CHAIRMAN WAITS: We're --
40 COMMISSIONER SPARKS: -- this one yet.

1 COMMISSIONER ANCHO: We're --
2 ACTING CHAIRMAN WAITS: -- we're --
3 COMMISSIONER ANCHO: -- not on --
4 ACTING CHAIRMAN WAITS: -- on three.
5 COMMISSIONER ANCHO: I thought -- oh, I'm sorry. I --
6 COMMISSIONER SPARKS: Yeah.
7 COMMISSIONER ANCHO: -- thought --
8 COMMISSIONER SPARKS: We're on --
9 COMMISSIONER ANCHO: -- we were --
10 COMMISSIONER SPARKS: -- three.
11 COMMISSIONER ANCHO: -- on four. I'm --
12 ACTING CHAIRMAN WAITS: Nope.
13 COMMISSIONER ANCHO: -- s-
14 ACTING CHAIRMAN WAITS: We're on three.
15 COMMISSIONER ANCHO: I'm sorry.
16 ACTING CHAIRMAN WAITS: We need a --
17 COMMISSIONER ANCHO: So I'll --
18 ACTING CHAIRMAN WAITS: -- second?
19 COMMISSIONER ANCHO: -- be quiet.
20 COMMISSIONER SPARKS: Sadie has a comment.
21 ACTING CHAIRMAN WAITS: We can still do a second.
22 COMMISSIONER SPARKS: (Off microphone) I don't want to --
23 ACTING CHAIRMAN WAITS: Any of you --
24 COMMISSIONER SPARKS: -- make a second until --
25 ACTING CHAIRMAN WAITS: -- seconding?
26 COMMISSIONER SPARKS: -- I hear what she has to say.
27 COMMISSIONER ANCHO: (Off microphone) Do you want to
28 second?
29 COMMISSIONER SPARKS: (Off microphone) I'd like to hear
30 what she has to --
31 COMMISSIONER ANCHO: (Off microphone) Okay.
32 COMMISSIONER SPARKS: -- say first.
33 ACTING CHAIRMAN WAITS: Before you second? Okay.
34 SADIE SULLIVAN: Sorry. Sadie Sullivan, for the record.
35 Just to let you know, I had in place and still have in
36 place a separate policy and procedures because the main policy
37 and procedures was not fully adopted. So I've had that in
38 place.
39 Now, the reason is, is I was given direction by the judge
40 at the time when they were in our office because of the

1 confidentiality for our drug court, juvenile court, but also the
2 elections with the driver's license and social securities.

3 So not only do we follow or will be following what have
4 you, of course, the policy, the thick one, but I had additional
5 confidentiality.

6 So I just wanted to put that there. That's one of the
7 reasons why I had my own small just policy and procedures was
8 for the fact that we didn't have the large one in -- in place
9 per se, because it'd been so long.

10 So --

11 COMMISSIONER SPARKS: (Off microphone) Thank you.

12 ACTING CHAIRMAN WAITS: Thank you, Sadie.

13 COMMISSIONER SPARKS: (Off microphone) I'll second to
14 defer.

15 ACTING CHAIRMAN WAITS: Okay. Judie made the motion we
16 defer Number 3, which is our policies and procedures. We will
17 look at this again. Bryan seconded that.

18 Any other discussion?

19 (No comment.)

20 ACTING CHAIRMAN WAITS: All in favor?

21 COMMISSIONER SPARKS: (Off microphone) Aye.

22 COMMISSIONER ALLAN: Aye.

23 COMMISSIONER ANCHO: Aye.

24 ACTING CHAIRMAN WAITS: Aye.

25 Any opposed?

26 Okay. And that passes.

27
28 **4) COUNTY MANAGER: For possible action to approve/disapprove or**
29 **modify a newly revised and updated Battle Mountain Recreation**
30 **Center Policy and Procedures.**
31

32 COMMISSIONER ANCHO: Now -- now you're on Number 4. County
33 manager.

34 For possible action to approve or disapprove or modify a
35 newly revised and updated Battle Mountain Recreation Center
36 policy and procedures.

37 KEITH WESTENGARD: So the --

38 COMMISSIONER ALLAN: Go ahead.

39 ACTING CHAIRMAN WAITS: Keith?

40 KEITH WESTENGARD: The -- Sean has been working with

1 POOL/PACT on this.

2 They did go back and review it. And there should be an
3 email in your packages -- in your books with some updated
4 recommendations. So it would probably be good if -- if it was
5 tabled.

6 COMMISSIONER ALLAN: I will make a motion that we defer
7 Item Number 4, the review of the modified and updated Battle
8 Mountain Recreation Center policies and procedures.

9 COMMISSIONER ANCHO: (Off microphone) All right. I have --
10 for this one, I -- I went through and read all of this. And,
11 Keith, would -- did you have time to go through all of this and
12 read the entire thing?

13 KEITH WESTENGARD: (Off microphone) I have not read the
14 entire thing. No. I've --

15 COMMISSIONER ANCHO: Okay.

16 KEITH WESTENGARD: -- read part of it.

17 COMMISSIONER ANCHO: All right. So we have a problem on
18 one of the pages that needs to be corrected before it's been
19 brought back.

20 KEITH WESTENGARD: (On microphone) Okay.

21 COMMISSIONER ANCHO: (Off microphone) So if you're going to
22 go to page -- it's going to say at the top "As a Lander County
23 Recreational Center Lifeguard, I will..."

24 I would like you to go down to Number 10 and read that
25 item.

26 COMMISSIONER SPARKS: (Off microphone) Read it out loud,
27 please.

28 KEITH WESTENGARD: I've got to find it real quick. Sorry.

29 COMMISSIONER ANCHO: Okay.

30 COMMISSIONER SPARKS: (Off microphone) And you said
31 POOL/PACT reviewed all this?

32 KEITH WESTENGARD: They've been working on it with Sean,
33 yes.

34 COMMISSIONER SPARKS: (Off microphone) Okay.

35 SADIE SULLIVAN: (Off microphone) I think it's --

36 KEITH WESTENGARD: What --

37 SADIE SULLIVAN: -- the fifth page --

38 KEITH WESTENGARD: Thanks, Sadie.

39 SADIE SULLIVAN: -- on the front of your packet separator
40 and then that's including it.

1 KEITH WESTENGARD: Okay. As a Lander County Life- -- as a
2 Lander County Recreation Center Lifeguard, I will...

3 COMMISSIONER ANCHO: (Off microphone) On Number 10.
4 COMMISSIONER SPARKS: (Off microphone) Item Number --
5 KEITH WESTENGARD: And Number --
6 COMMISSIONER SPARKS: -- 10.
7 KEITH WESTENGARD: -- 10?
8 "Always watch out for 'HIGH RISK' patrons senior citizens,
9 children, and minorities)"

10 COMMISSIONER SPARKS: (Off microphone) What the --
11 COMMISSIONER ANCHO: How long has this been in effect at
12 that swimming pool?
13 KEITH WESTENGARD: I don't believe that it's actually been
14 put in place. This is just the draft copy.
15 COMMISSIONER ANCHO: (Off microphone) So are we able to
16 ask --
17 KEITH WESTENGARD: (Off microphone) Go ahead, Sean.
18 SEAN BAKKER: (Off microphone) Sean Bakker, Lander County
19 rec center.
20 POOL/PACT told us to table this because they are still
21 reviewing it as well. We put it on there because a week ago
22 you -- sorry, Kathy.
23 COMMISSIONER ANCHO: And you'll want to --
24 ACTING CHAIRMAN WAITS: Green.
25 SADIE SULLIVAN: Oh, push the button in.
26 SEAN BAKKER: Oh.
27 COMMISSIONER ANCHO: Go ahead, please.
28 SEAN BAKKER: So we are still reviewing it and going over
29 it. And POOL/PACT did say table it.
30 COMMISSIONER ANCHO: (Off microphone) So I would like to
31 know where this form came from.
32 SEAN BAKKER: It was actually put together by my staff and
33 all of us.
34 So we will -- I will review it and get a regular copy back to
35 you.
36 COMMISSIONER ANCHO: (Off microphone) So I want you to go
37 back over and look at what he's looking at, --
38 SEAN BAKKER: Okay.
39 COMMISSIONER ANCHO: -- please.
40 SEAN BAKKER: I didn't put that in there.

1 No offen- --
2 COMMISSIONER ANCHO: (Off microphone) That's why I --
3 SEAN BAKKER: It will --
4 COMMISSIONER ANCHO: -- want --
5 SEAN BAKKER: -- be taken care of.
6 COMMISSIONER ANCHO: -- to know why that that --
7 SEAN BAKKER: But POOL/PACT, our pool guy did review it.
8 ACTING CHAIRMAN WAITS: Kathy --
9 SEAN BAKKER: Marshall has looked at it.
10 KEITH WESTENGARD: We will fix that, Commissioner Ancho,
11 for sure.
12 ACTING CHAIRMAN WAITS: Okay. We do have a -- a motion on
13 the floor to defer this.
14 Is there any second? Or you want to continue to work on
15 this?
16 COMMISSIONER SPARKS: I'll second the defer.
17 ACTING CHAIRMAN WAITS: Okay, Bryan seconded it.
18 Any other discussion on it?
19 (No comment.)
20 ACTING CHAIRMAN WAITS: Okay. Motion is to defer.
21 All in favor?
22 COMMISSIONER ANCHO: Aye.
23 COMMISSIONER SPARKS: Aye.
24 COMMISSIONER ALLAN: Aye.
25 ACTING CHAIRMAN WAITS: Aye.
26 Okay. We are deferring Number 4. That passes.
27 You guys just want to get out of here before 5:00 o'clock.
28 That's all.
29 COMMISSIONER ALLAN: Well, I have a quick turnaround.
30
31 **8) COUNTY MANAGER: For possible action to approve/disapprove**
32 **Resolution 2020-02 to establish a Special Revenue Fund 200**
33 **entitled "Net Proceed of Minerals (NPM) Future Reserve Fund."**
34
35 ACTING CHAIRMAN WAITS: We are on Number 8. County
36 manager.
37 For possible action to approve or disapprove Resolution
38 2020-02 to establish a Special Reserve Fund 200, entitled, Net
39 Proceed of -- Net Proceeds of Minerals, NPM, Future Reserve
40 Fund.

1 And actually, I do believe this is -- this is my rainy day
2 fund I asked for, right?

3 KEITH WESTENGARD: That is correct, Commissioner.

4 ACTING CHAIRMAN WAITS: Okay. There's several reasons we
5 looked at this.

6 And I -- I guess I just always thought we had one.

7 It does have some restrictions on it, of course. But
8 that's the reason for this reserve fund is if our county finds
9 ourselves in some real problems -- and we have that for a couple
10 years -- we actually have some reserved. And it's a good place
11 to start. And we can only put so much a year away. So for our
12 future and our prosperity, I am asking you to take a look at
13 this very seriously.

14 And, Mr. Keith, do you have any comments?

15 KEITH WESTENGARD: That -- I think you covered it
16 completely. This is what it's for, a -- a backup or rainy day
17 fund.

18 And this has been -- we -- we've run this by taxation
19 and -- and our tax guy that -- tax individual that comes here
20 and works with the county. And this is the way to go.

21 DISTRICT ATTORNEY HERRERA: And I have looked at it. And
22 it -- it meets existing law.

23 COMMISSIONER ALLAN: Do you want me to read the resolution?

24 DISTRICT ATTORNEY HERRERA: Yeah.

25 COMMISSIONER ALLAN: Before I do, does anybody want to
26 discuss anything?

27 Before I read this for a motion, does anybody want to
28 discuss anything?

29 So I'll make a motion that we approve Resolution Number
30 2020-02, a re- -- a resolution to establish a Special Revenue Fund
31 200 entitled -- entitled "NPM Future Reserve Fund" within the
32 Lander County treasury.

33 Whereas the Lander County Board of Commissioners are
34 responsible for the long-term financial condition of Lander
35 County.

36 Whereas Nevada Revised Statute 362.171 provides the criteria
37 for the establishment of a new fund. This new fund will be called
38 NPM Future Reserve Fund.

39 Whereas Lander County is extremely dependent on the mining
40 industry for yearly county funding.

1 Whereas the NPM Fund Reserve Fund is being created to help
2 ease any financial burden on Lander County due to a slowdown in
3 mining or a closing of a mine in Lander County.

4 Whereas the use of this fund is outlined in Nevada Revised
5 Statute 362.171, subparagraph (1)(a)(b) and reads as follows:

6 Each county to which money is appropriated by Section 1 of
7 NRS 362.170, may set aside a percentage of that appropriation to
8 establish a co- -- county fund for mitigation. Money from the
9 fund may be appropriated by the Board of County Commissioners
10 only to mitigate adverse effects upon the county which result
11 from, A, a decline in the revenue received by the county from
12 the tax on the net proceeds of minerals during the two fiscal
13 years immediately preceding the current fiscal year or the
14 opening or closing of an extractive operation from the net
15 proceeds in which revenue has been or is reasonably expected to
16 be derived pursuant to this chapter.

17 Now, therefore, be it resolved the Lander County Board of
18 Commissioners create the NPM Future Reserve Fund pursuant to
19 NRS 362.171.

20 Be it further resolved, the initial funding for the NPM
21 Future Reserve Fund be a con- -- contribution of \$3.5 million
22 from the Net Proceeds of Minerals Fiscal Year '20 tax revenue
23 distributed by the Department of Taxation in May of 2020.

24 Be it further resolved, after review of the pro- --
25 projected net proceeds of mineral review -- minerals revenue,
26 the Lander County Board of Commissioners will determine a
27 condition amount on a yearly basis to the NPM Future Reserve
28 Fund.

29 Be it further resolved, the attached addendum pursuant to
30 NAC 354.241 be part of the resolution.

31 Addendum for Resolution 2020-02, pursuant NAC 354.241, a
32 statement of the purpose of the fund. The Lander County Board
33 of Commissioners believes there is a need for a reserve fund to
34 offset revenue shortfalls in case of mining slowdown or a
35 closing of a mine in Lander County.

36 The source of the money that is expected to be deposited in
37 the fund. Pursuant to NRS 362.171, the net proceeds of mineral
38 tax revenue.

39 A short-term and long-term plan for the expenditures from
40 the fund. A short-term and long-term plan for expenditures will

1 be determined by the size of the revenue shortfall and the
2 length in time of the revenue shortfall.

3 A plan for the retention of d- -- disposition of the
4 balance reserves and retained earnings of the fund. Due to the
5 nature of this reserve fund, the retention and or disposition of
6 the fund balances would be difficult to determine.

7 A me- -- mechanism for carrying deficiencies in the balance
8 reserves and retaining -- retained earnings of the fund. Due to
9 the nature of this reserve fund, curing deficiencies of fund --
10 fund balances would be difficult to determine.

11 The method by which a determination will be made as to
12 whether the balance reserve and retained earnings of the fund
13 are reasonable and necessary to carry out the purpose of the
14 fund. Due to the nature of this re- -- reserve fund, reasonable
15 fund balances would be difficult to determine.

16 A list of all statute and regulations that apply to the
17 fund. NRS 354, NRS 362, NAC 354, and NAC 362, however, not
18 limited to.

19 And I authorize the chair to sign.

20 COMMISSIONER ANCHO: (Off microphone) Or vice chair.

21 COMMISSIONER ALLAN: Or vice chair.

22 ACTING CHAIRMAN WAITS: (Off microphone) Thank you, Judie.
23 Appreciate you reading that. Do we have a second?

24 COMMISSIONER SPARKS: (Off microphone) I'll second it.
25 (On microphone) I second.

26 ACTING CHAIRMAN WAITS: Thank you. It's been moved and
27 seconded.

28 Any other discussion?

29 (No comment.)

30 ACTING CHAIRMAN WAITS: All those in favor?

31 COMMISSIONER SPARKS: Aye.

32 COMMISSIONER ANCHO: Aye.

33 COMMISSIONER ALLAN: Aye.

34 ACTING CHAIRMAN WAITS: Aye.

35 Thank you so much.

36
37
38
39
40

1 9) **COUNTY MANAGER: For possible action to approve/disapprove**
2 **Resolution 2020-03 to create two proprietary funds, 210**
3 **Austin Town Water Fund and 215 Austin Town Sewer Fund.**
4

5 ACTING CHAIRMAN WAITS: Number 9. County manager.

6 For possible action to approve or disapprove Resolution
7 2020-03 to create two proprietary funds: 210 Austin Town Water
8 Fund and 215 Austin Town Sewer Fund.

9 KEITH WESTENGARD: So this is the resolution, obviously, to
10 create the accounts for when we take over the operation of Water
11 and Sewer 2.

12 Once we get to budget workshop, the board will decide how
13 much money to put in, in each fund.

14 This just sets up the fund numbers.

15 COMMISSIONER ALLAN: So how come now we have all these
16 addendums?

17 DISTRICT ATTORNEY HERRERA: Did they -- did they correct
18 it?

19 KEITH WESTENGARD: Yes, they did. Yeah. It's been -- it's
20 been corrected, Ted.

21 DISTRICT ATTORNEY HERRERA: Be it further resolved?

22 KEITH WESTENGARD: The -- the addendums are just additional
23 backup for it.

24 COMMISSIONER ALLAN: Do I need to read the addendums?

25 KEITH WESTENGARD: Just the resolution, right?

26 Just let's read the resolution.

27 DISTRICT ATTORNEY HERRERA: Yeah.

28 KEITH WESTENGARD: Be it further resolved. That's it
29 (indiscernible). She doesn't read it all. She doesn't need to
30 read --

31 DISTRICT ATTORNEY HERRERA: This is the one --

32 KEITH WESTENGARD: -- the second --

33 DISTRICT ATTORNEY HERRERA: -- that --

34 KEITH WESTENGARD: -- page.

35 DISTRICT ATTORNEY HERRERA: Right here.

36 KEITH WESTENGARD: Right.

37 DISTRICT ATTORNEY HERRERA: I'll give --

38 ACTING CHAIRMAN WAITS: If we --

39 DISTRICT ATTORNEY HERRERA: -- the --

40 ACTING CHAIRMAN WAITS: -- don't --

1 DISTRICT ATTORNEY HERRERA: -- report.
2 ACTING CHAIRMAN WAITS: -- read the addendum in --
3 KEITH WESTENGARD: Yeah.
4 ACTING CHAIRMAN WAITS: -- it doesn't --
5 KEITH WESTENGARD: They've got --
6 ACTING CHAIRMAN WAITS: -- become part --
7 KEITH WESTENGARD: -- the right --
8 ACTING CHAIRMAN WAITS: -- of the minutes.
9 KEITH WESTENGARD: -- copy.
10 ACTING CHAIRMAN WAITS: Maybe that's --
11 COMMISSIONER ALLAN: Well, that's what I --
12 KEITH WESTENGARD: She doesn't need --
13 COMMISSIONER ALLAN: -- was --
14 KEITH WESTENGARD: -- to read --
15 COMMISSIONER ALLAN: -- thinking.
16 KEITH WESTENGARD: -- all that.
17 ACTING CHAIRMAN WAITS: Maybe that's --
18 DISTRICT ATTORNEY HERRERA: Yeah.
19 ACTING CHAIRMAN WAITS: -- why.
20 DISTRICT ATTORNEY HERRERA: They -- because --
21 COMMISSIONER ALLAN: And it references --
22 KEITH WESTENGARD: The adden- --
23 COMMISSIONER ALLAN: -- it.
24 DISTRICT ATTORNEY HERRERA: Because they made it part of
25 it.
26 KEITH WESTENGARD: Oh.
27 DISTRICT ATTORNEY HERRERA: Be --
28 ACTING CHAIRMAN WAITS: Yes.
29 DISTRICT ATTORNEY HERRERA: -- part --
30 ACTING CHAIRMAN WAITS: We have to --
31 DISTRICT ATTORNEY HERRERA: -- of the resolution.
32 ACTING CHAIRMAN WAITS: We have to read it all in?
33 DISTRICT ATTORNEY HERRERA: Yeah. Because -- because of
34 the language. Instead of attached, it says be part of the
35 resolution. So --
36 ACTING CHAIRMAN WAITS: Okay.
37 COMMISSIONER ALLAN: I will make a motion that we approve
38 Resolution Number 2020-03 of the Board of Lander County
39 Commissioners, a resolution creating the Austin Town Water Fund,
40 210, and the Austin Town Sewer Fund, 215, as priority --

1 proprietary funds.

2 Whereas the dissolution Ordinance Number 2019-2 effective
3 July 1, 2020, of the Lander County Combined Sewer and Water
4 District 2, LCC, SWD2, a General Improvement District formed under
5 NRS 318.

6 And whereas LCC, SWD2's powers include, but not limited to,
7 supplying sew- --sewer and water services to the Town of Austin
8 Nevada; the assessment and collection of rates and all other
9 powers necessary, proper, or convenient.

10 And whereas there is a need to continue the distribution,
11 sale, and delivery of mis- -- municipal water and sew- -- sewer
12 services provided by LCC SWD2 in the Town -- in the Austin town
13 area.

14 And whereas in accordance with NRS 318, the Lander County
15 Commissioners have determined the services can be more
16 effectively performed by an existing unit of government.

17 And whereas the Lander County Commissioners have determined
18 this unit of government to be the Town of Austin.

19 Now therefore be it resolved the Town of Austin through the
20 powers of the Lander County Commissioners will create two new
21 proprietary funds: The Austin Town Sewer Fund and the Austin
22 Town Water Fund.

23 Be it further resolved that these two new funds will report
24 all proprietary fund type activities beginning in fiscal year
25 2021 and for every year after -- thereafter.

26 Be it further resolved all fund activities for fiscal year
27 '19 and fiscal year '20 will still be report by the LCC SWD2
28 prior to July 1, 2020.

29 Be it further resolved, the attached addendum pursuant to
30 NAC 354.241 be part of the resolution.

31 Addendum for Resolution 2020-03 pursuant NAC 354.241, a
32 statement of the purpose of the fund, to report yearly activity,
33 both revenue and expenses, for the newly created Austin Town
34 Sewer Fund and Austin Town Water Fund. The sources of the money
35 that is expected to be deposited in the fund -- the source of
36 revenue is, however, not limited to sewer fees, water fees, and
37 connection fees.

38 A short-term and long-term plan for the expenditures from
39 the fund. Short-term expenditures would be contingent on
40 revenue flow. Long-term expenditures would be contingent on

1 future fund reserves and retained earnings.

2 A plan for the retention or dis- -- disposition of the
3 balance reserves and retained earnings of the fund. The plan
4 for these two funds is to operate them in a manner similar to
5 the operations of a private business enterprise. Expenses,
6 including depreciation of providing goods or services on a
7 continuing basis to the general public, finance to recover
8 primarily through charges to the users.

9 The operations would generate revenue to build reserves for
10 equipment purchase, maintenance, and replacement of assets.

11 A mechanism for carrying deficiencies in the balance
12 reserves and retained earnings of the fund. The nec- --
13 mechanisms for curing the deficiencies could be, but not limited
14 to, increasing user fees, increasing connection fees, increasing
15 property tax levies, and applying for federal and state grants.

16 The mesh -- method by which a determination will be made as
17 to whether the balance reserve in retainage earnings of the fund
18 are reasonable and necessary to carry out the purpose of the
19 fund.

20 The method for determining if balances, reserves, and
21 retained earnings is reasonable and necessary would be a
22 comprehensive review of audited numbers and comparing the funds
23 with like-type funds in other gover- -- local governments.

24 A list of all statutes and regulations that apply to the
25 fund. The statutes and regulations that apply to the fund,
26 however, not limited to are NRS 350, NRS 352- -- -4; NAC 350;
27 and NAC 354.

28 I authorize the chair or vice chair to sign.

29 COMMISSIONER SPARKS: (Off microphone) I'll second.

30 ACTING CHAIRMAN WAITS: Thank you. Judie made the motion.
31 Thank you, again, Judie for all of that. And Bryan seconded.
32 Any other discussion here?

33 (No comment.)

34 ACTING CHAIRMAN WAITS: All in favor?

35 COMMISSIONER SPARKS: Aye.

36 COMMISSIONER ANCHO: Aye.

37 COMMISSIONER ALLAN: Aye.

38 ACTING CHAIRMAN WAITS: Aye.

39 Any opposed? Thank you. And that passes.

40

1 **10 COUNTY MANAGER: For possible action to set a date and time**
2 **for the budget workshop.**

3

4 ACTING CHAIRMAN WAITS: Number 10 under county manager.
5 For possible action set a date and time for the budget
6 workshop.

7 And that has been looked at for March 18th and 19th.

8 KEITH WESTENGARD: (Off microphone) That is correct. I
9 wanted to make sure that that fits into everyone's schedule as
10 well as setting the time.

11 I know it was discussed last meeting, but I'd like to get
12 it fleshed -- a full line and forth.

13 COMMISSIONER ALLAN: I'll make a motion that we set the
14 time for 9:00 -- to start at 9:00 p.m. I mean, a.m.

15 COMMISSIONER SPARKS: 9:00 a.m.?

16 SADIE SULLIVAN: All night.

17 COMMISSIONER ALLAN: Yeah.

18 KEITH WESTENGARD: And the 18th and 19th.

19 COMMISSIONER ALLAN: And March 18th and 19th.

20 COMMISSIONER ANCHO: Uh-huh.

21 COMMISSIONER SPARKS: All right. I'll second that.

22 ACTING CHAIRMAN WAITS: Judie made the motion and Bryan
23 seconded that.

24 Any other discussion?

25 (No comment.)

26 ACTING CHAIRMAN WAITS: All in favor?

27 COMMISSIONER ALLAN: Aye.

28 COMMISSIONER SPARKS: Aye.

29 ACTING CHAIRMAN WAITS: Aye.

30 KEITH WESTENGARD: (Off microphone) How far do you guys
31 want to go? Do you want to go 9:00 to 5:00 with an hour and a
32 half lunch? I should have asked that.

33 ACTING CHAIRMAN WAITS: You don't have any.

34 KEITH WESTENGARD: (On microphone) How far do you guys want
35 to go? I should have asked that. Do you want to go to 5:00
36 with an hour, hour-and-a-half --

37 COMMISSIONER SPARKS: Yeah.

38 KEITH WESTENGARD: -- lunch?

39 COMMISSIONER SPARKS: That's how we did it last year,
40 right?

1 KEITH WESTENGARD: Okay. Yeah. Pre- -- pretty much. I
2 just wanted to be sure that we're 9:00 to 5:00. Okay. For
3 lunch.

4 ACTING CHAIRMAN WAITS: 9:00 to 5:00 for the first day. If
5 we finish earlier the second, that's --

6 KEITH WESTENGARD: Yes.

7 ACTING CHAIRMAN WAITS: -- great.

8 KEITH WESTENGARD: Yes. Okay. Thank you.

9

10 12) **PUBLIC WORKS: For possible action to approve/disapprove a**
11 **change order from Day Engineering for the Water Reclamation**
12 **Facility Wetlands Project in an amount not to exceed**
13 **\$480,158.**

14

15 ACTING CHAIRMAN WAITS: okay. We are on Number 12. Public
16 Works.

17 For possible action to approve or disapprove a change order
18 from Day Engineering for the Water Reclamation Facility Wetlands
19 project in an amount not to exceed \$480,158.

20 Thank you, Marty. I know you've been with us all day too.

21 BERT RAMOS: Bert Ramos, for the record.

22 ACTING CHAIRMAN WAITS: So we are at a very large change
23 order. And you get to explain why.

24 BERT RAMOS: So Bert Ramos, for the record.

25 So we had a -- a mathematical error here when we went for
26 our calculation on what we had to take off for dirt on our
27 wetlands project.

28 This is a bid item. So it's a continuation of the bid item
29 where they're extending the unit price. So we aren't breaking any
30 laws by doing a change order. I know it's a huge size, but it is
31 already bid.

32 So when I say unit price is what I mean is when -- when
33 this job was bid, the contractors that bid on the job all put
34 their best unit price on each portion of the project.

35 So even if we rebid this, that price would still hold as
36 the best price -- bid price that the county could have got.

37 So we're just extending that unit price to -- to finish
38 this job. I do have it in my budget, by the way.

39 ACTING CHAIRMAN WAITS: That's -- that's a --

40 BERT RAMOS: (Indiscernible.)

1 ACTING CHAIRMAN WAITS: -- good thing.
2 BERT RAMOS: Yes.
3 ACTING CHAIRMAN WAITS: But -- but tell me, then, when we
4 actually did the approval, we didn't have the right amounts?
5 BERT RAMOS: No. Well, we had the right amount for the bid
6 project at hand.
7 So is what happened is when -- when we ran the numbers for
8 the dirt takeoff that we're -- how much dirt we were supposed to
9 move on this project, we missed a portion of dirt that had to be
10 moved. And now we've got to come back and correct that, right
11 our wrong.
12 ACTING CHAIRMAN WAITS: So it -- it does have to be a
13 change order? There isn't --
14 BERT RAMOS: It has to be a change order.
15 ACTING CHAIRMAN WAITS: Okay.
16 BERT RAMOS: Correct.
17 COMMISSIONER SPARKS: Wow.
18 A million dollar project, you know.
19 BERT RAMOS: Yeah.
20 COMMISSIONER SPARKS: A \$500,000 change order. So how -- I
21 mean, how did the miscalculation happen?
22 BERT RAMOS: It just -- it -- it happens.
23 Here's the --
24 COMMISSIONER SPARKS: So is the calculations that were put
25 forth by our engineer?
26 BERT RAMOS: Yes.
27 We have -- in -- in our engineer's defense, we've been --
28 I -- I can't even put a number on how many projects we've done and
29 have never had an error. It's been countless projects. I know I
30 looked into my file cabinet this morning. We had 11 of them we've
31 done since 2018 to current.
32 And I've never -- all of our change orders have been to
33 credit. And the engineer has done us a great job the entire
34 time. Many change orders in credit from the engineer back to
35 us. I'd like to point them -- them details out.
36 And, you know, nobody's perfect. We all make errors. I've
37 been pushing on Marty pretty hard to get some of these projects
38 out. We don't have a ton of time to try to get them done. And
39 things happen. I got to take a little bit of -- a little bit of
40 heat for this because I was pushing on Marty pretty hard to get

1 these projects out.

2 COMMISSIONER SPARKS: Okay.

3 COMMISSIONER ALLAN: I would like --

4 COMMISSIONER SPARKS: Thanks, --

5 COMMISSIONER ALLAN: -- to hear --

6 COMMISSIONER SPARKS: -- Bert.

7 COMMISSIONER ALLAN: -- from Marty. And I do understand
8 that people do make mistakes. And it happens. But this is
9 substantial.

10 MARTIN UGALDE: Marty Ugalde, unfortunately, for the
11 record.

12 That is correct. It's a large amount of money. I'm
13 thoroughly embarrassed and ashamed of this.

14 So, to put it in layman's terms, when I do a design
15 project, I have to also put together the -- the specifications
16 that include bid items.

17 And I grossly underestimated the amount of dirt that had to
18 be moved. And that was my error and my error alone.

19 I did two cross sections on the pond and came up with a
20 quantity for cut and fill. We did have a credit back on the
21 fill portion of it, but there was still so much more dirt to
22 move. And that was solely my error and my mistake. And I have
23 no excuse for that. I -- I missed that.

24 COMMISSIONER SPARKS: And just to clarify, Bert, even with
25 this, we -- even with this additional, we -- that's still the
26 low bid of everything else that we got in, correct?

27 BERT RAMOS: Oh, yes.

28 COMMISSIONER SPARKS: Yeah.

29 BERT RAMOS: -- by far.

30 COMMISSIONER SPARKS: Okay.

31 COMMISSIONER ALLAN: How much was -- did we budget for
32 this?

33 BERT RAMOS: So thi- -- for this project, I think we
34 budgeted 700-and-something thousand. I don't know the exact
35 number on that.

36 So when I say that I have it within my budget, we're going
37 to have to augment my budget to cover this. But I do have the
38 money within my budget.

39 COMMISSIONER ALLAN: So we actually budgeted 700,000 for
40 this, and the bid came in at one point --

1 MARTIN UGALDE: 09 I believe.
2 COMMISSIONER ALLAN: 0 --
3 BERT RAMOS: Yep.
4 COMMISSIONER ALLAN: So we were over budget on the bid.
5 BERT RAMOS: Correct.
6 COMMISSIONER ALLAN: So The engineer's estimate on that was
7 off. And then now you --
8 MARTIN UGALDE: Yes.
9 COMMISSIONER ALLAN: -- want another \$500,000 --
10 BERT RAMOS: Correct.
11 COMMISSIONER ALLAN: -- for a \$700,000 project that's now
12 \$1 1/2 million.
13 BERT RAMOS: An -- an engineer's estimated, by the way,
14 that -- so -- so --
15 COMMISSIONER ALLAN: I know --
16 BERT RAMOS: -- you know, every -- it -- it -- I'm just
17 pointing that out for -- just to clarify for everybody that it's
18 not we wanted this and then we just extended this out beyond --
19 way beyond. We ne- -- that's not the -- an engineer's estimate
20 is just that. It's an estimate. What the bids come in is
21 completely separate of the true estimate.
22 COMMISSIONER SPARKS: So that 700,000 you budgeted that was
23 based off an estimate we got from the --
24 BERT RAMOS: Correct.
25 COMMISSIONER SPARKS: -- the engineer. And that's what you
26 were budgeting for. Because that was their -- their estimate.
27 BERT RAMOS: Yes.
28 COMMISSIONER SPARKS: Okay. I see. That's how we get
29 them --
30 BERT RAMOS: And -- and so to -- a little backup on this.
31 The reason this is important is because currently we're
32 discharging our water to the river, our treated water from the
33 sewer plant. It's treated water. They -- they claim that it's
34 decent water.
35 However, our -- our phosphates and nitrates are really
36 high. So in order to keep discharging to the river, we're
37 either going to have to do a major upgrade to our plant and --
38 and start treating with a whole bunch more chemicals and a whole
39 bunch of other things to -- to bring these numbers down or put
40 it to our wetlands, which the wetlands is just a -- that's what

1 it is. It's just going to hold water, you know, let the ground
2 absorb most of it. And we're hoping to run that for seven to
3 nine months out of the year and then discharge to the river for
4 three months.

5 COMMISSIONER SPARKS: Does that project help us with -- if
6 any future development we have out here? If people go onto city
7 sewer, does it help?

8 BERT RAMOS: Oh, yeah.

9 COMMISSIONER SPARKS: It does?

10 BERT RAMOS: Definitely. Because we -- so it's a lot
11 easier on the plant as far as treatment too.

12 COMMISSIONER SPARKS: Yeah.

13 BERT RAMOS: We have a lot more leniency with that.

14 COMMISSIONER ANCHO: So I have a question. On these big
15 projects, because I'm still new at this, are there contingencies
16 ever built into these in case we have a problem like that?

17 BERT RAMOS: We do. Yes. We put it -- we put a --
18 obviously this is much larger than what we have in our
19 contingency.

20 COMMISSIONER ANCHO: Oh good.

21 KEITH WESTENGARD: (Off microphone) I just want to -- I
22 wanted to make a clarification. Correct me if I'm --

23 (On microphone) I just wanted to make a clarification.
24 Correct me if I'm wrong, Bert. You said augmenting the budget.

25 We're not going to augment it because it's in his budget.
26 We're going to do a line item transfer.

27 BERT RAMOS: Yes. I -- I apologize.

28 KEITH WESTENGARD: Okay.

29 BERT RAMOS: That was -- yes. That's misspeaking on my
30 behalf.

31 COMMISSIONER ANCHO: (Off microphone) And I am -- (on
32 microphone) I understood that.

33 BERT RAMOS: Yes. Sorry.

34 COMMISSIONER ALLAN: So what line item?

35 BERT RAMOS: Sorry.

36 COMMISSIONER ALLAN: How would we transfer that? Because
37 didn't this come out of 055, --

38 KEITH WESTENGARD: What it is --

39 COMMISSIONER ALLAN: -- CCP Fund?

40 KEITH WESTENGARD: -- he's got money in other budgets

1 where -- or other projects where money has been saved. So we
2 will take money out of those other budgets that -- or other
3 projects that have been completed and put it into this project.
4 And it'll just be a line item transfer within his previously
5 approved budget.

6 COMMISSIONER ALLAN: It's still in the CCP Fund.

7 BERT RAMOS: Yes.

8 KEITH WESTENGARD: Yes, it is. That is correct. Yes.

9 COMMISSIONER ALLAN: Okay.

10 COMMISSIONER SPARKS: Okay. I'll make a motion -- if we're
11 ready one -- for -- okay. I'll make a motion that we approve
12 the change order from Day Engineering for the Water Reclamation
13 Facility Wetlands Project in an amount not to exceed four
14 hundred and eighty thousand dollars one -- four hundred eighty
15 thou- -- \$480,158.

16 COMMISSIONER ANCHO: (Off microphone) I'll second.

17 ACTING CHAIRMAN WAITS: (Off microphone) Thank you. Bryan
18 made the motion for the approval. And Kathy seconded that.

19 Any other discussion?

20 (No comment.)

21 ACTING CHAIRMAN WAITS: All those in favor?

22 COMMISSIONER SPARKS: (Off microphone) Aye.

23 COMMISSIONER ANCHO: (Off microphone) Aye.

24 ACTING CHAIRMAN WAITS: (Off microphone) Aye.

25 COMMISSIONER ALLAN: (Off microphone) Aye.

26 ACTING CHAIRMAN WAITS: (Off microphone) Any opposed?

27 (No comment.)

28 ACTING CHAIRMAN WAITS: (off microphone) Okay. And that
29 passes.

30 BERT RAMOS: Okay. Thank you, guys, very --

31 COMMISSIONER ANCHO: (Off microphone) Thank --

32 BERT RAMOS: -- much.

33 COMMISSIONER ANCHO: -- you, guys.

34 COMMISSIONER SPARKS: Thanks, guys.

35 BERT RAMOS: We really appreciate it.

36 MARTIN UGALDE: Thank you.

37 COMMISSIONER ANCHO: Thank you for (indiscernible).

38 ACTING CHAIRMAN WAITS: Number 13.

39 COMMISSIONER ALLAN: Marty.

40 MITESHELL LANHAM: (Indiscernible.) We can't hear Patsy.

1 MARTIN UGALDE: Thank you.
2 UNIDENTIFIED PARTICIPANT: I couldn't understand what they
3 said.
4 COMMISSIONER SPARKS: What'd you say, Miteshell?
5 MITESHELL LANHAM: I can't hear Patsy.
6 ACTING CHAIRMAN WAITS: (Off microphone) I can't --
7 COMMISSIONER SPARKS: I can't --
8 ACTING CHAIRMAN WAITS: (Off microphone) I can't make it
9 out.
10 UNIDENTIFIED PARTICIPANT: She said, Can't hear Patsy.
11 SADIE SULLIVAN: Oh. She can't hear you, Patsy.
12 ACTING CHAIRMAN WAITS: I didn't have my mic on. Thank
13 you, Miteshell.
14 COMMISSIONER SPARKS: You were pointing a finger.
15 KEITH WESTENGARD: She called it back at you.
16 ACTING CHAIRMAN WAITS: Well, when I'm sitting by myself, I
17 can look this way. But now I have to look this way. Thank you.
18
19 13) COMMISSIONERS: For possible action to adopt the current
20 rates and system obligation fees or to set new water & sewer
21 rates and system obligation fees for Water and Sewer District
22 #2 customers.
23
24 ACTING CHAIRMAN WAITS: Okay. We're moving on to
25 Number 13. Commissioners.
26 For possible action to adopt the current rates and system
27 obligation fees or to set new water and sewer rates and system
28 obligation fees for Water and Sewer District #2 customers.
29 And this was on our agenda. We wanted some more backup.
30 So we have the backup and what the current rates are for
31 residential and connection and the business for the Austin area
32 there.
33 Now if I understand this right, when we actually did our
34 ordinance, it said we could attach an exhibit if we wanted to add
35 an exhibit to the ordinance of new fees or something like that.
36 DISTRICT ATTORNEY HERRERA: (Off microphone) It would be
37 attached on the finalizing ordinance.
38 (On microphone) Yes. On the final- -- now that we have a
39 date that you want to take over, the fi- -- the beginning of the
40 next fiscal year. And any oth- -- anything else should be

1 attached to the finalizing or- -- ordinance, which I'm currently
2 working on. I'm waiting for -- for these things, like --
3 ACTING CHAIRMAN WAITS: To see what we're going to do?
4 DISTRICT ATTORNEY HERRERA: Yeah.
5 ACTING CHAIRMAN WAITS: Okay.
6 DISTRICT ATTORNEY HERRERA: And if you want to keep them
7 the same, then I'd put that it'd be the same rates as -- as
8 Battle Mountain --
9 ACTING CHAIRMAN WAITS: Okay.
10 DISTRICT ATTORNEY HERRERA: -- customers. And if not, then
11 I'd attach as an exhibit the new rates. And that would be
12 published with the ordinance and everything else.
13 ACTING CHAIRMAN WAITS: Okay.
14 DISTRICT ATTORNEY HERRERA: So it's up to you.
15 COMMISSIONER SPARKS: Right. And it's back on because I
16 think you wanted to make a motion last meeting to adopt the
17 rates as what they currently were. And I -- I wanted to see the
18 numbers before I voted on it. That's why it's back on, correct?
19 ACTING CHAIRMAN WAITS: Right.
20 KEITH WESTENGARD: Yes. That is correct.
21 ACTING CHAIRMAN WAITS: That's exactly right.
22 Judie.
23 COMMISSIONER ALLAN: What's FOS again? For SOF? S-O-
24 BERT RAMOS: Sys- -- system obligation fees.
25 COMMISSIONER ALLAN: System --
26 I -- I don't think we -- I don't agree with the system
27 obligation fee. We don't have that in Battle Mountain.
28 ACTING CHAIRMAN WAITS: Well, part of it is because Austin
29 is so small.
30 COMMISSIONER SPARKS: Right.
31 ACTING CHAIRMAN WAITS: And -- and that's a big part of
32 their income.
33 COMMISSIONER ALLAN: But seeing as how this is not now
34 income for Austin since we're taking it over --
35 ACTING CHAIRMAN WAITS: For us to absorb it.
36 COMMISSIONER ALLAN: Till --
37 ACTING CHAIRMAN WAITS: But you still have to think about
38 absorbing it. And you -- we're going to be absorbing quite a
39 bit, I know.
40 But that's -- that's really something -- system obligation

1 fees are very, very common in so many areas, especially around
2 Kingston and Gilman and Austin, in the lower part, because we
3 just don't have the numbers.

4 I'd like to do away with them completely. That would be
5 wonderful, people not to have to pay them.

6 But on the other hand, if the water runs by you and -- and
7 it's -- I think of it as when I go to the hospital and they
8 charge me \$110 for the sheet that they put over me in the
9 emergency room. Excuse me. They get the sheet back. I didn't
10 even keep it. But that's part of doing business. That's the
11 big cost for them to offset the rest that they lose on.

12 So it's totally up to you folks.

13 COMMISSIONER SPARKS: If we were to forgive that sys- -- or
14 system obligation fee, that's quite a chunk, isn't it?

15 BERT RAMOS: Can --

16 ACTING CHAIRMAN WAITS: When you look at the numbers on the
17 back of the number of people.

18 BERT RAMOS: Can I --

19 COMMISSIONER SPARKS: Bert --

20 BERT RAMOS: So -- Bert Ramos, for the record -- so total
21 system obligation fees, what you have here is your end of --
22 the -- the system in Austin, they collect \$2,623.47 a month on
23 system obligation fees.

24 And that's on 111 customers that are just regular citizens
25 and then 33 businesses.

26 So if the difference in the Battle Mountain rates are
27 \$63.15 for your sewer and water for a customer and \$58.88 for
28 Austin, including their system obligation fee. So it's a total
29 of \$4.27 difference the Austin customer would pay more.

30 With -- with that said, the businesses pay \$11 less if you
31 go off Battle Mountain's current rates -- \$11.05 less, to be
32 exact.

33 The -- the grand total of your -- if -- if we work off the
34 baselines here and you can run these numbers a thousand
35 different ways after -- because over 5,000 gallons, then your --
36 then your cost goes up, right?

37 ACTING CHAIRMAN WAITS: Uh-huh.

38 BERT RAMOS: But you're roughly \$1800 -- 1899.80 is what
39 the difference of taking a system obligation fees are and taking
40 them off of the -- off of -- off of Austin to Battle Mountain.

1 So in -- in short, you're saving the Austin residents --
2 the -- I got chicken scratch everywhere here -- the \$2,623.

3 COMMISSIONER SPARKS: (Off microphone) And that -- is that
4 -- that's --

5 BERT RAMOS: So -- so that's what you're saving the --
6 the -- and -- and when I say "saving Austin residents," I'm
7 saying that because that's what they're paying in system
8 obligation fees for properties that may not be being used
9 currently.

10 Because there's 301 system obligation fees. A hundred and
11 eleven of them are regular users and 33 are businesses.

12 So that \$2,623 of savings that we're giving would be
13 savings. And I remember the -- I believe that our promise to
14 Austin was that we weren't going to raise their rates.

15 And so to stick true to that promise, I believe that --
16 that by adopting Battle Mountain's rates, we save the businesses
17 \$11.05 a month. The -- the Town of Austin goes up \$4.27 per
18 use- -- per user that's on the -- on the system. However, they
19 save the \$2,623 as -- as a whole across the board, which ends up
20 costing Battle Mountain roughly the \$1899 a month is what we pay
21 additional from -- from what -- so we would be saving the
22 residents of Austin ultimately.

23 And is -- the other thing that I'd like to point out, if
24 we're going to take this over, I think just keep with one
25 standard billing system, the secretaries will love us for that.
26 It becomes a slight nightmare when you start changing your rates
27 and your fees. And I -- and the other thing I'd like to point
28 out is here in Austin on their -- on -- they have some really --
29 some things that don't really make a lot of sense in -- as far
30 as they don't -- there's no fee for, you know, extending sewer
31 lines or things that financially would cost Battle Mountain a --
32 a bunch more. If -- if a business came in and wanted an
33 extension of a water line, they -- they aren't fair numbers for
34 how we would do business if that makes sense.

35 ACTING CHAIRMAN WAITS: It does. And on the other side is
36 you folks charge a whole lot different, like per motel, per
37 motel rooms, per RV's, per RV things. So it would. It would
38 really hurt our businesses to be charged like Battle Mountain is
39 being charged. But we don't have near the business in Austin as
40 you do here.

1 So I -- I understand that it would be really nice to have
2 exactly the same. But I got to tell you, we've said over and
3 over again to our people, we are not going to raise your rates.
4 So even if I raised them a dollar, I wouldn't want to do that.
5 That's not --

6 Now if you want to cut the system obligation fee or even
7 reduce it, I'm okay with that.

8 COMMISSIONER SPARKS: Well, that's what Bert's saying is if
9 we adopt the same thing as Battle Mountain, reduce the sys- --
10 system obligation fee, it makes it standard billing for his
11 office and -- and then the promise is good, that we didn't raise
12 their rates.

13 ACTING CHAIRMAN WAITS: But it's not -- but it's not the
14 same because we charge different. We charge -- like, if -- if
15 an RV park has two hookups or whatever, here, you only get --
16 what? -- two or three hookups per -- per meter or whatever. I
17 don't know how you do it. But I know when we looked at it, you
18 have more -- they have more fees than we do, more times. Does
19 that make sense?

20 COMMISSIONER SPARKS: Not really.

21 ACTING CHAIRMAN WAITS: Okay. Let's just say that you had
22 20 RV spaces. How do you bill for 20 RV spaces?

23 BERT RAMOS: So it's --

24 ACTING CHAIRMAN WAITS: Do you bill them --

25 BERT RAMOS: -- right here on the commercial water base.
26 So it's 0 to 25,000 gallons is \$45.

27 ACTING CHAIRMAN WAITS: Are you reading Austin or Battle --

28 BERT RAMOS: I'm reading --

29 ACTING CHAIRMAN WAITS: -- Mountain?

30 BERT RAMOS: -- Battle Mountain's.

31 ACTING CHAIRMAN WAITS: Okay.

32 BERT RAMOS: It's -- and I believe it should be there in
33 your backup. Twenty-six thousand to 75,000 gallons is \$60.
34 Seventy-five thousand gallons plus is \$80. A dollar twenty per
35 thousand gallons above the monthly base of 5,000 gallons.

36 So I think is what I'm -- is what I'm trying to say is that
37 this actually -- Battle Mountain is taking a loss. If we left the
38 current rates like Austin leaves them right now and -- and how --
39 how it works out, the -- the total system per month is \$11,899.80
40 is -- is the total in Austin. If you -- if you take the Battle

1 Mountain rates and apply them directly across and -- and we're
2 going off the -- just the baseline top of this -- you're at seven,
3 eight, nine, ten. You're at ten thousand one hundred and
4 sixty-one -- one hundred and seventy-eight dollars.

5 So -- so --

6 ACTING CHAIRMAN WAITS: In the --

7 BERT RAMOS: -- your --

8 ACTING CHAIRMAN WAITS: -- per --

9 BERT RAMOS: That --

10 ACTING CHAIRMAN WAITS: -- residential, you said that it
11 would raise per residential, it would raise it.

12 BERT RAMOS: The- -- these are Battle Mountain's rates
13 compared to Austin's rates, commercial and residential com- --
14 combined.

15 So on the commercial side in Austin right now, you pay
16 \$3,168.

17 ACTING CHAIRMAN WAITS: Okay. I'm -- just talk
18 individually.

19 BERT RAMOS: Okay. Well, I -- I -- I'm trying to lump them
20 together to show that it -- to show the -- show the -- the
21 savings on the -- a whole bunch. But so -- because right now, I
22 don't know exactly what Battle Mountain's, our -- breakdown on
23 this. One minute. You give me just a minute, I will.

24 ACTING CHAIRMAN WAITS: And I understand what you're
25 saying. But my -- my residential customer is not going to care
26 that you save \$4 somewhere else. They're going to care if
27 theirs went up one dollar. And that's --

28 BERT RAMOS: But --

29 ACTING CHAIRMAN WAITS: -- what I'm saying.

30 BERT RAMOS: Well, so the system obligation fees for the
31 residents of Austin, th- -- this is where I'm saying the cost
32 savings comes. A -- a few of them people have multiple
33 properties that are paying the \$16 but don't have any water
34 access.

35 ACTING CHAIRMAN WAITS: I know that.

36 BERT RAMOS: Okay. So that's the \$2,623 that they're
37 paying that the residents of Austin would no longer -- that
38 these are people that -- these are -- the \$2,623 are people that
39 are not connected. That's what they're making off of system
40 obligation fees with no connection. So that's not just --

1 that's -- that's not including the -- the remainder of the
2 people.

3 ACTING CHAIRMAN WAITS: Okay. Those are people that have
4 the homes that haven't connected or have the property --

5 BERT RAMOS: Property --

6 ACTING CHAIRMAN WAITS: -- and not --

7 BERT RAMOS: -- and don't --

8 ACTING CHAIRMAN WAITS: -- necessarily --

9 BERT RAMOS: -- have a --

10 ACTING CHAIRMAN WAITS: -- a home.

11 BERT RAMOS: -- connection.

12 ACTING CHAIRMAN WAITS: Right.

13 BERT RAMOS: Right.

14 ACTING CHAIRMAN WAITS: If they have a home, they usually
15 connect. Okay. Those are -- some folks are out of state. Some
16 folks are -- are in state but out of town.

17 BERT RAMOS: Right.

18 ACTING CHAIRMAN WAITS: I understand that. That's not my
19 local residents. My local residents are still paying the system
20 obligation fee also. Right?

21 BERT RAMOS: Correct.

22 ACTING CHAIRMAN WAITS: So you're going to save a lot of
23 money for these people that are not Austin residents but just
24 have property.

25 COMMISSIONER ALLAN: Patsy.

26 BERT RAMOS: 427.

27 Wait one second.

28 It's -- and --

29 ACTING CHAIRMAN WAITS: Now we have a few local people that
30 have a couple hookups, two or three hookups on their own
31 property. So they're paying two or three system obligation
32 fees. I understand that. That would save them. But I think
33 you're saving the big, big bulk on the people that don't live
34 there.

35 Judie.

36 COMMISSIONER ALLAN: So maybe I missed it. And -- and I
37 think you were getting at this, Patsy, is take --

38 I don't know who lives in town.

39 Somebody lives in town.

40 Is how much do you pay for water and sewer?

1 UNIDENTIFIED PARTICIPANT: Sixty-three fifteen or something
2 like that.

3 COMMISSIONER ALLAN: Okay. So we'll just say \$63.
4 What is one -- one family -- one household in Austin pay?

5 BERT RAMOS: Right now they're paying 58.88. And that's --
6 the 63.15, that -- that Battle Mountain charges is that's where
7 I came up with \$4.27 difference.

8 So Austin would go up \$4.27 cents for a residence.
9 However, the businesses would -- would drop \$11.05 per
10 business.

11 There's a \$6-and-something difference there.
12 But the \$4.27 is where I come up with the savings for the
13 Austin resident is anybody that is the \$2,740 -- or \$2,623

14 COMMISSIONER ALLAN: The system obligation fee?

15 BERT RAMOS: Correct.

16 COMMISSIONER ALLAN: So I'm with Patsy. I don't think that
17 we should -- I mean, I understand trying to get it universal.
18 It makes life so much easier for everybody in the billing
19 process. But in the money process, I don't -- you know, sorry.
20 I mean, I want to make everybody's life easy and especially in
21 billing and -- and things like that. But I don't want to raise
22 their rates.

23 COMMISSIONER SPARKS: Four dollars is what we're talking
24 about?

25 COMMISSIONER ALLAN: But still.

26 BERT RAMOS: Do you guys think that maybe we should have
27 maybe some of the Austin residents weigh in?

28 ACTING CHAIRMAN WAITS: Well, let me --

29 BERT RAMOS: I mean, I hate --

30 ACTING CHAIRMAN WAITS: -- ask --

31 BERT RAMOS: -- to -- I hate to speak too much for them.
32 I'm just trying to give the basic numbers here. And I don't
33 want anybody to feel like I'm trying to weight this on either
34 side because --

35 COMMISSIONER ALLAN: So I -- I -- I would have -- you know,
36 not that I'm ready yet, but I would like to see a motion to do
37 away with the system obligation fees.

38 And it does affect some people. But other people, you know,
39 it's -- when you have multiple system obligation fees, multiple
40 setups on your property, it -- it kind of gets more expensive.

1 But I really do think we should just get away with those, do away
2 with them.

3 ACTING CHAIRMAN WAITS: Okay. I have the motion. But just
4 a second. And yes, --

5 COMMISSIONER ALLAN: I didn't make a motion.

6 ACTING CHAIRMAN WAITS: Bert, we understand you're just
7 here giving us information and you're neutral.

8 But I'm going to ask Miteshell, do you have anybody from
9 Austin? I -- I know they might have been there this morning.
10 But we -- we delayed it so long.

11 Any input at all? How about you?

12 MITESHELL LANHAM: (Indiscernible.)
13 Hello?

14 ACTING CHAIRMAN WAITS: Yeah. We got you. Go ahead.

15 MITESHELL LANHAM: I mean, basically from what I hear from
16 most of the citizens in town they would like to stay with what
17 Austin has currently without system obligation fees.

18 ACTING CHAIRMAN WAITS: I'm -- I'm sorry. We -- we
19 couldn't make that out. Speak a little bit quieter and see if
20 we can pick it up.

21 MITESHELL LANHAM: (Indiscernible) Can you hear me now?

22 ACTING CHAIRMAN WAITS: Okay, go ahead.

23 MITESHELL LANHAM: I was saying that from what I hear
24 around town is that they would like to keep the Austin water
25 rates without the system obligation fees.

26 ACTING CHAIRMAN WAITS: System obligation fees. Okay.
27 Well, --

28 COMMISSIONER ALLAN: Without.

29 ACTING CHAIRMAN WAITS: -- the motion hasn't been seconded.
30 But we do have a motion to do --

31 COMMISSIONER ALLAN: I didn't --

32 ACTING CHAIRMAN WAITS: -- away with that.

33 COMMISSIONER ALLAN: I didn't do a motion.

34 ACTING CHAIRMAN WAITS: What?

35 COMMISSIONER ANCHO: There's no motion.

36 COMMISSIONER ALLAN: It was -- I didn't do a motion.

37 ACTING CHAIRMAN WAITS: Oh, I thought you made a motion.

38 COMMISSIONER ALLAN: But I will make a motion.

39 ACTING CHAIRMAN WAITS: No. No. That's okay. Because I
40 have a problem doing away with all of the system obligation fees

1 too. Because, like I said, a lot of them are not local
2 residents and that's a way still to have them available, to have
3 our whole system available when they're ready to connect.
4 That's the whole point.

5 But if you wanted to save them some money, personally, I --
6 I don't want to say anything changed the way they have it. I
7 really want the way they have it, except for the SOF. And if
8 you wanted to reduce the SOF that would help some local people.
9 It would help our people out of -- out of the area too that have
10 a system obligation fee.

11 COMMISSIONER ALLAN: \$10?

12 I like even numbers.

13 ACTING CHAIRMAN WAITS: I'm okay with even numbers. How do
14 you feel?

15 COMMISSIONER ANCHO: What is the actual fee per person now?

16 COMMISSIONER ALLAN: Sixteen --

17 ACTING CHAIRMAN WAITS: Sixteen --

18 COMMISSIONER ALLAN: -- seventy-one.

19 ACTING CHAIRMAN WAITS: What? 16.05 or something like that.

20 COMMISSIONER ALLAN: 16.71.

21 ACTING CHAIRMAN WAITS: 16.71. One, six, seven, one.

22 So that would reduce everybody's SOF.

23 COMMISSIONER ALLAN: Well, I'm just going to throw it out
24 here.

25 I will make a motion that we decrease the system operation
26 fees in Austin to \$10 and keep the existing rates the same.

27 DISTRICT ATTORNEY HERRERA: (Off microphone) Is this per
28 resident and business?

29 COMMISSIONER ALLAN: Yes. I mean, everything is --

30 DISTRICT ATTORNEY HERRERA: Includes residents and
31 businesses?

32 COMMISSIONER ALLAN: Yep. Residence and business.
33 Everything. The only -- only change is to the -- the fees would
34 be to decrease the SOFs. Other than that, everything --
35 businesses, residents.

36 COMMISSIONER ANCHO: I have a question. So when you're
37 doing the billing because normally you put in a set amount --
38 don't you? -- for the residents. So how is the system going to
39 differentiate between Austin and Battle Mountain for the fee
40 changes?

1 BERT RAMOS: Well, we'll have to put that into our system
2 when we get there. And it'll -- it'll -- it'll calculate that
3 for us once we get it set up.
4 Now adding the system obligation fee and that, it's just --
5 it's just another line we have to put in there
6 So -- so let me get this correct. I want to make sure I
7 have this. So the total fee for Austin Water and Sewer would be
8 \$52.17, because we're reducing it by \$6.71 cents. Correct?
9 COMMISSIONER ALLAN: Correct.
10 BERT RAMOS: Okay.
11 ACTING CHAIRMAN WAITS: Okay, I'll second the motion.
12 Maybe we'll be tied.
13 Okay. Is everybody clear?
14 Okay, I'll call for the vote.
15 COMMISSIONER ALLAN: Aye.
16 ACTING CHAIRMAN WAITS: Aye.
17 COMMISSIONER ANCHO: Well, aye.
18 COMMISSIONER ALLAN: Is that a squeak, Kathy?
19 COMMISSIONER ANCHO: Yes.
20 ACTING CHAIRMAN WAITS: And -- and those opposed?
21 COMMISSIONER SPARKS: Nay.
22 ACTING CHAIRMAN WAITS: Okay. That passes. We are going
23 to reduce Austin's SOF down to \$10.
24 BERT RAMOS: Everything else remains the same.
25 ACTING CHAIRMAN WAITS: I'm sorry.
26 BERT RAMOS: Everything else remains the same.
27 ACTING CHAIRMAN WAITS: Everything else remains --
28 BERT RAMOS: Okay.
29 ACTING CHAIRMAN WAITS: -- the same.
30 BERT RAMOS: Okay. Thank you.
31 ACTING CHAIRMAN WAITS: Okay.
32 Thank you, all.

33
34 **15) COMMISSIONERS: For possible action to review and update the**
35 **Lander County Liquor License Ordinance 5.08.010.**
36

37 ACTING CHAIRMAN WAITS: We are on Number 15.
38 Commissioners.

39 For possible action to review and update the Lander County
40 Liquor License Ordinance 5.08.010.

1 KEITH WESTENGARD: (Off microphone) Okay. This was put on
2 for your review.
3 ACTING CHAIRMAN WAITS: Green?
4 KEITH WESTENGARD: (Off microphone) Pardon?
5 (On microphone) This was put on for your review to
6 accommodate the situation that we had today. It was one of the
7 big reasons why it was put on, for a revision of that ordinance
8 for the mobile liquor licenses.
9 COMMISSIONER SPARKS: So, Ted, how would we -- I mean, what
10 would the verbiage? How would it be to where it would cover
11 somebody that would have multiple locations?
12 DISTRICT ATTORNEY HERRERA: I'd just have to come up with a
13 -- with some language. Off the top of my head, I don't know,
14 Bryan. Is it -- it's --
15 COMMISSIONER SPARKS: I wonder if Elko or Winnemucca has
16 anything?
17 DISTRICT ATTORNEY HERRERA: Well, I'm sure somebody does.
18 COMMISSIONER SPARKS: Something like that. Because there's
19 a lot of trucks like in the --
20 DISTRICT ATTORNEY HERRERA: Oh, no.
21 COMMISSIONER SPARKS: -- Elko area.
22 DISTRICT ATTORNEY HERRERA: I'm -- I'm sure one county
23 does. And that's where I would get it. I would take it.
24 Now, we -- we were also supposed to look at the fees, if
25 you wanted to raise fees too.
26 And Kathy had some other ideas, I think.
27 COMMISSIONER ANCHO: Yeah. I thought that possibly you
28 could add in the catering portion of it if you had people coming
29 in and doing catering and how you wanted to do your temporary.
30 Because right now, your temporary, I think that it's one day for
31 the people who already have the licenses.
32 So just maybe we could look at -- because you have -- when
33 we have things at the park, they're usually two days.
34 And then you have the issue of, like, out at the golf --
35 not the -- excuse me -- not the golf course -- out at the
36 racetrack, trying to keep that. Because you have -- the --
37 where the problem is I see in issues like that are you have
38 people out there with a bunch of kids that are running around
39 and you're trying -- and it's all closed container because you
40 have to try to keep the kids from selling the alcohol.

1 So it's just, I think, something that it's -- needs to be
2 reviewed and looked at from a -- it hasn't been looked at for a
3 long time and see what the other counties are doing for those
4 problems.

5 COMMISSIONER ALLAN: Question?

6 ACTING CHAIRMAN WAITS: Judie.

7 COMMISSIONER ALLAN: So, I guess, you know, I -- I don't
8 have a problem in some sense of -- of these food trucks getting
9 liquor licenses. But then again, on the other hand, you're sort
10 of promoting drinking and driving in a food truck.

11 You know, you -- you don't typically walk up to them. And
12 so you go into a food truck and you get your --

13
14 (Alarm ringing.)

15
16 COMMISSIONER ALLAN: -- whatever and then you get a beer.
17 And what are you going to do? You're going to eat it and drink
18 it and drive away.

19 So I don't know. I mean, I did -- I do support it for
20 businesses in some sense. But is it really practical?

21 COMMISSIONER SPARKS: How is it any different than a
22 restaurant? I'm not being -- trying to be facetious.

23 COMMISSIONER ALLAN: No. I -- I --

24 COMMISSIONER SPARKS: I'm just --

25 COMMISSIONER ALLAN: -- understand --

26 COMMISSIONER SPARKS: -- saying.

27 COMMISSIONER ALLAN: -- that. But --

28 COMMISSIONER SPARKS: People go in and have food, have a
29 beer, and then they drive home.

30 COMMISSIONER ALLAN: Because you're usually typically
31 sitting in a restaurant for, you know, a longer period of time.

32 COMMISSIONER SPARKS: And drink more beers.

33 COMMISSIONER ALLAN: True.

34 ACTING CHAIRMAN WAITS: But you're not supposed to have the
35 open container. Would they take the open container with them
36 and -- and drive away in the car, eating their taco, and -- and
37 beer? That's going to be a problem, by all means.

38 But the one thing that -- that I wondered if we can change
39 is how they pay their license. And their li- -- their license
40 is paid quarterly. And I'm going, I understand with the gaming

1 because gaming is expensive. But the quarterly license isn't
2 all that expensive. And in -- what you want to do if you want
3 to raise 'er or not. But for our people that have been in
4 business for a long, long, long time, quarterly seems to be
5 unnecessary.

6 Why can't we just pay it per year if we choose to? And
7 then we don't have our officers going out, trying to look them
8 up, where the owner is, and -- and give him the form every time
9 or her the form or whatever.

10 So I -- I would like to see at least an option to do that.
11 But with that, we'd have to make sure that if they do go out of
12 business, there's no refunds.

13 We're not going to prorate. We're not going to go through
14 those kind of problems.

15 But I do like the idea of being able to pay a whole year in
16 advance. I hate to pay taxes quarterly.

17 COMMISSIONER ANCHO: All right. Then the only reason they
18 were set up that way, I was told, was because of the amount, the
19 money. And they are small amounts. But those amounts of money
20 went into different quarters and into the budget. And that's
21 the only reason -- that's the only thing I know about that part
22 is that they didn't want them paid ahead of time because they
23 wanted them paid in a certain, specific quarters. And that's
24 not a ton of money. But that's -- was what was requested of me
25 at the time.

26 And the other issue is when you start having all the
27 different types of licenses for the officers, like, if you have
28 a catering license at a house, not very many people are going to
29 want a law enforcement officer coming in to make sure there
30 aren't youth drinking in there.

31 So I mean, there's -- just that's kind of touchy. I think
32 that's why it was as basic as it is now. Because the law
33 enforcement now has the right when you're issued the license to
34 go in and, like, to the civic center and look around and try to
35 make sure that there aren't any juveniles drinking.

36 So those are just some of the concerns.

37 ACTING CHAIRMAN WAITS: Okay. When they do take that
38 license in, they take it in for the owner. And the owner isn't
39 always there. So what? They just drop it off?

40 COMMISSIONER ANCHO: Usually --

1 ACTING CHAIRMAN WAITS: That's what they do.

2 COMMISSIONER ANCHO: -- now, the owner's the one who gets

3 the license now.

4 If -- well, I -- that's when I was working there. I could

5 say they were -- the owner was. It was rare -- it was a rarity

6 that the owner was not there.

7 Like, for example, the Hideaway would get a temporary

8 liquor license for the par- -- park. Well, the people would be

9 at the park doing that because they -- it's their license. And

10 it goes off of their main license. So they want to make sure

11 things are done correctly.

12 So I -- we never really had a problem with --

13 ACTING CHAIRMAN WAITS: Okay.

14 COMMISSIONER ANCHO: -- them not being there.

15 ACTING CHAIRMAN WAITS: Well, is this something that --

16 that you'd like to look at a little bit farther and do some

17 investigation and bring back?

18 COMMISSIONER ANCHO: I believe so. Just for -- just to see

19 how things have grown and changed for the licensing.

20 ACTING CHAIRMAN WAITS: Okay. Well, let's look around, get

21 some input, and bring it back, then. That's fine.

22 No more discussion?

23 (No comment.)

24

25 **16) CORRESPONDENCE: Correspondence, reports, potential upcoming**

26 **agenda items.**

27

28 ACTING CHAIRMAN WAITS: Okay. We'll go on to 16.

29 Correspondence.

30 Correspondence, reports, potential upcoming agenda items.

31

32 (The following correspondence was received:

33 1. Monthly reports to Lander County Commissioners,

34 January 2020.

35 2. United States Department of the Interior, Bureau of

36 Land Management, Mount Lewis Field Office, regarding the 2019

37 Horse Fire Wildfire Management and Livestock Closure Decisions.

38 3. United States Department of the Interior, Bureau of

39 Land Management, Mount Lewis Field Office, 2019 Buffalo Fire

40 Wildlife Management and Livestock Closure Decisions.

1 4. United States Department of the Interior, Bureau of
2 Land Management, Mount Lewis Field Office, 2019 Summit Fire
3 Wildfire Management and Livestock Closure Decisions.)
4

5 KEITH WESTENGARD: (Off microphone) Right now we have a
6 fairly short agenda.

7 (On microphone) Right now we have a fairly short agenda
8 coming up.

9 We only have two items plus the policies and procedures for
10 the county and policies and procedures for the rec center.

11 So we're looking at, like, four items.

12 ACTING CHAIRMAN WAITS: Actually, April is our County
13 Government Month: Counties Matter.

14 And I would like to have that on the agenda to see what
15 we'd like to do, if we want to reach out and do something
16 special or we'd like a resolution or we'd like a bullet point
17 like we did last year in the paper or something.

18 But I'd like to see that on in March so we can get on it.

19 KEITH WESTENGARD: How about a -- set an Austin meeting?
20 Do you want that on the agenda?

21 ACTING CHAIRMAN WAITS: You bet.

22 DISTRICT ATTORNEY HERRERA: We don't have a lot of stuff we
23 can put on the Austin meeting.

24 COMMISSIONER SPARKS: (Off microphone.) Yeah. I was going
25 to say, didn't we --

26 DISTRICT ATTORNEY HERRERA: Usually --

27 COMMISSIONER SPARKS: -- have --

28 DISTRICT ATTORNEY HERRERA: -- we wait --

29 COMMISSIONER SPARKS: -- some --

30 DISTRICT ATTORNEY HERRERA: -- till --

31 COMMISSIONER SPARKS: -- yeah.

32 DISTRICT ATTORNEY HERRERA: -- we get some Austin stuff --

33 COMMISSIONER SPARKS: We could have --

34 DISTRICT ATTORNEY HERRERA: -- because we can't do Battle
35 Mountain stuff in Austin.

36 ACTING CHAIRMAN WAITS: No, we understand that. But this
37 is just to look at a meeting date. It isn't -- I mean, we -- we
38 -- we can still look at it -- I was going to say --

39 COMMISSIONER SPARKS: I -- I'm just saying that --

40 ACTING CHAIRMAN WAITS: Way after the time we -- we take

1 over the -- the water and sewer. But you know what? You're
2 going to be one big mess down there with --
3 COMMISSIONER SPARKS: Yeah.
4 ACTING CHAIRMAN WAITS: -- Highway 50.
5 DISTRICT ATTORNEY HERRERA: It seems to me that when we
6 have -- when we accumulate four or five Austin matters, that's
7 when we would -- we would schedule a meeting.
8 ACTING CHAIRMAN WAITS: And Austin looks at it like we'd
9 like to have you down here once in a while.
10 DISTRICT ATTORNEY HERRERA: Uh-huh. And not be able to do
11 anything?
12 ACTING CHAIRMAN WAITS: But I don't -- I don't know. I --
13 I've got to tell you, maybe --
14 DISTRICT ATTORNEY HERRERA: That's up to you --
15 ACTING CHAIRMAN WAITS: -- we should look at it a little
16 bit later after Highway 50 is back in.
17 Sadie.
18 SADIE SULLIVAN: I'm just here for public comment, but
19 you're doing correspondence.
20 KEITH WESTENGARD: That's all I've got.
21 SADIE SULLIVAN: I'm just here for -- Sadie Sullivan, for
22 the record. I'm here for public comment after you're --
23 ACTING CHAIRMAN WAITS: Oh.
24 SADIE SULLIVAN: -- done with correspondence.
25 ACTING CHAIRMAN WAITS: (Off microphone) Oh, okay.
26 SADIE SULLIVAN: Sorry.
27 ACTING CHAIRMAN WAITS: (On microphone) Okay. So nothing
28 else under that.

29
30

31 **PUBLIC COMMENT**

32

33 ACTING CHAIRMAN WAITS: We will move to public comment for
34 non-agendized items only.

35

36 Persons are invited to submit comments in writing and/or
37 attend and make comments on any nonagenda item at the board
38 meeting, if any, and discussion of those comments at the
39 discretion of the board. All public comment may be limited to
40 three minutes per person, again at the discretion of the board.
Reasonable restrictions may be placed on public comments based

1 upon time, place, and manner, but public comment based upon
2 viewpoint may not be restricted.

3 Public comment.

4 SADIE SULLIVAN: Sadie Sullivan, Lander County clerk, for
5 the record.

6 Just want to give updates. And so I have on here -- sorry,
7 but not sorry -- because I feel that you guys need to be
8 informed.

9 So from the updates for myself and the staff in the office,
10 it's been very crazy.

11 We've had one to three conference calls lately. We've had
12 the Secretary of State here as well and IT in the office.

13 We had Homeland Security. They did a testing to see how
14 secure our internet, our services, as to whether or not anybody
15 could hack into our system.

16 And with that, we are not secure. Our test had come back
17 that -- and I -- this is way over my head. But there's some
18 critical things that we're not secure on, certain IP addresses
19 were picked up that were not secured.

20 And what it is, from what I understand, is we have an
21 umbrella. So we have our main IP addresses for our servers.
22 And then we're with -- we're underneath that umbrella.

23 And so there's several IP addresses that are not secured.
24 So it's linked to our website. So that is the possibility of
25 hackers coming in.

26 On this one here, we're using 3.2.3, whatever that means.
27 And that's so outdated it actually needs to be a 6.0 is where
28 they are. So it's no longer -- we're behind, basically.

29 And I have the printout for that.

30 So I just wanted to let you know that I got that test back
31 from Homeland Security. And so after talking with IT, they knew
32 that there would be some items come back that were not secured.

33 So then that way it -- it helps them figure out what they
34 need to do to tighten things down for security.

35 Let's see. SOS was here last week. It was our security
36 team from 1:30 to 6:30. I've got with our IT gal. And she's
37 even stated this. And also all the other clerks throughout the
38 county are re- -- trying to revamp their offices because of the
39 crucial -- everything that's going on with the elections.

40 She even had stated that some of the things are over their

1 head. They do have an engineer, an IT engineer within their
2 office that could help us with things and coordinate with the
3 Secretary of State for codings for those securities, that type
4 of thing.

5 Also a cyber liability claim, if somebody was to hack in
6 and get any type of confidential information, usually they're a
7 few million dollars because generally you have to pay to get
8 back the control. And you may need to pay to fix any important
9 information that was given out there, which would be on personal
10 information, their identity, that type of thing.

11 Also, just to let you know, on my budget, there's going to
12 be some things going up. And I want to thank Keith, Lesley, and
13 Lura because I get to go to Keith and Lesley and Lura and go,
14 Hey, I really need this. It's not in my budget.

15 Keith's helped me out a lot on publications. Lura and
16 Lesley if I've needed any type of IT things, I've been able to
17 have their help with the tech fees and the mapping fees.

18 And then also I'll be getting with legal, which I -- Ted
19 knows from last year -- but I haven't touched base with him
20 yet -- but I have my election board workers that work about 15,
21 16 days during early vote and then the day of elections.

22 So I'll need to get with him and figure out what I need to
23 do. So I have my basic -- there's about three or four people
24 that do the early vote plus my staff that will need to get that
25 rolling to see what the legal process is, because it's only for
26 about 15 days, like I said.

27 I just want to thank you guys and -- and please work with
28 myself and my staff. And it's been very, very crazy. Anytime,
29 just drop in, call me, whatever have you, because there's so
30 much going on in the office with so many hats in different
31 directions that have replaced ADS.

32 Also our -- our elections is being updated currently. But
33 they're talking about having another new system at the beginning
34 of next year. So it won't even be the one they're updating now.

35 DMV is rolling. We have several issues there. And so it's
36 just been very, very crazy and interesting.

37 But I want to give you guys those updates so that way you
38 know and are aware of it so when I come up here.

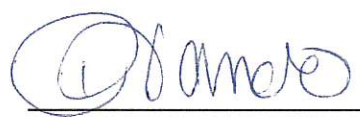
39 So anyway, thanks for letting me do a little public
40 comment. And it was probably over three minutes.

1 Thank you.
2 ACTING CHAIRMAN WAITS: The -- that's at our discretion, it
3 does say. Thank you, Sadie.
4 I -- I just have one more reminder. Don't forget Wild
5 Nevada, PBS, 8:00 o'clock tonight, for the museum.
6 And with that, nothing else?
7
8

9 **ADJOURNMENT**

10
11 COMMISSIONER ALLAN: Motion to adjourn.
12 COMMISSIONER SPARKS: Second.
13 ACTING CHAIRMAN WAITS: Moved and seconded.
14 All in favor?
15 COMMISSIONER ALLAN: Aye.
16 ACTING CHAIRMAN WAITS: Aye.
17 COMMISSIONER SPARKS: Bye, Austin.
18 ACTING CHAIRMAN WAITS: Aye. I thank you.
19 MITESHELL LANHAM: All right.
20

21 (Meeting adjourned at 3:12 p.m.)
22
23
24
25



**CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

26
27
28
29
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32
33
34 **ATTEST:** Sadie Sullivan
35 **LANDER COUNTY CLERK**
36
37
38

39 *Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of*
40 *Battle Mountain and Austin, Nevada.*

1 STATE OF UTAH)
2) ss.
3 COUNTY OF DAVIS)
4
5
6

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
10
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
12
13 THE 27TH DAY OF FEBRUARY, 2020, AND SAID RECORDING AND INFORMATION
14
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
16
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
18
19 THE AUDIO/VIDEO RECORDING ALLOWED.
20

21
22 DATED AT _____
23 THIS _____ DAY OF _____
24

25
26 _____
27 TIFFANY ELKINGTON, CCR #930
28
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<p>AARON MARTINEZ: [74] 14/10 14/23 14/34 22/39 23/1 23/5 25/25 26/7 26/9 26/12 26/15 26/18 26/23 26/26 26/30 28/2 28/4 28/29 29/1 29/5 29/27 30/5 30/10 30/12 30/33 30/38 31/6 31/10 32/1 32/26 32/32 32/35 35/2 35/4 35/6 35/12 35/31 35/40 36/7 36/13 37/3 39/12 39/16 39/19 39/28 40/5 40/9 40/11 40/14 40/25 40/30 40/32 40/37 41/2 41/4 41/6 41/8 43/6 43/10 46/14 46/27 46/37 46/40 47/12 47/15 47/17 47/19 47/21 47/24 47/27 47/30 48/17 48/19 48/21 ACTING CHAIRMAN WAITS: [323] 100/8 100/17 100/21 100/26 101/18 101/26 101/35 102/1 102/6 102/8 102/11 103/5 103/31 103/37 104/9 104/11 104/33 105/17 105/20 105/34 105/36 105/38 106/10 106/12 106/14 106/18 106/20 107/1 107/9 107/19 107/27 107/36 108/33 108/39 109/2 109/4 109/7 109/9 109/11 109/13 109/15 109/17 109/24 110/1 110/4 110/8 110/13 110/15 110/19 110/23 110/27 110/29 110/33 110/35 111/27 112/11 112/13 112/16 112/18 112/20 112/22 112/24 112/28 114/1 114/3 114/6 114/8 114/12 114/14 114/17 114/19 114/21 114/23 116/3 116/6 116/8 116/17 121/3 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<p>COMMISSIONER SPARKS:... 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143/14 143/18 143/20 143/38 143/40 144/6 144/8 144/10 144/20 144/22 144/24 144/26 144/29 144/32 145/11 145/13 145/21 146/26 146/30 146/34 147/4 147/6 147/10 148/16 148/23 151/24 151/31 155/29 155/35 156/15 156/21 156/28 156/37 156/39 158/17 158/20 158/24 159/2 159/4 159/6 159/24 159/28 159/30 160/22 160/25 160/28 161/5 161/9 161/12 162/10 162/22 162/34 163/4 163/7 163/14 164/15 164/30 165/13 165/19 166/3 167/8 167/20 170/23 173/21 174/9 174/15 174/18 174/21 175/21 175/24 175/26 175/28 175/32 178/24 178/27 178/29 178/31 178/33 178/39 179/3 182/12 182/17 COMMISSIONER WAITS: [110] 2/6 4/39 9/38 10/13 10/15 10/27 10/29 10/31 11/2 11/9 11/17 11/20 11/24 11/26 11/28 11/39 12/1 12/3 12/5 12/11 12/33 12/35 13/5 36/21 37/4 37/11 37/13 46/15 46/22 46/34 46/38 47/4 47/14 47/16 47/18 47/20 47/22 47/25 47/28 47/31 48/4 48/14 49/5 49/40 54/36 54/38 54/40 55/3 55/5 55/11 56/10 56/13 56/17 56/22 56/37 56/39 57/1 57/15 57/34 57/36 57/38 58/3 58/7 58/9 58/11 58/13 59/1 59/8 59/17 59/27 59/29 68/8 68/12 70/7 70/33 71/12 71/20 77/25 79/35 88/1 88/5 88/21 93/14 94/17 96/3 96/5 97/3 97/12 97/16 97/20 97/22 97/24 97/26 97/30 97/32 97/34 97/36 98/1 98/5 98/7 98/32 98/36 98/38 99/2 99/6 99/11 99/16 99/18 99/20 99/25 CORY MILLS: [32] 41/21 41/29 41/32 41/35 42/17 42/24 42/29 42/33 42/39 43/1 43/3 43/9 43/12 43/15 43/17 43/19 43/21 43/23 43/25 43/27 43/30 43/32 43/35 43/37 43/39 44/3 44/7 44/16 44/18 44/20 44/22 44/24 DAN TOMERA: [13] 51/19 52/28 52/37 53/1 53/4 53/6 53/9 53/15 53/17 53/19 54/11</p>	<p>58/23 60/7 DAWNETTE JOHNSON: [4] 44/26 45/28 45/30 45/32 DEPUTY DISTRICT ATTORNEY FORGERON: [27] 62/19 68/17 69/30 70/13 70/34 70/40 71/2 71/4 71/7 71/10 71/17 71/28 71/31 71/33 71/40 72/3 72/5 72/16 72/29 72/31 73/6 73/9 73/14 74/4 81/19 81/21 117/9 DISTRICT ATTORNEY HERRERA: [315] 58/19 58/22 58/38 60/11 60/13 60/15 60/17 60/31 60/34 62/11 62/16 62/22 62/29 62/33 62/35 63/11 64/8 64/25 64/27 64/31 64/33 64/35 64/37 64/39 65/4 65/9 65/19 65/22 65/24 66/11 66/15 66/17 66/19 66/21 68/9 74/15 77/33 78/3 78/5 78/7 79/21 79/23 79/26 79/30 79/34 79/36 79/38 79/40 80/5 80/7 80/14 80/16 80/18 80/20 80/31 83/22 83/24 83/26 85/3 85/6 86/8 86/10 86/12 87/19 87/23 87/25 87/27 87/29 87/31 89/10 89/12 89/14 89/17 89/21 89/23 89/25 89/27 89/31 89/33 89/37 89/39 90/17 90/19 90/21 90/33 90/35 91/5 94/22 94/26 102/7 102/13 102/17 102/21 102/23 103/1 103/12 103/16 103/27 103/29 103/36 104/4 104/7 104/15 104/30 105/4 105/10 105/13 105/18 106/21 106/27 106/29 108/7 108/13 108/15 108/21 108/37 108/40 109/3 109/6 109/8 109/10 109/12 109/14 109/16 109/19 109/22 109/26 109/33 109/36 109/38 109/40 110/34 110/38 111/5 111/10 111/12 111/17 111/19 111/21 111/23 111/28 111/35 113/2 113/4 113/22 113/24 113/26 113/28 113/31 114/29 114/31 114/33 115/1 115/4 115/9 115/12 115/15 115/18 115/21 115/27 115/30 115/33 116/2 116/4 116/28 116/30 116/35 116/37 116/39 117/1 117/3 117/13 117/16 117/29 117/31 117/33 117/36 118/8 118/13 118/15 118/17 118/40 119/2 119/10 119/12 119/14 119/17 119/19 119/21 119/23 119/27 119/29 119/31 119/35 119/37 119/39 120/2 120/4 120/7 120/9 120/17 120/19 123/7 123/30 124/1 124/9 124/15 124/24 128/29 128/33 128/35 128/37 128/39 129/12 129/15 129/18 129/20 130/6 130/8 130/10 130/12</p>	<p>130/14 130/16 130/18 130/34 130/39 132/6 132/9 132/11 132/15 132/20 132/23 132/27 132/29 133/4 133/11 133/13 133/15 133/17 133/20 133/24 133/29 134/33 135/1 135/3 135/11 135/13 135/15 135/17 135/32 135/39 136/28 136/30 136/32 136/38 137/4 137/7 137/12 137/24 137/26 137/30 137/32 137/36 138/5 138/8 138/16 138/18 138/21 138/32 138/35 138/38 139/32 141/13 142/1 142/4 142/7 142/22 149/21 149/24 152/17 152/21 152/27 152/31 152/33 152/35 152/37 152/39 153/1 153/18 153/20 153/24 153/27 153/29 153/31 153/33 163/36 164/4 164/6 164/10 164/14 172/27 172/30 174/12 174/17 174/20 174/22 178/22 178/26 178/28 178/30 178/32 178/34 179/5 179/10 179/14 GAIL CHO: [4] 7/26 7/28 7/35 8/32 GINA FACCENETTI: [29] 93/31 95/34 95/36 96/31 96/34 97/7 97/9 97/11 97/14 97/23 97/25 97/39 98/9 98/15 98/18 98/23 98/35 98/37 99/1 99/4 99/7 99/12 99/17 99/19 99/21 99/26 99/40 100/2 100/4 JOHN DAVIS: [11] 37/18 38/21 38/23 39/2 39/7 39/13 39/18 39/27 40/19 40/21 40/24 JUDGE DENISE FORTUNE: [14] 91/9 91/24 91/28 91/31 91/37 91/40 92/21 92/23 92/25 92/27 92/29 92/31 93/6 93/16 KEITH WESTENGARD: [203] 6/30 9/16 9/28 9/32 13/25 13/28 13/30 13/32 13/34 14/25 14/31 28/8 28/11 33/24 58/1 59/21 59/28 59/30 59/37 59/39 60/4 60/6 74/9 74/22 74/25 75/24 75/26 75/28 75/30 75/36 75/39 76/1 76/4 76/6 76/22 76/28 76/30 76/32 76/34 76/36 76/39 77/2 77/4 77/7 77/9 83/15 83/23 83/25 83/27 83/32 83/34 83/36 83/38 83/40 84/22 84/25 84/37 84/39 88/30 93/19 93/22 93/24 93/26 93/30 95/10 95/35 95/38 96/4 96/6 96/15 96/17 96/19 96/21 96/26 96/32 97/27 97/31 97/33 98/3 98/10 98/13 99/34 99/38 112/1 112/12 112/15 112/17 112/19 112/21 112/29 113/1 113/7 113/10 113/12 113/14 113/17 113/19 113/21</p>
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<p>KEITH WESTENGARD:... [105] 113/34 113/36 113/38 119/25 120/15 121/22 121/31 121/38 122/10 122/15 122/17 122/19 122/22 122/24 126/13 126/15 126/17 126/19 126/21 126/23 126/29 126/32 126/34 126/36 126/38 126/40 127/2 127/6 127/24 127/32 128/11 128/13 130/2 130/5 130/7 130/15 130/19 130/22 130/25 130/27 130/31 131/8 131/19 131/21 131/23 131/25 131/28 139/28 139/33 140/3 140/30 145/37 145/40 146/13 146/16 146/20 146/28 146/32 146/36 146/38 147/1 147/5 147/7 147/13 147/17 148/10 149/3 149/15 152/9 152/19 152/22 152/25 152/28 152/32 152/34 152/36 153/3 153/5 153/7 153/9 153/12 153/14 153/16 153/22 153/26 156/8 156/18 156/30 156/34 156/38 157/1 157/6 157/8 161/21 161/28 161/38 161/40 162/8 163/15 164/20 174/1 174/4 178/5 178/19 179/20 KELLI SONDERMAN: [109] 107/20 107/35 108/2 110/7 110/10 110/14 110/18 110/26 110/28 110/32 115/29 115/36 115/38 116/5 116/13 116/15 116/22 116/27 116/29 116/34 116/36 116/38 116/40 117/2 117/5 117/11 117/14 117/23 117/25 117/27 118/6 118/10 118/14 118/16 118/23 118/26 118/28 118/35 118/38 119/1 120/3 120/5 120/8 120/23 120/31 120/38 120/40 122/5 122/31 122/33 122/35 122/37 123/3 123/5 123/11 123/23 123/25 123/27 125/7 125/10 125/12 125/14 125/16 125/18 125/40 126/4 126/6 126/8 126/14 126/37 126/39 127/1 127/23 128/3 128/6 128/16 128/20 128/22 128/27 128/40 129/21 129/25 129/28 129/31 129/34 129/37 131/37 132/33 133/27 133/32 133/35 133/37 134/1 134/10 134/12 135/22 135/25 135/33 135/35 135/38 136/26 138/1 138/6 138/12 138/20 138/22 138/24 138/26 138/30 MARTIN UGALDE: [5] 159/10 160/1 160/8 162/36 163/1 MITESHELL LANHAM: [8] 14/30 162/40 163/5 171/12 171/15 171/21 171/23 182/19 NOLIENA CASTELLANOS: [5] 32/13 32/20 32/22 32/27</p>	<p>32/33 PAUL TOMERA: [30] 50/5 52/27 52/39 53/3 53/8 53/32 54/35 54/37 54/39 55/1 55/4 55/10 55/22 55/25 56/12 56/16 56/21 56/40 57/2 57/10 57/12 57/14 58/8 58/10 59/12 59/14 59/34 59/38 60/3 60/5 REID DE VRIES: [17] 32/38 33/25 33/32 34/2 34/4 34/7 34/10 34/12 34/15 34/18 34/22 35/11 35/21 35/24 35/26 35/39 36/6 RONDA GURLEY: [5] 7/25 7/27 7/33 8/35 9/13 SADIE SULLIVAN: [102] 13/27 13/29 13/31 13/33 30/14 30/16 30/21 30/23 30/25 48/36 58/21 58/25 58/27 58/29 58/31 78/17 79/25 79/27 79/29 79/39 80/4 80/8 80/13 80/15 80/17 80/19 80/26 80/28 80/30 80/32 80/35 80/38 80/40 81/2 81/5 81/7 81/9 81/12 81/14 81/18 81/22 81/26 81/28 81/30 81/33 81/35 81/37 81/40 82/6 82/8 82/10 82/12 82/14 82/16 82/18 82/23 82/26 82/30 82/38 83/30 83/33 83/35 83/37 83/39 84/1 84/14 85/33 85/37 85/39 86/1 86/5 88/24 88/27 88/33 88/40 89/4 94/9 94/13 126/9 126/16 126/18 126/20 126/22 126/24 136/10 136/17 136/19 136/24 136/34 136/36 144/34 146/35 146/37 146/39 147/25 156/16 163/11 179/18 179/21 179/24 179/26 180/4 SEAN BAKKER: [10] 147/18 147/26 147/28 147/32 147/38 147/40 148/3 148/5 148/7 148/9 UNDERSHERIFF ROBERT QUICK: [3] 101/19 101/28 101/32 UNIDENTIFIED PARTICIPANT: [16] 32/16 35/17 36/12 42/27 58/18 64/7 65/21 121/24 121/29 132/18 136/23 138/33 138/36 163/2 163/10 170/1 VICE CHAIRMAN CLARK: [351] 1/21 1/29 1/33 2/3 5/1 6/28 7/14 7/29 7/31 7/34 8/31 8/33 9/12 9/15 9/27 9/30 9/37 9/39 10/3 10/14 10/16 10/28 10/30 10/37 10/39 11/1 11/4 11/13 11/18 11/22 11/25 11/27 11/30 11/32 11/34 11/36 11/40 12/2 12/4 12/6 12/9 12/12 12/16 12/18 12/23 12/25 12/27 12/30 12/32 12/34 12/36 12/38 12/40 13/4 13/8 13/10 13/15 13/21 14/22</p>	<p>14/24 14/32 25/23 26/6 26/8 26/10 26/13 26/17 26/20 26/24 26/29 28/1 28/3 28/5 28/10 28/12 28/21 28/23 29/39 30/17 30/22 30/24 32/11 32/14 32/17 32/19 32/21 32/37 33/26 33/40 34/3 34/5 34/9 34/11 34/14 34/16 34/19 35/29 35/32 37/16 38/20 38/22 38/40 39/3 40/4 40/7 40/10 40/12 40/18 40/20 40/22 40/26 41/19 41/28 41/31 41/34 42/12 42/16 42/18 42/23 42/28 42/30 42/38 42/40 43/2 43/4 43/11 43/13 43/16 43/18 43/20 43/22 43/24 43/26 43/29 43/31 43/34 43/36 43/38 44/2 44/6 44/14 44/17 44/19 44/21 44/23 44/25 46/19 48/1 48/7 48/10 48/13 48/16 48/18 48/20 48/22 48/24 48/38 49/31 50/4 52/35 52/40 53/2 53/5 53/7 54/28 55/2 56/36 56/38 57/9 57/11 57/13 57/32 57/35 57/37 58/6 58/15 58/24 58/26 58/28 58/37 58/40 59/3 59/5 59/9 59/11 59/13 59/15 60/8 60/12 60/14 60/16 60/19 60/25 60/33 62/7 62/9 62/15 62/21 62/23 62/25 62/31 63/2 63/4 63/21 63/23 63/26 63/31 63/35 63/39 64/30 65/23 65/28 65/37 66/12 66/29 66/31 66/35 66/37 66/39 67/4 67/6 67/12 67/14 67/16 67/18 67/20 67/39 68/1 68/4 68/7 68/13 68/15 71/1 71/3 71/5 71/9 71/19 71/21 71/30 71/32 71/35 71/37 72/2 72/4 74/8 74/19 74/21 75/25 77/3 77/6 77/24 77/26 78/2 78/4 78/6 78/15 79/22 79/24 79/33 79/37 80/6 80/23 82/25 82/27 82/29 82/31 82/33 82/35 82/37 82/39 83/5 83/8 83/10 83/14 84/11 84/16 84/20 84/23 84/38 84/40 85/5 85/9 85/11 85/13 85/15 85/17 85/27 85/29 85/31 85/36 86/20 86/22 86/24 86/26 86/34 86/36 86/38 87/3 87/8 87/13 87/40 88/7 88/11 88/17 88/23 88/25 88/29 88/31 89/6 89/13 89/16 89/19 89/22 89/24 89/26 89/29 89/36 90/1 90/9 90/11 90/15 90/23 91/8 93/5 93/12 93/17 93/20 93/23 93/25 93/29 94/12 94/16 94/25 94/27 94/32 95/6 96/13 96/16 96/18 96/20 96/25 97/8 97/13 97/19 97/21 98/6 99/27 99/30 99/36 100/1 100/3</p>	<p>\$1,000 [3] 97/18 99/23 127/35 \$1.8 [1] 25/38 \$1.8 million [1] 25/38 \$10 [3] 172/11 172/26 173/23 \$11 [5] 41/12 41/13 98/17 98/20 165/30 \$11,899.80 [1] 167/39 \$11.05 [3] 165/31 166/17 170/9 \$110 [1] 165/8 \$12 [1] 98/24 \$15 [5] 39/23 39/34 39/39 40/7 40/35 \$16 [1] 168/33 \$1800 [1] 165/38 \$1899 [1] 166/20 \$19 [1] 78/38 \$2,623 [6] 166/2 166/12 166/19 168/36 168/38 170/13 \$2,623.47 [1] 165/22 \$2,740 [1] 170/13 \$2.40 [1] 79/1 \$3,168 [1] 168/16 \$3.5 [1] 150/21 \$300 [1] 97/36 \$323 [1] 25/34 \$35 [1] 40/38 \$36 [4] 27/34 37/30 38/7 38/18 \$36 million [1] 27/34 \$4 [1] 168/26 \$4.27 [5] 165/29 166/17 170/7 170/8 170/12 \$40,000 [1] 119/25 \$45 [1] 167/26 \$480,158 [3] 157/13 157/19 162/15 \$5,000 [8] 78/40 78/40 121/11 127/27 128/17 128/31 128/38 129/31 \$500 [6] 108/17 110/17 110/23 113/5 116/19 118/30 \$500,000 [3] 34/37 158/20 160/9 \$52.17 [1] 173/8 \$56,875 [3] 139/19 139/26 140/8 \$58,000 [1] 25/35 \$58.88 [1] 165/27 \$6 [1] 170/11 \$6.71 [1] 173/8 \$60 [1] 167/33 \$63 [1] 170/3 \$63.15 [1] 165/27 \$66,000 [4] 94/21 97/5 97/14 98/19 \$66,031.70 [2] 95/4 95/9 \$7,000 [1] 135/5 \$7,588 [3] 108/4 110/5 134/21 \$700,000 [1] 160/11 \$7300 [1] 116/1 \$7500 [1] 129/36 \$7600 [1] 38/34 \$8 [1] 3/14 \$8 million [1] 3/14 \$8.25 [1] 35/8</p>
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<p>\$</p> <p>\$80 [1] 167/34</p> <p>\$853,125 [3] 139/18 139/26 140/7</p> <p>\$900 [1] 117/40</p> <hr/> <p>'</p> <p>'19 [1] 154/27</p> <p>'20 [2] 150/22 154/27</p> <p>'er [1] 176/3</p> <p>'HIGH [1] 147/8</p> <hr/> <p>-</p> <p>-- in [1] 54/39</p> <p>-- una [1] 83/25</p> <p>--sewer [1] 154/7</p> <p>-4 [1] 155/26</p> <p>-allowable [1] 99/17</p> <p>-term [1] 111/5</p> <hr/> <p>0</p> <p>02 [4] 148/32 148/38 149/30 150/31</p> <p>03 [4] 152/2 152/7 153/38 154/31</p> <p>055 [1] 161/37</p> <p>09 [1] 160/1</p> <hr/> <p>1</p> <p>1,000 [1] 78/39</p> <p>1.2 [1] 141/17</p> <p>1.6 [1] 35/15</p> <p>1/2 [1] 160/12</p> <p>10 [22] 24/39 34/32 34/35 34/37 35/13 35/14 35/15 35/16 35/19 36/39 38/26 51/38 78/13 83/19 84/33 98/24 146/24 147/3 147/6 147/7 156/1 156/4</p> <p>10-year [1] 51/1</p> <p>100 [4] 95/15 95/24 95/30 96/26</p> <p>1099 [2] 114/39 115/11</p> <p>10:00 [2] 33/17 33/38</p> <p>10:42 [1] 48/26</p> <p>10:52 [1] 48/26</p> <p>11 [10] 39/23 39/34 40/9 40/34 99/23 100/24 100/30 101/1 101/4 158/30</p> <p>111 [1] 165/24</p> <p>12 [2] 157/10 157/15</p> <p>12 feet [1] 21/3</p> <p>12-hour-plus [1] 134/27</p> <p>12:00 [2] 1/34 58/39</p> <p>12:10 [1] 100/6</p> <p>12th [1] 58/28</p> <p>13 [4] 10/24 162/38 163/19 163/25</p> <p>14 [2] 48/28 48/35</p> <p>15 [9] 23/16 34/35 40/11 104/30 105/16 173/34 173/37 181/20 181/26</p> <p>15 feet [1] 21/33</p> <p>150 [2] 23/6 75/1</p> <p>16 [6] 18/10 18/12 68/23 177/25 177/28 181/21</p>	<p>16.05 [1] 172/19</p> <p>16.71 [2] 172/20 172/21</p> <p>18 [1] 2/7</p> <p>1899.80 [1] 165/38</p> <p>18th [3] 156/7 156/18 156/19</p> <p>19 [1] 10/22</p> <p>19th [4] 5/33 156/7 156/18 156/19</p> <p>1:14 [1] 100/6</p> <p>1:15 [2] 1/34 93/21</p> <p>1:30 [1] 180/36</p> <hr/> <p>2</p> <p>2,000 [1] 52/30</p> <p>2.04.02 [1] 67/35</p> <p>2.04.024 [2] 60/22 60/28</p> <p>20 [4] 34/35 112/34 167/22 167/22</p> <p>20,000-acre [1] 53/33</p> <p>20-yard [1] 17/27</p> <p>200 [4] 52/23 148/32 148/38 149/31</p> <p>2018 [1] 158/31</p> <p>2019 [9] 10/19 10/19 10/20 10/21 10/22 10/34 177/36 177/39 178/2</p> <p>2019-2 [1] 154/2</p> <p>2020 [16] 1/4 10/18 10/22 10/23 10/24 48/33 49/3 100/9 139/16 139/23 140/5 150/23 154/3 154/28 177/34 183/13</p> <p>2020-02 [4] 148/32 148/38 149/30 150/31</p> <p>2020-03 [4] 152/2 152/7 153/38 154/31</p> <p>2021 [2] 2/29 154/25</p> <p>206729 [2] 11/8 12/36</p> <p>206741 [3] 11/8 12/18 12/20</p> <p>206743 [5] 10/12 10/26 11/7 11/23 11/37</p> <p>2068 [1] 11/23</p> <p>206864 [2] 11/7 11/37</p> <p>20s [1] 32/28</p> <p>20yard [1] 17/25</p> <p>210 [3] 152/2 152/7 153/40</p> <p>215 [3] 152/3 152/8 153/40</p> <p>21st [1] 2/15</p> <p>23 [1] 10/23</p> <p>24 [3] 10/19 10/33 93/9</p> <p>24-hour [2] 24/1 38/9</p> <p>25 [3] 10/20 27/30 49/9</p> <p>25,000 [1] 167/26</p> <p>26 [1] 78/40</p> <p>26th [1] 4/5</p> <p>27 [4] 1/4 10/18 10/33 100/8</p> <p>27TH [1] 183/13</p> <p>29 [1] 27/33</p> <p>29th [1] 2/17</p> <p>2:00 [1] 139/7</p> <hr/> <p>3</p> <p>3 percent [1] 26/1</p> <p>3.2.3 [1] 180/26</p> <p>30 [3] 24/39 34/32 38/27</p> <p>30-day [4] 132/37 133/1 134/30 137/33</p>	<p>30-day-out [1] 133/25</p> <p>30-year [1] 25/37</p> <p>300 [4] 52/23 95/26 96/11 97/19</p> <p>300,000 [1] 47/36</p> <p>301 [1] 166/10</p> <p>305 [2] 1/4 9/35</p> <p>318 [2] 154/5 154/14</p> <p>320 [1] 99/5</p> <p>33 [2] 165/25 166/11</p> <p>350 [2] 155/26 155/26</p> <p>352 [1] 155/26</p> <p>354 [3] 151/17 151/17 155/27</p> <p>354.241 [4] 150/30 150/31 154/30 154/31</p> <p>36 [3] 28/12 38/33 78/37</p> <p>36 million [1] 27/29</p> <p>362 [2] 151/17 151/17</p> <p>362.170 [1] 150/7</p> <p>362.171 [4] 149/36 150/5 150/19 150/37</p> <p>38 [1] 78/38</p> <p>3:12 [1] 182/21</p> <p>3D [1] 19/18</p> <hr/> <p>4</p> <p>400 [1] 26/19</p> <p>400 gallons [1] 26/27</p> <p>4100 [2] 48/31 49/1</p> <p>427 [1] 169/26</p> <p>43 [2] 48/31 49/1</p> <p>44-hour [3] 30/29 45/17 45/21</p> <p>444,000 [1] 35/10</p> <p>45-day [1] 6/15</p> <p>48,000 [2] 25/20 25/25</p> <p>4800 [1] 20/27</p> <p>4th [1] 2/17</p> <hr/> <p>5</p> <p>5,000 [8] 38/34 78/34 79/5 79/18 125/5 127/26 165/35 167/35</p> <p>5.08.010 [2] 173/35 173/40</p> <p>50 [3] 1/4 179/4 179/16</p> <p>50,000 [1] 26/28</p> <p>50/70 [1] 16/28</p> <p>500 [3] 117/35 120/29 120/34</p> <p>501 [2] 112/35 117/17</p> <p>51 million [1] 27/29</p> <p>58.88 [1] 170/5</p> <p>5:00 [5] 148/27 156/31 156/35 157/2 157/4</p> <p>5th [1] 2/38</p> <hr/> <p>6</p> <p>6,000 [6] 94/20 94/20 94/21 97/15 97/26 98/20</p> <p>6.0 [1] 180/27</p> <p>600 [2] 118/1 121/36</p> <p>63.15 [1] 170/6</p> <p>66,000 [1] 97/22</p> <p>6:30 [3] 45/11 45/12 180/36</p> <p>6th [2] 2/24 3/2</p> <hr/> <p>7</p> <p>7,000 [3] 114/4 124/36 137/2</p>	<p>7,800 [1] 123/20</p> <p>70 [1] 16/28</p> <p>70-foot [1] 16/29</p> <p>700 [1] 26/16</p> <p>700,000 [2] 159/39 160/22</p> <p>75,000 [1] 167/33</p> <hr/> <p>8</p> <p>8.25 [1] 118/12</p> <p>8.7 million gallons [1] 25/29</p> <p>80-yard [1] 17/25</p> <p>87 [1] 44/1</p> <p>8:00 [1] 182/5</p> <p>8:00 o'clock [1] 4/39</p> <p>8:58 [1] 1/4</p> <p>8th [1] 3/2</p> <hr/> <p>9</p> <p>930 [2] 1/5 183/27</p> <p>94.75 [1] 139/39</p> <p>9:00 [6] 156/14 156/14 156/15 156/31 157/2 157/4</p> <p>9:22 [1] 13/13</p> <p>9:36 [1] 13/13</p> <hr/> <p>A</p> <p>A101 [1] 20/33</p> <p>Aaron [10] 13/39 14/8 14/11 14/24 26/10 28/24 34/40 40/4 48/23 48/24</p> <p>abatement [1] 130/29</p> <p>ability [4] 17/33 20/24 51/10 68/34</p> <p>abolish [2] 67/34 88/3</p> <p>abolishing [2] 60/22 60/27</p> <p>about as [1] 71/31</p> <p>about the [1] 6/12</p> <p>above [5] 19/3 23/39 78/26 134/26 167/35</p> <p>absolute [2] 19/27 36/27</p> <p>absorb [2] 161/2 164/35</p> <p>absorbing [2] 164/38 164/38</p> <p>abstain [3] 12/14 12/33 13/9</p> <p>accept [1] 135/4</p> <p>accepted [2] 48/33 49/3</p> <p>access [7] 16/3 16/4 21/12 139/17 139/24 140/6 168/34</p> <p>accessible [1] 20/20</p> <p>accident [1] 9/10</p> <p>accommodate [1] 174/6</p> <p>accordance [1] 154/14</p> <p>accordion [2] 22/26 22/28</p> <p>accounts [1] 152/10</p> <p>accrue [1] 89/35</p> <p>accumulate [1] 179/6</p> <p>accurately [1] 46/31</p> <p>achieve [4] 17/7 17/25 17/26 20/38</p> <p>acre [2] 52/23 53/33</p> <p>act [3] 71/38 108/25 111/1</p> <p>acted [2] 10/5 10/8</p> <p>acting [1] 63/10</p> <p>action [37] 10/6 13/17 13/22 15/4 48/28 48/38 60/21 60/26 60/27 91/16 94/30 95/1 95/6 101/1 101/5 107/22 107/29</p>
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<p>A</p> <p>action... [20] 129/27 139/15 139/22 140/22 140/28 141/8 145/28 145/34 148/31 148/37 152/1 152/6 156/1 156/5 157/10 157/17 163/19 163/26 173/34 173/39</p> <p>activities [2] 154/24 154/26</p> <p>activity [4] 15/19 18/28 19/8 154/32</p> <p>ad [1] 112/20</p> <p>ADA [1] 16/5</p> <p>adaptive [5] 50/34 50/40 51/3 51/15 55/7</p> <p>add [12] 49/20 49/35 121/18 132/7 137/21 142/36 142/37 142/39 143/28 143/30 163/34 174/28</p> <p>added [1] 32/31</p> <p>adden [1] 153/22</p> <p>addendum [5] 150/29 150/31 153/2 154/29 154/31</p> <p>addendums [3] 152/16 152/22 152/24</p> <p>adding [2] 28/37 173/4</p> <p>addition [3] 8/10 33/14 35/33</p> <p>additional [16] 8/10 19/7 21/35 78/34 78/35 79/4 79/12 79/18 80/11 81/10 114/4 124/22 145/4 152/22 159/25 166/21</p> <p>addr [1] 51/12</p> <p>address [9] 6/14 50/3 50/10 50/35 50/36 55/6 55/6 76/1 76/19</p> <p>addressed [7] 42/11 42/37 50/12 50/22 50/32 51/9 73/35</p> <p>addresses [6] 51/11 51/15 103/8 180/18 180/21 180/23</p> <p>addressing [3] 2/18 55/26 56/14</p> <p>adhering [1] 86/33</p> <p>adjoin [1] 23/18</p> <p>adjourn [2] 107/9 182/11</p> <p>adjourned [2] 107/4 182/21</p> <p>adjust [2] 15/33 69/6</p> <p>admin [1] 141/21</p> <p>administration [7] 1/3 48/32 49/2 56/27 60/23 60/29 67/36</p> <p>administrative [1] 49/2</p> <p>administrator [1] 117/17</p> <p>adopt [8] 137/13 141/27 141/30 141/30 163/19 163/26 164/16 167/9</p> <p>adopted [1] 144/37</p> <p>adopting [1] 166/16</p> <p>ADS [2] 82/3 181/31</p> <p>adult [7] 38/17 44/28 44/34 45/1 45/9 45/18 45/24</p> <p>advance [1] 176/16</p> <p>advantage [1] 44/2</p> <p>adverse [1] 150/10</p> <p>advertise [1] 123/9</p> <p>advertised [1] 118/1</p> <p>advice [1] 89/33</p> <p>advised [1] 68/24</p>	<p>adviser [1] 50/15</p> <p>advocated [1] 64/1</p> <p>advocating [1] 76/10</p> <p>affect [4] 70/10 91/35 91/37 170/38</p> <p>affects [1] 77/27</p> <p>afternoon [3] 130/22 137/9 139/8</p> <p>ag [2] 7/5 7/8</p> <p>against [7] 31/8 69/28 74/35 74/37 75/8 91/33 93/10</p> <p>age [13] 16/39 17/8 17/10 17/13 17/18 17/19 17/20 18/4 18/7 18/11 18/12 19/22 20/13</p> <p>agency [1] 56/2</p> <p>agenda [50] 1/34 1/37 2/14 2/32 10/1 10/3 10/4 10/8 10/9 10/16 10/18 10/33 15/4 20/31 24/13 36/23 49/6 61/33 62/6 62/13 62/27 67/37 74/31 81/6 81/8 85/1 85/23 89/2 90/7 92/5 94/14 94/23 94/29 104/3 104/31 105/25 123/30 124/2 124/5 124/6 124/6 127/40 139/8 163/29 177/26 177/30 178/6 178/7 178/14 178/20</p> <p>agendas [1] 73/24</p> <p>agendized [2] 123/31 179/34</p> <p>aggravated [1] 5/25</p> <p>ago [5] 4/6 7/7 43/39 112/34 147/21</p> <p>agree [18] 32/7 35/32 35/33 36/31 37/23 47/33 49/37 63/12 63/40 67/28 91/22 91/33 103/13 111/3 121/13 141/2 141/10 164/26</p> <p>agreed [2] 4/3 84/27</p> <p>agreement [15] 42/19 42/20 55/27 55/32 71/4 71/5 93/36 96/40 98/27 99/14 112/33 121/1 121/27 127/2 133/7</p> <p>Agricul [1] 4/10</p> <p>Agricultural [1] 4/7</p> <p>agriculture [4] 2/23 4/10 4/21 4/21</p> <p>AIP [3] 139/16 139/24 140/5</p> <p>air [4] 21/3 21/27 93/40 94/2</p> <p>AirCareMed [4] 95/18 95/22 96/11 96/28</p> <p>AirMed [1] 93/28</p> <p>AirMedCare [2] 93/31 95/3</p> <p>airport [11] 3/3 3/5 6/37 7/1 139/16 139/18 139/23 139/25 139/36 140/5 140/7</p> <p>airports [2] 2/40 3/8</p> <p>Alarm [2] 92/9 175/14</p> <p>Alaska [2] 48/32 49/2</p> <p>alcohol [3] 38/10 105/5 174/40</p> <p>all-encompassing [2] 15/31 16/20</p> <p>ALLAN [7] 1/9 75/20 76/9 78/10 87/31 90/1 121/35</p> <p>Allegiance [1] 1/27</p> <p>allocate [2] 29/18 68/36</p> <p>allocated [1] 24/4</p> <p>allocation [1] 19/11</p>	<p>allotment [5] 50/33 51/6 51/10 51/14 55/28</p> <p>allow [15] 5/21 10/17 16/26 16/39 21/12 21/21 24/19 50/39 53/29 106/36 110/4 119/4 120/11 134/2 141/7</p> <p>allowable [1] 99/17</p> <p>allowed [3] 68/38 109/4 183/19</p> <p>allowing [1] 68/32</p> <p>allows [2] 21/7 101/25</p> <p>alone [2] 17/28 159/18</p> <p>along [5] 44/31 49/16 53/27 54/12 68/37</p> <p>alongside [1] 52/7</p> <p>alphabets [1] 54/33</p> <p>alternate [2] 24/10 24/12</p> <p>alternates [1] 27/35</p> <p>alternating [1] 119/34</p> <p>always [11] 3/3 22/17 32/27 36/35 62/40 96/35 104/37 129/23 147/8 149/6 176/39</p> <p>amazing [1] 41/38</p> <p>ambulance [3] 93/40 94/2 94/3</p> <p>amend [1] 57/38</p> <p>amount [30] 7/39 8/27 17/8 23/7 68/36 69/1 79/14 81/3 94/19 95/3 95/9 97/5 108/35 117/11 118/4 121/32 121/32 122/11 125/3 132/34 137/2 150/27 157/12 157/19 158/5 159/12 159/17 162/13 172/37 176/18</p> <p>amounts [4] 124/22 158/4 176/19 176/19</p> <p>analysis [1] 25/3</p> <p>ANCHO [3] 1/11 112/3 148/10</p> <p>Angeles [1] 31/3</p> <p>angles [1] 14/39</p> <p>announced [1] 2/25</p> <p>announcer's [2] 21/22 21/23</p> <p>annual [2] 2/29 108/4</p> <p>annually [1] 134/21</p> <p>answer [5] 29/7 43/6 79/22 92/40 124/2</p> <p>anticipate [2] 141/29 142/13</p> <p>apartment [1] 125/30</p> <p>apologize [6] 14/16 14/21 14/39 16/15 90/26 161/27</p> <p>app [1] 40/29</p> <p>appear [1] 103/38</p> <p>appearing [1] 68/21</p> <p>appellate [3] 70/17 70/28 70/32</p> <p>applicant [4] 108/9 119/7 119/23 131/1</p> <p>application [5] 101/21 132/40 139/17 139/24 140/6</p> <p>applied [2] 105/11 105/13</p> <p>apply [5] 77/37 151/16 155/24 155/25 168/1</p> <p>applying [1] 155/15</p> <p>appreciate [6] 40/24 55/14 76/24 100/27 151/23 162/35</p> <p>approach [5] 20/1 23/36 24/26</p>	<p>28/14 41/16</p> <p>appropriate [2] 29/31 58/36</p> <p>appropriated [2] 150/6 150/9</p> <p>appropriately [1] 32/9</p> <p>appropriation [1] 150/7</p> <p>approval [28] 10/18 10/18 10/19 10/20 10/21 10/21 10/22 10/23 10/24 10/25 10/33 39/26 60/27 62/27 63/16 70/20 70/22 124/25 132/8 132/9 132/10 135/5 135/7 135/10 135/14 138/39 158/4 162/18</p> <p>approve [57] 10/32 11/9 11/20 11/23 12/5 12/19 13/1 37/30 48/28 48/38 57/28 60/21 61/8 61/22 63/7 63/24 64/19 67/11 67/21 67/24 69/8 70/29 71/24 75/12 75/14 92/34 95/1 95/7 101/9 107/22 107/29 108/19 123/31 124/7 131/40 132/2 134/15 139/12 139/15 139/19 139/22 139/26 140/5 140/8 140/22 140/28 145/28 145/34 148/31 148/37 149/29 152/1 152/6 153/37 157/10 157/17 162/11</p> <p>approve/disapprove [9] 60/21 95/1 107/22 139/15 140/22 145/28 148/31 152/1 157/10</p> <p>approved [22] 6/36 6/38 11/18 59/33 61/1 61/4 61/5 61/35 61/37 63/8 63/14 63/19 63/19 66/26 70/15 72/34 87/4 99/28 99/31 108/18 137/28 162/5</p> <p>approving [6] 62/1 62/1 63/13 63/13 134/32 137/2</p> <p>April [4] 3/2 25/27 110/30 178/12</p> <p>April 6th [1] 3/2</p> <p>arbitrarily [1] 83/18</p> <p>area [23] 8/13 8/29 22/9 28/26 31/37 52/22 52/25 52/32 53/18 53/22 53/28 53/39 54/3 94/4 94/5 94/6 95/22 96/8 96/38 154/13 163/31 172/9 174/21</p> <p>areas [14] 4/28 9/34 21/11 22/22 23/33 44/4 51/32 52/25 52/33 53/24 53/27 53/36 70/21 165/1</p> <p>aren't [13] 8/29 32/3 36/30 56/17 58/19 58/20 58/22 95/25 104/2 157/29 166/33 176/30 176/35</p> <p>Argenta [2] 50/33 55/28</p> <p>argue [1] 142/30</p> <p>arguing [1] 69/28</p> <p>argument [1] 67/20</p> <p>Arizona [1] 45/36</p> <p>arrangement [2] 108/8 108/22</p> <p>arrangements [1] 60/1</p> <p>art [24] 1/8 13/11 30/6 31/2 31/36 37/14 38/15 43/10 50/28 54/35 63/22 63/34 66/12 66/24 67/11 75/31</p>
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<p>A</p> <p>art... [8] 80/12 86/33 88/28 89/32 89/38 94/31 97/36 100/11</p> <p>Art's [1] 66/23</p> <p>ashamed [1] 159/13</p> <p>aside [2] 19/9 150/7</p> <p>aspect [3] 18/39 29/13 142/31</p> <p>aspects [1] 23/34</p> <p>assessment [2] 55/38 154/8</p> <p>assessments [1] 3/15</p> <p>assets [11] 95/17 95/21 95/26 95/28 95/36 95/38 96/10 96/36 99/12 128/24 155/10</p> <p>assigned [1] 75/38</p> <p>assist [4] 4/2 36/18 57/26 103/38</p> <p>assistant [1] 142/17</p> <p>associated [2] 25/9 35/34</p> <p>association [2] 2/40 3/8</p> <p>assure [1] 55/5</p> <p>assured [1] 20/33</p> <p>astronomical [1] 40/2</p> <p>AstroTurf [6] 24/29 24/36 24/38 25/10 26/37 26/40</p> <p>attach [2] 163/34 164/11</p> <p>attached [5] 150/29 153/34 154/29 163/37 164/1</p> <p>attempt [2] 65/32 65/32</p> <p>attempting [1] 9/21</p> <p>attend [8] 2/7 3/1 3/4 4/6 5/30 6/10 7/17 179/36</p> <p>attended [5] 2/4 5/1 5/30 5/40 6/29</p> <p>attending [2] 2/27 3/4</p> <p>attends [1] 3/3</p> <p>attention [1] 4/30</p> <p>attorney [8] 1/14 68/18 68/20 68/24 69/23 69/33 69/37 74/30</p> <p>Attorney's [1] 101/24</p> <p>attributes [1] 18/19</p> <p>audience [2] 14/16 32/11</p> <p>audio [3] 59/19 183/11 183/19</p> <p>AUDIO/VIDEO [2] 183/11 183/19</p> <p>audit [1] 5/2</p> <p>audited [1] 155/22</p> <p>augment [2] 159/37 161/25</p> <p>augmenting [1] 161/24</p> <p>August [1] 45/1</p> <p>AUMs [4] 3/31 3/32 3/34 52/20</p> <p>aunt [1] 45/34</p> <p>Austin [65] 1/18 1/22 4/7 4/20 14/26 38/37 38/40 112/37 139/18 139/25 140/7 152/3 152/3 152/7 152/8 153/39 153/40 154/7 154/12 154/18 154/19 154/21 154/21 154/33 154/34 163/31 164/28 164/34 165/2 165/22 165/28 165/29 165/40 166/1 166/6 166/14 166/17 166/22 166/28 166/39 167/27 167/38 167/40 168/15 168/31 168/37 169/23 170/4</p>	<p>170/8 170/13 170/27 171/9 171/17 171/24 172/26 172/39 173/7 178/19 178/23 178/32 178/35 179/6 179/8 182/17 182/40</p> <p>Austin's [2] 168/13 173/23</p> <p>authority [15] 61/10 61/23 61/32 64/33 65/33 69/10 69/15 70/16 70/21 70/32 71/18 72/22 72/37 84/34 106/25</p> <p>authorize [5] 103/6 105/22 125/37 151/19 155/28</p> <p>authorizing [1] 128/30</p> <p>automatic [2] 121/17 127/22</p> <p>automatically [1] 73/36</p> <p>availability [1] 51/33</p> <p>available [11] 3/8 6/3 10/10 10/11 19/7 33/31 45/16 59/19 130/21 172/2 172/3</p> <p>average [6] 26/13 26/14 27/21 94/20 117/39 126/4</p> <p>averaged [1] 117/39</p> <p>avoiding [2] 8/5 8/13</p> <p>awaiting [1] 110/39</p> <p>award [3] 124/14 124/20 132/1</p> <p>awarding [3] 107/23 107/29 124/7</p> <p>aware [8] 3/40 4/21 9/24 23/35 39/12 39/15 92/28 181/38</p> <p>away [16] 19/5 25/8 36/24 53/23 66/24 99/21 102/5 149/11 165/4 170/37 171/1 171/1 171/32 171/40 175/18 175/36</p> <p>awe [1] 36/27</p> <p>Ayala [1] 106/3</p> <p>aye [76] 10/38 10/40 11/1 11/2 11/3 11/13 11/14 11/15 11/16 11/17 11/40 12/10 12/11 12/12 12/13 12/28 12/29 12/30 12/31 13/5 13/6 13/7 48/11 48/12 48/13 48/14 48/15 59/6 59/7 59/8 59/9 59/10 88/8 88/9 88/10 88/12 88/15 88/17 88/20 136/1 136/2 136/3 136/4 140/16 140/17 140/18 140/19 145/21 145/22 145/23 145/24 148/22 148/23 148/24 148/25 151/31 151/32 151/33 151/34 155/35 155/36 155/37 155/38 156/27 156/28 156/29 162/22 162/23 162/24 162/25 173/15 173/16 173/17 182/15 182/16 182/18</p> <p>B</p> <p>background [2] 70/31 101/14</p> <p>backlash [1] 89/26</p> <p>backup [6] 149/16 152/23 160/30 163/29 163/30 167/33</p> <p>bad [3] 9/22 38/9 79/17</p> <p>badly [1] 8/30</p> <p>bait [3] 4/18 4/24 7/7</p>	<p>baiting [3] 4/12 4/22 4/27</p> <p>Bakker [1] 147/18</p> <p>Bakkers [1] 8/37</p> <p>balance [10] 11/10 66/18 97/2 98/30 151/4 151/7 151/12 155/3 155/11 155/17</p> <p>balances [4] 151/6 151/10 151/15 155/20</p> <p>ball [10] 16/21 16/28 21/27 21/29 21/30 28/32 28/34 31/26 33/4 33/40</p> <p>ballast [1] 24/32</p> <p>bar [9] 52/7 107/25 107/32 111/16 111/22 121/7 132/2 134/17 134/23</p> <p>bargaining [3] 71/2 71/3 75/1</p> <p>barn [2] 22/26 22/28</p> <p>barn-style [2] 22/26 22/28</p> <p>barreling [1] 8/40</p> <p>bartender [1] 111/26</p> <p>base [9] 6/11 16/29 16/38 17/12 20/12 26/25 167/25 167/35 181/19</p> <p>baseball [22] 15/22 15/27 16/18 16/27 16/40 17/17 17/29 17/37 17/37 19/9 30/1 33/2 33/9 37/28 39/1 41/21 41/27 41/29 42/34 43/27 44/1 44/37</p> <p>baseline [1] 168/2</p> <p>baselines [2] 21/18 165/34</p> <p>bases [3] 16/25 98/25 99/7</p> <p>basic [4] 128/35 170/32 176/32 181/23</p> <p>basin [1] 18/17</p> <p>basins [4] 18/25 18/27 18/31 18/37</p> <p>basis [2] 150/27 155/7</p> <p>basketball [2] 15/27 38/12</p> <p>batter [1] 20/15</p> <p>batting [1] 27/9</p> <p>Battle [39] 1/3 1/21 4/35 7/40 28/36 31/4 32/39 34/23 37/18 41/22 45/13 46/2 46/3 46/3 52/17 55/30 145/29 145/35 146/7 164/8 164/27 165/26 165/31 165/40 166/16 166/20 166/31 166/38 167/9 167/27 167/30 167/37 167/40 168/12 168/22 170/6 172/39 178/34 182/40</p> <p>bear [3] 20/29 53/38 72/7</p> <p>beautiful [1] 33/21</p> <p>Beca [1] 109/33</p> <p>became [1] 115/4</p> <p>because most [1] 8/12</p> <p>Because some [1] 30/36</p> <p>beer [7] 102/31 103/32 111/29 118/24 175/16 175/29 175/37</p> <p>beers [1] 175/32</p> <p>begin [5] 4/12 73/3 73/5 73/13 111/33</p> <p>beginning [4] 47/4 154/24 163/39 181/33</p> <p>behalf [3] 74/36 109/21 161/30</p>	<p>behind [4] 4/9 17/38 54/33 180/28</p> <p>believe [22] 50/19 50/20 52/13 68/18 75/19 79/30 90/5 92/23 92/25 92/35 93/4 93/4 108/17 121/36 126/9 147/13 149/1 160/1 166/13 166/15 167/32 177/18</p> <p>believes [2] 56/32 150/33</p> <p>beloved [1] 28/34</p> <p>bend [1] 59/35</p> <p>benefit [1] 70/3</p> <p>benefiting [1] 44/13</p> <p>benefits [2] 44/15 63/36</p> <p>Bert [10] 4/25 42/12 157/21 157/24 159/6 159/24 161/24 165/19 165/20 171/6</p> <p>Bert's [1] 167/8</p> <p>best [12] 16/14 24/27 37/24 37/25 41/16 51/13 57/22 94/5 94/6 97/1 157/34 157/36</p> <p>bet [3] 23/1 26/12 178/21</p> <p>better [8] 33/15 45/40 50/24 50/25 51/32 110/31 127/37 132/11</p> <p>bid [18] 27/23 27/25 27/26 27/27 27/35 111/33 124/12 157/28 157/28 157/31 157/33 157/33 157/36 158/5 159/16 159/26 159/40 160/4</p> <p>bidder [3] 107/24 107/31 124/11</p> <p>bids [2] 27/17 160/20</p> <p>big [25] 8/39 16/30 18/23 23/29 30/4 34/23 36/16 44/11 45/6 45/15 45/39 51/23 54/21 55/26 58/18 63/8 66/9 142/12 161/14 164/31 165/11 169/33 169/33 174/7 179/2</p> <p>bigger [4] 31/31 36/40 43/20 129/22</p> <p>biggest [2] 5/5 25/6</p> <p>bill [17] 6/32 6/35 28/27 59/25 59/31 67/17 95/18 95/21 95/30 96/6 96/10 96/27 96/39 98/30 122/12 167/22 167/24</p> <p>billed [2] 97/2 99/15</p> <p>billets [1] 10/24</p> <p>billing [5] 166/25 167/10 170/18 170/21 172/37</p> <p>bills [8] 10/25 11/10 12/5 61/37 63/18 66/25 67/11 72/13</p> <p>bind [2] 34/39 35/27</p> <p>bit [22] 2/26 3/17 5/24 22/24 30/39 31/17 31/27 31/30 36/24 37/23 39/17 56/26 56/30 57/26 78/31 83/17 158/39 158/39 164/39 171/19 177/16 179/16</p> <p>black [1] 9/22</p> <p>blame [1] 76/28</p> <p>blinking [1] 8/24</p> <p>BLM [33] 2/7 2/11 4/11 6/13 6/38 7/8 50/12 50/17 50/27 50/29 50/35 51/25 56/3 57/2</p>
--	---	--	---

<p>B</p> <p>BLM... [19] 57/5 108/8 108/18 111/3 111/9 111/40 112/33 113/29 113/30 114/31 116/31 119/3 122/12 131/32 132/11 132/21 134/32 135/6 138/39 BLM's [3] 112/32 116/33 124/24 block [1] 54/17 blocks [1] 27/3 board [66] 1/1 1/21 1/22 3/5 3/10 3/13 4/2 7/17 7/19 7/21 10/5 10/7 27/22 32/40 38/2 38/32 44/28 61/30 61/33 63/7 63/9 63/10 64/4 65/5 68/21 70/17 70/28 72/33 73/18 73/35 75/3 75/19 76/26 77/29 79/13 84/30 84/35 86/18 87/4 91/6 96/22 100/32 100/35 100/37 100/39 100/39 107/4 107/6 107/10 107/11 149/33 150/9 150/17 150/26 150/32 152/12 153/38 166/19 179/36 179/38 179/39 181/20 182/29 182/31 182/39 182/39 board's [2] 63/29 64/24 body [1] 1/36 bolts [1] 28/18 book [2] 86/32 112/14 books [2] 60/36 146/3 booted [1] 39/14 booth [2] 21/22 21/23 bother [2] 72/12 72/12 bought [1] 52/32 bound [1] 70/35 boundary [1] 15/39 boxes [1] 20/15 breach [2] 37/30 109/29 break [13] 1/34 13/10 13/13 17/10 48/22 48/26 52/36 88/29 93/20 98/11 98/14 99/36 100/6 breakdown [3] 15/25 27/12 168/22 breaking [2] 89/7 157/29 breaks [2] 27/16 54/8 Brew [1] 8/38 Brian [1] 67/14 bridge [1] 18/33 brief [2] 15/24 93/33 briefly [1] 60/39 bring [28] 4/30 18/16 23/8 23/12 24/26 27/18 27/37 30/30 32/24 45/22 45/25 46/3 46/7 46/8 46/9 46/12 52/24 52/34 74/2 74/10 77/29 93/1 122/30 123/36 141/9 160/39 177/17 177/21 brings [1] 70/13 broad [3] 7/38 8/7 15/10 broke [1] 129/13 broken [2] 35/7 36/4 brought [14] 15/16 16/14 36/22 38/15 41/9 46/5 55/36 66/1 73/3 73/18 73/31 73/35 74/1 146/19</p>	<p>Broyles [6] 7/35 7/38 8/3 8/13 8/36 9/35 BRYAN [25] 1/10 1/24 11/7 30/14 30/24 31/16 36/31 46/1 46/20 63/21 64/1 66/29 67/12 67/28 75/25 85/29 87/9 114/3 140/12 145/17 148/17 155/31 156/22 162/17 174/14 Bryan's [2] 11/35 11/36 buck [1] 77/20 budget [63] 5/2 19/11 23/28 28/6 28/11 61/5 61/36 63/13 63/14 63/15 64/19 66/27 67/21 67/24 68/32 68/33 68/35 68/39 69/1 69/4 69/7 70/15 70/23 71/13 71/16 71/24 71/26 72/7 72/19 72/39 78/20 78/22 78/33 79/4 79/24 79/37 80/2 80/5 80/22 80/29 81/23 82/21 83/24 83/26 83/27 92/33 92/35 93/2 152/12 156/2 156/5 157/38 159/31 159/36 159/37 159/38 160/4 161/24 161/25 162/5 176/20 181/11 181/14 budgetarily [1] 40/39 budgeted [5] 38/28 78/39 159/34 159/39 160/22 budgeting [1] 160/26 budgets [7] 34/39 78/28 84/26 92/34 93/1 161/40 162/2 Buffalo [1] 177/39 build [4] 28/35 38/35 39/33 155/9 building [17] 1/3 8/14 31/22 38/7 39/36 47/34 80/19 108/18 117/18 123/13 123/37 123/38 125/31 127/9 127/11 134/29 134/31 built [4] 36/40 39/20 39/21 161/16 bulk [1] 169/33 bullet [1] 178/16 bump [1] 60/9 bunch [8] 18/23 26/2 53/35 160/38 160/39 166/32 168/21 174/38 burden [1] 150/2 bureau [6] 48/30 48/40 56/14 177/35 177/38 178/1 burn [1] 53/40 business [26] 32/10 67/23 71/25 101/18 102/2 102/3 102/5 107/16 110/21 110/24 118/32 118/38 120/33 132/34 134/17 155/5 163/31 165/10 166/32 166/34 166/39 170/10 172/28 172/32 176/4 176/12 businesses [9] 165/25 165/30 166/11 166/16 166/38 170/9 172/31 172/35 175/20 busy [1] 60/9 button [2] 105/40 147/25 buy [6] 3/29 97/17 97/37 102/30 108/24 114/35 buyer [2] 52/28 52/29</p>	<p>buying [2] 102/5 110/40 bypass [1] 52/1</p> <p>C</p> <p>C.C.R [1] 1/5 C2 [2] 14/37 18/40 cabinet [1] 158/30 Cadillac [2] 13/40 14/6 Cadillacs [2] 13/40 14/7 cages [1] 27/9 calculate [2] 97/31 173/2 calculation [1] 157/26 calculations [2] 26/15 158/24 calculator [1] 98/19 California [2] 4/36 45/37 call [15] 1/23 7/40 9/8 15/6 16/28 19/20 19/20 27/2 52/26 52/29 59/37 59/40 74/37 173/14 181/29 called [3] 9/1 149/37 163/15 calling [2] 4/13 128/25 calls [2] 4/15 180/11 Calm [1] 66/31 candy [1] 123/31 candy [1] 25/10 cans [1] 111/29 car [5] 8/39 9/4 9/9 31/25 175/36 card [1] 140/38 care [17] 3/11 3/15 8/9 38/19 44/40 64/23 64/39 64/40 75/9 95/34 95/35 95/36 95/38 127/36 148/5 168/25 168/26 care if [1] 168/26 Carlin [1] 46/10 carpeting [1] 127/15 carrier [1] 96/28 carry [2] 151/13 155/18 carrying [2] 151/7 155/11 carts [1] 131/15 case [7] 4/31 42/36 66/24 72/10 103/17 150/34 161/16 cases [1] 91/20 cast [1] 74/27 Castellano [2] 32/20 32/22 categorical [1] 51/40 caterer [1] 104/18 catering [6] 102/36 104/17 104/17 174/28 174/29 176/28 cattle [9] 51/7 51/10 51/13 52/33 53/26 53/35 53/37 53/39 54/8 caught [2] 36/27 36/39 cause [3] 8/10 106/31 133/8 causes [1] 54/21 caution [1] 39/24 CBA [3] 70/36 70/38 85/1 CBAs [1] 70/35 CCP [2] 161/39 162/6 CCR [1] 183/27 Cell [1] 83/12 cent [1] 79/1 center [16] 4/37 20/9 20/23 22/4 22/8 27/3 46/5 121/21 145/30 145/35 146/8 146/23 147/2 147/19 176/34 178/10</p>	<p>central [1] 141/37 centralized [1] 142/14 cents [4] 78/37 78/38 170/8 173/8 certain [7] 4/23 53/39 68/36 70/21 135/13 176/23 180/18 certainly [9] 26/31 36/28 36/33 41/18 49/9 55/6 70/26 72/20 125/20 certified [4] 126/11 126/12 126/24 183/7 CERTIFY [1] 183/9 CFR [2] 48/31 49/1 chain [2] 66/7 66/7 chains [1] 19/38 chair [11] 10/31 10/31 37/4 74/32 74/32 88/1 151/19 151/20 151/21 155/28 155/28 chairing [1] 77/13 Chairman [3] 88/27 182/28 182/28 chairs [1] 127/29 challenge [2] 33/18 34/13 Chamber [1] 112/37 chambers [3] 1/2 46/17 47/2 chance [4] 95/30 97/1 107/38 125/12 chances [1] 95/27 change [44] 23/33 33/35 54/34 60/40 62/26 63/7 63/26 63/27 63/28 65/16 65/34 66/6 66/7 67/8 67/9 67/35 67/37 69/11 69/14 72/21 75/17 77/37 82/23 86/2 87/17 90/31 102/17 106/35 110/10 125/19 129/30 137/32 157/11 157/17 157/22 157/30 158/13 158/14 158/20 158/32 158/34 162/12 172/33 175/38 changed [9] 65/39 65/40 66/7 69/29 73/4 123/39 137/27 172/6 177/19 changes [14] 50/23 50/36 55/16 57/27 57/29 60/22 60/28 61/27 62/6 77/27 119/33 129/27 131/33 172/40 changing [3] 60/37 134/29 166/26 channel [1] 4/40 chapter [1] 150/16 character [3] 90/7 90/40 91/2 charge [5] 10/11 165/8 166/36 167/14 167/14 charged [2] 166/38 166/39 charges [2] 155/8 170/6 cheatgrass [4] 51/23 51/28 53/34 54/3 check [9] 10/12 11/21 12/19 69/4 76/18 102/38 103/5 127/27 127/30 checked [3] 76/16 85/25 141/38 checkerboard [2] 54/11 55/6 checks [3] 11/6 11/23 63/20 chemicals [1] 160/38 chicken [1] 166/2</p>
---	--	--	---

<p>C</p> <p>children [1] 147/9 Cho [1] 7/35 choose [5] 67/31 78/25 78/31 84/7 176/6 chosen [1] 33/22 chunk [3] 31/14 92/19 165/14 Cindy [6] 79/14 80/35 80/35 80/36 82/2 106/3 circled [1] 18/29 circumstance [2] 53/19 53/19 citizen [1] 10/7 citizens [5] 46/26 91/18 147/8 165/24 171/16 city [6] 2/30 31/21 31/35 40/16 98/40 161/6 civic [1] 176/34 claim [3] 4/22 160/33 181/5 clarif [1] 93/28 clarification [16] 70/8 88/2 93/28 93/36 94/17 95/2 95/7 95/10 95/32 96/22 98/4 98/7 99/22 99/35 161/22 161/23 clarifications [1] 96/7 clarify [3] 91/10 159/24 160/17 CLARK [4] 1/8 2/24 26/9 26/32 clause [4] 109/29 115/40 133/26 137/33 clean [5] 109/35 125/31 125/38 125/40 126/31 cleaned [2] 121/7 125/27 cleaning [5] 125/22 125/25 125/36 125/37 127/3 cleans [1] 126/21 clear [9] 52/8 83/6 93/1 93/35 95/19 136/11 136/21 136/36 173/13 clearly [3] 3/25 76/30 76/32 clerk [7] 1/13 78/18 84/1 88/34 180/4 182/35 183/17 Clerk's [2] 10/10 115/17 clerks [1] 180/37 Click [1] 83/14 client [1] 39/21 climb [1] 18/33 close [6] 9/9 30/31 38/31 96/33 111/39 131/24 close in [1] 131/24 closed [4] 74/39 75/1 78/12 174/39 closer [1] 51/31 closest [1] 76/14 closing [5] 3/18 85/2 150/3 150/14 150/35 Closure [3] 177/37 177/40 178/3 club [4] 104/39 108/22 112/5 131/11 clubhouse [7] 28/39 112/5 121/40 128/10 128/10 128/18 131/29 CMU [1] 27/2 co [2] 25/29 150/8 coach [3] 32/40 36/11 41/22 coached [1] 44/11</p>	<p>coat [1] 25/10 code [10] 60/22 60/28 66/4 67/35 69/24 73/5 73/11 89/2 103/8 103/8 codes [1] 66/5 coding [1] 17/11 codings [1] 181/3 coexist [1] 23/22 coincide [1] 19/29 coincides [1] 28/14 collect [7] 108/5 109/21 116/10 134/19 137/15 137/37 165/22 collected [1] 131/12 collecting [3] 134/37 136/14 136/20 collection [2] 118/27 154/8 collective [3] 70/40 71/1 74/40 color [2] 17/11 20/13 com [2] 126/15 168/13 combination [3] 20/17 21/36 94/7 combined [3] 1/35 154/3 168/14 Comm [1] 98/4 comma [1] 56/27 comment [49] 6/15 7/12 7/14 7/19 7/22 7/24 8/33 9/39 9/40 15/5 31/11 31/16 32/19 37/15 37/16 41/19 49/14 49/30 49/32 50/4 62/9 62/38 68/7 74/14 74/16 75/29 82/32 91/31 105/27 121/19 140/14 142/27 144/20 145/19 148/19 151/29 155/33 156/25 162/20 162/27 177/23 179/18 179/22 179/31 179/33 179/38 180/1 180/3 181/40 comments [27] 7/16 7/17 7/18 7/21 15/11 35/40 39/3 48/29 48/32 48/39 49/3 49/6 49/14 49/17 49/26 49/28 50/26 56/20 61/26 62/18 78/19 82/31 149/14 179/35 179/36 179/37 179/40 commercial [3] 167/25 168/13 168/15 commission [26] 1/2 5/35 5/37 13/26 14/4 22/14 23/9 23/40 24/14 27/39 28/17 29/22 29/23 38/2 46/17 47/2 48/17 49/27 58/35 68/28 73/3 73/23 73/32 98/13 127/29 130/28 commission's [1] 107/38 commissioner [44] 1/7 1/8 1/9 1/10 1/11 2/1 36/31 37/23 38/36 46/17 47/2 54/29 57/29 60/26 64/27 65/25 67/27 69/31 71/24 71/33 75/10 75/20 75/34 76/9 77/5 78/10 87/31 90/29 93/19 94/22 98/21 103/13 108/7 108/23 111/12 112/3 112/29 115/22 121/35 124/2 142/23 143/31 148/10 149/3 commissioners [55] 1/1 1/18</p>	<p>1/22 1/33 3/1 10/6 15/1 47/39 48/28 49/24 49/32 49/37 57/33 57/40 61/1 61/4 61/30 63/10 63/37 66/1 66/8 68/25 69/35 73/13 76/26 76/40 79/14 92/32 99/13 100/32 100/38 100/40 106/24 107/6 107/11 108/29 110/40 141/7 142/17 149/33 150/9 150/18 150/26 150/33 153/39 154/15 154/17 154/20 163/19 163/25 173/34 173/38 177/33 182/30 182/39 commissioners' [2] 2/3 62/27 committee [2] 2/38 50/16 common [1] 165/1 community [22] 13/38 14/1 15/3 15/8 15/24 16/37 29/36 30/28 30/30 31/13 31/13 32/9 32/34 36/34 37/6 37/22 38/32 41/38 44/9 44/15 46/25 48/6 company [6] 94/2 96/36 126/12 126/17 126/24 127/2 compare [2] 40/1 140/33 compared [1] 168/13 comparing [1] 155/22 comparison [1] 21/38 comparisons [1] 46/24 compensate [2] 108/5 134/21 compensation [1] 109/21 competency [1] 90/7 complete [1] 62/4 completed [2] 3/20 162/3 completely [10] 25/8 54/23 74/35 74/37 98/16 102/19 136/13 149/16 160/21 165/4 complex [29] 3/20 13/18 13/23 13/38 14/36 15/20 15/21 15/29 15/38 16/5 16/8 16/10 16/36 17/24 20/9 23/18 24/27 25/12 25/19 27/28 31/22 31/26 33/21 37/30 38/7 38/18 40/33 41/13 42/10 complexes [2] 15/16 39/37 compliance [1] 84/4 complication [1] 42/7 complications [2] 40/15 41/10 component [2] 21/11 41/8 components [1] 46/32 composed [1] 100/39 compound [1] 24/24 comprehensive [1] 155/22 computer [3] 14/14 14/17 16/14 con [2] 51/28 150/21 conceivable [1] 70/26 concentrate [1] 53/39 concept [1] 28/38 concern [12] 7/37 9/17 30/27 30/31 33/9 38/30 44/11 44/14 45/6 51/24 68/22 103/31 concerned [9] 8/19 20/18 33/30 33/33 35/27 54/28 71/26 71/29 97/4 concerns [6] 5/17 15/12 18/35 30/13 33/1 176/36</p>	<p>concession [6] 20/11 20/17 20/23 24/10 24/15 27/1 concise [1] 93/1 concrete [5] 19/24 22/2 27/2 27/3 27/5 condition [5] 41/27 41/30 43/40 149/34 150/27 conditions [4] 51/7 109/30 109/30 139/4 conference [4] 2/16 3/1 3/6 180/11 conferences [2] 2/4 6/29 confidential [4] 142/15 142/19 142/31 181/6 confidentiality [4] 142/10 142/34 145/1 145/5 confidentially [1] 141/25 confirming [1] 89/5 conflict [3] 5/27 5/29 115/29 conflicts [1] 17/31 connect [2] 169/15 172/3 connected [2] 168/39 169/4 connection [5] 154/37 155/14 163/31 168/40 169/11 consent [6] 10/1 10/3 10/4 10/8 10/9 10/16 consider [4] 90/39 116/21 117/8 124/36 considerably [1] 118/12 consideration [5] 1/35 26/4 36/18 40/6 45/15 considered [6] 10/4 24/6 51/26 51/28 56/33 115/24 considering [2] 73/4 91/2 consistent [2] 68/26 69/32 consolidate [1] 30/1 consolidated [1] 54/17 conspicuous [2] 103/3 103/18 conspicuously [1] 103/23 constant [1] 8/1 constructing [1] 68/31 construction [6] 33/11 33/12 33/30 33/32 36/15 36/17 consume [1] 53/29 consuming [1] 51/35 contact [1] 139/2 contacted [2] 3/39 62/29 contained [6] 60/23 60/28 67/35 135/17 136/33 141/22 container [3] 174/39 175/35 175/35 containers [1] 102/30 contains [1] 137/14 contingencies [1] 161/15 contingency [1] 161/19 contingent [4] 132/7 134/31 154/39 154/40 continuation [1] 157/28 continue [10] 17/33 36/19 37/5 44/7 47/10 50/38 53/30 85/21 148/14 154/10 continuing [2] 38/5 155/7 contract [40] 52/26 52/29 52/36 70/21 78/29 79/9 84/4 84/27 94/2 108/10 114/27 114/27 114/38 115/5 115/11</p>
---	---	--	--

<p>C</p> <p>contract... [25] 115/23 115/27 120/25 132/1 132/12 132/40 133/21 133/25 133/27 133/40 134/15 134/30 134/34 134/35 134/40 135/6 135/9 135/31 136/33 137/7 137/13 138/4 139/28 139/30 139/31 contract's [1] 137/22 contractor [1] 6/18 contractors [1] 157/33 contracts [3] 83/17 83/18 132/19 contribution [1] 150/21 control [4] 68/34 71/22 104/12 181/8 controlled [1] 22/24 convene [1] 100/38 CONVENED [1] 100/35 convenient [1] 154/9 Convention [2] 5/26 5/28 conversation [1] 131/5 conversations [1] 135/28 Cookhouse [1] 4/37 cool [1] 42/3 coordinate [1] 181/2 coordinating [1] 4/27 copies [5] 10/11 49/14 49/19 61/28 140/32 copy [10] 56/23 58/21 87/10 112/20 137/17 140/34 141/16 147/14 147/34 153/9 corner [2] 18/21 21/22 corporate [1] 97/27 correct [34] 39/7 61/36 66/22 73/21 73/23 73/39 76/8 94/8 98/22 99/1 108/28 122/9 122/10 149/3 152/17 156/8 158/10 158/16 159/12 159/26 160/5 160/10 160/24 161/22 161/24 162/8 164/18 164/20 169/21 170/15 173/6 173/8 173/9 183/17 corrected [3] 57/26 146/18 152/20 corrections [1] 56/24 correctly [3] 73/15 94/1 177/11 correspondence [7] 177/25 177/25 177/29 177/30 177/32 179/19 179/24 corridor [1] 54/12 Cortez [1] 59/24 Cory [2] 41/21 44/31 cost [29] 22/18 25/2 25/31 25/34 26/1 27/8 27/11 27/15 27/16 28/16 34/33 34/37 34/40 35/17 35/20 35/34 36/28 36/35 39/37 39/38 40/29 84/26 84/30 92/16 134/25 165/11 165/36 166/31 168/31 costing [1] 166/20 costly [1] 51/35 costs [19] 21/14 22/18 23/28 25/13 25/16 25/31 27/13</p>	<p>38/15 38/27 46/24 46/30 46/30 46/31 47/6 48/5 117/7 118/35 134/22 134/27 couldn't [6] 4/17 56/18 115/10 115/10 163/2 171/19 coun [2] 76/14 115/24 council [1] 31/21 councilman [1] 31/35 counsel [1] 69/26 Counselor [2] 69/22 70/7 counties [8] 3/1 3/21 62/26 62/29 76/14 76/17 175/3 178/13 countless [2] 102/25 158/29 country [1] 99/8 county [214] 1/1 1/2 1/12 1/13 1/22 1/33 2/25 2/36 2/37 3/14 4/26 10/5 10/10 13/17 13/21 16/33 16/34 17/33 23/27 23/30 24/22 29/6 29/16 29/21 30/40 31/18 31/28 35/33 37/21 38/34 39/5 39/9 39/28 42/13 42/15 42/16 42/20 44/27 44/38 49/16 49/23 49/24 50/1 50/18 50/22 50/31 52/7 56/31 57/29 58/34 58/35 60/21 60/22 60/26 60/28 61/1 61/4 61/30 62/27 63/10 64/16 65/3 65/17 65/29 67/32 67/32 67/35 68/24 68/27 68/29 68/31 69/33 69/34 70/10 71/13 72/18 73/5 73/10 73/13 73/33 77/27 78/18 84/1 86/17 88/34 89/2 90/12 91/32 92/32 94/5 95/1 97/37 98/29 98/29 98/30 99/10 100/32 100/35 100/38 100/39 100/39 100/40 101/2 101/5 106/24 107/4 107/6 107/10 107/11 107/22 107/28 108/10 108/17 109/21 109/28 111/2 111/24 111/28 114/28 114/33 114/39 114/39 115/6 115/20 115/24 116/24 118/10 118/11 118/15 120/11 121/20 123/38 126/27 127/19 127/26 127/34 128/14 128/23 128/23 128/31 128/39 133/7 134/19 134/20 134/24 134/40 135/5 136/14 139/15 139/19 139/19 139/26 139/27 140/8 140/9 140/22 140/23 140/26 140/29 141/26 141/28 141/38 142/16 142/17 145/28 145/32 146/22 147/1 147/2 147/18 148/31 148/35 149/8 149/20 149/32 149/33 149/35 149/39 149/40 150/2 150/3 150/6 150/8 150/9 150/10 150/11 150/17 150/26 150/32 150/35 152/1 152/5 153/38 154/3 154/14 154/17 154/20 156/1 156/4 157/36 173/35 173/39 174/22 177/33 178/10 178/12 180/4 180/38 182/29 182/31 182/35 182/39 183/3 183/17 county's [9] 24/34 25/31 29/12</p>	<p>50/14 68/23 68/32 121/10 136/22 136/33 couple [16] 2/15 2/20 4/9 7/6 36/32 37/6 47/8 49/20 49/28 51/4 55/16 56/24 78/19 84/3 149/9 169/30 course [37] 2/16 3/2 3/12 19/36 24/13 24/23 25/40 28/28 28/31 28/38 29/8 36/20 56/25 57/17 68/28 78/25 107/24 107/30 109/28 109/40 110/16 112/6 114/16 116/29 118/18 122/11 124/10 127/14 131/8 131/11 132/1 134/16 136/14 138/14 145/4 149/7 174/35 course's [1] 137/23 court [6] 93/9 142/8 142/8 145/1 145/1 183/7 Courthouse [1] 1/3 courts [2] 19/10 19/14 cover [12] 56/11 78/34 79/31 94/21 96/39 101/34 118/9 120/35 134/22 134/24 159/37 174/10 coverage [8] 94/6 95/3 95/9 95/14 96/26 97/36 98/24 99/3 covered [10] 95/15 95/24 95/36 95/38 96/29 96/38 98/30 98/33 135/8 149/15 covering [2] 118/2 118/3 covers [4] 99/10 101/38 101/40 102/19 cow [2] 30/8 53/36 cows [3] 52/10 52/18 53/13 crazy [4] 93/2 180/10 181/28 181/36 create [11] 29/15 29/34 39/30 54/1 54/4 65/5 150/18 152/2 152/7 152/10 154/20 created [5] 16/16 41/15 61/4 150/1 154/33 creates [3] 21/15 54/7 79/7 creating [2] 21/14 153/39 credit [4] 140/38 158/33 158/34 159/20 creeks [1] 53/24 crew [2] 14/8 94/3 cricket [1] 7/7 crickets [6] 4/8 4/14 4/20 4/23 4/29 7/4 criteria [2] 29/14 149/36 critical [2] 55/24 180/18 cross [2] 8/19 159/19 crucial [1] 180/39 cuff [3] 23/6 26/26 36/14 culpable [1] 139/3 curing [2] 151/9 155/13 curious [3] 28/40 31/19 53/12 current [26] 17/4 19/17 19/26 19/27 21/23 21/32 22/18 23/5 23/16 25/19 27/31 29/9 36/1 36/9 40/34 41/24 41/26 86/16 99/14 150/13 158/31 163/19 163/26 163/30 165/31 167/38 currently [18] 7/37 15/39</p>	<p>19/11 19/19 19/35 22/1 23/14 24/20 25/15 40/35 101/33 101/37 160/31 164/1 164/17 166/9 171/17 181/32 curve [1] 4/9 cushion [1] 79/19 customer [3] 165/27 165/29 168/25 customers [4] 163/22 163/28 164/10 165/24 cut [9] 18/8 36/35 47/6 47/23 47/28 47/29 52/19 159/20 167/6 cutting [1] 98/2 CX [5] 55/36 55/37 55/39 56/1 56/7 cyber [1] 181/5</p> <hr/> <p>D</p> <p>D.C [2] 6/31 59/22 D2 [2] 17/9 17/14 D3 [1] 17/14 DA [1] 75/12 DA's [7] 65/30 65/31 77/16 141/27 141/38 141/40 142/20 damage [1] 8/10 Dan [3] 51/21 53/11 55/36 dangerous [3] 8/22 9/4 9/7 date [8] 25/13 109/9 121/15 123/25 156/1 156/5 163/39 178/37 DATED [1] 183/22 Dave [1] 99/39 Davis [2] 37/18 183/3 Dawnette [1] 44/26 days [5] 22/23 134/27 174/33 181/21 181/26 days' [1] 78/13 dba [3] 107/24 107/31 132/1 De [2] 32/37 32/38 dead [1] 36/15 deal [14] 3/12 38/9 38/21 58/18 61/36 65/35 80/36 109/27 111/40 113/6 118/34 122/7 123/27 142/12 decade [1] 25/36 December [2] 10/21 10/22 December 19 [1] 10/22 December 5 [1] 10/21 decent [1] 160/34 decide [5] 3/28 47/9 92/36 130/40 152/12 decided [4] 31/12 44/32 66/7 127/29 decides [2] 3/29 84/32 decision [8] 2/29 3/23 29/10 64/24 68/35 77/19 92/29 92/38 decisions [6] 36/30 44/17 65/13 177/37 177/40 178/3 deck [14] 20/10 20/10 20/39 21/1 21/3 21/4 21/7 21/15 21/20 21/37 22/3 22/5 22/22 27/6 decking [1] 27/6 decrease [3] 21/28 172/25</p>
--	---	---	--

<p>D</p> <p>decrease... [1] 172/34 deeply [1] 9/18 defender [1] 143/11 defense [1] 158/27 defer [10] 140/40 141/12 142/24 142/35 145/14 145/16 146/6 148/13 148/16 148/20 deferred [1] 141/6 deferring [1] 148/26 deficiencies [4] 151/7 151/9 155/11 155/13 defined [1] 5/19 definit [1] 110/10 definitely [12] 24/25 26/30 32/33 36/18 44/10 49/37 55/23 63/40 106/36 120/21 143/30 161/10 definitive [1] 22/18 delay [1] 6/21 delayed [1] 171/10 delays [1] 16/15 delegated [1] 70/16 delicate [1] 131/3 delivery [1] 154/11 demands [1] 142/9 denied [1] 70/24 Denise [7] 91/8 91/9 91/13 91/39 93/14 93/15 93/17 Denise's [1] 71/22 deny [4] 69/14 69/19 84/5 84/9 department [33] 2/22 2/23 4/7 4/10 4/21 4/25 7/5 25/32 61/14 65/6 65/7 65/10 65/17 68/32 69/13 70/19 70/21 72/32 72/36 141/20 141/20 141/21 141/31 141/37 142/3 142/6 142/16 142/32 142/33 150/23 177/35 177/38 178/1 dependent [1] 149/39 depending [3] 24/39 125/6 134/28 deposited [2] 150/36 154/35 depreciation [1] 155/6 deputies [1] 9/1 deputy [3] 9/8 68/20 75/12 derived [1] 150/16 description [2] 67/22 75/14 descriptions [2] 75/13 75/15 descriptively [1] 28/16 desert [1] 51/31 design [33] 15/7 15/8 15/13 16/20 18/30 19/2 19/17 19/24 19/27 19/35 20/19 20/26 20/30 21/17 21/24 21/32 22/12 22/16 23/3 23/31 24/38 25/38 26/15 27/31 29/11 29/14 31/38 38/23 39/22 40/1 41/9 41/14 159/14 designed [6] 16/32 18/3 19/19 19/32 22/2 43/7 designer [1] 14/12 designs [1] 20/21 despite [1] 73/36 detail [1] 36/33</p>	<p>details [1] 158/35 detention [4] 18/17 18/27 18/31 18/36 determination [4] 29/26 72/38 151/11 155/16 determine [7] 3/35 70/31 117/26 150/26 151/6 151/10 151/15 determined [4] 117/21 151/1 154/15 154/17 determining [1] 155/20 development [3] 28/15 56/34 161/6 dictates [1] 86/39 difference [7] 98/27 99/9 165/26 165/29 165/39 170/7 170/11 differences [1] 40/2 different [41] 2/9 2/27 3/1 4/9 4/28 5/39 6/3 6/33 9/24 13/35 14/3 14/3 14/5 18/11 29/35 31/27 39/38 42/11 45/16 46/11 52/34 61/38 67/11 86/39 104/20 106/22 108/36 113/20 119/40 120/5 123/40 127/33 129/10 142/14 165/35 166/36 167/14 175/21 176/20 176/27 181/30 differentiate [1] 172/39 difficult [3] 151/6 151/10 151/15 DIGITAL [1] 183/11 direct [2] 62/5 87/18 direction [8] 7/20 13/19 13/23 29/5 30/11 51/27 83/4 144/39 directions [1] 181/31 directly [2] 49/26 168/1 director [1] 2/12 dirt [7] 122/23 157/26 158/8 158/8 158/9 159/17 159/21 dis [2] 7/18 155/2 disagree [1] 78/25 disapproval [3] 60/27 70/20 70/23 disapprove [22] 60/21 69/8 70/29 88/5 95/1 95/7 107/22 107/29 123/32 123/33 139/15 139/23 140/22 140/28 145/28 145/34 148/31 148/37 152/1 152/6 157/10 157/17 discharge [2] 21/7 161/3 discharges [1] 18/25 discharging [3] 18/20 160/32 160/36 discount [1] 97/38 discovered [2] 66/3 77/34 discretion [4] 7/19 179/38 179/39 182/2 discuss [11] 7/2 48/28 48/39 59/25 62/12 75/2 90/7 105/15 105/19 149/26 149/28 discussed [11] 10/8 27/33 36/23 74/28 74/32 74/34 75/4 75/7 91/20 95/13 156/11 discussing [2] 92/6 105/25 discussion [27] 5/14 7/18 10/6</p>	<p>15/10 15/40 18/15 24/22 29/28 29/29 29/32 31/9 39/30 42/31 94/24 108/29 112/30 122/24 122/26 140/13 145/18 148/18 151/28 155/32 156/24 162/19 177/22 179/37 discussion's [1] 29/27 diseases [1] 52/34 disperse [1] 39/5 disposition [3] 151/3 151/5 155/2 disqualifiers [1] 101/22 disregard [1] 67/32 dissatisfied [1] 70/25 disservice [1] 39/35 dissolution [1] 154/2 dissolve [1] 86/19 dissuade [1] 53/10 distributed [1] 150/23 distribution [1] 154/10 district [24] 1/14 4/8 15/37 24/35 38/3 38/5 39/4 39/7 39/13 42/14 68/18 68/20 68/24 69/23 69/33 69/37 74/30 101/24 142/8 142/8 154/4 154/4 163/21 163/28 ditches [1] 52/7 DMV [1] 181/35 do have [1] 81/17 do you [1] 108/31 doable [1] 113/35 dog [1] 27/37 dollar [6] 117/6 122/11 158/18 167/4 167/34 168/27 dollars [16] 13/32 19/13 25/37 36/26 37/37 38/4 38/29 51/39 69/2 97/12 114/6 127/28 162/14 168/4 170/23 181/7 door [1] 22/26 doors [2] 22/29 22/29 DOT [3] 9/22 9/23 9/29 doubt [2] 35/37 43/4 draft [4] 6/13 56/14 140/35 147/14 draw [2] 31/28 31/31 drawing [1] 38/32 drill [1] 57/16 drink [6] 102/9 102/14 102/29 103/33 175/17 175/32 drinking [4] 102/39 175/10 176/30 176/35 drinks [1] 134/9 drips [1] 21/8 drive [4] 32/25 175/18 175/29 175/36 driver's [1] 145/2 driving [1] 175/10 drop [5] 116/18 123/20 170/9 176/39 181/29 drought [1] 51/12 drug [1] 145/1 drugs [1] 38/10 dry [3] 52/10 52/18 134/7 due [6] 39/20 69/30 150/2 151/4 151/8 151/14 duly [1] 39/31</p>	<p>dump [1] 71/34 during [8] 8/27 10/9 33/11 33/32 57/27 68/24 150/12 181/21 duties [1] 134/37 duty [2] 61/5 72/17 dwindling [1] 41/40</p> <hr/> <p>E</p> <p>EA [1] 52/2 each [12] 11/21 16/23 17/12 18/8 20/20 21/22 28/16 35/6 75/2 150/6 152/13 157/34 eagles [1] 91/32 ear [1] 59/35 earlier [3] 46/1 93/34 157/5 early [3] 2/32 181/21 181/24 earnings [8] 151/4 151/8 151/12 155/1 155/3 155/12 155/17 155/21 ease [1] 150/2 easier [3] 43/28 161/11 170/18 easily [3] 15/35 20/20 21/13 easterly [3] 15/38 16/31 17/6 easy [3] 19/23 26/30 170/20 eat [4] 23/13 52/19 52/25 175/17 eaten [1] 52/22 eating [3] 103/32 103/34 175/36 edmail [1] 95/8 edmailcare [1] 95/8 effect [2] 18/37 147/11 effective [4] 53/33 54/6 54/10 154/2 effectively [1] 154/16 effects [1] 150/10 EI [1] 6/13 eight [6] 18/12 25/23 35/23 122/3 168/3 168/4 eight-month [1] 122/3 eighty [2] 162/14 162/14 eighty thousand [1] 162/14 EIS [1] 3/25 either [17] 5/23 37/8 50/2 54/16 65/12 83/2 96/39 102/16 112/31 115/5 120/3 131/30 133/6 133/23 134/30 160/37 170/33 Either/or [1] 102/16 EI [3] 101/2 101/6 101/12 elected [29] 61/14 61/21 63/13 63/13 64/13 64/14 64/28 65/2 65/4 65/15 65/34 67/25 68/23 68/36 68/38 69/13 70/9 70/22 72/18 72/33 72/37 78/21 78/34 79/3 82/21 92/31 92/36 92/39 93/6 election [1] 181/20 elections [4] 145/2 180/39 181/21 181/32 electronic [3] 19/20 19/23 19/33 elements [1] 137/5 Elkington [3] 1/5 183/7 183/27</p>
---	--	--	--

<p>E</p> <p>Elko [17] 2/8 4/35 5/15 31/19 39/9 39/20 39/39 40/8 40/16 40/28 46/6 46/10 50/7 50/19 76/15 174/15 174/21</p> <p>Elko's [1] 31/31</p> <p>Elquist [1] 32/25</p> <p>email [2] 5/23 146/3</p> <p>embarrassed [1] 159/13</p> <p>emergencies [1] 94/3</p> <p>emergency [4] 5/35 5/37 6/4 165/9</p> <p>employee [23] 62/12 63/2 64/5 64/15 69/12 71/38 76/7 76/11 78/39 79/5 79/12 84/9 84/33 85/35 90/40 114/27 114/38 114/40 115/5 115/6 115/7 115/11 120/25</p> <p>employee's [3] 62/39 78/26 91/2</p> <p>employees [18] 35/35 64/13 65/16 67/32 68/29 78/21 82/18 85/4 85/7 85/10 85/11 90/6 92/15 92/18 92/36 109/16 113/14 115/25</p> <p>employees' [1] 82/22</p> <p>employer [1] 12/17</p> <p>encomp [1] 15/23</p> <p>encompass [3] 15/19 15/23 22/19</p> <p>encompassed [1] 21/1</p> <p>encompasses [2] 15/39 20/27</p> <p>encompassing [3] 15/31 16/1 16/20</p> <p>encouraged [1] 56/19</p> <p>end [16] 8/39 9/9 17/26 17/27 18/2 19/10 25/27 39/37 39/37 40/29 41/12 51/6 65/6 123/18 131/3 165/21</p> <p>endeavor [1] 51/35</p> <p>ended [1] 45/32</p> <p>ends [1] 166/19</p> <p>enforcement [3] 102/38 176/29 176/33</p> <p>engineer [9] 6/39 6/40 41/9 158/25 158/33 158/34 160/25 181/1 181/1</p> <p>engineer's [4] 158/27 160/6 160/13 160/19</p> <p>Engineering [8] 13/18 13/22 13/39 14/11 46/23 157/11 157/18 162/12</p> <p>engineers [1] 3/3</p> <p>enormous [2] 7/39 17/8</p> <p>enough [9] 32/3 34/25 37/28 52/18 54/26 63/9 69/6 120/34 121/19</p> <p>entail [1] 20/7</p> <p>entailed [1] 51/20</p> <p>entered [1] 97/1</p> <p>enterprise [1] 155/5</p> <p>entire [13] 15/24 15/39 18/30 21/25 36/10 36/16 37/26 69/33 121/33 136/24 146/12 146/14 158/33</p> <p>entirely [1] 70/14</p>	<p>entities [1] 51/4</p> <p>entitled [7] 64/18 69/2 103/16 148/33 148/38 149/31 149/31</p> <p>environment [1] 22/24</p> <p>environmental [3] 3/19 55/34 55/38</p> <p>envisioned [1] 24/16</p> <p>equates [2] 25/35 25/36</p> <p>equestrian [5] 15/28 15/29 18/15 18/29 18/32</p> <p>equestrians [3] 18/34 18/38 19/4</p> <p>equipment [4] 121/7 121/14 129/22 155/10</p> <p>equipped [1] 94/3</p> <p>Errecart [1] 31/19</p> <p>error [5] 157/25 158/29 159/18 159/18 159/22</p> <p>errors [1] 158/36</p> <p>especially [8] 30/4 33/18 36/5 38/11 38/26 55/26 165/1 170/20</p> <p>essence [1] 123/11</p> <p>essentially [6] 18/19 20/40 21/5 25/28 33/10 137/12</p> <p>establish [4] 148/32 148/38 149/30 150/8</p> <p>establishment [1] 149/37</p> <p>estimate [12] 22/18 27/15 27/19 27/20 27/36 121/33 160/6 160/19 160/20 160/21 160/23 160/26</p> <p>estimated [2] 121/32 160/13</p> <p>estimates [1] 27/16</p> <p>et [4] 47/10 90/40 90/40 90/40</p> <p>Eureka [4] 50/14 50/18 50/22 50/31</p> <p>Eureka's [1] 51/23</p> <p>ev [1] 127/3</p> <p>evaluated [3] 29/3 46/28 51/7</p> <p>evening [2] 46/25 48/6</p> <p>event [1] 102/34</p> <p>events [1] 18/25</p> <p>everyone's [2] 100/23 156/9</p> <p>ex [1] 25/32</p> <p>example [6] 3/28 54/21 61/12 70/24 72/18 177/7</p> <p>exceed [7] 95/4 95/9 140/7 140/8 157/12 157/19 162/13</p> <p>exceeding [1] 84/34</p> <p>exceeds [1] 72/19</p> <p>except [8] 9/5 18/24 63/12 71/39 103/17 131/13 135/9 172/7</p> <p>exception [2] 132/3 134/31</p> <p>excessive [1] 111/26</p> <p>exciting [2] 2/19 4/34</p> <p>excluded [1] 42/31</p> <p>exclusion [1] 51/40</p> <p>exclusive [2] 48/32 49/2</p> <p>executive [1] 81/40</p> <p>exhibit [3] 163/34 163/35 164/11</p> <p>exist [1] 61/14</p> <p>existing [10] 16/6 18/17 19/10 19/11 19/28 29/9 69/34</p>	<p>149/22 154/16 172/26</p> <p>exists [3] 134/36 137/13 142/10</p> <p>exit [1] 8/6</p> <p>expand [1] 9/34</p> <p>expanded [3] 55/37 55/40 56/1</p> <p>expe [1] 125/35</p> <p>expect [2] 6/2 72/32</p> <p>expectation [1] 47/12</p> <p>expectations [1] 50/9</p> <p>expected [5] 73/34 125/32 150/15 150/36 154/35</p> <p>expenditures [5] 150/39 150/40 154/38 154/39 154/40</p> <p>expense [1] 31/1</p> <p>expenses [3] 27/11 154/33 155/5</p> <p>expensive [3] 170/40 176/1 176/2</p> <p>experience [8] 15/16 38/2 39/19 39/36 68/23 70/3 84/7 134/8</p> <p>explain [2] 141/24 157/23</p> <p>explained [1] 93/39</p> <p>extend [2] 16/7 141/26</p> <p>extended [2] 132/34 160/18</p> <p>extending [3] 157/29 157/37 166/30</p> <p>extension [1] 166/33</p> <p>extensive [1] 10/6</p> <p>extra [3] 8/15 35/35 125/5</p> <p>extractive [1] 150/14</p> <p>extremely [5] 21/38 24/5 49/7 49/25 149/39</p> <p>eye [1] 9/22</p> <p>eyeball [1] 18/10</p> <p>eyeball-wise [1] 18/10</p> <hr/> <p>F</p> <p>FAA [8] 3/5 139/16 139/18 139/23 139/25 139/39 140/5 140/7</p> <p>Faccenetti [1] 93/31</p> <p>face [3] 61/2 61/3 87/36</p> <p>facetious [1] 175/22</p> <p>facil [1] 27/32</p> <p>facilities [2] 42/1 121/20</p> <p>facility [13] 18/34 20/11 20/17 20/23 24/11 24/15 24/40 27/1 27/32 45/26 157/12 157/18 162/13</p> <p>facing [1] 5/5</p> <p>fact [6] 28/32 29/21 76/24 93/38 108/9 145/8</p> <p>factor [1] 21/35</p> <p>factors [1] 23/26</p> <p>fair [2] 3/31 166/33</p> <p>fairly [3] 34/24 178/6 178/7</p> <p>fall [1] 103/20</p> <p>Fallon [4] 3/19 45/36 95/33 96/29</p> <p>falls [4] 21/5 67/20 72/26 91/4</p> <p>familiar [2] 8/29 24/34</p> <p>family [2] 26/14 170/4</p> <p>far [24] 7/4 14/17 16/9 16/31</p>	<p>18/2 20/8 23/9 29/23 34/22 42/7 44/31 50/27 54/28 64/6 64/13 70/8 78/20 112/29 141/4 156/30 156/34 159/29 161/11 166/29</p> <p>farm [1] 56/14</p> <p>farms [1] 3/30</p> <p>farther [1] 177/16</p> <p>fashion [1] 69/35</p> <p>fast [3] 6/36 56/8 138/26</p> <p>fast-track [1] 56/8</p> <p>favor [20] 11/38 12/8 12/9 12/27 13/4 31/8 48/10 59/5 62/4 88/7 106/6 135/40 140/15 145/20 148/21 151/30 155/34 156/26 162/21 182/14</p> <p>feasible [5] 17/4 29/17 29/19 53/12 53/20</p> <p>features [1] 22/12</p> <p>February [7] 1/4 2/7 10/18 10/24 10/33 100/8 183/13</p> <p>February 13 [1] 10/24</p> <p>February 18 [1] 2/7</p> <p>February 27 [2] 10/18 10/33</p> <p>federal [7] 6/13 54/17 57/7 57/12 57/13 57/14 155/15</p> <p>fee [16] 97/18 108/35 125/40 164/27 165/14 165/28 166/30 167/6 167/10 169/20 170/14 172/10 172/15 172/39 173/4 173/7</p> <p>feed [4] 51/13 51/25 51/28 51/33</p> <p>feedback [2] 15/14 36/33</p> <p>feel [13] 9/17 14/19 27/31 31/38 41/13 42/36 49/27 79/5 125/26 128/9 170/33 172/14 180/7</p> <p>feeling [1] 70/15</p> <p>feelings [1] 28/33</p> <p>fees [41] 108/5 131/12 134/19 134/37 136/14 137/15 137/37 154/36 154/36 154/37 155/14 155/14 163/20 163/21 163/27 163/28 163/35 164/24 165/1 165/21 165/23 165/39 166/8 166/10 166/27 167/18 168/30 168/40 169/32 170/37 170/39 171/17 171/25 171/26 171/40 172/26 172/33 174/24 174/25 181/17 181/17</p> <p>feet [4] 8/39 20/27 21/3 21/33</p> <p>felt [1] 50/22</p> <p>FEMA [1] 2/23</p> <p>fence [4] 21/32 21/34 21/39 54/20</p> <p>fences [1] 21/31</p> <p>fencing [8] 16/25 16/38 17/23 20/20 20/25 21/13 21/19 21/36</p> <p>few [11] 3/21 4/15 36/26 50/21 60/37 102/31 137/28 138/2 168/32 169/29 181/7</p> <p>fi [1] 163/39</p> <p>fiduciary [1] 72/17</p> <p>field [52] 15/36 16/1 16/9</p>
--	--	--	---

<p>F</p> <p>field... [49] 16/23 17/25 17/27 18/4 18/5 18/11 18/13 19/3 20/14 20/16 20/21 21/12 21/13 21/22 21/31 23/31 23/39 28/15 28/16 28/37 32/38 33/6 33/7 33/10 34/30 34/33 35/6 35/9 35/9 35/11 35/13 36/2 36/3 36/17 41/27 41/29 42/3 42/13 42/13 42/35 42/35 43/15 43/20 43/40 44/1 44/2 177/36 177/39 178/2</p> <p>field's [1] 34/36</p> <p>fields [77] 15/34 16/18 16/31 16/40 17/1 17/3 17/5 17/6 17/7 17/18 17/20 17/21 17/26 17/28 17/30 17/34 18/1 18/3 18/3 18/8 18/9 18/9 18/11 18/12 18/12 19/31 21/2 21/18 21/21 21/34 21/38 24/29 26/38 27/10 28/32 28/34 29/9 30/1 31/26 31/37 33/2 33/4 33/5 33/9 33/11 33/12 33/13 33/19 33/23 33/29 33/30 33/33 33/37 33/40 34/25 34/26 34/27 34/29 35/5 36/2 36/3 36/4 36/9 36/11 36/16 39/33 41/24 41/25 43/7 43/13 43/27 44/34 44/34 44/35 44/37 44/38 45/14</p> <p>fifteen [1] 170/1</p> <p>fifth [1] 146/37</p> <p>fighting [1] 34/30</p> <p>figure [2] 180/33 181/22</p> <p>figured [2] 25/27 48/2</p> <p>figures [1] 79/2</p> <p>figuring [1] 98/15</p> <p>file [3] 67/1 70/26 158/30</p> <p>filed [1] 93/13</p> <p>fill [2] 159/20 159/21</p> <p>filled [2] 27/3 49/16</p> <p>final [7] 3/18 3/25 3/36 3/38 138/4 140/34 163/38</p> <p>finalize [1] 96/18</p> <p>finalized [2] 135/6 135/9</p> <p>finalizing [3] 26/34 163/37 164/1</p> <p>finally [2] 4/16 137/19</p> <p>finance [7] 61/5 61/18 63/6 63/9 67/9 68/26 155/7</p> <p>financial [4] 68/30 94/4 149/34 150/2</p> <p>financially [1] 166/31</p> <p>financing [1] 61/15</p> <p>find [5] 77/33 85/22 101/21 123/9 146/28</p> <p>finds [1] 149/8</p> <p>fine [11] 61/3 64/10 81/5 81/22 85/26 88/33 113/13 129/35 130/32 130/34 177/21</p> <p>finger [2] 65/26 163/14</p> <p>finish [3] 49/29 157/5 157/37</p> <p>finished [1] 137/17</p> <p>fire [7] 54/4 54/8 126/28 127/1 177/37 177/39 178/2</p> <p>firebreaks [1] 54/2</p>	<p>fired [1] 6/20</p> <p>firing [1] 70/16</p> <p>firm [3] 15/18 27/16 47/12</p> <p>first [32] 2/24 3/24 6/1 10/13 10/14 11/36 24/15 30/8 30/26 36/14 36/35 46/34 49/11 56/25 56/32 59/32 61/27 66/13 70/2 70/29 71/18 75/32 75/34 85/23 108/3 108/34 115/40 129/39 143/4 143/29 144/32 157/4</p> <p>fiscal [9] 139/23 140/5 150/12 150/13 150/22 154/24 154/26 154/27 163/40</p> <p>fit [2] 17/21 43/8</p> <p>fits [1] 156/9</p> <p>five [10] 1/17 13/10 33/10 48/20 56/15 60/17 60/19 69/38 167/34 179/6</p> <p>five-minute [2] 13/10 48/20</p> <p>fix [3] 129/16 148/10 181/8</p> <p>fixed [3] 73/13 95/39 96/29</p> <p>fixed-wing [2] 95/39 96/29</p> <p>flagrant [1] 73/37</p> <p>Flanagan [1] 2/12</p> <p>flashing [1] 9/6</p> <p>fleshed [1] 156/12</p> <p>flexibility [3] 51/2 51/17 55/6</p> <p>flight [5] 95/34 95/35 95/37 95/39 96/12</p> <p>flooding [1] 24/2</p> <p>floor [2] 88/3 148/13</p> <p>flow [1] 154/40</p> <p>flown [4] 96/9 96/38 97/2 98/29</p> <p>flunky [1] 68/19</p> <p>fly [4] 21/29 21/30 50/36 99/12</p> <p>flying [1] 21/27</p> <p>folks [18] 2/27 13/10 17/9 22/23 29/34 29/36 29/37 49/7 49/25 70/11 98/39 100/28 121/4 137/8 165/12 166/36 169/15 169/16</p> <p>follow [6] 56/6 66/5 67/30 127/24 127/32 145/3</p> <p>followed [1] 73/34</p> <p>following [12] 56/32 73/11 107/24 107/31 124/11 127/39 130/27 130/29 141/8 143/22 145/3 177/32</p> <p>follows [1] 150/5</p> <p>food [12] 101/30 101/31 101/32 101/38 103/24 105/5 118/24 134/9 175/8 175/10 175/12 175/28</p> <p>foot [3] 15/36 16/29 35/8</p> <p>football [14] 15/27 15/36 16/1 17/22 17/25 17/27 17/29 17/32 17/38 19/3 19/9 34/36 42/2 42/2</p> <p>footprint [1] 99/5</p> <p>forage [1] 51/25</p> <p>FOREGOING [1] 183/9</p> <p>foremost [1] 30/26</p> <p>foreseeable [2] 53/2 53/7</p>	<p>forest [2] 4/7 7/8</p> <p>forestry [1] 4/12</p> <p>Forgeron [5] 60/39 62/18 68/9 68/15 68/20</p> <p>forget [2] 76/4 182/4</p> <p>forgive [1] 165/13</p> <p>forgot [1] 27/38</p> <p>form [5] 128/9 135/5 147/31 176/8 176/9</p> <p>format [2] 5/21 5/21</p> <p>formed [2] 102/26 154/4</p> <p>formerly [1] 54/13</p> <p>forms [1] 49/14</p> <p>formula [1] 97/28</p> <p>formulas [1] 80/32</p> <p>forth [5] 4/18 7/3 76/22 156/12 158/25</p> <p>Fortune [1] 91/9</p> <p>Forty [2] 25/23 119/27</p> <p>Forty-eight [1] 25/23</p> <p>forward [9] 5/17 7/2 24/26 42/4 74/2 77/29 87/9 107/34 108/30</p> <p>FOS [1] 164/23</p> <p>found [1] 116/32</p> <p>four [31] 2/9 17/28 26/14 33/29 34/11 36/2 39/33 50/8 75/34 86/15 114/38 114/39 115/28 115/34 115/39 116/9 124/22 134/25 142/36 142/37 142/40 143/2 143/10 143/20 144/11 162/13 162/14 170/23 178/11 179/6 181/23</p> <p>Four's [1] 143/22</p> <p>four-year [1] 86/15</p> <p>frame [2] 21/10 23/22</p> <p>frankly [1] 24/27</p> <p>free [2] 14/19 71/34</p> <p>Freedom [1] 71/37</p> <p>frequent [1] 27/22</p> <p>Friday [2] 6/10 130/22</p> <p>Fridays [1] 30/37</p> <p>Frisbee [2] 19/35 19/38</p> <p>front [17] 15/1 29/28 32/18 61/6 61/16 63/36 65/5 66/1 66/8 73/3 73/12 73/18 106/1 124/2 141/16 141/18 146/39</p> <p>frustrated [1] 56/4</p> <p>fuel [3] 51/9 52/21 53/29</p> <p>fuels [1] 51/24</p> <p>full [8] 35/36 43/27 52/1 99/5 99/8 134/19 156/12 183/17</p> <p>full-size [1] 43/27</p> <p>full-time [1] 35/36</p> <p>fully [3] 32/7 35/7 144/37</p> <p>function [1] 38/12</p> <p>fund [64] 3/11 65/6 148/32 148/33 148/38 148/40 149/2 149/8 149/17 149/30 149/31 149/37 149/37 149/38 150/1 150/1 150/4 150/8 150/9 150/18 150/21 150/28 150/32 150/33 150/37 150/40 151/4 151/5 151/6 151/8 151/9 151/9 151/10 151/12 151/14 151/14 151/15 151/17 152/3</p>	<p>152/3 152/8 152/8 152/13 152/14 153/39 153/40 154/21 154/22 154/24 154/26 154/32 154/34 154/34 154/35 154/39 155/1 155/3 155/12 155/17 155/19 155/25 155/25 161/39 162/6</p> <p>funded [1] 72/35</p> <p>funding [3] 5/3 149/40 150/20</p> <p>funds [12] 17/36 72/14 79/6 80/11 152/2 152/7 154/1 154/21 154/23 155/4 155/22 155/23</p> <p>further [11] 18/36 22/29 94/23 150/20 150/24 150/29 152/21 152/28 154/23 154/26 154/29</p> <p>future [15] 5/14 26/24 30/4 33/15 34/39 148/33 148/39 149/12 149/31 149/38 150/18 150/21 150/27 155/1 161/6</p> <p>FY [1] 139/16</p> <hr/> <p>G</p> <p>Gail [1] 7/35</p> <p>gaining [2] 36/3 36/9</p> <p>gal [1] 180/36</p> <p>gallons [11] 25/20 25/29 26/16 26/19 26/27 165/35 167/26 167/33 167/34 167/35 167/35</p> <p>game [1] 38/12</p> <p>games [3] 33/3 33/5 33/36</p> <p>gaming [2] 175/40 176/1</p> <p>gathering [1] 2/37</p> <p>gave [5] 3/7 13/26 13/26 83/4 84/30</p> <p>Gavilan [5] 101/2 101/6 101/12 103/37 105/21</p> <p>geared [1] 41/36</p> <p>gee [3] 4/5 65/15 139/7</p> <p>general [4] 2/18 93/40 154/4 155/7</p> <p>generally [1] 181/7</p> <p>generate [4] 16/36 29/29 31/27 155/9</p> <p>generated [1] 65/29</p> <p>generator [2] 24/6 24/8</p> <p>gentlemen [1] 59/17</p> <p>gifted [1] 111/1</p> <p>Gilman [1] 165/2</p> <p>Gina [4] 93/31 95/11 95/33 97/3</p> <p>girls [1] 33/7</p> <p>given [11] 6/39 68/9 69/9 70/19 70/25 71/17 84/34 108/25 109/28 144/39 181/9</p> <p>gives [3] 69/17 72/19 127/34</p> <p>giving [7] 26/34 65/20 89/33 110/17 110/21 166/12 171/7</p> <p>global [1] 28/19</p> <p>globally [8] 14/37 15/34 17/17 18/36 20/6 24/29 25/15 25/16</p> <p>go-around [2] 5/31 119/14</p> <p>goal [1] 22/6</p> <p>goals [2] 5/19 18/4</p> <p>goat [1] 42/5</p>
---	---	--	--

<p>G</p> <p>goats [1] 52/26 goes [14] 4/24 14/2 18/23 36/17 64/2 65/4 86/18 99/21 114/10 123/27 137/20 165/36 166/17 177/10 Goicoechea [1] 50/15 golf [40] 19/39 24/13 24/23 28/28 28/31 28/38 29/8 36/20 107/23 107/30 108/22 109/28 109/38 112/5 112/5 112/6 114/16 116/27 118/17 122/10 124/10 127/13 130/38 131/8 131/10 131/11 131/14 131/15 131/18 131/28 132/1 134/9 134/16 134/19 134/20 136/14 137/23 138/14 174/34 174/35 golfers [3] 120/27 123/12 130/38 golfing [2] 121/27 131/25 gone [3] 86/15 91/15 93/9 goodness [1] 36/37 goods [1] 155/6 gopher [1] 42/5 gosh [2] 69/5 116/32 gotten [3] 6/20 116/25 125/12 gover [1] 155/23 government [6] 2/21 3/29 66/14 154/16 154/18 178/13 governments [1] 155/23 Governor [1] 4/2 grade [3] 22/8 78/23 79/10 grades [1] 78/29 grading [2] 46/30 52/7 grand [1] 165/33 grandkids [1] 9/3 grant [12] 2/20 41/1 112/38 127/34 128/9 128/25 128/28 139/16 139/24 139/39 140/5 140/6 granted [1] 69/12 grants [6] 2/22 3/8 7/3 127/25 127/30 155/15 grass [8] 25/20 25/27 26/2 39/33 44/33 51/8 52/10 52/18 graze [2] 53/33 54/3 grazed [3] 52/11 53/22 53/37 grazing [21] 2/8 5/15 5/19 6/16 6/18 48/31 48/32 49/1 49/1 51/5 51/11 51/14 52/9 52/12 52/16 53/12 53/32 54/5 54/7 56/26 57/20 grease [1] 126/27 great [15] 3/12 23/36 26/32 29/1 32/6 40/16 41/40 59/38 87/24 106/38 111/32 116/20 129/38 157/7 158/33 greater [1] 6/14 green [5] 17/13 105/37 137/9 147/24 174/3 grievance [3] 67/1 70/26 70/27 grievances [2] 71/10 71/11 grieve [1] 89/27 grill [5] 107/25 107/32 126/23 132/2 134/17</p>	<p>groc [1] 102/26 grocery [2] 102/27 103/25 grossly [1] 159/17 ground [6] 18/23 22/13 54/12 54/13 57/3 161/1 group [10] 2/34 16/39 17/14 17/40 18/13 32/28 44/19 55/34 85/2 96/29 groups [15] 17/8 17/10 17/18 17/19 17/20 17/29 17/40 18/4 18/7 18/11 18/14 20/13 36/5 36/7 36/8 grouse [1] 6/14 grow [4] 18/24 53/30 53/30 53/31 grown [1] 177/19 guarantee [1] 8/21 guess [15] 20/10 28/24 49/9 60/30 69/25 91/19 103/21 104/34 114/25 114/37 120/20 122/2 135/30 149/6 175/7 Gurley [1] 8/36 gutter [1] 21/6 guys would [1] 83/21 gymnastics [1] 46/8</p>	<p>70/19 70/21 72/33 72/36 102/21 108/17 174/13 180/17 181/1 headache [1] 54/22 headquarters [1] 97/28 heads [3] 21/8 42/5 68/32 hear [16] 68/5 70/27 88/11 106/31 107/16 141/3 144/26 144/29 159/5 162/40 163/5 163/10 163/11 171/15 171/21 171/23 heard [5] 30/29 44/12 45/21 45/22 135/25 hearing [6] 46/34 46/35 69/4 84/2 94/1 113/18 heat [3] 77/4 77/12 158/40 height [2] 5/20 21/33 held [5] 2/8 2/8 2/30 3/2 50/8 helicopter [2] 95/40 96/30 helicopters [2] 95/39 96/33 Hello [4] 7/25 7/26 100/10 171/13 help [17] 3/14 4/1 5/12 37/40 51/37 54/30 95/33 108/5 126/10 134/21 150/1 161/5 161/7 172/8 172/9 181/2 181/17 helped [3] 28/35 41/4 181/15 helps [1] 180/33 HERRERA [1] 1/14 Herring's [1] 74/36 Hi [4] 44/26 91/9 108/1 108/2 Hideaway [1] 177/7 high [23] 5/12 27/20 27/24 34/7 38/13 41/22 41/24 41/25 41/26 41/29 42/3 42/4 42/6 42/9 42/13 42/31 42/34 43/7 43/14 44/12 44/34 134/7 160/36 higher [2] 38/27 78/31 highest [2] 27/24 27/28 highlighting [1] 4/37 highway [5] 1/22 8/7 9/28 179/4 179/16 himself [1] 139/1 hire [6] 72/23 72/25 72/27 72/38 104/18 126/11 hired [5] 5/7 6/18 72/26 72/28 75/16 hiring [4] 61/9 61/22 70/16 72/32 history [1] 28/36 hit [7] 8/38 13/29 21/29 52/10 56/18 93/27 143/33 hitting [1] 21/30 hold [11] 7/31 14/22 21/26 46/25 48/6 49/28 50/18 90/4 143/5 157/35 161/1 holder [1] 56/35 holders [1] 57/22 holding [1] 30/36 hole [1] 18/23 holes [1] 42/5 holy [1] 30/8 home [7] 33/17 44/2 102/28 102/31 169/10 169/14 175/29</p>	<p>Homeland [2] 180/13 180/31 homes [3] 26/21 26/24 169/4 hone [4] 15/7 19/18 20/6 28/16 honest [1] 111/14 honestly [2] 44/4 118/19 Honorable [1] 1/1 hood [1] 126/11 hookups [4] 167/15 167/16 169/30 169/30 hoops [1] 55/35 hope [1] 56/10 hopefully [10] 4/25 4/30 6/35 8/20 9/25 9/34 59/33 78/30 86/6 122/12 hoping [3] 93/27 110/29 161/2 horrendous [1] 41/27 horrible [1] 41/29 Horse [1] 177/37 horses [3] 18/32 52/27 57/6 hospital [4] 3/11 8/12 8/15 165/7 hosting [1] 2/20 hot [2] 74/22 74/26 hotel [1] 32/3 hour [14] 7/40 24/1 30/29 38/9 45/17 45/21 78/37 78/38 78/38 92/3 134/27 156/31 156/36 156/36 hours [16] 8/27 41/32 44/1 47/8 114/38 114/40 115/3 115/28 115/35 115/39 116/9 124/23 134/22 134/25 134/26 134/28 house [5] 26/14 32/8 59/32 129/11 176/28 household [1] 170/4 however [8] 28/17 116/24 151/17 154/36 155/26 160/35 166/18 170/9 HR [12] 86/5 141/37 142/2 142/3 142/11 142/14 142/15 142/15 142/16 142/17 142/31 142/33 huge [8] 16/14 33/17 35/38 37/38 45/23 46/9 46/12 157/30 Humboldt [1] 76/15 hundred [8] 17/27 26/17 36/26 162/14 162/14 166/10 168/3 168/4 hundreds [1] 41/32 hungry [1] 93/33 hurt [2] 8/30 166/38 Hy [7] 60/8 60/35 68/20 73/22 75/34 78/17 78/30</p> <hr/> <p>I I don't [1] 54/23 I got [1] 50/25 I just [1] 149/6 I'll look [1] 86/12 ice [9] 20/1 20/4 22/6 22/10 22/13 22/16 22/19 24/17 27/32 iceboxes [1] 111/29</p>
---	--	---	---

I	INDICATED [1] 1/8 indigent [1] 3/11 indiscernible [36] 7/30 14/21 14/23 26/33 32/16 40/22 58/27 63/38 64/7 66/33 67/38 68/5 68/6 70/39 74/18 74/20 82/36 83/9 86/14 97/25 103/15 119/1 123/22 135/25 135/28 135/37 138/10 138/11 138/34 138/37 152/29 157/40 162/37 162/40 171/12 171/21 individual [10] 18/2 29/25 49/26 56/19 61/9 70/18 70/24 97/17 97/17 149/19 individually [2] 75/2 168/18 individuals [2] 49/12 49/13 indoor [1] 22/22 industrial [1] 16/4 industry [1] 149/40 infill [1] 40/38 inform [1] 72/34 information [21] 2/37 3/7 3/10 3/24 4/1 6/5 15/12 22/15 29/15 41/15 49/18 71/37 71/38 72/27 77/19 142/15 171/7 181/6 181/9 181/10 183/13 informed [2] 69/34 180/8 infrastructure [2] 18/22 40/35 initial [2] 108/35 150/20 initiatives [1] 41/14 inner [1] 26/39 innovative [2] 20/21 24/26 input [7] 2/13 46/26 46/35 49/11 55/14 171/11 177/21 inquired [1] 69/34 inquiries [1] 112/9 insert [1] 141/20 inserted [1] 140/36 inside [2] 18/31 131/20 instance [6] 16/25 70/2 70/30 71/18 78/20 78/37 instances [2] 75/16 104/14 instead [6] 17/36 51/28 73/4 73/12 74/3 153/34 instructed [1] 19/28 insurance [1] 99/14 insured [1] 99/15 intent [2] 7/3 15/5 interest [3] 51/14 115/29 131/10 interested [3] 49/25 113/39 121/26 interesting [8] 5/4 5/8 5/14 5/39 6/9 17/16 17/22 181/36 interface [1] 52/4 interim [2] 2/34 2/38 Interior [3] 177/35 177/38 178/1 internet [1] 180/14 Interpretive [1] 4/36 intersection [5] 7/38 8/2 8/5 8/20 8/25 interview [1] 29/35 invasive [3] 51/26 51/26 51/29 invested [3] 29/12 29/16	133/39 investigation [1] 177/17 investment [12] 16/34 17/35 17/39 22/31 22/35 22/35 23/11 23/25 23/29 24/7 38/26 126/35 invited [3] 2/40 7/16 179/35 invoked [1] 70/32 involve [1] 31/13 involved [8] 5/36 23/30 29/40 31/32 41/38 42/8 71/8 111/11 IP [3] 180/18 180/21 180/23 is a [1] 39/25 Is it [1] 104/6 is pretty [1] 29/23 is second [1] 14/7 is step [1] 39/25 is the [1] 28/18 issue [18] 5/10 24/25 34/16 34/23 43/4 50/35 53/31 55/27 56/38 62/10 65/18 67/29 69/27 70/1 74/39 139/3 174/34 176/26 issued [1] 176/33 issues [10] 32/2 60/2 62/17 65/38 66/9 68/25 68/28 81/10 174/37 181/35 It's a [1] 40/15 It's on [1] 30/21 It's that [1] 111/36 item [54] 1/34 2/14 7/17 10/7 15/1 15/4 21/9 21/16 22/25 24/35 25/6 27/23 27/25 27/26 27/27 27/33 27/37 36/23 42/10 48/35 60/9 63/19 63/20 63/20 68/22 79/6 81/8 92/5 94/11 94/15 94/23 94/29 105/16 105/25 107/17 108/4 123/4 123/14 132/4 134/18 134/29 140/40 141/8 142/35 143/6 146/7 146/25 147/4 157/28 157/28 161/26 161/34 162/4 179/36 items [16] 1/36 7/14 16/22 17/14 22/30 23/8 39/31 41/17 68/38 159/16 177/26 177/30 178/9 178/11 179/34 180/32	Jon [4] 130/1 130/2 130/4 130/33 ju [1] 114/9 judge [3] 142/8 142/8 144/39 judicial [1] 91/35 JUDIE [35] 1/9 11/8 12/36 28/23 40/26 49/34 51/21 55/18 63/39 67/26 77/25 80/37 84/16 90/1 90/26 91/10 101/16 104/33 116/9 121/19 128/7 132/22 136/12 136/31 140/11 141/3 141/10 145/15 151/22 155/30 155/31 156/22 164/22 169/35 175/6 Judie's [1] 143/27 July [2] 154/3 154/28 jump [5] 19/8 19/17 22/34 54/5 55/35 jumping [1] 17/22 June [1] 45/1 junior [1] 38/13 juniors [1] 16/29 jurisdiction [2] 68/30 69/9 just a [1] 27/7 just saying [1] 178/39 justify [1] 6/35 juvenile [1] 145/1 juveniles [1] 176/35
		K	
		Kath [1] 76/24 KATHLEEN [1] 1/11 Kathy [22] 12/23 65/37 66/10 67/29 69/2 69/17 69/19 73/21 73/39 74/28 76/24 82/35 88/38 101/35 103/17 112/13 143/37 147/22 148/8 162/18 173/18 174/26 Kathy's [1] 69/19 keep [18] 14/6 19/5 24/40 27/18 33/22 41/38 44/21 58/23 58/25 93/33 160/36 164/6 165/10 166/24 171/24 172/26 174/36 174/40 keeping [6] 25/13 41/33 62/4 94/5 110/20 110/20 keeps [1] 42/20 KEITH [31] 1/12 9/15 9/16 9/38 13/27 14/10 30/10 31/1 57/35 60/30 62/5 74/8 74/19 75/23 83/10 84/2 84/18 84/20 84/24 88/31 93/23 93/34 119/3 129/39 130/6 131/7 145/39 146/11 149/14 181/12 181/13 Keith's [1] 181/15 Kelli [21] 107/19 107/24 107/31 107/34 108/1 117/20 118/20 120/21 122/28 122/39 123/40 129/24 131/1 131/36 132/1 132/32 133/34 134/16 136/13 137/18 138/14 Kelli's [1] 133/14 Ken [1] 2/39 key [1] 23/26 keys [1] 38/17	
		J	
	J-U-B [5] 3/3 7/1 100/29 139/11 139/36 Jacky [1] 2/20 Jake [3] 50/14 50/20 55/12 January [3] 10/22 10/23 177/34 January 2020 [1] 10/22 January 23 [1] 10/23 JAVS [1] 183/9 job [18] 5/9 40/16 61/4 61/4 61/14 61/16 61/18 65/26 67/21 75/12 75/13 75/14 81/37 92/39 157/33 157/33 157/38 158/33 John [7] 2/11 8/12 37/17 37/18 39/16 40/18 40/23 Johnson [1] 44/26		

<p>K</p> <p>kid [7] 30/2 30/2 30/3 34/19 34/20 45/11 45/12 kidding [1] 30/9 kids [17] 8/19 9/3 17/34 30/35 32/27 32/28 33/17 33/34 37/40 38/6 41/37 42/1 44/9 45/9 46/8 174/38 174/40 kinds [2] 37/36 37/37 Kingston [1] 165/2 kitchen [1] 121/7 knew [2] 141/21 180/31 know he [1] 31/24 knowing [2] 49/26 50/2 knowledge [1] 78/32 knows [4] 62/40 114/9 140/31 181/19 Kyla [2] 6/30 59/23</p>	<p>largest [3] 15/2 27/11 99/7 Las [1] 31/3 lately [1] 180/11 later [6] 2/14 9/26 55/33 100/3 123/25 179/16 law [15] 77/37 86/10 87/9 87/19 89/7 90/6 90/37 90/39 102/37 103/9 103/9 103/11 149/22 176/29 176/32 lawn [3] 24/31 24/31 25/9 laws [4] 49/8 60/37 78/9 157/30 layman's [1] 159/14 layout [3] 17/4 17/24 36/9 LCC [4] 154/4 154/6 154/12 154/27 lead [2] 1/24 14/12 leading [2] 53/36 54/1 leads [1] 16/23 league [14] 32/39 33/11 34/20 34/20 38/17 41/37 42/2 42/2 42/8 44/13 44/29 44/35 45/9 45/24 leagues [3] 16/21 16/30 29/37 learning [1] 50/9 lease [11] 109/37 115/2 117/6 117/18 122/3 123/13 123/38 127/9 127/11 134/29 134/31 leased [1] 116/23 least [8] 3/5 23/27 24/36 38/21 110/35 120/35 141/6 176/10 leave [8] 59/1 59/36 64/15 100/11 127/8 128/18 133/19 134/7 leaves [2] 64/15 167/38 leaving [4] 58/20 58/22 59/22 59/24 left [5] 3/38 46/17 73/24 112/31 167/37 legal [27] 65/19 65/24 65/28 65/29 66/13 68/9 68/13 68/15 69/26 69/39 74/29 75/35 77/16 77/35 77/40 78/5 78/7 78/7 89/33 90/11 90/11 91/6 91/32 110/38 123/8 181/18 181/25 legalese [1] 136/39 legally [2] 138/21 141/24 legislation [1] 2/34 legislative [2] 2/16 2/34 legislators [2] 3/39 4/1 legislature [1] 77/37 Lemaire [1] 28/26 length [1] 151/2 leniency [1] 161/13 LEPC [2] 5/36 6/6 Lesley [3] 181/12 181/13 181/16 Lesley's [1] 71/23 less [2] 165/30 165/31 letter [16] 3/22 4/3 4/11 49/6 49/17 49/19 49/29 51/19 55/9 55/16 56/11 56/23 56/30 57/28 57/39 58/38 letterhead [5] 49/23 49/24</p>	<p>49/37 50/1 57/29 letters [2] 7/3 56/14 letting [2] 81/9 181/39 level [2] 20/16 20/28 levels [1] 53/23 leverage [5] 16/34 17/35 22/35 23/11 23/25 leveraged [2] 19/13 24/21 leveraging [2] 17/39 21/14 levies [1] 155/15 Lewis [3] 177/36 177/39 178/2 li [1] 175/39 liability [5] 18/35 89/34 111/25 126/27 181/5 liable [1] 89/15 license [25] 100/25 101/2 101/5 101/10 101/25 101/26 102/36 102/37 103/2 104/22 105/7 106/24 145/2 173/35 173/40 175/39 175/39 176/1 176/28 176/33 176/38 177/3 177/8 177/9 177/10 licenses [8] 101/39 102/25 102/34 103/18 174/8 174/31 175/9 176/27 licensing [1] 177/19 life [7] 24/38 25/38 37/27 45/19 147/1 170/18 170/20 Lifeguard [2] 146/23 147/2 lifetime [1] 37/27 lighting [2] 27/12 27/13 lights [1] 9/6 like obviously [1] 17/31 like-type [1] 155/23 likely [2] 15/2 15/3 limit [1] 133/8 limitation [1] 68/34 limited [11] 2/31 7/19 23/7 33/16 53/25 151/18 154/6 154/36 155/13 155/26 179/38 limits [1] 5/19 line [18] 6/37 6/38 14/26 36/37 54/1 54/20 63/19 63/20 63/20 79/6 139/25 139/34 156/12 161/26 161/34 162/4 166/33 173/5 lines [1] 166/31 linked [1] 180/24 liquor [18] 100/25 100/35 100/39 101/2 101/5 101/9 102/25 102/27 107/4 107/10 111/24 118/24 173/35 173/40 174/8 175/9 177/8 182/31 list [5] 13/38 54/11 56/33 151/16 155/24 listed [2] 10/4 17/14 listen [3] 5/4 54/30 54/32 literally [1] 24/2 little [34] 2/26 3/16 5/24 18/7 22/24 23/7 24/17 31/17 32/39 33/10 36/24 37/35 38/17 39/17 41/37 42/1 42/8 44/13 44/35 45/9 56/26 56/30 57/26 78/31 83/16 102/40 105/40 158/39 158/39 160/30 171/19 177/16 179/15 181/39</p>	<p>live [6] 7/35 8/9 8/17 8/36 45/35 169/33 lives [2] 169/38 169/39 livestock [5] 52/24 57/19 177/37 177/40 178/3 living [3] 84/26 84/31 92/17 LLC [2] 107/25 107/32 load [2] 52/22 53/29 loading [1] 16/17 loads [1] 51/9 local [10] 2/21 5/36 16/37 24/4 155/23 169/19 169/19 169/29 172/1 172/8 locally [1] 98/26 located [6] 14/36 16/9 18/1 19/31 21/22 45/39 location [13] 19/27 29/9 29/11 29/23 30/27 30/31 33/22 103/4 103/19 103/20 105/7 105/8 118/20 locations [2] 102/18 174/11 locker [1] 23/33 logistics [1] 2/33 logs [1] 18/33 long [27] 3/15 4/6 49/40 54/29 56/15 67/21 70/4 71/16 71/25 73/26 98/4 100/27 100/28 111/8 114/36 145/9 147/11 149/34 150/39 150/40 154/38 154/40 171/10 175/3 176/4 176/4 176/4 long-term [6] 3/15 149/34 150/39 150/40 154/38 154/40 longer [5] 68/39 112/34 168/37 175/31 180/28 longest [1] 138/39 Los [1] 31/3 lose [2] 57/17 165/11 losing [1] 33/10 loss [1] 167/37 lot [64] 2/11 2/13 3/7 3/24 3/32 5/39 6/21 7/37 8/15 9/3 15/11 16/7 16/10 19/2 21/17 23/13 26/1 26/2 27/13 28/33 30/27 30/30 31/29 31/31 35/37 36/23 37/9 39/4 40/32 43/28 44/4 45/13 45/20 46/2 46/2 46/3 50/24 50/32 51/34 51/37 52/33 53/21 53/21 53/35 56/3 57/16 95/12 95/13 105/1 108/36 118/35 119/24 132/33 133/39 140/1 161/10 161/13 166/29 166/36 169/22 172/1 174/19 178/22 181/15 lot's [1] 23/14 lots [1] 6/2 loud [1] 146/26 love [6] 44/8 44/8 110/15 116/20 120/20 166/25 Lovelock [1] 46/11 low [8] 25/32 27/20 27/24 27/26 41/12 53/22 136/35 159/26 lower [2] 22/1 165/2 lowest [2] 27/26 27/30 lump [3] 127/30 127/35</p>
<p>L</p> <p>labor [2] 134/22 134/27 lack [1] 103/8 laid [2] 24/18 33/21 Lake [1] 98/40 land [16] 48/30 48/40 54/17 57/23 59/31 108/24 108/25 108/25 111/1 111/1 122/20 123/27 131/4 177/36 177/39 178/2 Lander [92] 1/1 1/2 1/33 3/22 10/10 16/33 16/34 17/33 23/27 23/30 24/34 25/31 29/5 29/12 29/16 29/21 30/40 31/18 31/28 44/27 56/31 58/34 60/22 60/26 60/27 64/16 65/3 65/29 67/35 68/28 78/18 83/39 86/3 88/34 90/12 91/32 92/32 98/29 98/29 98/29 100/32 100/35 100/37 100/38 100/39 100/40 101/1 101/5 107/4 107/6 107/10 107/11 114/28 114/39 114/39 115/5 115/24 134/20 136/33 139/18 139/26 140/8 140/23 140/29 146/22 147/1 147/2 147/18 149/32 149/33 149/34 149/39 150/2 150/3 150/17 150/26 150/32 150/35 153/38 154/3 154/14 154/17 154/20 173/35 173/39 177/33 180/4 182/29 182/30 182/35 182/39 183/15 lands [8] 6/32 6/35 28/27 50/15 54/13 59/25 122/7 122/12 lane [2] 139/17 140/6 language [12] 45/10 134/35 135/15 136/33 136/40 137/7 137/14 140/38 141/19 141/22 153/34 174/13 lap [1] 114/23 large [8] 15/10 22/29 28/30 31/14 93/38 145/8 157/22 159/12 larger [7] 17/3 17/5 17/20 17/26 36/3 43/7 161/18</p>	<p>49/37 50/1 57/29 letters [2] 7/3 56/14 letting [2] 81/9 181/39 level [2] 20/16 20/28 levels [1] 53/23 leverage [5] 16/34 17/35 22/35 23/11 23/25 leveraged [2] 19/13 24/21 leveraging [2] 17/39 21/14 levies [1] 155/15 Lewis [3] 177/36 177/39 178/2 li [1] 175/39 liability [5] 18/35 89/34 111/25 126/27 181/5 liable [1] 89/15 license [25] 100/25 101/2 101/5 101/10 101/25 101/26 102/36 102/37 103/2 104/22 105/7 106/24 145/2 173/35 173/40 175/39 175/39 176/1 176/28 176/33 176/38 177/3 177/8 177/9 177/10 licenses [8] 101/39 102/25 102/34 103/18 174/8 174/31 175/9 176/27 licensing [1] 177/19 life [7] 24/38 25/38 37/27 45/19 147/1 170/18 170/20 Lifeguard [2] 146/23 147/2 lifetime [1] 37/27 lighting [2] 27/12 27/13 lights [1] 9/6 like obviously [1] 17/31 like-type [1] 155/23 likely [2] 15/2 15/3 limit [1] 133/8 limitation [1] 68/34 limited [11] 2/31 7/19 23/7 33/16 53/25 151/18 154/6 154/36 155/13 155/26 179/38 limits [1] 5/19 line [18] 6/37 6/38 14/26 36/37 54/1 54/20 63/19 63/20 63/20 79/6 139/25 139/34 156/12 161/26 161/34 162/4 166/33 173/5 lines [1] 166/31 linked [1] 180/24 liquor [18] 100/25 100/35 100/39 101/2 101/5 101/9 102/25 102/27 107/4 107/10 111/24 118/24 173/35 173/40 174/8 175/9 177/8 182/31 list [5] 13/38 54/11 56/33 151/16 155/24 listed [2] 10/4 17/14 listen [3] 5/4 54/30 54/32 literally [1] 24/2 little [34] 2/26 3/16 5/24 18/7 22/24 23/7 24/17 31/17 32/39 33/10 36/24 37/35 38/17 39/17 41/37 42/1 42/8 44/13 44/35 45/9 56/26 56/30 57/26 78/31 83/16 102/40 105/40 158/39 158/39 160/30 171/19 177/16 179/15 181/39</p>	<p>live [6] 7/35 8/9 8/17 8/36 45/35 169/33 lives [2] 169/38 169/39 livestock [5] 52/24 57/19 177/37 177/40 178/3 living [3] 84/26 84/31 92/17 LLC [2] 107/25 107/32 load [2] 52/22 53/29 loading [1] 16/17 loads [1] 51/9 local [10] 2/21 5/36 16/37 24/4 155/23 169/19 169/19 169/29 172/1 172/8 locally [1] 98/26 located [6] 14/36 16/9 18/1 19/31 21/22 45/39 location [13] 19/27 29/9 29/11 29/23 30/27 30/31 33/22 103/4 103/19 103/20 105/7 105/8 118/20 locations [2] 102/18 174/11 locker [1] 23/33 logistics [1] 2/33 logs [1] 18/33 long [27] 3/15 4/6 49/40 54/29 56/15 67/21 70/4 71/16 71/25 73/26 98/4 100/27 100/28 111/8 114/36 145/9 147/11 149/34 150/39 150/40 154/38 154/40 171/10 175/3 176/4 176/4 176/4 long-term [6] 3/15 149/34 150/39 150/40 154/38 154/40 longer [5] 68/39 112/34 168/37 175/31 180/28 longest [1] 138/39 Los [1] 31/3 lose [2] 57/17 165/11 losing [1] 33/10 loss [1] 167/37 lot [64] 2/11 2/13 3/7 3/24 3/32 5/39 6/21 7/37 8/15 9/3 15/11 16/7 16/10 19/2 21/17 23/13 26/1 26/2 27/13 28/33 30/27 30/30 31/29 31/31 35/37 36/23 37/9 39/4 40/32 43/28 44/4 45/13 45/20 46/2 46/2 46/3 50/24 50/32 51/34 51/37 52/33 53/21 53/21 53/35 56/3 57/16 95/12 95/13 105/1 108/36 118/35 119/24 132/33 133/39 140/1 161/10 161/13 166/29 166/36 169/22 172/1 174/19 178/22 181/15 lot's [1] 23/14 lots [1] 6/2 loud [1] 146/26 love [6] 44/8 44/8 110/15 116/20 120/20 166/25 Lovelock [1] 46/11 low [8] 25/32 27/20 27/24 27/26 41/12 53/22 136/35 159/26 lower [2] 22/1 165/2 lowest [2] 27/26 27/30 lump [3] 127/30 127/35</p>	<p>live [6] 7/35 8/9 8/17 8/36 45/35 169/33 lives [2] 169/38 169/39 livestock [5] 52/24 57/19 177/37 177/40 178/3 living [3] 84/26 84/31 92/17 LLC [2] 107/25 107/32 load [2] 52/22 53/29 loading [1] 16/17 loads [1] 51/9 local [10] 2/21 5/36 16/37 24/4 155/23 169/19 169/19 169/29 172/1 172/8 locally [1] 98/26 located [6] 14/36 16/9 18/1 19/31 21/22 45/39 location [13] 19/27 29/9 29/11 29/23 30/27 30/31 33/22 103/4 103/19 103/20 105/7 105/8 118/20 locations [2] 102/18 174/11 locker [1] 23/33 logistics [1] 2/33 logs [1] 18/33 long [27] 3/15 4/6 49/40 54/29 56/15 67/21 70/4 71/16 71/25 73/26 98/4 100/27 100/28 111/8 114/36 145/9 147/11 149/34 150/39 150/40 154/38 154/40 171/10 175/3 176/4 176/4 176/4 long-term [6] 3/15 149/34 150/39 150/40 154/38 154/40 longer [5] 68/39 112/34 168/37 175/31 180/28 longest [1] 138/39 Los [1] 31/3 lose [2] 57/17 165/11 losing [1] 33/10 loss [1] 167/37 lot [64] 2/11 2/13 3/7 3/24 3/32 5/39 6/21 7/37 8/15 9/3 15/11 16/7 16/10 19/2 21/17 23/13 26/1 26/2 27/13 28/33 30/27 30/30 31/29 31/31 35/37 36/23 37/9 39/4 40/32 43/28 44/4 45/13 45/20 46/2 46/2 46/3 50/24 50/32 51/34 51/37 52/33 53/21 53/21 53/35 56/3 57/16 95/12 95/13 105/1 108/36 118/35 119/24 132/33 133/39 140/1 161/10 161/13 166/29 166/36 169/22 172/1 174/19 178/22 181/15 lot's [1] 23/14 lots [1] 6/2 loud [1] 146/26 love [6] 44/8 44/8 110/15 116/20 120/20 166/25 Lovelock [1] 46/11 low [8] 25/32 27/20 27/24 27/26 41/12 53/22 136/35 159/26 lower [2] 22/1 165/2 lowest [2] 27/26 27/30 lump [3] 127/30 127/35</p>

<p>L</p> <p>lump... [1] 168/19 lunch [9] 1/34 88/29 93/20 98/2 98/11 99/36 156/32 156/38 157/3 lunches [1] 104/38 lunchtime [1] 126/4 Lura [3] 181/13 181/13 181/15</p>	<p>176/28 181/30 mapping [1] 181/17 March [12] 2/17 2/24 2/38 3/24 4/22 48/33 49/3 120/26 123/18 156/7 156/19 178/18 market [10] 3/31 27/17 27/20 27/20 27/20 27/21 27/24 27/24 27/26 27/29 marshal [1] 127/1 Marshall [1] 148/9</p>	<p>memorized [1] 90/5 mention [3] 27/38 90/8 91/1 mentioned [8] 6/8 6/17 28/40 31/25 31/36 45/17 56/9 72/1 merit [10] 64/19 78/22 78/27 79/9 79/39 79/40 84/28 84/31 92/17 140/38 mesh [1] 155/16 mess [1] 179/2 message [1] 113/20 messages [1] 32/29 messed [1] 6/22 met [1] 1/1 meter [3] 121/32 122/1 167/16 method [3] 151/11 155/16 155/20 methodology [1] 17/39 mi [1] 114/24 mic [6] 7/30 30/14 30/16 74/24 94/34 163/12 micromanage [3] 65/33 66/23 67/2 micromanaging [1] 66/26 microphone [320] 1/25 5/6 5/26 5/28 10/35 10/38 10/40 11/12 11/20 12/8 12/10 12/21 12/37 13/2 13/25 13/34 14/21 14/28 22/38 22/40 23/2 25/23 26/6 26/10 28/8 32/18 33/24 33/26 33/28 35/13 35/16 35/17 35/19 37/10 42/19 42/25 42/27 46/14 48/7 48/9 48/10 48/23 48/36 49/31 57/30 58/1 58/6 58/19 59/21 59/27 59/31 60/11 60/17 60/31 60/33 60/34 61/25 61/26 62/19 63/25 63/27 63/38 63/39 64/7 67/3 67/5 67/13 67/38 67/39 68/1 68/2 68/4 68/6 68/17 68/20 70/38 71/1 71/6 71/36 73/20 73/22 73/25 73/27 73/39 73/40 74/6 74/8 74/9 74/11 74/13 74/15 74/17 74/19 74/22 74/24 74/25 74/26 75/21 75/25 77/8 77/10 77/11 77/32 78/15 80/24 81/16 82/28 82/39 82/40 83/5 83/8 83/9 83/10 83/14 83/15 83/16 84/16 84/18 84/20 84/24 84/36 85/3 85/6 85/8 85/33 85/37 85/38 85/40 86/14 87/32 88/24 88/27 88/33 89/4 93/5 94/9 94/12 94/13 94/25 94/27 94/29 94/31 94/32 94/33 94/35 95/6 97/8 97/13 97/40 98/12 99/27 99/32 99/33 99/34 99/38 99/39 100/13 100/15 101/8 101/9 101/11 101/30 101/31 101/35 101/37 102/7 102/13 103/1 103/2 104/32 105/28 105/40 106/21 106/23 107/14 107/35 107/40 108/1 112/23 112/26 112/39 122/29 123/19 123/35 123/36 124/13 124/18 125/38 126/3</p>	<p>126/4 128/40 131/17 131/39 132/6 132/13 132/14 132/20 132/24 132/27 132/29 132/31 132/36 132/39 133/2 133/4 133/5 133/9 133/11 133/13 133/17 133/20 133/22 133/24 133/30 133/33 134/39 135/20 135/23 135/28 135/30 135/34 135/36 136/10 136/16 136/27 136/28 136/29 136/31 136/34 136/35 136/37 136/38 137/1 137/4 137/39 138/10 138/33 138/36 139/9 140/10 140/11 140/15 140/16 140/17 140/19 140/26 141/2 141/13 141/15 141/34 141/35 143/14 143/16 143/19 143/24 143/26 143/28 143/32 143/34 143/35 143/37 144/22 144/27 144/29 144/31 145/11 145/13 145/21 146/9 146/13 146/20 146/21 146/26 146/30 146/34 146/35 147/3 147/4 147/10 147/15 147/17 147/18 147/30 147/36 148/2 151/20 151/22 151/24 151/25 155/29 156/8 156/30 156/34 161/21 161/23 161/31 161/32 162/16 162/17 162/22 162/23 162/24 162/25 162/26 162/28 162/31 163/6 163/8 163/36 163/38 166/3 172/27 174/1 174/4 174/5 178/5 178/7 178/24 179/25 179/27 microphones [1] 59/19 microscope [1] 77/36 middle [1] 45/40 Midway [1] 105/1 million [24] 3/14 25/29 25/37 25/38 27/29 27/29 27/34 35/15 37/30 38/7 38/18 38/33 39/23 39/34 39/39 40/7 40/35 40/38 41/12 41/13 150/21 158/18 160/12 181/7 Mills [2] 41/21 43/11 mind [10] 14/6 14/36 16/11 25/1 25/2 44/23 69/7 78/17 120/13 130/40 mine [5] 30/19 70/2 71/25 150/3 150/35 mineral [2] 150/25 150/37 minerals [5] 148/33 148/39 150/12 150/22 150/25 mines [2] 7/40 39/4 minimum [5] 38/22 118/11 118/14 134/25 134/26 minin [1] 136/25 mining [3] 149/39 150/3 150/34 minorities [1] 147/9 minors [1] 16/28 minus [1] 27/31 minused [1] 136/24 minusing [1] 136/25 minute [6] 10/19 13/10 48/20 68/40 168/23 168/23 minutes [13] 7/20 10/20 10/21</p>
<p>M</p> <p>ma [2] 76/7 112/33 machines [1] 24/34 made [24] 2/29 12/15 29/10 31/39 56/1 57/29 68/35 69/25 84/16 91/16 110/36 112/33 119/33 120/32 131/33 140/11 145/15 151/11 153/24 155/16 155/30 156/22 162/18 171/37 main [9] 15/18 15/36 16/3 16/7 18/19 91/31 144/36 177/10 180/21 mainly [2] 93/8 99/9 mainta [1] 45/4 maintain [2] 45/3 45/7 maintained [3] 45/5 68/26 69/32 maintenance [15] 24/30 24/33 24/36 25/7 25/8 25/9 25/11 25/13 25/16 32/39 38/15 44/33 44/36 44/39 155/10 maintenance-wise [2] 24/30 25/7 major [4] 16/21 18/24 39/35 160/37 majority [4] 22/27 76/38 78/21 131/12 majors [1] 16/28 man [2] 28/34 118/33 manage [2] 68/39 108/11 managed [1] 51/28 management [18] 48/30 48/40 50/34 50/40 51/3 51/15 55/7 107/23 107/30 124/7 131/40 134/15 177/36 177/37 177/39 177/40 178/2 178/3 manager [34] 1/12 2/12 4/26 13/17 13/21 39/28 49/16 49/23 50/1 58/35 60/21 70/10 71/13 93/32 95/1 107/22 107/28 127/19 128/31 139/15 139/19 139/27 140/9 140/22 140/27 142/17 145/28 145/33 148/31 148/36 152/1 152/5 156/1 156/4 manager's [1] 65/17 mandated [3] 126/39 133/21 133/25 manner [3] 7/22 155/4 180/1 manpower [1] 77/39 many [31] 3/33 3/33 17/18 18/6 21/8 23/3 26/21 28/6 28/7 31/32 33/7 33/40 35/35 38/16 43/11 52/31 55/35 56/29 62/26 65/15 69/23 69/23 69/24 84/7 96/32 132/12 158/28 158/34 165/1</p>	<p>176/28 181/30 mapping [1] 181/17 March [12] 2/17 2/24 2/38 3/24 4/22 48/33 49/3 120/26 123/18 156/7 156/19 178/18 market [10] 3/31 27/17 27/20 27/20 27/20 27/21 27/24 27/24 27/26 27/29 marshal [1] 127/1 Marshall [1] 148/9 Martinez [2] 14/11 37/20 Marty [6] 157/20 158/37 158/40 159/7 159/10 162/39 masonry [2] 27/2 27/4 masquerading [1] 41/8 mass [1] 20/25 master [3] 15/8 19/29 29/15 Masto [1] 59/24 match [4] 139/19 139/26 139/40 140/8 material [2] 22/3 128/23 materials [3] 10/9 20/7 26/35 materialwise [1] 24/29 math [1] 98/16 mathematical [1] 157/25 matter [6] 58/32 65/31 92/4 108/9 120/6 178/13 Maverik [1] 9/33 me some [1] 13/28 means [3] 102/8 175/37 180/26 measures [1] 56/32 mechanism [2] 151/7 155/11 mechanisms [1] 155/13 MedCare [1] 95/8 Medicaid [1] 3/15 Medicare [1] 99/15 meet [4] 6/34 130/32 130/35 130/35 meeting [76] 1/23 2/7 2/15 2/29 3/5 4/6 5/15 5/16 5/27 5/29 5/29 5/34 7/4 7/18 10/9 10/19 10/20 10/20 10/21 10/22 10/23 10/23 10/24 10/24 10/34 15/10 31/13 36/32 39/25 46/25 47/15 48/6 50/7 50/18 50/19 58/17 61/37 66/25 78/9 78/13 86/10 87/9 87/19 89/7 89/8 90/6 90/12 90/37 90/38 93/13 93/34 93/37 100/8 100/32 100/35 100/38 107/4 107/6 107/10 107/11 108/32 111/36 123/37 123/37 123/39 139/36 141/7 156/11 164/16 178/19 178/23 178/37 179/7 179/37 182/21 183/11 meetings [8] 2/3 6/28 6/33 7/5 37/6 38/32 47/8 50/8 meets [1] 149/22 member [3] 10/7 32/40 92/6 members [4] 3/5 5/39 31/21 32/10 membership [6] 93/40 96/35 96/37 97/17 99/8 99/14 membership-based [1] 99/8</p>	<p>memorized [1] 90/5 mention [3] 27/38 90/8 91/1 mentioned [8] 6/8 6/17 28/40 31/25 31/36 45/17 56/9 72/1 merit [10] 64/19 78/22 78/27 79/9 79/39 79/40 84/28 84/31 92/17 140/38 mesh [1] 155/16 mess [1] 179/2 message [1] 113/20 messages [1] 32/29 messed [1] 6/22 met [1] 1/1 meter [3] 121/32 122/1 167/16 method [3] 151/11 155/16 155/20 methodology [1] 17/39 mi [1] 114/24 mic [6] 7/30 30/14 30/16 74/24 94/34 163/12 micromanage [3] 65/33 66/23 67/2 micromanaging [1] 66/26 microphone [320] 1/25 5/6 5/26 5/28 10/35 10/38 10/40 11/12 11/20 12/8 12/10 12/21 12/37 13/2 13/25 13/34 14/21 14/28 22/38 22/40 23/2 25/23 26/6 26/10 28/8 32/18 33/24 33/26 33/28 35/13 35/16 35/17 35/19 37/10 42/19 42/25 42/27 46/14 48/7 48/9 48/10 48/23 48/36 49/31 57/30 58/1 58/6 58/19 59/21 59/27 59/31 60/11 60/17 60/31 60/33 60/34 61/25 61/26 62/19 63/25 63/27 63/38 63/39 64/7 67/3 67/5 67/13 67/38 67/39 68/1 68/2 68/4 68/6 68/17 68/20 70/38 71/1 71/6 71/36 73/20 73/22 73/25 73/27 73/39 73/40 74/6 74/8 74/9 74/11 74/13 74/15 74/17 74/19 74/22 74/24 74/25 74/26 75/21 75/25 77/8 77/10 77/11 77/32 78/15 80/24 81/16 82/28 82/39 82/40 83/5 83/8 83/9 83/10 83/14 83/15 83/16 84/16 84/18 84/20 84/24 84/36 85/3 85/6 85/8 85/33 85/37 85/38 85/40 86/14 87/32 88/24 88/27 88/33 89/4 93/5 94/9 94/12 94/13 94/25 94/27 94/29 94/31 94/32 94/33 94/35 95/6 97/8 97/13 97/40 98/12 99/27 99/32 99/33 99/34 99/38 99/39 100/13 100/15 101/8 101/9 101/11 101/30 101/31 101/35 101/37 102/7 102/13 103/1 103/2 104/32 105/28 105/40 106/21 106/23 107/14 107/35 107/40 108/1 112/23 112/26 112/39 122/29 123/19 123/35 123/36 124/13 124/18 125/38 126/3</p>	<p>126/4 128/40 131/17 131/39 132/6 132/13 132/14 132/20 132/24 132/27 132/29 132/31 132/36 132/39 133/2 133/4 133/5 133/9 133/11 133/13 133/17 133/20 133/22 133/24 133/30 133/33 134/39 135/20 135/23 135/28 135/30 135/34 135/36 136/10 136/16 136/27 136/28 136/29 136/31 136/34 136/35 136/37 136/38 137/1 137/4 137/39 138/10 138/33 138/36 139/9 140/10 140/11 140/15 140/16 140/17 140/19 140/26 141/2 141/13 141/15 141/34 141/35 143/14 143/16 143/19 143/24 143/26 143/28 143/32 143/34 143/35 143/37 144/22 144/27 144/29 144/31 145/11 145/13 145/21 146/9 146/13 146/20 146/21 146/26 146/30 146/34 146/35 147/3 147/4 147/10 147/15 147/17 147/18 147/30 147/36 148/2 151/20 151/22 151/24 151/25 155/29 156/8 156/30 156/34 161/21 161/23 161/31 161/32 162/16 162/17 162/22 162/23 162/24 162/25 162/26 162/28 162/31 163/6 163/8 163/36 163/38 166/3 172/27 174/1 174/4 174/5 178/5 178/7 178/24 179/25 179/27 microphones [1] 59/19 microscope [1] 77/36 middle [1] 45/40 Midway [1] 105/1 million [24] 3/14 25/29 25/37 25/38 27/29 27/29 27/34 35/15 37/30 38/7 38/18 38/33 39/23 39/34 39/39 40/7 40/35 40/38 41/12 41/13 150/21 158/18 160/12 181/7 Mills [2] 41/21 43/11 mind [10] 14/6 14/36 16/11 25/1 25/2 44/23 69/7 78/17 120/13 130/40 mine [5] 30/19 70/2 71/25 150/3 150/35 mineral [2] 150/25 150/37 minerals [5] 148/33 148/39 150/12 150/22 150/25 mines [2] 7/40 39/4 minimum [5] 38/22 118/11 118/14 134/25 134/26 minin [1] 136/25 mining [3] 149/39 150/3 150/34 minorities [1] 147/9 minors [1] 16/28 minus [1] 27/31 minused [1] 136/24 minusing [1] 136/25 minute [6] 10/19 13/10 48/20 68/40 168/23 168/23 minutes [13] 7/20 10/20 10/21</p>

<p>M</p> <p>minutes... [10] 10/21 10/22 10/23 10/23 10/24 10/34 111/37 153/8 179/39 181/40 mis [1] 154/11 miscalculation [1] 158/21 mishearing [1] 114/24 mislead [1] 96/23 missed [5] 4/31 112/31 158/9 159/23 169/36 missing [2] 36/16 114/3 misspeaking [1] 161/29 mistake [1] 159/22 mistaken [1] 39/9 mistakes [1] 159/8 misunderstanding [1] 119/8 Miteshell [4] 14/28 163/4 163/13 171/8 mitigate [1] 150/10 mitigation [1] 150/8 mobile [9] 101/29 101/40 102/1 102/2 102/36 104/35 104/38 106/24 174/8 model [5] 16/11 16/14 20/30 20/31 23/5 modernization [1] 3/20 modification [2] 46/29 134/34 modifications [1] 137/19 modified [2] 61/13 146/7 modify [4] 140/23 140/28 145/29 145/34 Moen [1] 2/39 moment [3] 1/29 1/31 74/1 Monday [4] 59/22 129/40 130/25 130/28 money [62] 13/28 29/12 29/16 31/14 31/27 31/29 31/39 34/35 36/24 37/31 37/34 37/38 38/5 41/1 44/10 45/7 62/2 63/7 63/8 63/28 68/36 69/1 81/2 92/11 92/13 93/2 94/5 94/7 98/30 108/38 113/8 115/34 116/10 116/23 116/25 118/4 119/19 119/24 121/21 122/21 127/34 128/8 132/33 133/39 134/24 139/34 150/6 150/8 150/36 152/13 154/34 159/12 159/38 161/40 162/1 162/2 169/23 170/19 172/5 176/19 176/19 176/24 money's [1] 92/35 monies [1] 78/33 Montana [1] 96/9 month [15] 25/26 69/2 108/17 110/17 113/6 116/19 117/40 118/2 118/30 122/3 165/22 166/17 166/20 167/39 178/13 monthly [3] 109/20 167/35 177/33 months [5] 7/7 25/36 73/24 161/3 161/4 morning [5] 59/22 100/28 141/18 158/30 171/9 motel [2] 166/36 166/37 motion [62] 10/29 10/32 10/36 11/9 12/1 12/19 12/40 13/1</p>	<p>37/5 46/15 46/21 46/22 48/3 48/4 48/4 57/28 57/31 57/39 59/1 67/34 77/25 84/17 85/20 88/3 91/16 101/9 131/35 131/39 135/24 136/12 140/4 140/12 141/12 142/24 142/35 145/15 146/6 148/12 148/20 149/27 149/29 153/37 155/30 156/13 156/22 162/10 162/11 162/18 164/16 170/36 171/3 171/5 171/29 171/30 171/33 171/35 171/36 171/37 171/38 172/25 173/11 182/11 motion that [1] 57/28 mounds [2] 16/26 27/9 Mount [3] 177/36 177/39 178/2 Mountain [38] 1/3 1/21 4/36 7/40 28/36 31/4 32/39 34/23 37/18 41/22 45/13 46/2 46/3 46/4 52/17 55/30 107/23 107/30 131/40 134/16 145/29 145/35 146/8 164/8 164/27 165/26 165/40 166/20 166/31 166/38 167/9 167/29 167/37 168/1 170/6 172/39 178/35 182/40 Mountain's [5] 165/31 166/16 167/30 168/12 168/22 move [13] 7/2 33/13 34/27 48/35 56/26 56/27 100/30 103/19 107/17 108/30 158/9 159/22 179/33 moved [4] 151/26 158/10 159/18 182/13 moving [4] 53/13 103/22 139/5 163/24 mow [2] 24/30 25/9 Mr [14] 37/4 37/20 43/11 60/39 62/18 68/9 68/15 88/1 88/27 120/10 120/14 123/8 138/40 149/14 Mr. [4] 10/31 22/39 26/9 26/32 Mr. Chair [1] 10/31 Mr. Clark [2] 26/9 26/32 Mr. Sparks [1] 22/39 Ms [4] 103/37 105/21 110/2 132/3 multiple [7] 14/39 17/34 20/12 168/32 170/39 170/39 174/11 multiuse [1] 18/37 municipal [2] 99/8 154/11 museum [2] 4/37 182/5 must [2] 60/40 103/18 my look [1] 85/22 myself [6] 59/22 85/22 86/9 163/16 180/9 181/28</p> <p>N</p> <p>NAC [8] 150/30 150/31 151/17 151/17 154/30 154/31 155/26 155/27 NACo [9] 2/15 2/26 2/29 2/35 2/36 3/13 3/20 6/10 6/31 nailed [1] 4/1 name [23] 7/29 7/35 8/11 8/36</p>	<p>32/38 41/21 54/33 57/5 61/7 61/39 62/13 62/39 75/18 78/9 81/24 81/37 83/29 85/35 85/38 89/10 105/39 106/3 140/36 names [16] 64/2 74/38 75/33 76/10 76/11 76/11 76/20 78/11 78/12 81/36 82/22 83/28 90/21 90/35 90/36 183/15 narrow [1] 121/40 national [2] 50/17 55/29 nationwide [10] 95/3 95/9 95/14 95/16 95/24 95/26 96/27 97/36 98/23 99/2 natural [2] 54/1 54/8 nature [3] 151/5 151/9 151/14 navigate [1] 16/12 Navy [1] 3/38 Nay [2] 88/21 173/21 NDEP [1] 26/16 NDOT [1] 9/19 NDOW [1] 55/31 ne [1] 160/19 near [2] 19/31 166/39 nec [1] 155/12 necessarily [3] 20/25 54/6 169/8 necessary [4] 151/13 154/9 155/18 155/21 need [71] 5/13 7/31 8/28 11/23 15/13 23/15 24/2 29/14 32/8 33/29 34/27 34/38 35/36 36/10 36/37 38/33 41/38 43/13 45/8 47/31 48/3 50/25 51/31 53/33 54/34 56/5 56/25 56/27 56/29 57/27 59/11 59/34 59/35 60/1 64/21 66/30 67/29 69/39 71/26 72/8 74/24 82/23 82/23 85/38 93/35 94/9 94/14 94/33 110/8 120/37 124/24 124/33 125/6 125/20 127/28 134/3 137/14 141/20 144/16 150/33 152/24 152/29 153/12 154/10 180/7 180/34 181/8 181/14 181/22 181/22 181/24 needed [16] 39/32 49/10 50/22 50/37 61/13 86/2 112/4 112/6 121/15 125/8 125/8 127/23 127/38 128/32 134/22 181/16 needs [25] 26/4 33/22 36/18 36/31 39/15 40/5 42/36 43/8 51/9 54/16 54/16 54/25 57/25 66/6 67/22 74/17 86/40 94/23 103/19 125/36 127/4 129/23 146/18 175/1 180/27 negotiable [1] 125/5 negotiating [1] 123/20 negotiations [1] 70/22 NEPA [4] 6/19 6/20 52/2 55/38 net [10] 38/4 39/4 148/33 148/38 148/39 150/12 150/14 150/22 150/25 150/37</p>	<p>network [7] 93/31 95/3 95/8 95/18 95/22 96/11 96/28 neutral [1] 171/7 Nevada [21] 1/4 2/10 2/24 2/40 4/1 4/34 6/34 45/37 54/13 55/29 63/32 72/1 77/37 78/8 91/26 92/2 149/36 150/4 154/8 182/5 182/40 Nevadaworks [3] 5/1 5/5 5/10 never [10] 25/10 36/22 42/31 69/26 78/25 79/11 82/8 158/29 158/32 177/12 never seen [1] 82/8 newer [2] 19/22 19/36 newest [1] 141/7 newly [5] 140/23 140/29 145/29 145/35 154/33 news [1] 4/25 nice [11] 2/27 21/16 25/12 31/25 34/32 35/26 35/32 35/33 127/16 134/8 167/1 night [7] 9/1 33/3 33/5 33/17 33/39 34/21 156/16 nightmare [1] 166/26 nights [1] 33/18 nine [3] 28/12 161/3 168/3 nitrates [1] 160/35 no [135] 8/21 9/40 21/39 24/30 25/9 29/7 30/17 31/1 35/37 37/7 37/27 39/25 40/27 40/27 43/4 44/3 44/3 44/4 44/8 44/36 44/39 55/3 57/15 59/19 60/17 61/38 64/33 66/32 66/35 66/39 67/3 67/16 68/39 69/13 69/21 72/16 73/27 73/37 74/6 74/6 77/15 77/25 77/38 79/11 80/39 81/5 81/5 81/11 81/22 86/29 87/11 89/10 89/12 90/27 93/39 97/19 98/30 98/30 98/38 99/16 101/17 102/6 102/6 102/7 105/17 105/20 105/30 106/1 108/13 109/22 109/24 109/26 113/9 113/22 113/24 114/1 114/3 114/5 114/29 114/31 115/36 115/37 116/23 117/3 117/13 119/9 119/10 119/28 120/6 121/22 121/24 122/5 124/12 128/21 128/29 128/34 129/1 129/10 129/28 130/27 130/39 132/23 132/31 133/11 135/39 140/14 142/12 142/25 143/12 143/24 143/28 145/19 146/14 148/1 148/19 151/29 155/33 156/25 158/5 159/23 162/20 162/27 166/30 168/37 168/40 171/35 171/39 171/39 174/20 175/23 176/12 177/22 177/23 178/36 180/28 nobody [2] 46/5 52/18 nobody's [4] 11/5 37/7 37/8 158/36 Nolieta [2] 32/20 32/22 nominal [1] 10/11 non [2] 109/35 179/34 non-agendized [1] 179/34</p>
--	---	--	--

<p>N</p> <p>Non-clean [1] 109/35 nonagenda [2] 7/17 179/36 nonagendized [1] 7/14 none [3] 14/7 62/30 67/22 noon [1] 58/39 Nope [2] 63/25 144/12 normally [5] 33/37 72/31 96/33 103/12 172/37 north [6] 2/25 16/1 16/9 18/2 19/3 52/17 northerly [1] 16/8 northern [1] 23/39 notch [1] 37/24 note [2] 55/40 182/39 noted [1] 39/31 notes [1] 6/12 nothing [9] 5/32 8/20 18/24 39/8 70/5 103/13 139/34 179/27 182/6 notice [8] 10/18 10/33 78/13 90/30 90/32 133/6 133/7 134/30 November [2] 10/19 10/20 November 25 [1] 10/20 November 7 [1] 10/19 NPM [8] 148/33 148/39 149/31 149/38 150/1 150/18 150/20 150/27 NRS [20] 61/27 76/9 77/27 77/28 86/7 86/27 86/39 87/7 87/18 87/39 89/3 150/7 150/19 150/37 151/17 151/17 154/5 154/14 155/26 155/26 NRSs [3] 60/38 61/28 87/17 number [76] 5/10 5/22 10/32 10/33 13/21 27/22 27/25 48/35 49/22 59/39 60/15 60/15 60/16 60/25 61/40 61/40 62/40 63/2 70/35 76/7 78/8 82/2 84/17 85/35 85/40 86/1 93/27 94/11 94/29 95/14 100/12 100/24 100/30 101/4 104/30 107/12 107/27 123/14 124/37 124/39 124/40 125/2 127/8 127/10 127/11 127/17 129/33 132/4 134/18 134/29 136/17 136/24 140/26 142/35 143/6 145/16 145/32 146/7 146/24 147/3 147/4 147/5 148/26 148/35 149/29 152/5 153/38 154/2 156/4 157/15 158/28 159/35 162/38 163/25 165/17 173/37 numbers [22] 42/2 52/20 75/37 76/7 76/11 76/20 82/4 82/12 90/25 110/12 152/14 155/22 158/7 160/39 164/18 165/3 165/16 165/34 166/33 170/32 172/12 172/13 nuts [1] 28/18 nutshell [1] 112/34</p>	<p>obeys [1] 8/21 obligation [30] 68/31 163/20 163/21 163/27 163/28 164/24 164/27 164/40 165/14 165/21 165/23 165/28 165/39 166/8 166/10 167/6 167/10 168/30 168/40 169/20 169/31 170/14 170/37 170/39 171/17 171/25 171/26 171/40 172/10 173/4 obsolete [2] 77/29 87/1 obtain [1] 46/30 obtained [1] 40/39 obtaining [2] 95/2 95/7 oc [1] 24/24 occasions [1] 7/6 occupants [1] 121/9 occupy [2] 18/38 24/24 occur [4] 19/1 19/4 78/35 78/35 occurs [1] 18/24 October [2] 10/19 10/33 October 24 [1] 10/33 odds [1] 21/28 off-sale [3] 101/39 102/26 102/32 off-site [3] 56/34 101/26 102/8 offen [1] 148/1 offer [3] 17/33 110/9 110/36 offered [1] 23/34 offers [1] 118/1 office [32] 10/10 55/30 56/4 65/30 69/39 71/22 71/23 71/25 101/1 101/4 101/20 103/19 104/27 115/17 131/13 131/16 141/25 141/26 141/27 141/39 141/40 142/19 142/20 144/40 167/11 177/36 177/39 178/2 180/9 180/12 181/2 181/30 officer [1] 176/29 officers [2] 176/7 176/27 offices [2] 101/24 180/38 official [14] 61/15 61/22 64/14 64/14 65/4 68/37 68/38 69/13 70/22 72/19 72/33 72/37 79/3 86/3 official's [3] 63/13 63/14 65/2 officials [10] 64/13 65/15 65/34 67/25 70/9 78/21 78/34 92/36 92/39 93/6 officials' [2] 82/21 92/31 offload [2] 16/5 19/6 offset [5] 23/28 110/25 117/7 150/34 165/11 old [4] 4/23 82/3 85/23 141/22 older [3] 17/19 18/12 18/14 once [8] 67/24 68/35 72/36 96/1 137/38 152/12 173/3 179/9 one [174] 2/8 2/25 2/26 2/39 3/3 3/4 3/21 3/21 4/33 5/5 5/10 5/18 6/12 6/17 9/1 10/6 11/24 11/25 13/37 15/2 17/40 18/4 18/13 22/25 22/40 23/8 23/26 23/38 24/30 24/40 25/9 27/11 27/37 27/38 28/6 28/24</p>	<p>29/20 29/25 29/25 29/33 30/1 30/2 30/2 30/3 31/21 31/23 31/31 31/37 32/2 32/9 32/14 33/1 33/2 33/29 34/19 35/9 38/19 38/19 39/3 39/25 39/29 40/40 43/15 44/19 45/11 45/14 49/22 50/39 50/39 52/16 52/31 55/19 56/31 57/25 58/31 61/12 64/1 64/8 65/38 66/8 72/37 74/10 75/2 78/14 78/24 82/32 82/39 86/15 89/6 95/14 95/17 95/21 95/27 96/1 96/10 96/30 97/5 97/6 97/8 97/14 99/10 99/13 100/19 101/39 102/14 102/34 102/37 103/25 103/26 103/26 104/23 105/1 106/12 107/31 108/16 108/33 108/35 109/30 110/39 112/9 119/21 121/5 121/13 121/32 121/40 122/27 123/14 125/3 132/15 132/26 134/36 135/1 136/12 137/2 138/27 141/23 141/37 141/40 142/2 142/14 143/40 145/4 145/6 145/8 146/10 146/18 149/6 152/31 159/40 162/11 162/14 166/24 168/3 168/4 168/4 168/23 168/27 169/27 170/4 170/4 170/4 172/18 172/21 172/21 174/6 174/22 174/30 175/38 177/2 179/2 180/11 180/26 181/34 182/4 one's [3] 39/25 89/22 93/39 one-day [1] 102/34 one-time [1] 108/35 ones [9] 17/19 36/5 57/22 65/12 65/17 98/26 102/33 104/29 104/40 online [2] 48/33 49/3 op [1] 22/35 open [31] 15/10 15/11 22/27 27/14 78/9 86/10 87/8 87/19 89/7 90/5 90/12 90/37 90/38 93/12 102/30 103/33 105/15 105/18 110/30 112/5 112/5 112/6 112/27 115/34 123/17 131/8 131/9 131/11 131/21 175/35 175/35 opened [2] 103/32 142/39 opening [5] 31/8 49/31 66/40 67/2 150/14 operate [7] 50/40 68/33 109/36 111/2 118/21 141/39 155/4 operating [1] 110/16 operation [5] 134/23 134/28 150/14 152/10 172/25 operations [2] 155/5 155/9 opinion [26] 65/19 65/25 65/29 65/29 65/30 65/31 66/13 68/10 68/11 68/13 68/16 69/39 74/29 77/16 77/35 77/40 78/3 78/5 85/30 90/11 91/6 91/33 93/10 93/10 104/27 120/34 opinions [3] 3/30 3/40 15/5</p>	<p>opportunities [2] 24/4 24/21 opportunity [10] 2/28 23/27 23/29 24/13 27/39 29/8 32/9 46/12 67/1 67/2 oppose [1] 91/12 opposed [9] 11/4 11/5 88/19 88/25 136/8 145/25 155/39 162/26 173/20 option [6] 23/24 24/25 39/14 85/18 122/4 176/10 options [6] 9/25 36/20 46/23 47/25 48/5 110/40 ord [1] 86/30 order [26] 1/23 1/35 4/17 16/35 18/27 19/14 19/29 19/38 29/15 29/34 46/30 46/31 100/9 112/4 123/17 134/20 142/9 157/11 157/17 157/23 157/30 158/13 158/14 158/20 160/36 162/12 orders [2] 158/32 158/34 ordinance [54] 60/32 60/36 60/40 61/9 61/11 61/12 61/13 61/20 61/21 61/30 62/4 69/25 73/33 73/38 76/25 76/25 76/37 77/14 77/21 77/29 77/38 83/2 85/24 86/17 86/32 86/37 86/40 86/40 87/6 87/7 88/36 89/39 101/25 101/34 101/37 102/19 102/26 103/40 104/4 104/10 104/24 105/25 106/27 106/30 106/36 154/2 163/34 163/35 163/37 164/1 164/12 173/35 173/40 174/7 ordinances [4] 67/30 67/32 77/27 103/40 organizations [1] 5/39 original [1] 97/4 originally [2] 8/26 17/2 oth [2] 76/14 163/40 others [1] 110/25 ought [2] 37/35 38/2 ours [1] 114/40 ourselves [8] 34/39 35/27 108/40 111/14 111/16 131/4 134/2 149/9 out of [1] 172/9 outcome [3] 51/4 51/11 51/14 outcome-based [3] 51/4 51/11 51/14 outdated [2] 60/38 180/27 outdoor [1] 32/24 outline [1] 79/33 outlined [1] 150/4 outright [1] 111/1 outside [6] 24/19 76/17 76/26 95/22 96/8 96/28 over Errecart [1] 31/19 overall [14] 14/37 16/13 25/40 27/15 27/19 40/37 68/28 68/30 68/35 70/20 70/23 72/17 72/39 79/15 overflow [2] 23/20 23/23 overgraze [1] 53/26 overgrazed [1] 53/28 overhead [1] 21/39</p>
<p>O</p> <p>o'clock [6] 4/39 33/17 33/38 139/7 148/27 182/5</p>			

<p>O</p> <p>overkill [5] 30/40 31/17 31/30 37/24 116/11</p> <p>overlooking [1] 21/21</p> <p>overseas [1] 70/11</p> <p>Overtime [4] 107/25 107/32 132/2 134/17</p> <p>owe [2] 92/13 94/21</p> <p>Owl [2] 9/6 104/39</p> <p>own [12] 16/10 23/19 40/15 41/35 44/39 83/3 83/4 91/33 141/31 142/3 145/7 169/30</p> <p>owner [8] 105/6 107/16 121/36 176/8 176/38 176/38 177/5 177/6</p> <p>owner's [1] 177/2</p>	<p>particular [15] 17/40 18/3 27/36 29/18 31/37 46/32 52/22 60/9 61/9 61/22 68/22 69/12 69/12 70/18 72/39</p> <p>particularly [1] 53/23</p> <p>parties [1] 135/16</p> <p>parts [2] 14/3 123/33</p> <p>party [3] 113/39 133/7 134/30</p> <p>passed [3] 61/30 76/37 137/39</p> <p>passes [7] 131/15 140/20 145/26 148/26 155/39 162/29 173/22</p> <p>past [14] 18/26 38/2 57/4 57/8 61/40 62/39 75/17 76/6 78/24 108/6 127/24 127/33 128/13 139/30</p> <p>patch [1] 53/34</p> <p>path [3] 16/29 17/12 17/17</p> <p>paths [2] 16/38 20/12</p> <p>patiently [1] 78/16</p> <p>patrons [1] 147/8</p> <p>PATSY [24] 1/7 2/5 6/10 11/8 12/18 49/4 49/36 50/28 74/29 76/24 87/40 94/16 100/15 102/22 104/32 121/30 142/21 162/40 163/5 163/10 163/11 169/25 169/37 170/16</p> <p>Patsy's [1] 49/36</p> <p>Paul [2] 50/5 54/34</p> <p>pay [45] 3/14 31/40 37/29 37/36 37/37 61/17 62/5 78/26 90/10 91/1 108/10 108/12 108/15 109/8 111/7 112/36 112/38 113/5 113/10 116/9 117/9 117/16 117/17 118/10 118/17 119/19 119/23 122/18 126/30 134/26 134/27 139/40 165/5 165/29 165/30 166/20 168/15 169/40 170/4 175/39 176/6 176/15 176/16 181/7 181/8</p> <p>paying [12] 109/33 113/1 113/2 114/36 118/11 120/29 166/7 168/33 168/37 169/19 169/31 170/5</p> <p>payment [6] 10/25 61/37 63/18 66/25 67/22 91/1</p> <p>payroll [23] 60/22 60/28 60/40 62/26 63/26 63/27 65/16 65/34 67/8 67/35 67/36 69/11 71/14 72/21 74/40 75/17 81/24 82/21 86/2 87/17 90/30 91/20 134/22</p> <p>payrolls [1] 79/1</p> <p>PBS [3] 4/34 4/40 182/5</p> <p>pen's [1] 15/35</p> <p>pending [1] 70/6</p> <p>penny [1] 39/10</p> <p>peo [1] 111/9</p> <p>people's [2] 14/21 64/2</p> <p>per [36] 6/19 7/20 25/26 25/31 25/35 26/27 34/33 35/11 35/13 39/8 52/23 64/28 78/29 94/19 97/18 98/20 102/1 118/16 145/9 166/17 166/18</p>	<p>166/36 166/36 166/37 166/37 167/16 167/16 167/34 167/39 168/8 168/11 170/9 172/15 172/27 176/6 179/39</p> <p>percent [18] 23/16 26/1 38/27 39/10 64/20 64/21 83/19 84/27 84/28 84/30 84/30 84/31 84/34 95/15 95/24 95/30 96/26 139/39</p> <p>percentage [3] 25/40 39/10 150/7</p> <p>perception [2] 95/15 95/23</p> <p>perfect [2] 106/34 158/36</p> <p>perfectly [2] 72/16 85/26</p> <p>perform [2] 6/19 47/19</p> <p>performed [1] 154/16</p> <p>pergola [5] 20/38 21/25 21/37 21/37 22/3</p> <p>pergola-style [2] 21/25 21/37</p> <p>pergola-type [1] 20/38</p> <p>perhaps [2] 8/23 98/39</p> <p>period [6] 6/15 25/26 25/35 28/11 70/4 175/31</p> <p>permanent [1] 105/7</p> <p>permi [1] 131/2</p> <p>permission [4] 80/3 105/5 113/29 113/30</p> <p>permit [1] 51/1</p> <p>permits [1] 51/17</p> <p>permitted [1] 106/30</p> <p>person [24] 7/20 29/33 38/19 38/21 38/34 45/14 61/17 61/22 69/40 70/16 71/14 72/32 72/39 94/19 97/12 97/18 98/20 99/23 102/24 124/23 134/25 142/11 172/15 179/39</p> <p>person's [5] 61/7 61/39 64/28 67/21 81/24</p> <p>personal [5] 65/22 70/5 78/1 91/33 181/9</p> <p>personally [6] 8/5 41/32 41/39 120/28 121/3 172/5</p> <p>personnel [10] 60/23 60/29 62/10 62/10 62/17 62/40 67/36 74/39 89/13 90/39</p> <p>persons [4] 3/11 7/16 142/14 179/35</p> <p>perspective [3] 26/27 26/31 39/23</p> <p>pertain [1] 17/13</p> <p>pertained [1] 25/6</p> <p>pertaining [2] 51/23 183/15</p> <p>Peters [3] 8/12 8/14 8/14</p> <p>phase [4] 15/6 15/7 29/35 40/34</p> <p>phased [1] 28/14</p> <p>phases [3] 31/23 40/28 61/19</p> <p>Phil [1] 74/36</p> <p>phone [1] 83/12</p> <p>phosphates [1] 160/35</p> <p>physical [1] 128/24</p> <p>pick [6] 9/2 45/24 67/30 68/40 122/36 171/20</p> <p>picked [2] 81/19 180/19</p> <p>picking [1] 66/4</p>	<p>piece [2] 28/30 74/11</p> <p>pitching [3] 16/26 22/22 27/9</p> <p>place [30] 2/9 7/22 17/3 19/13 20/15 21/19 24/3 24/35 30/3 38/1 45/8 53/38 59/33 73/11 98/28 103/3 103/18 110/24 112/7 121/39 130/38 141/32 144/35 144/36 144/38 145/8 147/14 149/10 180/1 183/11</p> <p>placed [6] 7/21 17/37 24/32 27/25 51/32 179/40</p> <p>places [2] 46/11 52/25</p> <p>placing [1] 17/36</p> <p>plague [1] 8/6</p> <p>plan [11] 15/8 19/29 29/16 50/36 99/9 150/39 150/40 151/3 154/38 155/2 155/3</p> <p>planning [1] 18/20</p> <p>plant [3] 160/33 160/37 161/11</p> <p>play [20] 16/22 16/33 16/35 16/40 17/20 17/34 23/10 23/12 23/30 24/5 31/32 32/8 32/29 33/23 39/1 43/7 44/5 45/1 45/3 131/14</p> <p>playable [1] 41/33</p> <p>played [1] 45/34</p> <p>players [1] 30/28</p> <p>playground [3] 22/4 22/9 24/17</p> <p>playing [4] 17/32 19/39 45/11 45/12</p> <p>please [27] 1/29 7/29 13/33 18/40 19/18 26/33 27/15 28/4 30/14 32/15 41/20 49/15 61/17 74/21 94/18 94/34 105/31 116/20 132/6 132/7 135/26 137/10 143/4 146/27 147/27 147/39 181/27</p> <p>pledge [2] 1/24 1/27</p> <p>plugs [2] 82/3 82/4</p> <p>plus [7] 28/32 28/37 31/38 134/27 167/34 178/9 181/24</p> <p>pocket [1] 98/31</p> <p>point [29] 5/8 15/18 23/36 29/21 39/14 47/7 53/40 61/29 61/32 67/7 69/13 69/36 70/20 70/23 70/27 72/20 73/34 80/8 85/25 86/16 110/39 137/17 142/13 158/35 159/40 166/23 166/27 172/4 178/16</p> <p>pointed [1] 136/30</p> <p>pointing [3] 65/26 160/17 163/14</p> <p>points [4] 50/22 51/17 55/25 103/17</p> <p>poles [2] 19/37 19/38</p> <p>policies [10] 79/30 79/33 83/21 141/28 141/31 142/23 145/16 146/8 178/9 178/10</p> <p>policy [12] 68/28 140/23 140/29 140/38 141/28 143/36 144/36 144/36 145/4 145/7 145/30 145/36</p> <p>pond [1] 159/19</p> <p>pool [11] 74/30 77/15 140/35</p>
---	--	---	--

<p>P pool... [8] 143/36 146/1 146/31 147/12 147/20 147/29 148/7 148/7 POOL/PACT [7] 74/30 77/15 146/1 146/31 147/20 147/29 148/7 POOL/PACT's [1] 140/35 poorly [1] 101/7 Pop [1] 17/25 popular [1] 19/37 population [2] 98/19 98/25 Port [1] 8/38 portion [23] 16/6 16/8 16/31 19/3 20/4 21/20 21/25 22/1 22/2 23/18 23/39 27/5 35/7 36/15 38/3 57/4 57/7 68/33 68/37 157/34 158/9 159/21 174/28 portions [1] 26/39 posed [1] 29/30 position [13] 61/15 62/1 65/5 67/24 68/26 68/27 69/32 72/35 72/35 72/38 78/38 80/9 83/29 positions [2] 61/6 82/19 possibility [7] 27/8 89/34 95/20 95/31 96/8 96/10 180/24 possibly [6] 15/19 56/18 114/16 140/40 141/5 174/27 posted [1] 103/3 posting [1] 103/23 postpone [1] 98/1 potential [7] 23/26 24/9 29/8 31/35 126/27 177/25 177/30 potentially [5] 19/28 22/6 22/7 23/38 96/27 potholes [1] 42/6 pounds [1] 52/23 power [3] 64/28 65/2 66/20 powers [5] 55/36 56/1 154/6 154/9 154/20 practical [1] 175/20 practice [8] 33/5 33/7 34/20 36/5 36/10 36/19 127/25 127/33 practices [1] 33/37 practicing [1] 33/3 Pre [1] 157/1 preceding [1] 150/13 precious [1] 38/24 prefer [1] 120/11 prehand [1] 61/36 premises [1] 102/38 prepared [2] 7/7 8/18 prepped [1] 21/18 presence [2] 1/17 1/18 present [6] 1/7 14/13 57/4 106/27 108/7 108/21 presentation [6] 2/35 4/35 5/22 14/18 28/19 30/7 presented [1] 50/19 presenting [1] 2/38 presents [1] 14/2 president [2] 2/17 2/39</p>	<p>pretty [22] 5/38 6/10 9/7 25/32 26/28 27/21 29/23 44/36 45/34 51/23 71/40 93/30 93/35 95/27 109/5 118/33 136/35 137/22 139/13 157/1 158/37 158/40 prevailing [2] 22/25 22/28 previous [3] 27/17 121/8 121/36 previously [1] 162/4 price [9] 39/34 48/2 157/29 157/32 157/34 157/35 157/36 157/36 157/37 Prima [1] 37/24 primarily [2] 27/1 155/8 primary [1] 18/13 prime [1] 38/11 printed [1] 79/14 printout [1] 180/29 prior [11] 94/23 108/19 113/29 116/24 116/28 124/24 133/7 134/34 138/15 138/24 154/28 priority [1] 153/40 private [8] 6/18 9/30 54/13 54/18 104/35 105/2 105/6 155/5 privileged [1] 142/20 pro [1] 150/24 problem [26] 33/36 37/20 37/21 37/36 61/2 61/3 61/10 61/23 61/34 62/14 62/14 64/23 66/2 93/3 103/30 103/34 115/30 128/25 137/9 146/17 161/16 171/40 174/37 175/8 175/37 177/12 problems [7] 4/29 5/4 5/5 114/35 149/9 175/4 176/14 proc [1] 114/2 procedure [1] 127/32 procedures [15] 79/31 79/33 140/24 140/29 141/28 141/32 144/36 144/37 145/7 145/16 145/30 145/36 146/8 178/9 178/10 proceed [3] 74/21 148/33 148/39 proceeds [9] 38/4 39/4 60/39 148/39 150/12 150/15 150/22 150/25 150/37 process [16] 9/23 39/29 50/10 50/35 51/36 52/2 55/20 55/36 55/38 56/4 80/29 108/24 111/40 170/19 170/19 181/25 processed [1] 101/21 prodding [1] 66/5 produced [1] 1/5 product [2] 39/37 39/38 professional [2] 31/38 127/6 professional-feel [1] 31/38 professionally [1] 121/7 profit [1] 112/35 program [8] 3/15 79/15 94/6 96/12 96/37 99/8 139/16 139/23 programming [3] 15/6 15/7 29/35</p>	<p>programs [1] 96/35 progression [1] 57/27 prohibit [1] 106/12 prohibited [1] 109/27 prohibits [1] 103/14 project [44] 2/12 6/37 6/38 14/3 15/15 15/34 16/13 18/2 25/38 27/12 27/33 29/14 33/20 35/38 37/32 39/40 40/16 40/32 40/37 40/38 40/38 40/38 41/11 41/12 46/31 55/31 139/17 139/25 139/29 139/37 140/6 157/12 157/19 157/27 157/34 158/6 158/9 158/18 159/15 159/33 160/11 161/5 162/3 162/13 projected [1] 150/25 projects [13] 13/35 13/36 15/2 52/2 55/39 56/8 158/28 158/29 158/37 159/1 161/15 162/1 162/3 promise [3] 166/13 166/15 167/11 promote [3] 6/32 59/26 59/31 promoting [1] 175/10 proper [5] 21/18 21/18 29/29 73/2 154/9 properly [2] 29/15 123/31 properties [2] 166/8 168/33 property [23] 9/31 9/33 15/37 15/40 16/1 18/21 28/28 28/30 57/8 57/11 57/13 57/14 104/35 105/2 105/6 110/17 128/39 155/15 169/4 169/5 169/24 169/31 170/40 proposal [19] 95/2 95/8 111/6 111/7 119/38 119/40 120/5 121/1 123/2 123/14 123/32 124/40 132/2 134/17 135/4 135/18 137/5 137/13 141/15 proposed [6] 13/18 13/23 48/29 48/39 123/38 131/31 proprietary [5] 152/2 152/7 154/1 154/21 154/24 prorate [1] 176/13 prosperity [1] 149/12 protect [2] 22/29 126/33 protecting [1] 22/31 protection [2] 21/40 94/4 protests [1] 55/34 provide [6] 22/14 26/22 86/7 87/21 111/25 134/21 provided [5] 17/9 22/19 134/24 154/12 183/15 provides [1] 149/36 providing [2] 121/25 155/6 public [50] 1/36 6/39 7/5 7/12 7/14 7/19 7/21 7/22 7/24 9/39 15/6 32/19 36/32 37/14 37/16 41/19 49/29 49/32 50/4 50/7 50/14 50/26 58/33 63/8 64/22 65/3 68/7 71/38 74/14 74/16 74/38 76/26 91/23 91/25 92/6 96/23 105/26 111/39 155/7 157/10 157/15 179/18 179/22 179/31 179/33 179/38 179/40</p>	<p>180/1 180/3 181/39 public-comment [1] 7/24 publications [1] 181/15 published [1] 164/12 pull [11] 10/12 10/26 11/7 20/10 21/12 21/12 27/14 67/15 75/4 76/25 111/37 pulled [4] 1/36 73/36 75/18 85/24 pulling [4] 11/6 25/2 79/6 98/18 purchase [3] 102/28 117/4 155/10 purchased [2] 128/9 128/13 purchasing [1] 9/34 purple [1] 17/13 purpose [7] 93/39 96/23 96/40 150/32 151/13 154/32 155/18 purposes [1] 29/11 pursuant [7] 150/16 150/18 150/29 150/31 150/37 154/29 154/31 pursued [1] 110/40 push [4] 21/12 60/2 137/10 147/25 pushing [2] 158/37 158/40 put a [1] 161/17 puts [2] 35/9 42/7 putting [7] 18/20 36/24 74/38 76/12 83/28 83/38 114/17</p> <hr/> <p>Q qualify [1] 119/7 quantity [1] 159/20 quarter [1] 39/10 quarterly [6] 5/34 6/7 175/40 176/1 176/4 176/16 quarters [2] 176/20 176/23 quest [1] 95/12 question [67] 22/40 26/8 26/11 26/32 28/3 28/5 29/1 29/2 29/7 29/30 32/6 32/13 32/23 34/31 41/23 41/36 42/33 43/6 46/27 52/35 62/25 67/19 69/25 70/7 70/14 71/21 72/6 72/17 78/28 79/3 79/8 79/13 81/17 82/40 83/1 88/24 88/32 89/6 90/3 94/13 97/4 101/13 101/23 101/23 102/2 103/7 103/22 104/12 104/34 108/3 110/1 111/31 112/2 116/22 119/6 121/5 121/16 122/2 122/7 124/3 138/1 138/13 141/34 141/35 161/14 172/36 175/5 questioning [1] 64/12 questions [17] 3/37 5/24 15/11 20/5 20/8 22/34 26/36 28/21 28/22 28/24 35/37 78/19 82/27 95/13 99/27 107/39 139/12 quick [8] 76/1 79/22 93/25 93/27 93/30 101/19 146/28 148/29 quickly [2] 17/22 25/2 quiet [1] 144/19</p>
--	--	---	--

<p>Q quieter [1] 171/19 quite [11] 3/12 3/12 5/12 31/27 52/5 56/33 60/37 111/14 123/31 164/38 165/14 quorum [1] 1/17</p>	<p>170/36 172/3 ready-made [1] 120/32 real [5] 76/1 93/27 137/9 146/28 149/9 realistically [2] 26/18 91/21 reality [2] 39/36 40/17 realize [3] 31/32 83/2 98/3 realized [1] 74/2 really stuck [1] 55/20 reapply [3] 105/29 106/5 106/37 rear [2] 8/39 9/9 reason [12] 30/1 41/39 53/30 54/21 121/31 133/18 133/28 144/39 149/8 160/31 176/17 176/21 reasonable [8] 7/21 54/31 120/30 151/13 151/14 155/18 155/21 179/40 reasonably [1] 150/15 reasons [6] 4/10 19/6 52/31 145/7 149/4 174/7 rebid [1] 157/35 rec [4] 46/5 121/21 147/19 178/10 recall [4] 65/14 108/31 108/31 123/1 receipts [1] 127/36 received [5] 27/25 27/27 108/16 150/11 177/32 recently [4] 3/12 7/6 48/30 48/40 recess [1] 100/37 RECESSED [1] 100/33 Recindiz [1] 14/12 Reclamation [3] 157/11 157/18 162/12 recognized [1] 51/25 recommendations [2] 50/16 146/4 reconvene [1] 107/10 RECONVENED [1] 107/7 record [31] 1/17 1/18 3/23 6/39 7/32 9/16 14/11 32/22 37/19 50/5 51/21 58/33 63/8 85/34 91/9 93/32 94/10 94/23 95/19 105/39 111/39 126/9 136/11 136/21 144/34 157/21 157/24 159/11 165/20 179/22 180/5 recording [4] 136/12 183/11 183/13 183/19 recover [1] 155/7 recreation [5] 57/21 145/29 145/35 146/8 147/2 Recreational [1] 146/23 redo [1] 103/40 reduce [6] 51/9 167/7 167/9 172/8 172/22 173/23 reducing [2] 46/24 173/8 reelect [1] 71/34 reentered [1] 47/2 references [1] 153/21 referring [2] 89/2 111/37 refigures [1] 114/10 reflect [3] 1/17 1/18 78/33</p>	<p>refunds [1] 176/12 regard [1] 68/27 regardless [1] 124/32 regionals [2] 43/39 44/1 Register [1] 6/13 regular [8] 1/2 5/16 47/26 47/26 131/23 147/34 165/24 166/11 regularly [1] 131/9 regulation [2] 18/5 50/23 regulation's [1] 57/3 regulation-size [1] 18/5 regulations [8] 48/31 49/1 49/18 50/40 56/27 151/16 155/24 155/25 rehab [1] 19/14 Reid [2] 32/38 33/28 reinforces [1] 68/30 rejected [1] 111/6 released [1] 6/13 relief [1] 3/17 relieve [1] 9/35 remainder [1] 169/1 remaining [2] 16/6 28/31 remains [3] 173/24 173/26 173/27 remedy [2] 9/31 106/22 remember [10] 64/4 75/21 108/30 108/33 117/35 119/18 119/30 135/31 137/10 166/13 reminder [1] 182/4 removable [8] 16/25 16/25 16/38 16/38 17/23 18/4 20/19 20/25 remove [3] 19/28 22/9 61/34 removed [3] 1/36 61/32 77/30 removing [2] 132/3 134/18 rendering [2] 20/34 20/37 rent [6] 108/17 113/25 114/11 116/19 125/30 125/31 rental [1] 110/19 renter [1] 129/17 renting [1] 129/10 reopen [1] 120/26 repairs [1] 110/20 repeat [1] 135/26 replace [5] 34/33 34/35 34/37 35/28 38/27 replaced [2] 129/25 181/31 replacement [2] 34/40 155/10 replies [1] 5/18 reply [1] 39/16 report [8] 5/32 6/8 6/23 116/11 153/1 154/23 154/27 154/32 REPORTER [1] 183/7 reporting [1] 110/5 reports [7] 2/1 2/3 6/26 6/28 177/25 177/30 177/33 representative [1] 84/5 representatives [3] 2/22 6/34 59/25 representing [2] 3/21 38/37 reps [1] 78/24 request [14] 4/11 10/7 49/17 62/5 63/26 63/28 65/16 65/35</p>	<p>69/11 75/18 82/21 86/2 96/13 127/40 requested [5] 2/35 57/4 60/26 132/13 176/24 requests [9] 50/39 60/40 62/26 67/8 67/35 67/37 72/21 87/18 90/31 require [3] 19/23 55/37 74/39 requirement [2] 141/25 142/10 requires [1] 19/37 reregulation [1] 52/13 researched [1] 116/32 reserve [16] 148/33 148/38 148/39 149/8 149/31 149/38 150/1 150/18 150/21 150/27 150/33 151/5 151/9 151/12 151/14 155/17 reserved [1] 149/10 reserves [7] 151/4 151/8 155/1 155/3 155/9 155/12 155/20 residence [2] 170/8 172/32 resident [4] 37/18 44/26 170/13 172/28 residential [5] 163/31 168/10 168/11 168/13 168/25 residents [16] 94/4 97/15 98/29 166/1 166/6 166/22 168/31 168/37 169/19 169/19 169/23 170/27 172/2 172/30 172/35 172/38 resolution [21] 9/20 9/25 148/32 148/37 149/23 149/29 149/30 150/30 150/31 152/2 152/6 152/9 152/25 152/26 153/31 153/35 153/38 153/39 154/30 154/31 178/16 resolved [10] 150/17 150/20 150/24 150/29 152/21 152/28 154/19 154/23 154/26 154/29 resource [2] 26/4 38/24 resources [2] 25/17 29/18 respect [4] 39/20 65/39 69/30 73/1 respond [1] 94/3 response [3] 5/35 5/37 6/4 responsibilities [1] 134/37 responsibility [1] 37/31 responsible [5] 45/7 89/24 121/10 134/26 149/34 rest [10] 20/33 31/13 37/27 45/4 100/11 115/3 120/40 121/1 141/26 165/11 restaurant [12] 24/16 24/19 24/20 27/7 27/32 102/29 102/31 111/16 111/21 134/23 175/22 175/31 restricted [3] 7/23 17/2 180/2 restrictions [4] 7/21 111/32 149/7 179/40 restroom [2] 20/17 27/31 rests [2] 92/31 92/33 result [1] 150/10 resurfaced [1] 19/12 retail [1] 134/24 retainage [1] 155/17</p>
---	---	--	--

<p>R</p> <p>retained [8] 56/35 151/4 151/8 151/12 155/1 155/3 155/12 155/21</p> <p>retaining [1] 151/8</p> <p>retention [3] 151/3 151/5 155/2</p> <p>retired [1] 104/23</p> <p>retrofitted [2] 19/12 41/25</p> <p>return [1] 38/25</p> <p>returned [1] 57/5</p> <p>revamp [1] 180/38</p> <p>revenue [18] 16/36 24/8 27/8 45/20 148/32 149/30 150/11 150/15 150/22 150/25 150/34 150/38 151/1 151/2 154/33 154/36 154/40 155/9</p> <p>reversion [1] 109/28</p> <p>reverts [1] 109/29</p> <p>revi [1] 141/1</p> <p>review [14] 140/33 141/1 141/7 146/2 146/7 147/34 148/7 150/24 150/25 155/22 173/34 173/39 174/2 174/5</p> <p>reviewed [3] 139/31 146/31 175/2</p> <p>reviewing [2] 147/21 147/28</p> <p>revised [6] 140/23 140/29 145/29 145/35 149/36 150/4</p> <p>revision [1] 174/7</p> <p>revisions [2] 48/29 48/39</p> <p>revisit [2] 123/15 123/28</p> <p>revisiting [2] 95/2 95/7</p> <p>ri [1] 53/26</p> <p>rid [5] 44/32 45/21 45/23 45/31 45/33</p> <p>ridiculous [2] 51/39 66/38</p> <p>riding [1] 19/22</p> <p>rights [3] 56/35 57/7 57/18</p> <p>ringing [3] 83/12 92/9 175/14</p> <p>rink [8] 22/7 22/11 22/13 22/16 22/20 24/18 27/32 47/32</p> <p>rip [1] 33/9</p> <p>riparian [3] 53/24 53/27 55/29</p> <p>RISK' [1] 147/8</p> <p>river [4] 31/20 160/32 160/36 161/3</p> <p>road [14] 7/36 7/38 8/3 8/11 8/14 8/16 8/17 8/36 31/19 36/39 38/26 139/17 139/24 140/6</p> <p>roads [3] 2/36 8/8 52/7</p> <p>roadway [1] 16/6</p> <p>Robert [2] 101/14 101/19</p> <p>rocks [1] 24/32</p> <p>roll [1] 39/11</p> <p>rollerblades [1] 20/2</p> <p>rolling [4] 19/24 22/29 181/25 181/35</p> <p>rolls [1] 39/8</p> <p>Ronda [1] 8/36</p> <p>roof [7] 20/35 20/37 20/38 21/25 21/25 21/37 22/3</p> <p>room [5] 14/19 23/33 54/31 68/38 165/9</p>	<p>rooms [1] 166/37</p> <p>Rosanna [11] 14/12 14/14 14/36 16/11 18/40 19/17 20/9 20/28 24/10 25/2 26/33</p> <p>Rosen [2] 2/20 59/24</p> <p>rough [2] 22/23 79/2</p> <p>roughly [5] 27/33 78/38 94/20 165/38 166/20</p> <p>round [1] 122/4</p> <p>route [2] 1/4 23/37</p> <p>routine [2] 10/5 72/20</p> <p>rule [1] 90/15</p> <p>rule's [1] 52/23</p> <p>rules [3] 52/14 56/6 65/31</p> <p>run [13] 24/38 36/26 51/10 80/5 111/14 111/16 114/16 116/27 118/17 120/12 149/18 161/2 165/34</p> <p>running [4] 51/13 52/33 112/8 174/38</p> <p>runs [3] 8/11 114/33 165/6</p> <p>rush [2] 7/40 8/27</p> <p>RV [5] 23/39 166/37 167/15 167/22 167/22</p> <p>RV's [1] 166/37</p> <p>RVs [2] 23/12 32/3</p> <p>S</p> <p>S-O [1] 164/23</p> <p>SADIE [24] 1/13 68/40 68/40 69/5 69/17 78/16 78/18 80/34 81/4 83/37 85/34 88/32 88/34 126/9 136/9 142/28 144/20 144/34 145/12 146/38 179/17 179/21 180/4 182/3</p> <p>Sadie's [2] 74/13 136/5</p> <p>safe [2] 21/38 111/13</p> <p>safety [2] 19/6 21/35</p> <p>sage [1] 6/14</p> <p>salaried [6] 84/33 85/3 85/6 85/8 85/9 92/18</p> <p>salaries [1] 68/37</p> <p>salary [3] 72/39 75/14 78/39</p> <p>sale [9] 54/14 101/39 102/8 102/26 102/29 102/32 102/32 122/19 154/11</p> <p>Sally [3] 69/17 69/18 69/20</p> <p>Salt [1] 98/39</p> <p>same [28] 4/27 17/32 23/22 31/30 45/14 55/37 63/6 69/35 71/12 72/26 96/36 104/40 131/32 131/33 137/36 141/35 142/11 142/22 164/7 164/7 167/2 167/9 167/14 172/26 173/24 173/26 173/29 183/17</p> <p>sand [1] 24/32</p> <p>sarcastic [1] 72/11</p> <p>save [11] 19/13 25/7 26/1 28/35 34/27 166/16 166/19 168/26 169/22 169/32 172/5 saved [4] 25/17 25/37 25/38 162/1</p> <p>saving [5] 166/1 166/5 166/6 166/21 169/33</p> <p>savings [10] 25/3 25/34 26/3 26/21 30/4 166/12 166/13</p>	<p>168/21 168/32 170/12</p> <p>saw [2] 56/13 56/13</p> <p>scale [3] 37/40 38/31 38/31</p> <p>scanned [1] 141/11</p> <p>scary [1] 133/38</p> <p>scenario [3] 21/15 36/1 52/31</p> <p>schedule [5] 33/35 34/5 34/13 156/9 179/7</p> <p>scheduled [2] 131/9 131/25</p> <p>scheduling [3] 33/27 33/28 34/16</p> <p>Scheduling's [1] 42/40</p> <p>school [37] 5/12 9/3 15/37 23/20 23/21 23/23 24/35 28/26 30/32 33/18 34/7 34/36 38/3 38/8 38/11 39/4 41/22 41/24 41/25 41/26 41/29 42/4 42/7 42/10 42/13 42/14 42/20 42/32 43/7 43/14 44/12 44/34 45/2 45/2 104/38 131/10 131/11</p> <p>school's [1] 42/34</p> <p>schools [1] 33/6</p> <p>scientists [1] 54/32</p> <p>scout [1] 15/37</p> <p>scooters [1] 19/23</p> <p>scope [8] 46/29 54/24 55/37 108/3 132/3 134/18 141/17 141/21</p> <p>scoping [2] 2/7 50/7</p> <p>scratch [1] 166/2</p> <p>Sean [5] 126/10 145/40 146/32 147/17 147/18</p> <p>season [2] 51/6 134/20</p> <p>seasonal [1] 35/36</p> <p>seating [2] 21/21 24/19</p> <p>sec [1] 87/5</p> <p>second [50] 7/31 10/35 11/11 12/7 12/21 12/22 13/2 14/7 14/24 24/14 24/16 24/19 25/4 29/20 48/7 48/9 57/30 59/2 59/3 61/29 68/1 68/3 77/25 84/17 85/20 85/32 87/5 135/23 140/10 143/23 144/18 144/21 144/24 144/28 144/33 145/13 148/14 148/16 151/23 151/24 151/25 152/32 155/29 156/21 157/5 162/16 169/27 171/4 173/11 182/12</p> <p>second-story [1] 24/19</p> <p>secondary [2] 23/24 24/8</p> <p>seconded [13] 10/37 11/12 12/23 88/6 140/12 145/17 148/17 151/27 155/31 156/23 162/18 171/29 182/13</p> <p>seconding [1] 144/25</p> <p>secretaries [1] 166/25</p> <p>secretary [3] 81/40 180/12 181/3</p> <p>section [4] 22/9 32/24 54/12 150/6</p> <p>sections [1] 159/19</p> <p>secure [3] 180/14 180/16 180/18</p> <p>secured [3] 180/19 180/23 180/32</p>	<p>securities [2] 145/2 181/3</p> <p>security [4] 180/13 180/31 180/34 180/35</p> <p>see what [1] 47/22</p> <p>seeing [7] 4/13 15/17 20/31 27/7 40/35 75/15 164/33</p> <p>seem [3] 8/9 15/35 45/12</p> <p>seemed [3] 13/37 29/17 95/12</p> <p>seems [6] 23/6 29/30 46/2 46/8 176/4 179/5</p> <p>seen [4] 30/8 52/6 52/38 82/8</p> <p>segregated [2] 19/5 23/19</p> <p>Segway [2] 19/20 19/33</p> <p>Segway-type [1] 19/33</p> <p>Segways [1] 19/22</p> <p>sell [2] 105/5 111/24</p> <p>selling [2] 23/36 174/40</p> <p>semi [2] 23/14 114/40</p> <p>seminars [2] 2/4 6/29</p> <p>Senator [3] 2/20 59/24 59/24</p> <p>send [3] 32/29 55/12 98/38</p> <p>senior [1] 147/8</p> <p>seniors [1] 16/29</p> <p>sense [12] 23/21 54/33 69/21 72/30 73/5 79/20 95/17 166/29 166/34 167/19 175/8 175/20</p> <p>sent [2] 2/36 5/24</p> <p>sentence [2] 56/28 57/25</p> <p>separate [5] 7/5 45/8 65/35 144/36 160/21</p> <p>separated [1] 141/23</p> <p>separately [2] 10/9 143/13</p> <p>separator [1] 146/39</p> <p>September [3] 2/30 5/33 25/28</p> <p>SERC [2] 5/34 5/35</p> <p>series [1] 2/20</p> <p>serious [1] 26/3</p> <p>seriously [2] 24/6 149/13</p> <p>servers [1] 180/21</p> <p>serves [1] 182/39</p> <p>service [4] 4/8 4/12 7/8 121/26</p> <p>services [13] 107/23 107/30 108/4 124/8 131/40 132/4 134/15 134/18 154/7 154/12 154/15 155/6 180/14</p> <p>session [4] 1/2 2/18 13/15 74/39</p> <p>sessions [1] 75/1</p> <p>set [15] 30/10 51/1 71/14 115/22 122/28 150/7 156/1 156/5 156/13 163/20 163/27 172/37 173/3 176/18 178/19</p> <p>Seth [1] 2/12</p> <p>sets [2] 68/28 152/14</p> <p>setting [2] 118/21 156/10</p> <p>settlement [1] 55/27</p> <p>setups [1] 170/40</p> <p>sev [1] 137/28</p> <p>seven [6] 26/17 107/19 114/11 161/2 168/2 172/21</p> <p>seventy [3] 167/34 168/4 172/18</p> <p>seventy-eight [1] 168/4</p>
--	--	--	--

<p>S Seventy-five [1] 167/34 seventy-one [1] 172/18 several [14] 6/33 6/33 13/36 18/2 29/34 36/4 55/27 73/24 83/30 112/9 139/30 149/4 180/23 181/35 sew [2] 154/7 154/11 sewer [21] 152/3 152/8 152/11 153/40 154/3 154/7 154/11 154/21 154/34 154/36 160/33 161/7 163/20 163/21 163/27 163/28 165/27 166/30 169/40 173/7 179/1 share [5] 4/33 139/18 139/25 140/7 142/11 She'll [1] 80/15 she's [19] 2/26 7/30 14/39 48/37 69/2 73/22 73/33 73/38 97/28 98/22 100/20 115/40 119/11 119/34 123/20 124/18 133/1 142/32 180/36 She's got [1] 7/30 sheep [1] 52/26 sheet [3] 81/24 165/8 165/9 Sheriff [1] 100/40 sheriff's [9] 101/1 101/4 101/19 103/19 104/27 141/20 141/25 141/31 142/19 Sherve [9] 120/10 120/14 123/8 129/39 129/39 130/2 130/3 130/4 138/40 shipped [1] 52/30 shock [2] 47/38 48/1 shook [1] 9/8 shooting [1] 16/11 shop [1] 134/24 shopping [1] 65/30 short [11] 33/12 33/19 36/39 111/3 150/39 150/40 154/38 154/39 166/1 178/6 178/7 short-term [4] 150/39 150/40 154/38 154/39 shorter [2] 33/20 140/1 shortfall [3] 77/9 151/1 151/2 shortfalls [1] 150/34 shortly [2] 19/8 20/22 show [7] 5/6 5/7 5/9 84/26 168/20 168/20 168/20 showed [1] 131/10 shrinking [1] 37/32 shuffling [1] 55/33 si [1] 8/22 side [14] 14/18 15/38 16/27 16/27 17/6 17/6 22/26 22/28 23/21 38/6 67/9 166/35 168/15 170/34 sides [2] 133/4 133/5 sign [15] 8/20 8/28 8/38 49/38 57/33 57/37 57/40 58/11 58/11 58/17 139/20 139/27 140/9 151/19 155/28 signed [2] 33/8 97/21 significant [2] 22/12 26/31 significantly [2] 21/28 39/38 signing [5] 50/1 58/35 134/34</p>	<p>135/37 136/18 silence [2] 1/29 1/31 similar [1] 155/4 simp [1] 124/6 simple [3] 51/38 52/2 52/7 simplify [2] 51/36 55/20 simply [2] 124/6 128/30 Simultaneous [1] 135/28 since [8] 45/35 45/35 50/24 53/25 77/13 110/2 158/31 164/34 sincerely [3] 55/14 56/10 100/27 single [6] 18/13 20/26 33/5 61/37 63/18 66/25 single-story [1] 20/26 singled [1] 64/5 singling [1] 64/11 Sisolak [1] 4/2 sit [6] 8/35 14/18 75/19 118/11 120/14 138/39 site [23] 14/38 16/3 16/32 17/2 17/3 18/18 18/18 18/19 20/6 23/8 26/35 28/18 29/6 29/13 29/16 29/18 29/19 56/34 99/9 101/26 102/4 102/8 103/34 sites [7] 28/25 29/2 29/7 46/28 46/33 46/36 47/10 sitting [10] 27/33 39/33 69/28 74/14 78/17 100/20 100/21 103/25 163/16 175/31 situation [4] 8/23 52/21 70/35 174/6 six [12] 25/26 25/35 33/1 34/2 34/3 34/6 36/9 93/29 102/31 117/38 167/33 172/21 six-month [1] 25/26 Sixteen [2] 172/16 172/17 sixty [2] 168/4 170/1 sixty-one [1] 168/4 Sixty-three [1] 170/1 size [4] 18/5 43/27 151/1 157/30 skate [11] 15/28 19/17 19/18 19/19 19/20 19/25 19/26 19/28 19/31 19/32 20/2 skating [10] 20/1 20/1 20/4 22/7 22/10 22/13 22/16 22/19 24/18 47/32 skills [1] 5/13 skip [1] 100/29 slab [1] 22/8 slash [1] 102/32 slight [2] 17/24 166/26 slow [1] 9/23 slowdown [2] 150/2 150/34 small [7] 23/33 25/40 34/24 125/40 145/7 164/29 176/19 smaller [7] 17/1 17/1 17/6 17/7 17/21 37/40 55/39 smart [1] 54/26 snow [1] 21/26 So get [1] 122/29 So I [1] 28/24 So I think [1] 25/6</p>	<p>So kind [1] 18/10 So Lander [1] 29/16 So one [1] 29/25 So the [4] 4/20 27/16 29/30 39/13 So there [1] 25/34 so this [1] 24/24 soccer [17] 15/27 16/9 18/1 18/1 18/5 18/6 18/11 19/9 19/31 23/18 26/38 33/4 33/6 33/10 36/2 36/3 36/17 social [1] 145/2 SOF [5] 164/23 172/7 172/8 172/22 173/23 SOFs [1] 172/34 soft [1] 16/27 softball [28] 15/22 15/27 16/18 16/27 16/39 17/17 17/29 17/32 17/36 17/37 19/9 29/40 30/28 33/2 33/7 34/17 37/28 38/17 42/13 42/35 44/28 44/34 44/37 45/1 45/9 45/19 45/24 46/11 softener [1] 129/13 soil [1] 47/26 sold [4] 9/31 31/34 54/14 111/29 solely [1] 159/22 solid [1] 20/37 solve [1] 104/21 somebody [21] 37/26 64/20 64/20 67/1 83/19 84/6 84/12 84/32 84/33 92/3 110/15 112/7 116/9 120/37 121/26 131/13 131/28 169/39 174/11 174/17 181/5 somebody's [1] 59/35 someone [7] 8/29 21/29 21/30 24/31 69/38 99/14 118/10 someone's [1] 91/20 sometime [1] 130/35 Sonderman [6] 107/24 107/31 110/2 132/1 132/3 134/16 soon [3] 4/30 121/28 138/8 sorry [50] 5/28 6/9 40/26 46/39 59/30 60/18 64/9 70/39 72/15 73/9 74/4 74/13 77/22 81/4 81/19 83/15 88/32 90/25 91/13 91/39 94/26 97/23 100/16 101/7 101/16 101/36 103/37 105/21 127/10 129/32 130/4 130/5 130/27 136/9 137/8 141/3 141/14 144/5 144/15 144/34 146/28 147/22 161/33 161/35 170/19 171/18 173/25 179/26 180/6 180/7 sort [7] 18/27 18/38 20/1 31/8 70/31 120/25 175/9 sorts [2] 23/13 24/21 SOS [1] 180/35 sound [1] 118/33 sounds [7] 4/5 61/2 61/3 72/11 85/2 106/38 118/33 source [3] 72/5 150/36 154/35 sources [1] 154/34 south [1] 19/10</p>	<p>southeast [1] 18/21 southern [1] 2/24 space [8] 17/2 18/38 19/7 22/27 23/40 24/3 32/3 36/10 spaces [3] 56/29 167/22 167/22 spanning [2] 21/1 21/24 spare [1] 37/34 spared [1] 31/1 SPARKS [7] 1/10 22/39 31/25 37/23 46/17 47/2 112/30 speak [5] 76/17 83/16 117/32 170/31 171/19 speaker [2] 13/31 105/36 speakers [1] 2/39 speaking [1] 74/36 special [6] 10/20 57/9 148/32 148/38 149/30 178/16 specific [7] 17/13 85/2 101/24 103/8 126/11 126/24 176/23 specifically [4] 29/6 91/7 123/9 124/3 specifications [1] 159/15 specifics [2] 16/23 28/19 speed [1] 19/15 spend [5] 41/32 45/6 46/38 63/7 63/15 spending [3] 25/20 72/13 92/12 spent [2] 44/1 62/2 spit [1] 26/2 spoke [3] 29/34 86/36 86/38 sport [3] 19/37 19/40 27/38 sports [28] 13/18 13/23 13/38 14/35 15/16 15/19 15/20 15/21 15/25 15/29 15/37 16/4 16/36 19/34 22/15 23/22 25/19 28/37 28/38 29/37 31/22 31/25 41/13 41/39 107/25 107/32 132/2 134/17 sportswise [1] 19/16 spot [4] 14/14 38/11 45/16 54/4 spots [1] 23/6 spray [1] 36/11 spread [2] 31/37 34/22 spreadsheet [2] 27/18 80/36 spreadsheet-type [1] 80/36 spring [2] 33/33 51/8 square [2] 20/27 35/8 squeak [1] 173/18 ss [1] 183/2 sta [1] 69/27 staff [12] 6/26 6/28 21/4 38/16 78/32 78/37 79/16 86/2 147/32 180/9 181/24 181/28 stages [1] 14/3 stakeholders [1] 15/9 stamped [2] 22/2 27/5 stand [1] 14/20 standard [9] 21/39 108/6 137/22 139/13 139/31 139/39 139/39 166/25 167/10 start [23] 2/5 2/32 4/22 8/17 14/15 16/12 16/17 16/24 16/34 17/9 20/6 20/13 23/11</p>
--	--	--	---

<p>S start... [10] 32/10 39/32 39/40 72/40 134/13 149/11 156/14 160/38 166/26 176/26 started [6] 36/24 45/35 45/35 108/34 122/23 123/17 starting [1] 121/27 starts [2] 16/16 45/3 startup [1] 108/35 stated [11] 61/27 69/22 78/30 79/10 84/15 87/16 88/38 91/10 91/14 180/37 180/40 statement [3] 3/19 150/32 154/32 states [6] 2/9 24/28 50/8 177/35 177/38 178/1 stating [2] 90/20 134/19 station [2] 4/34 14/15 stations [1] 5/22 status [2] 63/28 78/8 statute [6] 3/14 90/39 91/4 149/36 150/5 151/16 statutes [2] 155/24 155/25 stay [13] 14/20 24/3 32/4 35/22 42/3 49/15 53/29 83/17 83/20 84/3 128/10 128/18 171/16 stayed [1] 128/13 staying [2] 32/3 42/35 stead [1] 66/23 step [10] 3/38 18/32 39/25 39/29 51/27 72/20 78/22 78/26 79/10 84/8 steps [2] 59/33 78/29 sterile [1] 61/2 stick [1] 166/15 sticky [1] 102/40 stipend [2] 125/4 127/12 stipulations [1] 102/37 stone [1] 51/1 stones [1] 74/27 stop [10] 8/20 8/28 8/38 21/30 29/20 65/40 67/30 73/4 76/25 77/28 stoplight [2] 8/23 8/24 stopped [2] 66/4 73/17 stopping [3] 73/11 73/12 74/3 stops [1] 77/20 storagability [1] 21/15 storage [8] 20/18 20/21 20/23 20/24 20/25 21/9 21/11 36/36 storage with [1] 20/18 stored [1] 22/30 stores [3] 102/27 102/27 103/26 storm [1] 18/25 stormwater [3] 18/17 18/20 18/37 story [6] 20/26 20/35 24/14 24/15 24/16 24/19 strategically [1] 51/32 Street [1] 8/7 stress [1] 34/29 strictly [3] 67/8 110/38 123/8 striking [1] 111/40 strip [1] 52/8</p>	<p>strong [1] 3/30 structure [13] 20/26 20/35 21/1 21/3 21/10 21/11 21/24 21/39 22/8 22/22 22/30 23/32 27/2 structured [1] 3/27 structures [1] 23/17 struggling [1] 33/38 stubble [1] 5/20 stuck [2] 47/36 55/20 students [1] 5/12 study [2] 6/19 30/11 stuff [16] 4/17 4/24 45/18 46/12 50/34 55/12 63/36 71/39 111/28 128/17 137/15 137/38 139/39 178/22 178/32 178/35 stuttering [1] 72/8 style [5] 21/25 21/37 22/3 22/26 22/28 su [1] 122/38 subject [6] 134/33 135/5 135/6 135/10 136/32 136/39 subjecting [1] 61/21 submission [2] 48/29 48/39 submit [14] 7/16 78/20 78/28 78/29 79/4 79/8 80/9 80/11 81/23 85/39 86/1 86/5 127/25 179/35 submitted [4] 50/16 132/2 134/16 134/18 submitting [1] 79/18 subordinate [1] 70/18 subparagraph [1] 150/5 Subs [1] 8/38 substantial [1] 159/9 substructure [1] 21/4 such [4] 4/15 134/8 134/36 134/36 suck [1] 45/11 sucks [1] 45/10 sudden [4] 4/6 69/27 94/21 97/37 sue [1] 89/27 sufficient [1] 69/1 suggest [5] 8/23 120/10 122/40 123/7 132/15 suggested [1] 141/19 suggestion [3] 107/15 107/18 135/4 SULLIVAN [10] 1/13 78/18 83/37 85/34 88/34 126/9 144/34 179/21 180/4 183/17 sum [2] 127/30 127/35 Summit [1] 178/2 super [1] 21/32 superseded [1] 86/27 superseding [1] 87/7 supplement [1] 23/27 supplemental [1] 6/13 supplements [2] 53/38 53/40 supplying [1] 154/7 support [2] 6/32 175/19 supposed [8] 3/23 83/28 84/29 88/35 88/37 158/8 174/24 175/34</p>	<p>sure I [1] 113/15 surely [1] 38/40 survey [3] 29/13 29/18 46/32 surveying [1] 47/10 swaps [1] 54/17 SWD2 [3] 154/4 154/12 154/27 SWD2's [1] 154/6 sweet [1] 118/33 swim [1] 46/7 swimming [2] 143/36 147/12 swore [1] 111/38 synthetic [5] 34/31 34/34 34/35 35/7 38/23 sys [3] 164/24 165/13 167/9 system [44] 21/6 22/26 82/3 121/33 163/20 163/21 163/26 163/27 164/24 164/25 164/26 164/40 165/14 165/21 165/22 165/23 165/28 165/39 166/7 166/10 166/18 166/25 167/6 167/10 167/39 168/30 168/39 169/19 169/31 170/14 170/37 170/39 171/17 171/25 171/26 171/40 172/3 172/10 172/25 172/38 173/1 173/4 180/15 181/33</p> <p>T T-ball [3] 16/21 16/28 33/4 tab [1] 25/4 table [2] 147/20 147/29 tabled [1] 146/5 tabletop [1] 54/7 tackled [1] 3/28 taco [1] 175/36 tad [1] 31/30 tag [1] 39/34 taken [13] 1/35 10/8 13/13 13/19 13/24 26/4 36/18 40/5 41/14 48/26 100/6 123/15 148/5 takeoff [1] 158/8 talk [20] 6/34 14/37 16/12 18/36 19/1 20/10 29/39 30/29 35/30 50/14 55/25 56/3 71/10 74/10 84/3 119/3 120/10 123/8 137/10 168/17 talked [9] 5/11 9/24 21/9 31/21 34/17 50/29 76/24 139/29 139/29 talking [24] 2/13 6/12 6/16 14/35 15/29 16/17 18/1 20/22 31/34 36/8 50/21 51/17 52/5 55/25 65/7 65/9 78/24 115/40 128/17 141/19 142/7 170/23 180/31 181/33 talks [1] 90/39 tall [1] 21/32 Taqueria [3] 101/2 101/6 101/12 tar [1] 27/16 target [2] 16/35 32/8 targeted [9] 2/21 6/17 52/9 52/12 52/16 53/12 53/32 54/5 54/6</p>	<p>targeting [1] 35/8 tasked [2] 48/30 48/40 tax [12] 26/25 38/4 39/8 130/28 130/28 130/29 149/19 149/19 150/12 150/22 150/38 155/15 taxation [2] 149/18 150/23 taxes [3] 37/36 134/22 176/16 taxi [3] 139/17 139/24 140/6 taxpayer [4] 37/26 38/30 62/2 92/13 taxpayers [9] 37/35 39/35 63/29 64/17 65/3 92/14 92/20 92/40 92/40 team [5] 14/9 42/2 46/7 55/29 180/36 teams [1] 23/32 tear [1] 33/4 tearing [1] 8/8 tech [1] 181/17 technical [1] 104/25 technically [2] 36/4 115/6 Ted [22] 60/33 64/24 66/13 85/5 86/7 87/22 104/1 129/4 129/38 129/39 129/39 129/39 130/19 130/26 132/18 134/40 137/8 137/11 142/30 152/20 174/9 181/18 Ted's [3] 87/9 90/28 139/31 teleconference [2] 1/19 5/34 tell [11] 26/16 41/26 54/26 60/30 61/16 65/34 79/11 84/11 158/3 167/2 179/13 tells [1] 79/15 template [1] 140/35 temporary [5] 101/39 102/33 174/29 174/30 177/7 ten [3] 25/36 168/3 168/3 ten-year [1] 25/36 tennis [3] 15/28 19/10 19/14 tenure [1] 69/33 term [11] 3/15 111/5 149/34 150/39 150/39 150/40 150/40 154/38 154/38 154/39 154/40 terminate [1] 133/27 terminology [2] 52/5 53/10 terms [5] 25/18 26/3 36/15 41/17 159/14 test [2] 180/16 180/30 testing [1] 180/13 text [2] 86/18 138/11 th [1] 168/31 That co [1] 25/29 that is [1] 25/40 that Lander [1] 29/21 that you [1] 138/6 That'll [1] 58/26 that's a [1] 44/11 that's the [1] 176/21 themselves [1] 21/2 then-existing [1] 69/34 THEODORE [1] 1/14 thereafter [1] 154/25 these tournaments [1] 31/24 thi [1] 159/33 thick [1] 145/4</p>
--	--	---	--

<p>T</p> <p>think we [1] 37/10 thinking [2] 26/20 153/15 third [3] 40/12 40/12 44/30 Thirty [1] 133/6 Thirty-day [1] 133/6 thoroughly [2] 105/15 159/13 those parking [1] 19/1 thou [1] 162/15 though [10] 4/13 33/21 36/1 45/26 46/1 46/8 79/39 108/37 121/9 138/13 thought [15] 5/8 8/26 17/38 21/27 30/35 47/37 60/34 94/19 108/28 121/14 144/5 144/7 149/6 171/37 174/27 thoughts [2] 31/5 51/22 thousand [15] 13/30 25/23 31/4 36/26 69/2 97/12 119/29 127/28 159/34 162/14 165/34 167/33 167/34 167/35 168/3 thousands [2] 51/39 51/39 three [29] 7/20 8/39 28/9 28/10 28/11 28/14 31/4 33/4 88/25 132/13 132/14 132/35 132/37 133/7 133/40 143/8 143/26 144/4 144/10 144/14 161/4 167/16 169/30 169/31 170/1 179/39 180/11 181/23 181/40 three-phased [1] 28/14 three-year [3] 28/11 133/7 133/40 throughout [5] 45/4 69/32 126/40 137/22 180/37 throw [3] 19/38 37/34 172/23 throwing [1] 37/38 Tibbets [2] 50/14 55/12 tied [2] 7/27 173/12 Tiffany [3] 1/5 183/7 183/27 tighten [1] 180/34 till [7] 45/2 98/1 100/19 141/6 141/6 164/36 178/30 time-consuming [1] 51/35 times [11] 4/23 9/3 51/34 52/33 53/21 53/35 56/3 75/17 129/21 139/30 167/18 title [8] 60/23 60/28 61/4 61/14 61/17 67/36 80/10 81/38 today [27] 14/12 14/13 14/35 15/1 24/13 29/28 29/32 29/38 36/30 37/7 39/24 49/13 57/39 58/13 61/21 65/25 68/21 70/1 77/30 80/36 87/3 104/2 104/7 104/21 104/31 105/25 174/6 today's [3] 15/4 38/29 39/25 together [10] 3/13 3/34 13/39 37/20 37/21 38/3 49/17 147/32 159/15 168/20 token [1] 31/30 told [5] 4/10 13/40 86/40 147/20 176/18 Tomera [3] 50/5 50/5 51/21 ton [5] 18/20 20/19 21/15 158/38 176/24</p>	<p>tonight [3] 4/34 4/39 182/5 Tonopah [1] 3/2 took [4] 6/12 74/28 124/33 183/11 tool [1] 56/7 top [12] 4/19 4/26 4/26 13/37 37/24 47/31 56/28 102/21 108/17 146/22 168/2 174/13 topic [3] 74/23 74/26 141/36 topographic [1] 29/15 total [8] 17/2 81/3 165/20 165/28 165/33 167/39 167/40 173/7 totally [2] 67/28 165/12 tots [1] 18/8 touch [3] 16/24 35/40 96/34 touched [2] 6/11 181/19 touchy [1] 176/31 Tourism [2] 5/27 5/28 tourn [1] 23/10 tournament [12] 16/22 16/33 16/35 23/10 23/12 23/30 24/5 30/36 32/8 43/14 43/15 45/21 tournaments [10] 24/1 30/29 31/24 31/27 31/33 37/28 37/28 38/9 45/17 45/20 toward [1] 132/34 towards [7] 17/36 17/37 19/18 25/12 28/34 29/16 41/37 towns [1] 182/39 track [5] 6/36 26/39 26/39 27/17 56/8 traditional [1] 19/25 traffic [4] 7/39 8/16 8/18 9/35 trail [5] 4/36 18/15 18/29 18/32 18/39 trailing [1] 54/8 trails [1] 53/36 trained [1] 94/2 training [4] 3/19 5/6 6/2 6/3 transcribe [1] 59/19 TRANSCRIBED [1] 183/9 transcribing [1] 136/22 Transcript [1] 1/5 transfer [3] 161/26 161/36 162/4 transitions [1] 20/29 transparency [6] 62/2 64/3 64/17 65/2 91/17 92/14 transparent [5] 63/31 64/21 72/1 91/25 92/2 Transportation [1] 2/23 travel [1] 31/33 treasurer's [2] 131/12 131/16 treasury [2] 137/38 149/32 treated [2] 160/32 160/33 treating [1] 160/38 treatment [1] 161/11 Trex [2] 22/3 27/5 tried [4] 4/17 15/23 18/26 121/39 tries [2] 3/4 15/7 trim [2] 14/4 41/17 trough [1] 51/38 truck [8] 101/30 101/32 101/33 101/38 103/24 104/35</p>	<p>175/10 175/12 truckers [1] 8/29 trucks [8] 8/1 8/8 8/27 8/39 8/39 9/20 174/19 175/8 true [10] 15/20 20/36 95/16 95/16 95/17 142/4 160/21 166/15 175/33 183/17 Trump [1] 2/17 trusting [1] 93/1 truthful [1] 36/26 try [19] 9/19 9/31 15/18 15/23 24/1 25/10 48/5 51/34 67/7 93/26 93/29 93/33 120/25 120/25 134/13 138/8 158/38 174/40 176/34 trying [33] 9/19 16/20 17/3 18/6 19/4 19/13 20/38 22/14 29/35 33/16 33/36 34/30 45/13 45/22 53/39 54/24 66/23 72/8 73/38 108/24 108/31 114/35 117/4 167/36 168/19 170/17 170/32 170/33 174/36 174/39 175/22 176/7 180/38 Tuesday [3] 59/21 129/40 130/29 turf [6] 34/34 34/35 35/3 35/7 38/23 44/32 turfs [1] 34/31 turn [15] 5/20 9/38 18/12 59/11 60/33 62/20 94/31 94/33 100/19 105/33 105/34 105/34 105/35 107/36 108/9 turnaround [1] 148/29 turned [3] 8/22 51/8 112/10 turning [1] 8/4 turns [1] 8/3 TV [1] 15/36 tweak [1] 15/13 tweaking [1] 17/24 twenty [3] 28/12 167/33 167/34 Twenty-nine [1] 28/12 Twenty-six [1] 167/33 twice [3] 69/6 75/18 96/2 two [57] 7/6 16/31 16/32 17/1 17/3 17/5 18/9 20/35 23/17 33/9 34/8 36/1 36/3 36/11 36/16 38/21 43/6 43/18 43/25 43/39 43/40 44/29 49/17 52/33 55/33 59/25 61/19 73/25 74/9 75/17 76/14 76/26 76/40 88/25 91/32 93/8 95/12 96/7 110/39 112/2 132/23 132/27 132/29 132/32 150/12 152/2 152/7 154/20 154/23 155/4 159/19 167/15 167/16 169/30 169/31 174/33 178/9 two-page [1] 49/17 two-part [1] 112/2 two-person [1] 38/21 two-story [1] 20/35 type [28] 15/19 16/35 19/24 19/33 20/24 20/38 21/10 22/3 23/31 23/36 24/7 25/14 45/25 52/31 71/14 80/36 101/18</p>	<p>101/25 101/29 102/2 102/2 106/22 154/24 155/23 181/3 181/6 181/10 181/16 typed [2] 58/15 58/16 types [4] 18/33 20/7 23/34 176/27 typical [8] 19/32 21/34 21/38 24/38 27/20 27/21 27/29 134/23 typically [3] 23/22 175/11 175/30</p> <p>U</p> <p>Ugalde [1] 159/10 ult [1] 23/20 ultimate [1] 19/35 ultimately [4] 18/13 23/20 104/27 166/22 umbrella [2] 180/21 180/22 una [1] 83/25 unanimously [1] 11/18 unaware [1] 83/27 unbeknowingly [1] 21/28 uncle [1] 45/34 underage [1] 102/39 underdeck [1] 21/6 underdesigned [1] 23/15 underestimated [1] 159/17 underground [2] 21/5 21/6 underlayment [1] 21/6 underneath [8] 21/4 21/7 21/11 21/16 22/21 22/30 104/28 180/22 understand [42] 16/19 53/11 66/32 66/39 66/40 70/8 73/1 73/7 73/14 74/23 74/26 75/9 75/10 78/15 89/20 93/33 94/18 97/30 99/18 103/22 104/24 110/28 114/7 118/26 119/2 128/24 130/39 141/37 142/5 159/7 163/2 163/33 167/1 168/24 169/18 169/32 170/17 171/6 175/25 175/40 178/36 180/20 understanding [4] 9/33 24/37 26/35 101/28 understands [1] 75/3 understood [2] 78/30 161/32 unemployment [1] 5/3 unfortunate [1] 41/9 unfortunately [2] 6/31 159/10 unimaginable [1] 6/3 unincorporated [1] 182/39 uninformative [1] 50/11 union [18] 71/8 74/35 74/35 74/37 75/7 75/7 78/22 78/24 78/29 79/9 79/10 80/9 82/18 83/17 83/17 84/4 84/4 84/27 union's [1] 84/8 unit [7] 27/2 154/16 154/18 157/29 157/32 157/34 157/37 United [5] 24/27 50/8 177/35 177/38 178/1 universal [1] 170/17 unless [9] 49/32 80/21 105/18 107/17 111/3 114/31 114/33</p>
--	--	---	--

<p>U</p> <p>unless... [2] 114/34 139/12 unnecessary [1] 176/5 unopened [1] 111/24 unsafe [1] 44/4 unsightly [1] 18/22 upcoming [2] 177/25 177/30 update [5] 13/17 13/22 103/40 173/34 173/39 updated [10] 5/40 140/23 140/29 140/32 141/31 145/29 145/35 146/3 146/7 181/32 updates [3] 180/6 180/9 181/37 updating [5] 48/31 49/1 49/10 104/26 181/34 upfront [1] 132/33 upgrade [1] 160/37 upkeep [2] 128/37 129/9 uplands [1] 53/23 upon [9] 7/22 7/22 10/5 10/8 132/7 134/32 150/10 180/1 180/1 upper [7] 20/38 21/14 21/20 21/37 22/2 22/5 27/6 ups [1] 71/39 upset [2] 9/10 76/35 urban [1] 52/4 usage [1] 24/39 used [8] 7/40 28/31 32/33 36/11 39/13 56/7 82/3 166/8 user [2] 155/14 166/18 users [2] 155/8 166/11 using [9] 8/14 26/18 32/27 33/3 33/6 34/7 53/22 76/25 180/26 usually [11] 3/4 15/21 18/22 50/40 137/32 169/14 174/33 175/30 176/40 178/26 181/6 UTAH [1] 183/1 utilities [8] 110/20 117/39 118/3 118/3 118/20 120/35 121/19 121/39 utility [1] 121/31 utilization [1] 53/23 utilize [7] 18/6 18/26 18/27 22/10 22/21 24/3 51/32 utilized [3] 27/22 52/1 52/3 utilizing [1] 23/38 utmost [1] 142/33</p>	<p>versus [4] 17/40 31/37 39/37 98/19 vertical [1] 21/33 vetting [1] 2/19 via [1] 1/19 viable [1] 24/5 vice [6] 10/31 74/32 151/20 151/21 155/28 182/28 VIDEO [2] 183/11 183/19 View [4] 107/23 107/30 131/40 134/16 viewing [1] 10/10 viewpoint [2] 7/23 180/2 violate [2] 70/36 78/9 violated [2] 86/17 86/26 violating [3] 66/4 89/13 139/4 violation [4] 87/18 87/20 90/12 132/40 violations [1] 93/13 Virginia [1] 2/30 visible [2] 64/21 91/23 vision [5] 15/17 15/17 37/1 37/2 41/15 visual [1] 72/24 visually [1] 39/40 voice [3] 5/17 38/30 38/39 voicemail [1] 14/25 volleyball [2] 32/24 32/24 vote [10] 11/28 37/7 37/8 49/24 71/23 72/26 76/38 173/14 181/21 181/24 voted [6] 3/14 89/19 92/40 93/36 123/39 164/18 voter [1] 71/34 Vries [2] 32/37 32/38</p>	<p>Washington [5] 6/31 59/22 130/13 130/18 139/2 waste [1] 93/2 watch [1] 147/8 watched [1] 5/22 water [68] 6/37 6/38 18/23 18/25 21/5 21/7 25/7 25/18 25/21 25/26 25/27 25/29 25/31 25/32 25/34 25/39 26/2 26/4 26/13 26/21 26/22 30/4 38/24 51/31 51/38 53/25 53/36 53/37 54/1 55/26 56/34 56/35 57/5 57/7 57/17 57/17 129/13 152/3 152/7 152/10 153/39 154/3 154/7 154/11 154/22 154/34 154/36 157/11 157/18 160/32 160/32 160/33 160/34 161/1 162/12 163/20 163/21 163/27 163/28 165/6 165/27 166/33 167/25 168/33 169/40 171/24 173/7 179/1 watering [3] 25/26 25/30 25/35 waterways [1] 53/27 wavelength [1] 131/33 we can [1] 122/12 we wait [1] 178/28 we were [1] 144/9 we're g [1] 124/12 we're with [1] 180/22 weather [2] 22/23 24/40 website [1] 180/24 weddings [1] 104/18 weed [1] 51/26 Weeds [1] 18/24 week [12] 6/30 50/7 52/30 93/34 122/8 129/40 130/35 137/38 140/33 140/40 147/21 180/35 weekend [2] 2/16 5/1 weekends [1] 38/13 weeks [1] 43/40 weigh [2] 35/34 170/27 weight [1] 170/33 welcome [4] 44/25 49/15 59/40 105/24 well-defined [1] 5/19 well-equipped [1] 94/3 well-trained [1] 94/2 weren't [1] 166/14 West [1] 51/24 WESTENGARD [2] 1/12 9/16 westerly [1] 17/6 western [2] 24/27 50/8 wet [1] 51/8 wetlands [6] 157/12 157/18 157/27 160/40 160/40 162/13 what I'm [1] 168/29 What'd [1] 163/4 whatnot [6] 6/4 28/27 29/24 30/30 31/26 90/7 whenever [2] 69/33 83/18 whereas [11] 17/20 149/33 149/36 149/39 150/1 150/4 154/2 154/6 154/10 154/14 154/17</p>	<p>whim [1] 102/18 whole [25] 3/6 3/6 14/38 18/4 28/38 44/15 45/4 45/19 47/34 50/9 53/33 54/3 96/40 121/39 136/15 136/24 136/25 160/38 160/38 166/19 166/36 168/21 172/3 172/4 176/15 why it's [1] 112/26 why that [1] 148/6 wide [1] 15/16 wider [1] 52/8 wild [4] 4/34 52/27 57/6 182/4 Wildfire [2] 177/37 178/3 wildfires [1] 51/24 wildland [1] 52/4 wildlife [3] 57/5 57/20 177/40 willing [1] 113/25 wind [2] 22/26 22/28 wing [2] 95/39 96/29 Winnemucca [7] 45/18 45/21 45/31 46/6 46/10 141/38 174/15 winter [3] 20/1 22/30 22/32 winters [1] 22/32 wintertime [3] 20/3 22/10 22/11 wise [3] 18/10 24/30 25/7 wish [1] 36/39 wishes [1] 137/19 without [11] 10/6 22/34 22/37 63/15 96/36 110/12 123/13 135/4 171/17 171/25 171/28 wonder [1] 174/15 wondered [1] 175/38 wonderful [2] 131/1 165/5 wondering [3] 42/9 114/37 138/28 word [1] 69/26 work with [1] 125/11 workers [1] 181/20 workshop [4] 2/24 152/12 156/2 156/6 workshops [1] 2/21 worst [1] 19/27 Wrap [1] 84/36 write [3] 5/23 71/39 96/13 write-ups [1] 71/39 writing [2] 7/16 179/35 written [1] 128/16 wrong [12] 8/2 67/33 69/31 73/23 90/28 98/16 116/31 116/34 116/37 117/2 158/11 161/24 wrote [2] 128/6 129/29</p> <p>Y</p> <p>yard [3] 17/25 17/27 17/27 year-round [1] 122/4 yearly [3] 149/40 150/27 154/32 yellow [1] 17/13 yesterday [1] 4/5 you bill [1] 167/24 you know [2] 28/33 69/23 you're signing [1] 136/18 young [1] 41/37</p>
<p>V</p> <p>vacated [1] 125/27 vacuum [1] 24/31 value [4] 3/31 27/28 27/29 51/25 values [1] 27/17 various [2] 68/25 68/32 vastly [1] 127/14 Vegas [1] 31/3 vending [1] 24/21 vendor [5] 24/23 109/32 112/40 113/32 114/15 vendors [1] 24/4 verbiage [1] 174/10 verification [1] 85/33</p>	<p>W</p> <p>wa [1] 93/24 wage [3] 118/12 118/14 134/26 wages [6] 63/35 79/15 112/36 112/38 134/22 134/26 wagging [1] 65/26 waist [1] 52/18 wait [7] 58/1 58/3 68/2 70/31 138/3 169/27 178/28 waiting [11] 46/20 60/8 60/13 62/20 74/14 78/16 100/20 100/22 107/16 107/33 164/2 WAITS [2] 1/7 38/36 waive [1] 114/35 waiver [1] 130/29 waiving [2] 117/1 117/3 walk [3] 18/32 138/22 175/11 walk-through [1] 138/22 walks [1] 131/13 wall [1] 22/27 wanted to [1] 83/16 wanting [1] 51/17 warming [2] 22/23 26/39 Warner [1] 17/25 warrant [1] 51/7 wary [1] 87/34 was kind [1] 5/4 was one [1] 27/38 wash [2] 21/4 25/11</p>		

<p>Y</p> <hr/> <p>younger [3] 17/20 36/7 36/8 your packet [1] 146/39 youth [1] 176/30</p> <hr/> <p>Z</p> <hr/> <p>zone [2] 17/26 43/26 zones [2] 17/27 43/31</p>			
--	--	--	--