

1 The Honorable Board of Lander County Commissioners met in regular session
2 (via Audio Conference by Go-To-Meeting and limited in-person attendance, due to the
3 COVID-19 pandemic) in the Commission Chambers of the Lander County Courthouse
4 and Administration Building in Battle Mountain, Nevada, 50 State Route 305, on June
5 11, 2020 at 9:00AM.
6

7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **ART CLARK, III, COMMISSIONER**
9 **JUDIE ALLAN, COMMISSIONER**
10 **KATHLEEN ANCHO, COMMISSIONER**
11 **BRYAN SPARKS, COMMISSIONER**
12 **KEITH WESTENGARD, COUNTY MANAGER**
13 **KATHY DUVALL, COUNTY CLERK'S OFFICE**
14 **HY FORGERON, CHIEF DEPUTY DISTRICT ATTORNEY**
15 **(Via teleconference)**
16 **ROBERT QUICK, TECHNICAL ASSISTANCE/S.O.**
17 **ELIZABETH BARELA, DISTRICT ATTORNEY'S OFFICE**
18

19 (Let the record reflect the presence of a quorum of five commissioners. Let the record
20 reflect the presence of Austin via teleconference.)
21

22
23 **9:00AM**
24

25 Chair Kathy Ancho called the meeting to order.
26 Commissioner Sparks led the Pledge of Allegiance.
27 Chair Kathy Ancho called for a moment of silence.
28

29
30 **COMMISSIONER REPORTS**
31

32 Commissioner Waits: Patsy mentioned having a virtual NACo meeting on May
33 29th. The annual meeting in July will also be held virtually. They have cancelled
34 workshops through September for now. It appears that about two out of five teachers in
35 the state of Nevada will not be returning due to the COVID-19 situation. As we go into
36 Phase 3 it's going to be difficult everywhere. NACo did send in their comment letter for
37 the BLM draft environmental impact statement so our comments went in on that.

38 On June 3rd she had a Justice and Public Safety national meeting. They're
39 finishing up the resolutions that will be brought and approved at the business meeting in
40 July for NACo.

41 On June 5th she sat in on a webinar that was given by Public Health of Nevada on
42 domestic and family violence and abuse. There is a need to educate and get on top of this
43 issue.

44 Patsy had an Airport Board meeting on June 8th. They are looking to get signage
45 put up for antique vehicles at the airport that are there permanently for public viewing.
46 The signs are done and they just need to decide how they need to be put up.

47 Patsy wants to keep getting the word out on the census to increase our county
48 participation. It's a simple process and it provides needed funding for the counties. It
49 takes ten minutes. It is ten questions and it provides funds over ten years in the amount of
50 approximately \$20,000 per person.

51 Commissioner Clark: Art stated that the PLUAC meeting was cancelled. They
52 were able to phone in for Nevada Works.

53 Chair Kathy Ancho: Kathy attended the Hospital Board meeting and they
54 discussed the budgets and things having to do with COVID-19.

55 Commissioner Sparks: Nothing to report.

56 Commissioner Allan: Judy attended the Livestock Board meeting and LEPC.
57 They would be having a field exercise coming up, to be in compliance with the State.
58
59

60 **STAFF REPORTS**

61
62 Keith Westengard (County Manager): Keith mentioned the need to have a special
63 meeting in the next week for the canvass of the vote. Clerk Sullivan had turned in an
64 agenda request for a special meeting and it would be just the one item on the agenda. He
65 was in contact with Lee Bonner, with NDOT, regarding the workshop meeting which has
66 been rescheduled for October. Their board decides what the projects will be for the next
67 fiscal year and he wanted to know if our board wants to wait to have the meeting in
68 October or he's available for a phone conference to discuss any items we may have. One
69 of our hot areas to look at is the area at the Maverik. There have been some in-depth
70 discussions on that.

71 Commissioner Waits: Patsy had heard that NDOT was cancelling nine of the
72 programs that they were going to go forward with because they were not funded. She
73 wanted Keith to see if he could find out what might affect our county.

74 Keith Westengard: Keith stated that they will be going forward with the Highway
75 50 project down south in Austin. He also mentioned the letter from the Elko County
76 library and that it was emailed to the commissioners. He did do some research on the
77 library item.
78
79

80 **PUBLIC COMMENT**

81
82 None.
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84

85 **CONSENT AGENDA**

86
87 Chair Kathy Ancho read in the consent agenda items, numbered 1 through 13. She
88 pulled item #5, #6, #8, #9, #10, #11, and #12. Commissioner Waits made a motion to

89 approve items #1, #2, #3, #4, #7, and #13. This was seconded by Commissioner Sparks.
90 Commissioner Clark mentioned that the minutes get approved when they come back from
91 the transcriber. Commissioner Allan stated that the meetings are going smoother and are
92 easier for the transcriber to work with. Chair Kathy Ancho also asked that people keep
93 their talking low, to help with the transcribing.

94 **Motion to approve selected items:** Commissioner Waits;

95 **Seconded by:** Commissioner Sparks;

96 **The motion was voted and carried unanimously.**

97
98
99 **COMMISSIONERS**

100
101 **1) COMMISSIONERS: For possible action to approve/disapprove the payment of**
102 **the bills.**

103
104 Commissioner Waits asked that checks #207856, #207912, and #208002 be
105 pulled out and voted on separately. She made the motion to pay the balance of the bills.
106 This was seconded by Commissioner Sparks.

107 **Motion to approve balance of the bills:** Commissioner Waits;

108 **Seconded by:** Commissioner Sparks;

109 **The motion was voted and carried unanimously.**

110 Commissioner Waits made a motion to pay checks #207856, #207912, and
111 #208002. This was seconded by Commissioner Allan. Commissioner Sparks abstained.

112 **Motion to approve three checks:** Commissioner Waits;

113 **Seconded by:** Commissioner Allan;

114 **The motion was voted and carried, with Commissioner Sparks abstaining.**

115 Commissioner Allan asked that more information be provided, with better
116 descriptions and what the checks are for.

117
118
119 **2) COUNTY MANAGER: For possible action to update and give direction on moving**
120 **forward with the Battle Mountain levee.**

121
122 Keith Westengard (County Manager): Keith explained that this item would be
123 stopped at 9:30AM in order to proceed with the public hearing scheduled for 9:30AM as
124 posted in the agenda for today's meeting. This item would proceed after that item was
125 concluded.

126 Anthony Newton; Tom Gallagher; Clint Thiesse (Summit Engineering): Anthony
127 Newton began their presentation with what has been accomplished with the levee
128 recently and where things stand at this time. Unfortunately, the video presentation
129 would not work on the county's laptop but the power point was viewable. Anthony spoke
130 of an extension off of Marvel Ranch Road that had to be extended about 1,600 lineal feet.
131 There was discussion about the water flow and where it would go when backed up. Tom
132 Gallagher spoke on the railroad issues that slowed things down previously. He said that

133 the current plans are the only way they have been able to determine how to keep the
134 water out of Battle Mountain. This item was paused for the public hearing at 9:29AM.

135
136
137 **3) 9:30AM**

138
139 **PUBLIC HEARING: For possible action to approve/disapprove the adoption of**
140 **Ordinance 2020-01 finalizing the dissolution of the Lander County Combined Sewer**
141 **and Water District #2 General Improvement District and its Board of Trustees, and**
142 **authorize the Chair to sign.**

143
144 Chief Deputy District Attorney Hy Forgeron joined the meeting by phone for this
145 item. Chair Kathy Ancho read in the title of the ordinance. Commissioner Sparks made
146 the motion to approve the ordinance. It was seconded by Commissioner Clark.

147 Public Comment: None.

148 **Motion to approve:** Commissioner Sparks;

149 **Seconded by:** Commissioner Clark;

150 **The motion was voted and carried unanimously.**

151
152
153 **2) COUNTY MANAGER: For possible action to update and give direction on moving**
154 **forward with the Battle Mountain levee.**

155
156 This item resumed at 9:32AM with Anthony Newton, Tom Gallagher, and Clint
157 Thiesse of Summit Engineering speaking on the levee update. Clint explained that the
158 major reason for culverts is during a flood event Muleshoe and Front St. can be helped
159 for emergency traffic to get through. They're trying to balance it from one side to the
160 other until it gets to the railroad tracks. Commissioner Waits asked about a time frame
161 going forward. It was stated that they could be ready to submit plans to FEMA in the next
162 six weeks. Slides were presented of the completed items and in-progress things. They
163 spoke on hydrology, permits, structural and environmental issues. Tom Gallagher talked
164 about the bill that the Army Corp is demanding paid and he didn't feel that it would hold
165 up anything with FEMA. There was discussion on whether this would alleviate any flood
166 insurance requirements for homeowners and it sounded like it might provide some relief
167 in some areas but would not totally eliminate the need for flood insurance.

168
169 **PUBLIC COMMENT:**

170
171 Lennie Shepherd: Lennie stated that he felt like it was a matter of keeping things
172 cleaned out, make a ditch, and that it's a waste of time if it doesn't flood again.

173 Discussion continued with commissioners' comments and Keith Westengard
174 explained some of the past issues which included years of no maintenance to the dike. He
175 also mentioned that they would avoid a lot of permitting issues if it's on county property.
176 Tom Gallagher explained more of the past problems and he stated that cleaning out the
177 ditch won't remove Battle Mountain from the flood plain.

178 John Davis: John had questions on what the engineer's budget was on this project
179 and he asked about taking a survey of lenders on how they determine who pays what for
180 flood insurance.

181 After more discussion Commissioner Allan motioned to move forward with the
182 levee project and to move forward with the CLOMR process. After re-mapping and
183 approval it can be brought back for further discussion. This was seconded by
184 Commissioner Sparks.

185 **Motion to approve moving forward:** Commissioner Allan;

186 **Seconded by:** Commissioner Sparks;

187 **The motion was voted and carried unanimously.**
188
189

190 4) **COMMISSIONERS: For possible action to approve/disapprove the renewal**
191 **proposal from Nevada Public Agency Insurance Pool (POOL) in the amount not to**
192 **exceed \$436,143.75 and approval for payment from fiscal year 2020-2021 funds.**
193

194 Keith Westengard (County Manager): This is our annual renewal. We do this
195 every year for the insurance pool. Alan Kalt, the chief financial officer, will be on the line
196 shortly to answer any questions you may have.

197 Alan Kalt: Alan thanked everyone for the continued support of their program.
198 They appreciate all their members and they are a member-owned program. The coverage
199 summary report is included in the packet. The increase for Lander County is 11.74% and
200 it's higher because exposures went up. He went over services they provide in the
201 different areas and trainings offered. In response to a question from Commissioner Waits
202 he explained the cyber risk coverage is a separate stand-alone form now to eliminate
203 confusion. He also mentioned their Know Before Program that helps people learn how to
204 avoid phishing scams.

205 Commissioner Waits made the motion to approve the renewal and the approval of
206 the payment from fiscal year 2020-2021 funds. It was seconded by Commissioner Clark.
207

208 **PUBLIC COMMENT:**
209

210 Jodee Moore: Jodee wanted to know if this was ever put out for the bid process.
211 Commissioner Waits suggested that she check with Pool/Pact on that. Alan went on to
212 explain the processes they go through for renewals. It was a bit hard to hear what was
213 being said and Keith said he could have Alan come for an in-person presentation. Alan
214 said he was under the impression it was an audio meeting only, based on the agenda,
215 otherwise he would have been here.

216 **Motion to approve:** Commissioner Waits;

217 **Seconded by:** Commissioner Clark;

218 **The motion was voted and carried unanimously.**
219

220 ***A break was taken from 10:28AM – 10:38AM***
221
222

223 5) **COUNTY MANAGER: For discussion and possible action regarding the Lander**
224 **County, Nevada County Manager Employment Agreement dated August 9, 2018**
225 **between Lander County and Keith Westengard. Including but not limited to**
226 **termination of the agreement pursuant to section 4.2.**
227

228 Chief Deputy District Attorney Hy Forgeron joined the meeting by teleconference
229 for this item. He advised the commission that he has been notified this item could involve
230 litigation and he advised they go into a litigation meeting at this time and to resume the
231 commission meeting following that.
232

233 *****The meeting was paused for the litigation meeting at approximately 10:39AM**
234 **and resumed at 11:22AM. *****
235

236 Commissioner Allan made the motion to terminate the employment agreement
237 dated August 9, 2018, to be effective July 10, 2020. Chief Deputy District Attorney Hy
238 Forgeron asked that language be added to the motion to include ‘that the terms of the
239 employment agreement buyout, pursuant to section 4.2 shall be reduced to writing
240 between the employee and the County and authorize the Chairman to sign’.

241 Commissioner Allan did so amend her motion as previously stated. It was
242 seconded by Commissioner Sparks.
243

244 **PUBLIC COMMENT:**
245

246 Koral Torrence: Koral asked what the buyout is. Commissioner Allan responded
247 that the information could be looked at in the public packet and is public record.

248 Hy Forgeron (Chief Deputy District Attorney): Hy thinks it would be best to wait
249 to present the agreement to the Board for approval at the next meeting instead of having
250 the Chair to sign.

251 There was no additional public comment. The motion was voted unanimously,
252 with Commissioner Clark saying he voted aye reluctantly.

253 **Motion to approve:** Commissioner Allan;

254 **Seconded by:** Commissioner Sparks;

255 **The motion was voted and carried unanimously.**
256
257

258 6) **COUNTY MANAGER: For possible action to approve/disapprove the request from**
259 **Bartolo Ramos for an internal department transfer to the position of County**
260 **Manager in the event the current position becomes vacant.**
261

262 Keith Westengard (County Manager): Keith stated that with that being said, the
263 position becomes vacant on July 10, 2020. He had a letter from Mr. Ramos expressing
264 interest in the position. Mr. Ramos was asked to come forward and read his letter.

265 Bert Ramos: Bert came forward and explained that he put in his request with
266 Keith and he feels that the positions he’s held with Lander County have given him the
267 experience to work in the county manager position. He has some working knowledge of

268 the position and he would like to be considered as the interim for the position and still
269 retain his current position. He then read in his letter which detailed his experience and
270 background for the position. He stated he is ready to gain more experience and looking
271 forward to acquiring more knowledge and skills.

272 Keith Westengard: Keith stated that he is 100% behind Bert taking on this
273 position and believes he will do an outstanding job.

274 Commissioner Clark: Art made a motion to honor Bert's request to be made
275 county manager. He did not specify as interim county manager.

276 Commissioner Allan: Judie stated that we have a county manager for 30 days and
277 that it may be a little premature that this has come before the board. She expressed her
278 thoughts that this should be done with the best interests of the county in mind and to find
279 someone who is the most qualified applicant. We have 30 days to advertise for qualified
280 applicants and see who's interested and what their qualifications are.

281 Commissioner Clark: Art stated that he made his motion in the best interests of
282 the county.

283 Commissioner Sparks: Bryan asked of Hy whether they could make this
284 appointment at this time or not, as we still have a county manager through July 10th.

285 Hy Forgeron (Chief Deputy District Attorney): Hy stated that it could be done in a
286 couple of ways. It's a lateral transfer and the verbiage might not make any difference. In
287 getting away from the legal view and more as a comment he suggested that it be as an
288 interim county manager for a period of six months, effective July 10, 2020. That would
289 give the outgoing county manager time to transition the interim county manager into the
290 position and gives the Board time to evaluate Mr. Ramos's performance. If you choose to
291 do it that way his further suggestion would be that if the Board chooses to not continue
292 him in the county manager position that he reverts back to his current position of Public
293 Works Director, from which he transferred.

294 Chair Kathy Ancho: Kathy also mentioned that perhaps his current contract be
295 extended for his current position for six months should he decide that he doesn't want to
296 continue in the county manager position.

297 Commissioner Sparks: Bryan voiced his thoughts on Bert's qualifications for the
298 position and that his employees enjoy working for him. He also spoke to the problems
299 that have happened in the past with people that were hired from out of the county and
300 didn't work out.

301
302 **PUBLIC COMMENT:**

303
304 Several community members spoke in support of Mr. Ramos and their desire to
305 see him be given this opportunity. Some of those speaking were: John Davis, Chair Kathy
306 Ancho, Commissioner Allan, John Mauldin, Shirley Shepherd, Rick Edgar,
307 Commissioner Waits, Lennie Shepherd, and Anna Penola. Commissioner Clark made a
308 motion to appoint Bert Ramos as interim county manager for six months and to add six
309 months to his current contract, should he choose to go back or he is sent back to his
310 former position. It was seconded by Commissioner Sparks.

311 **Motion to approve as interim county manager:** Commissioner Clark;
312 **Seconded by:** Commissioner Sparks;

313 **Nay:** Commissioner Allan;
314 **Ayes:** Chair Kathy Ancho; Commissioner Clark; Commissioner Sparks;
315 Commissioner Waits;
316 **The motion was voted and carried.**

317
318 Commissioner Clark: Art spoke regarding Keith Westengard and he stated that
319 Keith might not have been from Lander County, but he worked like he always lived here.
320 He also commented on the unbelievable amount of miles Keith has driven during his time
321 here.

322
323
324 *****The meeting was stopped at 11:57AM for the lunch break.*****
325 *****The meeting resumed and was called back to order at 1:15PM.*****

- 326
327
328 7) **COUNTY MANAGER: For possible action to approve/disapprove a County**
329 **Manager Employment agreement between Bartolo Ramos and Lander County in**
330 **the event the current position becomes vacant, and authorize the Chair to sign.**

331
332 This item was tabled.

- 333
334
335 8) **DISTRICT ATTORNEY: For possible action to approve/disapprove the District**
336 **Attorney's Office to send a pending criminal case #20-CR-046 to the Office of the**
337 **Attorney General for review and possible action.**

338
339 Hy Forgeron (Chief Deputy District Attorney): This is a case that involves the
340 necessity of a forensic audit to determine if there has been a theft. The Attorney General's
341 office has several people that perform these types of reviews and they do it at no charge
342 to us. They only charge mileage and per diem if the person comes out to Lander County.
343 We would be looking about \$20,000-\$30,000 range to do one ourselves. In order to get
344 the Attorney General's office to assist us they require that we do a resolution approving
345 and referring the matter to their office. He stated that it does not involve a county
346 employee and that nothing has been filed with the court. It is an ongoing investigation.
347 The number given to it is simply a record-keeping number to differentiate it from other
348 cases. Commissioner Allan made the motion to approve and authorize the Chair to sign.
349 It was seconded by Commissioner Clark. Public Comment: None.

350 **Motion to approve:** Commissioner Allan;
351 **Seconded by:** Commissioner Clark;
352 **The motion was voted and carried unanimously.**

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358 9) **COUNTY MANAGER: For discussion only regarding issues and concerns with the**
359 **Human Resource Department as previously expressed by Commissioner Kathy**
360 **Ancho. Any and all concerns need to be identified and dealt with. Since the County**
361 **Manager is, by ordinance, the Human Resource Director, further explanation is**
362 **required regarding concerns about the position of Human Resource Assistant.**

363
364 This item was tabled.

365
366
367 10) **COMMISSIONERS: For possible action to approve/disapprove upcoming events at**
368 **the Lander County Events Center.**

369
370 Deb Piazza and Monte Price: Monte began by explaining they are with the Events
371 Center Board and they are attempting to get some events going in Battle Mountain. They
372 have someone interested in coming to put on an event and they are looking for
373 permission to hold that event. He explained that rodeos are being held around the area
374 even with the COVID-19 going on. If approved the event would be held on July 31st and
375 August 1st. Monte mentioned other rodeos would be following established guidelines and
376 they also would follow them.

377 Commissioner Allan: Judie made a motion to approve upcoming events at the
378 Events Center. It was mentioned that they also needed to use funds in their account and
379 Commissioner Allan stated that the funding issue would have to be brought back as it
380 wasn't agendaized with that included.

381 Monte Price: Monte asked if they could ask a question under public comment and
382 he explained that they have ample funds in their account to sponsor the event. They
383 wanted to know if the funds could be used for that or is it designated for maintenance and
384 repair, or upgrades.

385 There was some discussion on this and it was determined that the funding
386 question would need to be brought back on the next agenda. Commissioner Sparks then
387 seconded the motion made by Commissioner Allan.

388 **Motion to approve:** Commissioner Allan;

389 **Seconded by:** Commissioner Sparks;

390 **The motion was voted and carried unanimously.**

391
392
393 11) **TREASURER: Update from Lander County Treasurer on the FY 2020/2021 tax**
394 **rates.**

395
396 Keith Westengard (County Manager): Keith stated that Justi Johnson, the
397 Treasurer had to leave. He had spoken with Justi as well as Tom Gransbery, the financial
398 person. Our tax cap is set by NRS and the county and school tax rates are maxed out, so
399 they can't be juggled around. The school is capped at .75 cents per dollar.

400 Commissioner Clark: Art stated that he spoke with Russ Klein and his biggest
401 problem right now is that the school is in the hole every year and insurance is killing
402 them.

403 Commissioner Allan: Judie stated that the schools get roughly 25% of net
404 proceeds that the county receives. She asked if anyone knew if they were using any of it
405 for operating expenses.

406 Chair Kathy Ancho: She knows they're not using it because they were under the
407 understanding that it was being taken away.

408 Laken Sullivan (Fiscal Officer): Laken stated that the school is actually sitting in
409 a pretty good position right now, better than it has been in years. They are negotiating on
410 insurance and working on the deficit. She has been told by Tom Gransbery that the
411 school can't receive more than 75% per \$100.00 of assessed value.

412 Commissioner Clark: Art stated that legislation is needed to get the burden of
413 retired individuals off their rolls and onto the State insurance, as that's what hurting
414 school districts.

415
416
417 **12) COMMISSIONERS: For possible action to approve/disapprove the FY 2020-2021**
418 **Contract between the Board of Trustees of the Elko County Library and the Lander**
419 **County Board of Commissioners for the Library services, and authorize the Chair**
420 **to sign.**
421

422 Keith Westengard (County Manager): Keith did some research on the \$12,000
423 amount that was questioned at a previous meeting. It is actually insurance for three
424 employees. Two of them are current employees and one is retired. They are part of
425 Lander County and couldn't get Medicare so they stay on forever. Commissioner Waits
426 asked what he found out about us having our own library. Keith stated it would cost a lot
427 of money, at least \$500,000 to get it started. It would also entail creating a library board.
428 It could be something to look at in the future, but this contract needs to be approved
429 today. Commissioner Allan made a motion to approve the library contract, not to exceed
430 \$99,982.00, with the Chair to sign. It was seconded by Commissioner Waits.
431 Commissioner Allan amended her motion to state 'not to exceed \$104,091.00', after it
432 was determined that was the correct amount. The amended motion was seconded by
433 Commissioner Waits. Public Comment: None.

434 **Motion to approve:** Commissioner Allan;

435 **Seconded by:** Commissioner Waits;

436 **Amended motion:** Commissioner Allan;

437 **Seconded by:** Commissioner Waits;

438 **The motion was voted and carried.**
439
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441 **13) COUNTY MANAGER: For possible action to discuss the investigation for the**
442 **Lander County Administration Building and the Lander County Recreation Center**
443 **and for the Board to give direction for further options.**
444

445 Keith Westengard (County Manager): Keith introduced this item and that the
446 investigation started a few months back on our construction defects and auditing of our
447 construction projects, those being the Lander County Courthouse/Administration

448 Building, Lander County Recreation Center, and Mountain View Golf Course. Brian
449 Hardy is with the firm that has done the investigation up to this point. That firm is
450 Marquis Aurbach Coffing. Mr. Brian Hardy, with that firm is here with us today to go
451 over the final report. The firm was recommended by Pool/Pact.

452 Brian Hardy (Marquis Aurbach Coffing): Mr. Hardy stated that three projects
453 were investigated, those being the Lander County Courthouse/Administration Building,
454 the Recreation Center, and Mountain View Golf Course. An auditing firm was also
455 involved in the investigation. These are expert reports and this is a summary of the
456 documents that were gone through. There were 25,000 or more pages of documents that
457 were provided by Lander County, along with another 13,000-14,000 provided by CORE
458 Construction that were gone through.

459 We thank you for the time given to allow us to go through these documents and to
460 produce this report. We did find some defect issues and those would fall under the
461 contractual side of things, as this is more of a commercial type of building. There are
462 statute of limitation issues so things need to be filed before deadlines, one being
463 November of 2021.

464 They did find a significant amount of change orders; some documentation was not
465 provided; budgets were exceeded; problems and defects have been identified. The costs
466 for curing these defects for the courthouse/administration building could be
467 \$2,734,806.83 and for the recreation center it could be \$403,460.22. At the golf course
468 defects were not noted but there were some anomalies there. It appears CORE
469 Construction recommended themselves to serve as the general contractor and the high
470 bidder, Hunewill Construction was chosen. No work was identified as being done and
471 this cost the county \$195,000.00. The number could go up or down but they feel
472 damages/recoveries could be in the neighborhood of \$5.3 million.

473 It is his recommendation that the County retain counsel and pursue this matter to
474 recover as much as possible in damages. This would be against both CORE Construction
475 and Van Woert Bigotti Architects.

476 Commissioner Clark: Art expressed his feelings that people came before the
477 commission and lied to them, otherwise we would not be having this item right now.

478 Chair Kathy Ancho: Kathy asked how this would work.

479 Keith Westengard (County Manager): Keith stated that Pool/Pact recommended
480 we go with the firm that has done the investigation. He also recommends them and the
481 proposal is in front of them.

482 Brian Hardy: Brian stated that the work to date has been covered under the
483 Pool/Pact insurance policy. We get to use the reports in future litigation. Their firm
484 would like to continue with this. They have the background and have already reviewed
485 the documents. A plan has been put together with rates and the rates are reduced
486 significantly as a result of the relationship with Pool/Pact. They are a preeminent
487 construction defect firm and they are one of the largest and oldest Nevada firms. He is
488 recommending the lead on this to be Cody Munteer, along with himself, and also Jack
489 Juan, who is a prosecutor with the Nevada State Contractor's Board and a shareholder of
490 the firm.

491 Brian explained the different ways the fees could go, such as a reduced hourly
492 rate or a contingency option.

493 Commissioner Sparks: Bryan asked if these fees are recoverable with either
494 option and Brian Hardy explained that they could be, but there aren't guarantees on that.
495 He went on to explain a bit more of the process and that the county would be kept
496 informed all along the way in the process.

497 Keith asked to be given direction to proceed and it would be brought back on the
498 next agenda.

499 Commissioner Waits: Patsy made the motion to retain the law firm of Marquis
500 Aurbach Coffing to have legal action on all three of the projects investigated and to direct
501 the County Manager to complete the negotiations. This was seconded by Commissioner
502 Clark. Public Comment: None.

503 **Motion to approve moving forward with legal action:** Commissioner Waits;
504 **Seconded by:** Commissioner Clark;
505 **The motion was voted and carried unanimously.**
506

507
508 **14) CORRESPONDENCE: Correspondence/reports/future agenda items.**

509
510 Keith Westengard (County Manager): Keith stated that he got a call during lunch
511 from Governor Steve Sisolak. Lander County will be receiving \$1,000,000 from the
512 Cares Act. We should receive paperwork to look over on this. It should be a special line
513 item for COVID-19 related expenditures. It is not to be used for budget shortfalls. We
514 will be getting more details on this.

515 Commissioner Waits asked if this was part of the \$800,000,000 that the State got
516 and NACo was working so hard on how it was to be divided. Keith said that it was. There
517 was a short discussion on how the funds could be used.

518 Commissioner Allan asked when we will have the Canvass of the Vote and Keith
519 stated it would be next Thursday or Friday, possibly a call in at 10:00AM. After some
520 discussion it was stated it would be on the next Friday as a call-in at 10:00AM.

521
522
523 **PUBLIC COMMENT**

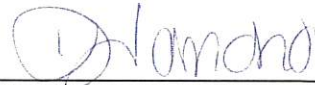
524
525 None.
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527
528 **ADJOURNMENT**

529
530 There being no further business before the Commission at this time,
531 Commissioner Clark motioned to adjourn the regular session of June 11, 2020. Seconded
532 by Commissioner Allan, the motion was voted and carried. **ADJOURNED.**

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534 **Meeting was adjourned at 1:56PM.**
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**CHAIRMAN OR VICE CHAIRMAN OF
THE BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST: 
LANDER COUNTY CLERK