

1 The Honorable Board of Lander County Commissioners met in regular session
2 (Via Audio Conference by Go-To-Meeting, teleconference, and in-person attendance) in
3 the Commission Chambers of the Lander County Courthouse and Administration
4 Building in Battle Mountain, Nevada, 50 State Route 305, on July 23, 2020 at 9:00AM.
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6 **PRESENT: PATSY WAITS, COMMISSIONER**
7 **ART CLARK, III, COMMISSIONER (Via teleconference)**
8 **JUDIE ALLAN, COMMISSIONER**
9 **KATHLEEN ANCHO, COMMISSIONER**
10 **BRYAN SPARKS, COMMISSIONER (Via teleconference)**
11 **BERT RAMOS, COUNTY MANAGER**
12 **KATHY DUVALL, COUNTY CLERK'S OFFICE**
13 **HY FORGERON, CHIEF DEPUTY DISTRICT ATTORNEY**
14 **(Via teleconference)**
15 **ROBERT QUICK, TECHNICAL ASSISTANCE/S.O.**
16 **ELIZABETH BARELA, DISTRICT ATTORNEY'S OFFICE**
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18 (Let the record reflect the presence of a quorum of five commissioners. Let the record
19 reflect the presence of Austin via teleconference at the Austin Courthouse Commission
20 Office at 122 Main Street, Austin, NV.)
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22 **9:00AM**

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24 Chair Kathy Ancho called the meeting to order.
25 Commissioner Allan led the Pledge of Allegiance.
26 Chair Kathy Ancho called for a moment of silence.
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29 **COMMISSIONER REPORTS**

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31 Commissioner Waits: Patsy mentioned that the NACo national annual conference
32 that was scheduled to be held in Orange County, Florida was cancelled due to COVID-
33 19. It was held virtually as a membership town hall on July 13th and they met again
34 virtually on the 20th for an annual business meeting where they took care of new
35 resolutions and updating Bylaws. They installed a new President by the name of Gary
36 Moore and a new 2nd Vice President by the name of Denise Winfrey. Nevada has 44
37 votes throughout our 17 counties but only 24 were there voting. Lander County has the
38 one vote, which is hers. She also mentioned that July is National Ice cream Month so
39 please enjoy some ice cream. This contributes over \$11,000,000,000 to our economy.

40 Chair Kathy Ancho: Kathy attended a Convention & Tourism meeting where they
41 dealt with the cancellation of the chukar tournament. They were able to make some
42 adjustments to the prizes to be able to use them for next year.

43 Commissioner Allan: Nothing to report.

44 Commissioner Sparks: Nothing to report.

45 Commissioner Clark: Nothing to report.

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STAFF REPORTS

Bert Ramos (County Manager): The 31st Special Session ended July 19th. His understanding is the net proceeds went to the state as they need the money, but ours are staying the same and that’s good news for us.

The public defender is going to be doing a quarterly report in writing from here on out. If we have questions they can come and answer them.

It looks like the Battle Mountain airport expansion project should be starting about the second week of August so things are moving forward on that. The Austin airport project is waiting on environmental clearances, possibly could start in late August.

He mentioned that Ken Brown would not be in attendance today so they will table that item when it comes around.

PUBLIC COMMENT

Chair Kathy Ancho: She stated that they may be trying to hold another Special Session in the future.

Robert Quick (Sheriff’s Office): He believes it could be Monday or Wednesday and it would be regarding law enforcement reform, the use of deadly force, and the ability of the attorney general to prosecute law enforcement.

Chair Kathy Ancho: This could be a big deal and it could hamper recruitment of people deciding to go into law enforcement. It’s hard to recruit people as it is so please pay attention to what may happen with this Special Session.

Robert Quick (Sheriff’s Office): He gave an update regarding COVID-19, with 48 confirmed cases, 1 being still active, and 1 possible death which is still being investigated to determine if COVID-19 related.

COMMISSIONERS

*This item was moved up in line as Commissioner Sparks thought he might lose cell service at some point.

- 2) **COMMISSIONERS: Action item, to give direction to the County Manager on how to proceed with the process and distribution of any funding Lander County may receive from the Cares Act Program. Further, to approve the County Manager to submit a plan to the Governor with the Board specifying the amounts to be disbursed to applicable businesses, as well as reimbursement of past and future amounts to any and all COVID-19 related expenses to the County.**

Bert Ramos (County Manager): The Governor has put out that we could receive up to \$505,129.00 which is 50% of the \$1,000,000.00 that has been allotted to the county.

91 There are some caveats that come with that in the fine print that may mean we would
92 have to comply with any past, present, and future orders of the Governor. He did not feel
93 we should accept it but said it was up to the Board.

94 Commissioner Waits: Patsy asked for clarification on what the money was and
95 what it could be used for. It could reimburse the county for monies already spent and
96 could be used to help local businesses.

97 Bert Ramos (County Manager): He felt that taking the money could open the
98 county up to more fine print in the future and put more pressure on the Sheriff's
99 Department if they have to enforce more restrictions.

100 Commissioner Sparks: He is not in favor of this either.

101 Bert Ramos (County Manager): Bert read in the exact words from the order which
102 stated the funding is provided to Lander County from the State of Nevada and is
103 contingent upon Lander County's adherence to the Governor's emergency directive and
104 guidance from the local empowerment advisory panel. From here forward we would have
105 to follow those directives. He feels we as a healthy county are in a place to help local
106 businesses if the need arises. A committee could be brought together to oversee
107 something like that.

108 Chair Kathy Ancho: She agrees with Commissioner Sparks. She read the fine
109 print and some counties had agreed previously they were not going to go in and strong-
110 arm businesses. This could obligate us to do something like that.

111 Commissioner Allan: She agrees with what has been discussed and that we don't
112 need to strong-arm our businesses.

113 Commissioner Waits: She has been so excited about the Cares Act funds and
114 really thought the funds would have been helpful to our businesses with changes they
115 might have been able to make during this time. She is disappointed to see that it is not
116 directly from the federal government and that it comes with strings attached. She does
117 agree that we don't want the Governor's controls on top of it. She'd like to see what other
118 counties are doing also and investigate further.

119 There was more discussion of timelines and deadlines pertaining to this item.
120 Robert Quick gave some background on how the pass-through grants function and how
121 stipulations may get added to these grants along the way.

122 Commissioner Allan made the motion to not take the money from the Cares Act.
123 It was seconded by Commissioner Sparks. The motion was voted and carried.

124 **Motion to not approve:** Commissioner Allan;

125 **Seconded by:** Commissioner Sparks;

126 **The motion was voted and carried.**

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129 **CONSENT AGENDA**

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131 *Commissioner Waits relieved Chair Kathy Ancho for a bit, at this point in the meeting.

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133 Commissioner Waits read in the consent agenda items, numbered 1 through 11.
134 She pulled item #1 as it needed to say "Amended" Agenda. Commissioner Waits stated
135 Item #9 June 25, 2020 meeting minutes were the only ones received. Commissioner

136 Allan made a motion to approve Item #9, the June 25, 2020 meeting minutes. This was
137 seconded by Commissioner Sparks. The motion was voted and carried.

138 **Motion to approve Item #9:** Commissioner Allan;

139 **Seconded by:** Commissioner Sparks;

140 **The motion was voted and carried.**

141 **Motion to approve Item #1, the Amended Agenda Notice:** Commissioner
142 Allan;

143 **Seconded by:** Commissioner Sparks;

144 **The motion was voted and carried.**

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147 1) **COMMISSIONERS: For possible action to approve/disapprove the payment of**
148 **the bills.**

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150 Commissioner Waits pulled check #208398 to be voted on separately.
151 Commissioner Allan made the motion to pay the balance of the bills after reiterating her
152 request that the items being paid be described in more detail with more information to be
153 provided. This was seconded by Commissioner Sparks. The motion was voted and
154 carried.

155 **Motion to approve balance of the bills:** Commissioner Allan;

156 **Seconded by:** Commissioner Sparks;

157 **The motion was voted and carried.**

158 Commissioner Allan made a motion to pay checks #208398. This was seconded
159 by Chair Kathy Ancho. Commissioner Sparks abstained.

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

161 **Seconded by:** Chair Kathy Ancho;

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

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164 Laken Sullivan (Fiscal Officer): Laken explained that more detail can be seen on
165 the Detail Register portion of the bills. It appears another column would need to be
166 added. Some parts don't print on the check stub and that's why it's not included on the
167 check register. The Detail Register is available to be looked at and could be included.
168 Commissioner Waits did state that she calls ahead of time on any items she has further
169 questions on.

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172 3) **COMMISSIONERS: Discussion only, update from Ken Brown representing**
173 **Western Counties Alliance on public land issues.**

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175 **This item is tabled as Ken Brown could not be here today.**

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178 ***A break was taken from 9:32AM-9:38AM***

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4) **COMMISSIONERS: Update and presentation only from Alan Kalt representing POOL/PACT.**

Alan Kalt (CFO-POOL/PACT): Mr. Kalt provided a presentation and in-depth overview of the programs and services provided by POOL/PACT. He then asked if they were meeting our needs and asked for feedback.

Commissioner Waits: Patsy had a couple of concerns regarding privacy laws and social media policies. She'd like the information necessary to update our policies. Alan mentioned that there are model policies available and that alerts are pushed out to the members.

There was discussion on where the county's backups were going and that I.T. needed to let them know what all is being backed up. Anna Penola came forward to let them know that the backups go to a hard drive that is in the server room. It was mentioned that there have been instances of cities being held hostage with employees' information and everything is getting more technical. Bert mentioned he had spoken with Mike Rigaletti and that we need to do a lot more to protect our systems. We will be working towards that.

Alan thanked the Board for the county's membership and he mentioned their website, poolpact.com, for access to resources.

*Chair Kathy Ancho is now back to hosting the meeting at this time.

5) **COUNTY MANAGER: For possible action to approve/disapprove Lander County to provide all County employees and covered volunteers with an Identity Guard Product for a period of time to be determined by Lander County Board of Commissioners due to the Unemployment scam.**

Bert Ramos (County Manager): In the last two weeks we're getting a lot of unemployment claims for people that are currently working. The Attorney General has created a task force to help with these scams that are related to COVID-19. Tips were mentioned to protect personal information. There was further discussion and it was stated that the breach was not from any Lander County systems. Alan Kalt with POOL/PACT stated that it's not within our members' systems. It could be PERS, Social Security, or buying on the dark web. After the discussion Commission Allan made a motion to approve and it was not seconded. The motion died.

This item was not approved.

6) **COUNTY MANAGER: For possible action to create a new policy to be implemented in the Lander County Policy and Procedures in regard to employee emails.**

226 Bert Ramos (County Manager): Bert explained that currently county emails are
227 directly related to the person's name. This can create problems when employees transfer
228 from one office to another. The Union's opinion is that your name is your domain and
229 that it should go with you. Bert explained that he has an email that is used for Public
230 Works in general that is used by the secretaries and then the employees can have their
231 own email that goes with them. We need something in policy that states how we want
232 emails to function. Commissioner Allan made the motion that we make a new policy that
233 the emails are attached to the person and that the email be deleted if the employee leaves
234 the county entirely. This was seconded by Commissioner Waits. The motion was voted
235 and carried.

236 **Motion to approve:** Commissioner Allan;
237 **Seconded by:** Commissioner Waits;
238 **The motion was voted and carried.**
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241 7) **FISCAL OFFICER: For possible action to approve/disapprove Resolution 2020-07**
242 **directing apportionment of Net Proceeds received in the month of June 2020.**
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244 Commissioner Allan: Judie made a motion to approve Resolution 2020-07 and
245 read the resolution into the record, with the Chair to sign. Commissioner Waits seconded
246 the motion. Chair Kathy Ancho asked if there was any public comment and
247 Commissioner Allan asked if they always put the discretionary amounts under Indigent?

248 Laken Sullivan (Fiscal Officer): Laken came forward and explained that it goes in
249 various places based on where we need money at the time. She chose to put it there this
250 time as we have some State pass-through mandates that were not put in the budget this
251 year and she wanted to give it a better fund balance.

252 **Motion to approve:** Commissioner Allan;
253 **Seconded by:** Commissioner Waits;
254 **The motion was voted and carried.**
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257 8) **JAMES HOLLAND: For possible action to approve/disapprove the donation and**
258 **placement of a memorial bench for Jim and Carleen Stewart at Mountain View Golf**
259 **Course and for the County Manager to oversee placement.**
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261 Mr. Holland presented his request for the bench to be placed at the Mountain
262 View Golf Course. Commissioner Allan immediately made her motion to approve the
263 placement of the bench with the county manager to oversee its placement, as well as
264 providing anything necessary for that placement. Commissioner Waits seconded the
265 motion. She had a question on the backup material picture. Mr. Holland explained that it
266 was a picture of what the bench would look like, not an actual picture of the bench being
267 talked about today. Chair Ancho asked if there was any public comment. There being
268 none, the motion was voted and carried.

269 **Motion to approve:** Commissioner Allan;
270 **Seconded by:** Commissioner Waits;

271 **The motion was voted and carried.**
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273 **9) CARYNN CONDER: For possible action to approve/disapprove the amendment of**
274 **the Medical Marijuana application for Lander Leaf Growers to include recreation**
275 **and allow Lander Leaf Growers to pay the applicable fees to Lander County.**
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277 Carynn Conder: She explained that she has asked for an amendment to their
278 application as something wasn't done properly in the beginning. She wants to pay the
279 fees and move forward with the recreational portion of the license.

280 Bert Ramos (County Manager): Bert stated that the application has been
281 reviewed, fees have been paid, and all requirements have been met.

282 Commissioner Waits: Patsy made the motion to approve the amendment to the
283 application for Lander Leaf Growers, to include the recreational portion. This was
284 seconded by Chair Kathy Ancho.

285 Commissioner Allan expressed her thoughts regarding the community's wishes in
286 the past to not have recreational use included and she did vote against it then and is still
287 opposed to it. She did not want Ms. Conder to feel that it was anything personal. Ms.
288 Conder stated she was not for the recreational use either and that the way the state has set
289 up the system if you only have the medical license it really limits where you can sell the
290 product. There are more buyers if it's labeled as both medical and recreational.

291 There was additional discussion on some aspects of the growing business and how
292 things transpired in the county. Commissioner Clark was called back into the meeting at
293 this time. He expressed his aye vote, along with Commissioner Waits and Chair Kathy
294 Ancho. Commissioner Allan voted nay.

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

296 **Seconded by:** Commissioner Ancho;

297 **The motion was voted and carried by Commissioners Waits, Ancho, and**
298 **Clark voting aye. Commissioner Allan voted nay.**
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301 **10) LP INSURANCE: For possible action to approve/disapprove the annual agreement**
302 **between LP Insurance Services, LLC and Lander County, starting July 1, 2020 and**
303 **remaining in effect for 36 months in the amount not to exceed \$3,080 per**
304 **month/\$36,960 annually.**
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306 Tim Holland (LP Insurance Services): He explained he sent over the original
307 contract to the previous county manager. He was informed that it was asked in Chambers
308 if there was a 10% increase. He ended up sending over a new contract and it was
309 discussed whether to do a three-year instead of a one-year contract and still have the
310 ability to fire him within 90 days. The former county manager wanted Bert to handle this
311 going forward.

312 Commissioner Waits gave some background as to how this had been handled
313 previously and that the negotiated rate had not been increased since 2016 (per Tim
314 Holland). She felt this increase was more than reasonable.

315 **PUBLIC COMMENT:** None.

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Motion to approve: Commissioner Waits;
Seconded by: Commissioner Allan;
The motion was voted and carried.

323 **11) PUBLIC WORKS: For possible action to accept one of the following bids for the**
324 **Lander County Safe Routes to School Project (PWP.NO.LA-2020-306):**

- 325 **1. Hunewill Construction \$865,829.99**
326 **2. Granite Construction \$1,382,633.25**

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328 Don Prince (Public Works): Don came forward along with Aaron Martinez from
329 AM Engineering. They came to present the bids that were received for the Safe Routes to
330 School Project for consideration by the Board and to answer any questions.

331 Aaron explained the information in the packets regarding his recommendation as
332 to who might be chosen for the project. He went over some details about the project and
333 spoke of certain areas that they would be working in. They chose what areas to work in
334 based on many factors, including the least impact on residents and the least amount of
335 infrastructure that might be in the way. He feels they have done their due diligence with
336 the homeowners to work with them and keep them informed during the process. They
337 have logged the concerns along the way and worked to address them. The homeowners
338 are informed when the work is going to begin in the areas where they reside before
339 construction begins.

340 In response to a question from Commissioner Waits, Aaron explained the project
341 a bit more. He also stated that most of the sidewalks fell in the county's right-of-way
342 areas. Commissioner Allan then made the motion to approve the bid amount from
343 Hunewill Construction in the amount of \$865,829.99. It was seconded by Commissioner
344 Waits. The motion was voted and carried.

345 **Motion to approve:** Commissioner Allan;
346 **Seconded by:** Commissioner Waits;
347 **The motion was voted and carried.**

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350 **12) CORRESPONDENCE: Correspondence/reports/future agenda items.**

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352 Chair Kathy Ancho asked that a future agenda item be about backup systems for
353 our county and also to figure out who the administrator is and does the county have
354 access to those emails. It's her understanding that the emails belong to the county.

355 Bert Ramos (County Manager): Bert stated that the county does have access to
356 them and currently it is two people, our I.T. person, Brian, and Lura Duvall, as she is
357 currently over the I.T. Department. However, it is not free and unaccounted access to
358 emails. He did some research and NRS 613.135 goes into a bunch of things. It also refers
359 to NRS 90.300. One thing is that we can't access someone's email unless there is a

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security threat or the view that there is a threat. This includes county emails and they will be back before the Board to ratify the policies once they are put in place.

Commissioner Waits: Patsy wanted to make mention of the resolution from the previous meeting that needed to come back before them. She also wanted to see if the Austin job description needed to be updated for the Water & Sewer part-time person, as they didn't fill the position that was advertised. She also mentioned a letter of support that was written to the Commission and Sheriff Unger for our officers and Sheriff's Department. It was submitted by the Baptist pastor from Austin, Charlie Vaughn.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Allan motioned to adjourn the regular session of July 23, 2020. Seconded by Commissioner Waits, the motion was voted and carried. **ADJOURNED.**

Meeting was adjourned at 10:50AM



**CHAIRMAN OR VICE CHAIRMAN OF
THE BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST: 
LANDER COUNTY CLERK