

1 The Honorable Board of Lander County Commissioners met in regular session in
2 the Commission Chambers of the Lander County Courthouse and Administration
3 Building in Battle Mountain, Nevada, 50 State Route 305, on December 17, 2020 at
4 9:00AM.

5
6 **PRESENT: PATSY WAITS, COMMISSIONER (Via teleconference)**
7 **ART CLARK, III, COMMISSIONER**
8 **KATHLEEN ANCHO, COMMISSIONER**
9 **BRYAN SPARKS, COMMISSIONER**
10 **BERT RAMOS, COUNTY MANAGER**
11 **KATHY DUVALL, COUNTY CLERK'S OFFICE**
12 **SADIE SULLIVAN, COUNTY CLERK**
13 **THEODORE HERRERA, DISTRICT ATTORNEY**
14 **(Via teleconference)**
15 **ROBERT QUICK, TECHNICAL ASSISTANCE/S.O.**
16 **ELIZABETH MACDONALD, DISTRICT ATTORNEY'S**
17 **OFFICE**

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19 **ABSENT: JUDIE ALLAN, COMMISSIONER**

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21 (Let the record reflect the presence of a quorum of four commissioners. Let the record
22 reflect the presence of Austin via teleconference. Let the record reflect the meeting is also
23 an Audio Conference by Go-To-Meeting.)

24
25
26 **9:00AM**

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

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33 **COMMISSIONER REPORTS**

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35 Commissioner Waits: Patsy mentioned having a Chamber of Commerce meeting
36 on the 7th. She also mentioned some Travel Nevada money that had to be spent before the
37 end of December and they got a couple of new signs.

38 On the 14th she had an Airport Advisory Board meeting and they are working on
39 budgets.

40 On the 15th she had a virtual Pony Express Territory meeting. They are doing
41 more advertising that we might see around our area.

42 On the 16th we had an interim Community Development meeting. Bert and Kyla
43 were also on that. It's a new committee they are forming to try to help with including the
44 community with funds that are available to benefit large amounts of people. It was only
45 the second meeting and was kind of an informational meeting.

46 Commissioner Clark: Art stated that he had a PLUAC meeting and that it was the
47 first one in months. He mentioned one thing of note is that we would be receiving an
48 increase in geothermal money where it went from around \$350,000 up to \$406,000.

49 Chair Kathy Ancho: Kathy attended the water board meetings and the biggest
50 concerns are the new legislative bills that will be coming out in 2021. Some concerns are
51 mining permitting and farmland being bought up. This can cause land to dry up and
52 toxins become a problem for animals. One of the bills was regarding possibly forming a
53 water board to address these issues.

54 Commissioner Sparks: Nothing to report.
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57 **STAFF REPORTS**

58

59 Bert Ramos (County Manager): Bert gave an update on the COVID numbers.
60 There have been 348 confirmed cases, with 52 active, 291 recovered, and 5 deaths, with
61 one being very recent. He sent out our condolences to the families.

62 He mentioned that they have a plaque for Commissioner Allan that they were
63 going to present to her today but will get it to her at another time. He did hold up the
64 plaque for the Board and audience to see.

65 Bert also congratulated Wallace (JR) Thomas on joining the commission board
66 and said he looked forward to working with him.
67
68

69 **PUBLIC COMMENT**

70

71 Commissioner Waits wanted to remind everyone of the Christmas Star that is to light up
72 our December for the first time in 800 years. It's also known as the Bethlehem Star and
73 should be visible on the evening of the 21st.

74 Jerry Annis came forward to give an update from the Lander County
75 Conservation District. He stated he is our appointed representative and his position is
76 expiring at the end of the year. He does intend to submit his name for consideration when
77 the vacancy is published.

78 He mentioned a letter going out from Bert regarding the potential for habitat
79 enhancement in the county and that the timing for it could not be better. The evening
80 before, he and Bert attended a virtual meeting put on by the NDOW Board of
81 Commissioners. At the state level they are actually embarking on the same type of
82 program, specifically for mule deer habitat enhancement. They have about 85 volunteers
83 throughout the state representing 13 or 14 different hunt areas. They will be meeting in
84 the near future to discuss the potential for habitat enhancement in those particular areas.
85 He wants us to know that Lander County is very well positioned to be part of that
86 enhancement and to be a state leader in this type of project.

87 He feels that the Board's involvement contributes to the Conservation District's
88 success. They have a meeting coming up on February 9th at the conservation district
89 building.
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CONSENT AGENDA

Chair Kathy Ancho read in the consent agenda items, numbered 1 through 12. Commissioner Waits pulled items #2, #5, #6, #7, and #8, as they are minutes not yet received. Commissioner Waits made a motion to approve items #1, #3, #4, #9, #10, #11, and #12. This was seconded by Commissioner Sparks.

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

COMMISSIONERS

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

Chair Kathy Ancho asked that checks #209960, and #210108 be pulled out and voted on separately. Commissioner Clark made the motion to pay the balance of the bills. This was seconded by Commissioner Sparks.

Motion to approve balance of the bills: Commissioner Clark;
Seconded by: Commissioner Sparks;
The motion was voted and carried.

Commissioner Waits made a motion to pay checks #209960, and #210108. This was seconded by Commissioner Clark. Commissioner Sparks abstained.

Motion to approve the two checks: Commissioner Waits;
Seconded by: Commissioner Clark;
The motion was voted and carried, with Commissioner Sparks abstaining.

2) **BATTLE MOUNTAIN GENERAL HOSPITAL: Update and discussion only from Jason Bleak with the Battle Mountain General Hospital regarding the COVID-19 vaccination plan.**

Jason Bleak (BMGH CEO): Jason expressed his thanks to Bert regarding his willingness to ask for help. He went over some details regarding how the county seems to be doing. They continue to see positive cases and recently had 20 new positives in one day through our hospital. There could be others that have gone to other facilities. The whole state is feeling a crunch and it's sometimes hard to find a bed for patients. Other sites have limited resources as well, along with employees out for COVID. This puts limits on care.

They are working hard at the hospital to stay safe. They have some home care going on to try to keep people from ending up in the hospital. Their vaccination plan has been approved by the state and will be a tiered approach. It's a matter of getting it to

135 those who want the vaccine, providing education, and having community support. The
136 supply chain is also a factor.

137 The vaccine products have their own challenges due to temperatures needed for
138 storage and limited days to dispense after receipt. Both products require two doses at this
139 time. The point of dispensing will be constantly changing and growing. They have to
140 monitor the person for 15 minutes after administering the shot to make sure there are no
141 immediate reactions.

142 Jason went on to explain his symptoms after receiving his shot. He had some
143 shoulder soreness for about 12 hours. He was not debilitated and felt it was not much
144 different than after getting the flu shot.

145 They are trying to get more information out on their Facebook page and he
146 mentioned that Dr. Wilcourt has a PowerPoint presentation that they recorded and plan to
147 get it up on Facebook. He encourages everyone to look at it with an open mind and make
148 the best decision for yourself and your circumstances. Jason then asked if there were any
149 questions. There were a few questions from different commissioners and more
150 discussion.

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153 **3) COMMISSIONERS: For possible action to approve/disapprove the appointment of**
154 **one (1) individual to serve on the Lander County Advisory Board to Manage**
155 **Wildlife, which currently has one (1) vacancy, new terms are three years, from**
156 **July1, 2020 through June 30, 2023, and to consider all of the following applicants to**
157 **include:**

158
159 **A) Larry J. Teske**

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161 Commissioner Clark made the motion to approve Larry Teske for the vacant seat
162 on the Wildlife Management Board. It was seconded by Commissioner Sparks.

163 **Motion to approve:** Commissioner Clark;

164 **Seconded by:** Commissioner Sparks;

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

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168 **4) COMMISSIONERS: For possible action to approve/disapprove a County Funded**
169 **Grant Program for Local Small Businesses struggling due to COVID-19.**

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171 Chair Kathy Ancho: Kathy stated that she brought this forth as we didn't receive
172 any CARES money and she wanted to see if there's any possible way this could be done.

173 Bert Ramos (County Manager): Bert explained that some small businesses have
174 reached out to him and some commissioners. The only way the county can help any
175 business is if it is one that can affect the entire community, like grocery stores. It's not a
176 super feasible program to be fair and equal throughout the community. He does want
177 people to know we're not turning a blind eye to their struggles. It just comes down to
178 how you can spend taxpayer money.

179 There were comments from some commissioners on licensing and that help with
180 any fines the businesses might incur had been talked about previously.

181 No action was taken on this item.
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184 5) **COMMISSIONERS: For possible action to set dates for the Lander County Board**
185 **of Commissioner Meetings to be held in January of 2021 to comply with NRS**
186 **244.085 (3) which states, “The first meeting of the Board in odd numbered years**
187 **must be held the first Monday in January.”**
188

189 There was discussion on the January meeting dates and when to do the swearing-
190 in ceremony. Bert Ramos said that he would reach out to Justice of the Peace Denise
191 Fortune to conduct that. Commissioner Clark made the motion to have the first meeting
192 in January on the 4th at 9:00a.m., and to include the swearing-in before the meeting. The
193 second meeting would remain on January 28, 2021. This was seconded by Commissioner
194 Sparks.

195 **Motion to approve:** Commissioner Clark;

196 **Seconded by:** Commissioner Sparks;

197 **The motion was voted and carried.**
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200 6) **LANDER COUNTY SHERIFF: For discussion and possible action regarding the**
201 **Inter-local Agreement between Lander County School District and Lander County**
202 **for continued Sheriff’s Office School Resource Officer services.**
203

204 Robert Quick (Sheriff’s Office): Robert explained that approximately two years
205 ago the commission approved with the school district to have a school resource officer. It
206 was implemented to have a school resource officer full-time during the school year. This
207 program has worked very well and this is essentially a renewal of that contract. The two
208 changes to the original agreement are a 30-day notice to withdraw and a yearly auto-
209 renewal. Commissioner Sparks made the motion to approve the agreement. It was
210 seconded by Commissioner Clark.

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

212 **Seconded by:** Commissioner Clark;

213 **The motion was voted and carried.**
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216 7) **PUBLIC DEFENDER: For possible action to approve/disapprove a two year (2)**
217 **January 1, 2021-December 31, 2022) Independent Contractor Agreement between**
218 **Lander County and Swanson, Belanger and Plimpton as Lander County Public**
219 **Defender.**
220

221 Items 7 & 8 were opened simultaneously.

222 Ted Herrera (District Attorney): He has discussed this with Kyle Swanson
223 and Chief Deputy District Attorney Hy Forgeron. He went over some points of the

224 contract that could possibly change, having to do with some new indigent defense
225 provisions and budgets. They have put a provision within the contract that allows the
226 county to setup a budget that the public defender could tap into for this. They also feel the
227 additional \$10,000 is reasonable.

228 Commissioner Sparks: Bryan expressed his wishes to see breakdowns on what
229 they do and if this ever goes out to bid.

230 Commissioner Waits: Patsy explained that the quarterly report they've asked for
231 would show all of that. She also wondered where the 30-day termination was in the
232 agreement. Commissioner Sparks was able to point it out to her. She stated that it had
233 gone out to bid a few years ago.

234 Bert Ramos (County Manager): Bert stated they are submitting a quarterly report,
235 they have not been before the commission to go over it and answer any questions on it.

236 There was discussion on whether anyone had reached out to them as they were
237 not present at the time of this item. They were notified of being on the agenda.

238 Commissioner Clark: Art made the motion to approve based on the
239 recommendation of our legal representation, with the understanding that we will get the
240 quarterly reports and will have at least two in-person reports per year. At D.A. Herrera's
241 request he added that they report to the commission within the next 60 days, by the
242 second meeting in February. It was seconded by Commissioner Waits. D.A. Herrera
243 explained his reasoning for stating that the increase was justified. There was some
244 discussion on reasons to not grant the increase. D.A. Herrera added more information on
245 why the increase is justified. They are going to be a lot busier.

246 **Motion to approve:** Commissioner Clark;

247 **Seconded by:** Commissioner Waits;

248 **The motion was voted and carried with three ayes and Commissioner Sparks**
249 **voting Nay.**

250

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252 **8) PUBLIC DEFENDER: For discussion only regarding an update for the third**
253 **quarter from Swanson, Belanger and Plimpton, Lander County's Public Defender.**

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255 This item was tabled as no parties were present to speak on this.

256

257 *****A break was taken from 10:13AM – 10:27AM*****

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260 **9) MAVERIK, INC: For possible action to approve/disapprove the modification of the**
261 **access easement granted by Lander County to Maverik, Inc. Maverik, Inc. is**
262 **proposing to modify the access easement area originally granted in order to**
263 **incorporate portions of the referenced 60' (sixty foot) access easement and**
264 **memorialize the access rights of both parties resulting in a cross-access easement.**

265

266 Ted Herrera (District Attorney): Ted explained that the easement has moved a bit
267 more and that it is a cross-access easement. This is a modification to an existing
268 easement. It does not affect the hospital, just the county.

269 Commissioner Clark: Art asked if this was to help alleviate traffic on Broad St.
270 and Ted said that it is. It doesn't change the dimensions of the easement, it just moves it.
271 Commissioner Clark made the motion to approve the modification. Commissioner Sparks
272 had a question on the location and it was explained by Kyla Sharp, from the planning
273 department. It was then seconded by Commissioner Sparks.

274 **Motion to approve:** Commissioner Clark;

275 **Seconded by:** Commissioner Sparks;

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

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279 **10) UNIVERSITY OF NEVADA COOPERATIVE EXTENSION: For possible action**
280 **to approve/disapprove the agreement between the University of Nevada Reno**
281 **Cooperative Extension Office and Lander County.**

282
283 Bert Ramos (County Manager): Bert stated that legal has looked over the contract
284 and it looks right. The contract allows them to use our building.

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

286 **Seconded by:** Commissioner Clark;

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

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290 **11) PERFORMANCE COMPUTING: For possible action to approve/disapprove**
291 **Performance Computing to mount an Access Point to the water tower to serve**
292 **Battle Mountain internet customers better.**

293
294 **This item was tabled** so that the county manager and district attorney could meet
295 with them. The county has two prior contracts with this company and it's under new
296 ownership so some negotiating needs to take place on the three contracts together before
297 bringing it back to the Commission.

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300 **12) BUILDING DEPARTMENT: For possible action to approve/disapprove the**
301 **contract with Lone Wolf HVAC to perform Quarterly Maintenance for Lander**
302 **County Buildings.**

303
304 Anna Penola (Building Official): Anna explained that she has worked with this
305 company for 3-4 years. They do all the county buildings for quarterly maintenance. It did
306 go up a little bit due to more equipment being added. Commissioner Clark made the
307 motion to approve the contract with Lone Wolf HVAC. This was seconded by
308 Commissioner Sparks.

309 **Motion to approve:** Commissioner Clark;

310 **Seconded by:** Commissioner Sparks;

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

314 13) **FISCAL OFFICER: For possible action to approve/disapprove the fiscal year**
315 **2019/2020 audit report after a slide show presentation by CPA Chad B. Atkinson of**
316 **Hinton and Burdick CPA's and Advisors.**
317

318 There was an approximate 6 minute pause to set up a projector for a presentation
319 for this item as the usual equipment was not functioning properly.

320 Chad Atkinson (HintonBurdick CPA's & Advisors-Via teleconference): He went
321 through his slides with Laken Sullivan running that from the commission chamber.

322 Chad began with mentioning the county's investments. He went over the reports
323 that were generated from the county's audit. He mentioned that a significant deficiency
324 from the previous year had been resolved, which is good. Four other deficiencies were re-
325 worded and re-issued for this audit. He discussed those a bit later in his presentation. He
326 gave a summary of the findings and then entertained questions. They did find a decline in
327 revenue of the water fund and they found that in the transition of software that the county
328 went through that some meters weren't properly setup. This interfered with the billings
329 being done properly. They encouraged management to resolve the billing issues that are
330 currently happening and to go back and bill for the missed revenue. There were a few
331 other re-issue findings he went over. Some credit card documentation was lacking and is
332 being addressed.

333 Chair Kathy Ancho wanted to state that they have implemented a credit card
334 policy so that item has been handled. She also asked about the water billing issue and
335 Bert explained how that is being handled. The other item discussed was the cash
336 receipting issue and it was determined that it needs to be handled by the individual
337 departments. There was also discussion on the timing of water department payments.

338 Chad continued the NRS issue and advertising certain contracts. They were
339 unable to obtain evidence of advertising on some contracts. It is in process to work on all
340 contract issues. He then moved on to financial highlights.

341 Commissioner Clark made the motion to approve the fiscal year 2019/2020 audit
342 report. This was seconded by Commissioner Sparks. Commissioner Waits asked if the
343 letter stating our plan of corrective action needed to be included or not. Laken Sullivan,
344 the fiscal officer, stated that she had included it in the audit this year. D.A. Herrera stated
345 that they were good with how it was done.

346 **Motion to approve:** Commissioner Clark;

347 **Seconded by:** Commissioner Sparks;

348 **The motion was voted and carried.**
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351 8) **PUBLIC DEFENDER: For discussion only regarding an update for the third**
352 **quarter from Swanson, Belanger and Plimpton, Lander County's Public Defender.**

353 Items #7 & #8 were re-opened together. Item #7 was the contractor agreement.
354

355 Kyle Swanson (Swanson, Belanger & Plimpton): Kyle explained that there was a
356 mix-up on what time he was supposed to be in attendance at the meeting. Their office
357 was told to be at the meeting at 11:00am and it was put on their calendar for that time.
358 This is why they were not in attendance earlier.

359 Ted Herrera (District Attorney): Ted asked that they also open Item 7 again in
360 case there were any questions pertaining to that item. Chair Kathy Ancho then opened
361 Item #7 for discussion.

362 Commissioner Sparks: Bryan's concern was the increase in the contract amount.

363 Kyle Swanson: Kyle went on to explain the reasoning that went into the increase.
364 One thing was the cost of maintaining two offices, his regular office and then one here in
365 Battle Mountain. Another factor is changes that have come about in the past year
366 regarding public defenders and criminal prosecution statewide. Some types of cases are
367 now entitled to a jury trial and these take more time than a bench trial does.

368 The Department of Indigent Services for the state of Nevada has become
369 energized and has sent out a 50-page packet with new rules that they are suggesting for
370 indigent defense services. Many of these may end up being adopted and will require more
371 time on his part. One is that public defenders will be required to be present at all first
372 appearances. This is not required of any state attorney or any other attorney but they are
373 looking into requiring that for the public defenders. This may require Justice Court to
374 install video conferencing. It could also cause scheduling conflicts that could create a
375 need for an on-call public defender and there isn't a lot of availability to fill that need.

376 Bert Ramos (County Manager): Bert apologized for the mix-up on the time
377 scheduling on behalf of his office and said he wasn't aware that an 11:00am time had
378 been set.

379 Chair Kathy Ancho began the discussion of Item #8 by asking how many people
380 are being represented in Lander County over the past year. Kyle went over the numbers
381 and did state that this year had been a bit different than previous years because of the
382 pandemic. There had been a decrease in cases at the beginning of the year over the tri-
383 county area. He was told in Humboldt County that were going to use a lot of discretion in
384 charging because they did not want a lot of people in their jail. The first and second
385 quarters were affected by this.

386 While copies of the report were made to hand out to the commissioners, Tricia
387 Salin, from Kyle's office, did speak to the fact that they should have brought the numbers
388 from 2019 to get a clearer picture of how things usually are. They did state that the third
389 and fourth quarters were back up to normal numbers of cases. Copies of the report were
390 then handed out and looked over with additional discussion of the information provided.
391 Commissioner Waits asked for clarification on whether they were to report back twice a
392 year or quarterly and at this point the Board decided that quarterly reports were in order.

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395 **14) SUMMIT ENGINEERING: Update from Summit Engineering regarding the**
396 **Austin Town Boundary Realignment.**

397
398 Larry Grube (Via teleconference): Larry had some slides up on the screen that
399 were composited assessor maps of Austin properties. They are trying to complete some
400 maps by the March deadline and are leaving some names off if they can't confirm
401 ownership by the deadline. The names can be added later. Larry explained some of the
402 issues they're having in some property areas. He stated they will be dropping off copies
403 of the updated maps and Patsy asked that he coordinate with Miteshell on that.

404 15) **PLANNING DEPARTMENT: For possible action to approve/disapprove the**
405 **adoption of Resolution 2020-16 providing the renewal of the membership through**
406 **an inter-local cooperative agreement and authorizing membership thereby to the**
407 **Northeastern Nevada Regional Development Authority.**
408

409 Bert Ramos (County Manager): Bert stated for the record that a change had been
410 made to the document to add the district attorney's signature line after the document had
411 gone into the packets.

412 Commissioner Waits: Patsy was confused by the resolution and had a question for
413 Sheldon regarding the purpose of the resolution and that the whole purpose of this
414 amended resolution was to remove our contract with NNRDA and she thought that
415 Humboldt and Pershing were to come off. They were still on in parts of the resolution.

416 Sheldon Mudd: Sheldon explained that they provide the template for those
417 communities that want to do it. It's not required though. At the time it was sent out it
418 likely still had Humboldt and Pershing on it. If it wasn't updated before sending it out it's
419 a mistake on his part.

420 The inter-local agreement establishes them as a legal entity and that's how they
421 operate. Under NRS those have to be re-done every five years. We are due in 2021 for a
422 new agreement. Pershing and Humboldt have chosen not to move forward with NNRDA
423 in 2021. Your agreement should have Lander, Elko, Eureka, and White Pine counties,
424 and those incorporated cities therein.

425 There was discussion on what to do with the resolution not being correct. The
426 D.A. stated that they could make a motion to adopt it subject to corrections if they chose
427 to. Patsy had a concern with the five year term and Sheldon stated that the agreement
428 states the counties are authorized to leave at any time. It's just stating they are going to be
429 an organization for five years. Commissioner Clark stated that he wanted more
430 information and wanted it to be discussed more thoroughly. It was decided that they
431 would bring it back in January with everything correct. Commissioner Waits also
432 requested that the agenda item be listed as Lander County and not Planning Department.

433 No action on this item.
434
435

436 16) **CORRESPONDENCE: Correspondence/reports/future agenda items.**
437

438 Bert Ramos (County Manager): Bert mentioned that if anyone from Lander
439 County wants one of the extra COVID vaccines they should contact Bert. They want to
440 start putting a list together of interested individuals. Jason Bleak had just notified him
441 that there were a few left.

442 Commissioner Clark asked that Bert's contract and Don Prince be put on the
443 agenda. Commissioner Waits asked if anything was coming back up for Dessie Skeath on
444 his contracts. It was stated that it's a work in progress right now. They're hoping to have
445 it on the January 28th agenda. Bert mentioned the State of Emergency is coming up on a
446 year now and might need to be re-evaluated.
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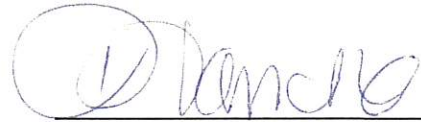
PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Clark motioned to adjourn the regular session of December 17, 2020. Seconded by Commissioner Sparks, the motion was voted and carried. **ADJOURNED.**

Meeting was adjourned at 11:48AM.



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

ATTEST:


LANDER COUNTY CLERK