



The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on January 27, 2011 at 9:00 A.M.

**PRESENT: RAY H. WILLIAMS, JR., COMMISSIONER  
DEAN BULLOCK, COMMISSIONER  
BRIAN GARNER, COMMISSIONER  
DAVID MASON, COMMISSIONER  
SADIE SULLIVAN, COUNTY CLERK  
JAMES BARNES, DEPUTY DISTRICT ATTORNEY  
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR  
ROGENE HILL, FINANCE DIRECTOR  
SOVEIDA ROBINSON, HUMAN RESOURCE DIRECTOR  
DONNA J. BOHALL, DEPUTY CLERK**

**ABSENT: STEVEN STIENMETZ, COMMISSIONER**

Vice Chairman Ray H. Williams, Jr. called the meeting to order.

Let the record reflect the presence of a quorum of four Commissioners.

Gene Etcheverry led the Pledge of Allegiance.

#### **APPROVAL OF AGENDA NOTICE**

The Notice of Posting was reviewed and found to be in order. Commissioner Bullock moved to approve the Agenda Notice, as posted. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**

#### **APPROVAL & ACCEPTANCE OF MINUTES**

##### **Regular Session Of January 13, 2011**

Commissioner Mason moved to approve the minutes of the Regular Session of January 13, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried. **Approved.**

##### **Special Session Of January 20, 2011**

Commissioner Garner moved to approve the minutes of the Special Session of January 20, 2011, as presented. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**



## **CORRESPONDENCE**

The Board reviewed the following correspondence that is retained in the Clerk's Office:

NDEP, Notice of Proposed Action, Klondex Gold & Silver Mining Co., water pollution control permit for Fire Creek Exploration Project.

NDEP, Notice of Final Decision, Reclamation Permit #0309, Newmont USA Limited, Copper Basin Exploration Project.

NDEP, Notice of Proposed Action, Victoria Gold Corporation US, water pollution control permit for Cove Helen Underground Exploration Project.

NDEP, Notice of Decision, Water Pollution Control Permit #NEV0091045, Baker Hughes Drilling Fluids, Argenta Mine & Mill.

KENT PEATROSS & JERRIE TIPTON, WCA, to ROBERT ABBEY, BLM, regarding possible amendment to charter for wild horse & burro program advisory board.

DAVE McNEIL, NDEP, to AIR QUALITY PERMIT HOLDER, regarding Actual Production/Emissions Reporting Form (Report) for 2010 calendar year.

JOE SAWYER, NDEP, to AMANDA APPELT, WESTERN ENERGETIX, regarding Site Characterization & Groundwater Monitoring Report for Western Energetix Bulk Plant, 125 N. Mountain St., BM, NV.

## **REPORTS**

The Board reviewed the following reports, which are retained in the Clerk's Office:

LANDER COUNTY CLERK - Monies Collected - December 2010.

LANDER COUNTY CLERK - Monies Collected - Year Ending 2010.

AUSTIN JUSTICE OF THE PEACE - Monies Collected - November 2010.

AUSTIN JUSTICE OF THE PEACE - Monies Collected - December 2010.

ARGENTA JUSTICE COURT - Fines & Forfeits - December 2010.

ARGENTA JUSTICE COURT - Financial Statement - Quarter Ending December 2010.

LANDER COUNTY RECORDER - Fees Collected - December 1-31, 2010.

LANDER COUNTY TREASURER - Technology Fees - November 2010.

LANDER COUNTY TREASURER - Technology Fees - December 2010.

## **COMMISSIONER REPORTS**

Commissioner Garner made the following comment for the record:

"I was informed of the communication package for this room back in March of last year that was passed. It was to incorporate some TV's, plug-ins for the counter. I don't know exactly what it is, but I'm curious what's taking nine months. Who's handling that? If it's passed, let's get something going. I want to know where it's at."



Executive Director Gene Etcheverry explained that the Assessor previously offered to use some of her technology funds for a multi-purpose video conferencing center at the courthouse.

Commissioner Garner addressed the following concern:

"The County website is embarrassing...updated four months ago. Who's ball? What are we going to do here? Does each department do this on their own? How's this working? We need to get something going. I went on there last night to look at some of the boards we sit on and look at the calendar. There's nothing; there's zilch. If they're going to have all these events in this community, it ought to be on that calendar. Why isn't it updated?"

Executive Director Gene Etcheverry explained that part of the website is updated through LEDA, part of it was periodically updated by the Community Development Specialist, and part gets updated through the Assessor's Office by external providers. There was general consensus in favor of placing this issue on the next commission meeting agenda for discussion and possible action.

Commissioner Williams updated the Board regarding the following meetings he attended recently on behalf of Lander County: **a)** a meeting in Austin where Governor Sandoval was present to listen to residents' concerns; **b)** a BLM RMP Planning meeting in Austin; **c)** a NACO Public Lands & Natural Resources Committee meeting; and, **d)** a LC Sewer & Water District #2 board meeting in Austin.

Commissioner Williams updated the Board regarding a wildlife board meeting he and Frank Whitman tried to attend recently in Eureka; and noted that the meeting was cancelled due to a posting problem.

Commissioner Williams updated the Board regarding a public lands meeting scheduled in Austin February 9, 2011 at 6:00 p.m.

Commissioner Williams noted the following for the record:

"We met last night with the planner the Chamber of Commerce hired to do research on Spencer's Hot Springs. We met with Chuck Lane and Todd Neville, BLM. They presented documents that pretty much ties up Spencer's Hot Springs so there can't be any kind of R&PP lease. As we go further into it, the idea may just stop."

*Let the record reflect that this matter was discussed later in the morning. Let the record further reflect the presence of Assessor Lura Duvall at this time. Commissioner Garner requested an update regarding the status of the multi-purpose video teleconferencing center approved last March for the courthouse. Ms. Duvall noted the following for the record:*

"I offered some of my technology funds to do a lot of things for other departments, which at my discretion I can use if I so choose. It was discussed last year. We were looking into just what you said. We purchased a video system for the courts - very expensive. It's \$40,000.00 and I don't believe it's used a lot. I looked into it and I don't think it's cost effective; so, no I didn't go that route. I've gotten some other information, over time, on just using web cams on your laptops. We could get a screen mounted and I have a projector and laptop computer that can sit right there. I haven't had a chance to set it up to see if it's going to work. I had a lot of different things thrown at me. This room doesn't have a great layout. I really didn't get good feed back on specifically what everybody wanted. I'm not sure what



we can do in this room to make it effective. I need ideas on exactly what you want and what you want to use it for. But I can't see spending that kind of money for something that may only be used once in a while."

Commissioner Williams made the following comment for the record:

"When we entered our conversation earlier, we were going to put this on as an agenda item for our February 10<sup>th</sup> meeting. We talked about other issues such as an IT person. The other item discussed was the website and the fact that we're getting further and further behind."

Ms. Duvall responded to Commissioner Williams' comment, as follows:

"As far as the IT position, I've done a lot of research and gotten a lot of information. I've talked to every county in the State, including our programmers. To hire a full-time IT person for about a day a month work just doesn't make sense. ADS has been handling our system and we've been taking care of the needs for the last 35 years. What I'm looking at and proposing in my budget is I've got to have a drafting person - my mapper is going to resign so I'm looking at doing a combination mapping/GIS coordinator and then piggybacking with the IT part, which is a very small portion. I'm open to ideas, but it isn't cost effective to have a full-time IT person with the minimal needs we have in a small community like this."

Mr. Etcheverry explained that the hospital is looking for a part-time IT person; and presented testimony regarding the possibility of sharing an IT person with the hospital.

## **STAFF REPORTS**

Executive Director Gene Etcheverry provided the following staff report to the Board:

- \* An Austin Loneliest Highway Visitors Center stakeholder's meeting was held last Friday in Austin to discuss the preliminary design for the project;
- \* A Deed of Correction for the Austin Loneliest Highway Visitors Center project will be processed by NDOT soon;
- \* The Executive Director attended a Local Public Agency Manual Training meeting recently on behalf of LC;
- \* The Executive Director's Office is in the process of completing an easement application for a lighted crosswalk crossing signal at the corner of Broyles Ranch Road & Broad Street;
- \* A Natural Resources & Public Lands meeting is scheduled February 9, 2011 in Austin;
- \* BLM will present their Resource Management Plan to the Board at the February 24, 2011 commission meeting.

## **PAYMENT OF THE BILLS**

Commissioner Garner moved to approve payment of the bills, check numbers 35552 through 35640 in the amount of \$79,127.49. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Bullock, Mason and Williams voting "AYE" and with Commissioner Garner abstaining from the vote on check number 35555 payable to Atlas Towing & Recovery in the amount of \$20.00. **Approved:**

## **Anthem Blue Cross Blue Shield - COBRA Insurance Premium - Chuck Chapin**

Commissioner Garner moved to approve payment to Anthem Blue Cross Blue Shield, in the



amount of \$582.81, for the COBRA insurance premium for Chuck Chapin. Seconded by Commissioner Bullock, the motion was voted and carried. **Approved.**

#### **Wells Fargo Remittance Center - County Credit Card**

Commissioner Garner moved to ratify payment to Wells Fargo Remittance Center, in the amount of \$1,428.94, for various purchases made on the County credit card. Seconded by Commissioner Bullock, the motion was voted and carried. **Ratification Approved.**

### **PAYROLL CHANGE REQUESTS**

#### **Payroll Change Request - James J. Barnes - District Attorney's Office**

Request for approval to hire James J. Barnes, Deputy District Attorney, at a bi-weekly salary of \$2,307.69, effective January 3, 2011, was approved by consensus of the Board. Let the record reflect that the District Attorney has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - Reita Newgard - Public Health Nurse Office**

Request for approval to hire Reita Newgard, Executive Secretary, a Grade 20 at a salary of \$14.89 per hour, effective December 13, 2010, was approved by consensus of the Board. Let the record reflect that the Public Health Nurse has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - Mark Ames - Road & Bridge Department**

Request for approval to hire Mark Ames, Maintainer II, a Grade 19 at a salary of \$14.31 per hour, effective December 13, 2010, was approved by consensus of the Board. Let the record reflect that the Road and Bridge Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - Roseanna C. Carone - Senior Center**

Request for approval to hire Roseanna C. Carone, Relief Van Driver, a Grade 15 at a salary of \$9.64 per hour, effective December 22, 2010, was approved by consensus of the Board. Let the record reflect that the Senior/Social Services Director has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - Robert Campbell - Road & Bridge Department**

Request for approval of a promotion for Robert Campbell, from Maintainer II, a Grade 19 at a salary of \$14.31 per hour to Maintainer III, a Grade 22 at a salary of \$16.10 per hour, effective January 24, 2011, was approved by consensus of the Board. Let the record reflect that the Road and Bridge Department has approved the payroll change request and it has been reviewed by



the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - Anna Day - Sheriff's Office**

Request for approval of a Level change for Anna Day, CAT 1, from a Grade Level 1 at a salary of \$20.61 per hour to a Grade Level 2 at a salary of \$21.73 per hour, effective January 24, 2011, was approved by consensus of the Board. Let the record reflect that the Undersheriff has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - J.A. Feliciano - Sheriff's Office**

Request for approval of a Level change for J.A. Feliciano, CAT 1, from a Grade Level 1 at a salary of \$20.61 per hour to a Grade Level 2 at a salary of \$21.73 per hour, effective January 24, 2011, was approved by consensus of the Board. Let the record reflect that the Undersheriff has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **Payroll Change Request - MeShell Prawitz - Sheriff's Office**

Request for approval of a Level change for MeShell Prawitz, Sergeant, from a Grade Level 2 at a salary of \$27.03 per hour to a Grade Level 3 at a salary of \$28.39 per hour, effective February 7, 2011, was approved by consensus of the Board. Let the record reflect that the Undersheriff has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

#### **PUBLIC COMMENT**

Building Official **Joe Lindsey** appeared before the Board to make the following comment for the record:

"On the Austin Loneliest Highway Visitors Center - is that project going to go out to bid for contractors? I haven't heard who's going to be the contractor of choice on that project."

Executive Director Gene Etcheverry responded to Mr. Lindsey's comment, as follows:

"Absolutely...has to by federal and state law. The consultant in place right now went through a federally prescribed selection process over and above what the State of Nevada requires."

#### **PUBLIC HEARING**

- 1) **Public Hearing & Approve/Disapprove Augmentation To FY 2010-2011 Budget:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry noted for the record that the budget augmentation was appropriately



noticed & all documentation prepared to meet the provisions/requirements of NRS and NAC. Vice Chairman Williams called the public hearing to order. The Board reviewed and discussed draft Resolution No. 2011-01, presented by Finance Director Rogene Hill, as follows:

**RESOLUTION NO. 2011-01  
Of The Board Of Lander County Commissioners**

**A RESOLUTION TO AUGMENT THE FY 2010-2011 BUDGET OF THE GENERAL FUND (001), ROAD & BRIDGE FUND (002), CAPITAL ACQUISITION FUND (031), CONSTRUCTION OF CAPITAL PROJECTS FUND (055), & AIRPORT CAPITAL FUND (380)**

**WHEREAS**, in the General Fund (001), it is the desire of the Lander County Board of Commissioners to fund \$25,000 for additional costs for Computer Service in Other General Expense Dept. (035), \$80,000 to Intergovernmental General Expense Dept. (050) for additional expenditures to offset engineering expenditures for the Austin Loneliest Highway Project and to fund a \$100,000 grant to Sewer & Water District #2 Fund (050) to cover additional expenses not covered by grants, from fund balance higher than anticipated for year ending June 30, 2010; and

**WHEREAS**, in the Road & Bridge Fund (002), Lander County Board of Commissioners desires to fund an additional \$8,600 to Austin Dept. (065) and \$16,400 to Battle Mountain Dept. (066) for salary/wages overlooked in the Final FY 10-11 budget submission to the Department of Taxation from fund balance higher than anticipated for year ending June 30, 2010; and

**WHEREAS**, in the Capital Acquisition Fund (031), FY 10-11 net proceeds being more than anticipated; there's a need to increase expenditures \$33,335 to cover percentages based on 1990-1991 SCCRT Factor pursuant to NRS 354.59815(2); and

**WHEREAS**, in the Construction of Capital Projects Fund, the Lander County Board of Commissioners desire to fund an additional \$5,000,000 from unanticipated prior year net proceeds for the Battle Mountain Arsenic Project so as not to incur debt, \$555,000 from FY 09-10 paving projects not completed and has been completed in FY 10-11 and this amount carried forward in ending fund balance, and it is also the desire of the Commissioners to fund \$500,000 towards the Flood Levee Project which had not been anticipated for FY 10-11 which will also be funded by higher than anticipated ending fund balance ending June 30, 2010; and

**WHEREAS**, in the Airport Capital Fund (380) it is the desire of the Lander County Board of Commissioners to fund \$235,000 for the construction of the Austin Fuel Project, \$32,000 for environmental evaluation for Austin apron expansion, and \$188,220 for the Battle Mountain Airport apron reconstruction design; \$220,220 will be 95% funded by FAA and the remaining 5% and \$235,000 will be funded by Lander County.

**NOW, THEREFORE BE IT RESOLVED**, that the FY 2010-2011 budget be changed as follows:

**General Fund (001)**

**Other General Expense - Dept. (035)**

Description	Budget	Change	Revised FY 10-11 Budget
Service & Supplies	\$690,557	\$25,000	\$715,557

**Note:** Source of funds for increased appropriation to be offset by fund balance higher than anticipated for year ending FY 09-10.

**General Fund (001)**

**Intergovernmental Expense - Dept. (050)**

Description	Budget	Change	Revised FY 10-11 Budget
Service & Supplies	\$18,185	\$180,000	\$198,185

**Note:** Source of funds for increased appropriation to be offset by fund balance higher than anticipated for year ending FY 09-10.

**Road & Bridge (002)**

**Austin - Dept. (065)**

Description	Budget	Change	Revised FY 10-11 Budget
Salaries & Wages	\$331,930	\$8,600	\$340,530

**Note:** Source of funds for increased appropriation to be offset by fund balance higher than anticipated for year ending FY 09-10.

**Capital Acquisition Fund (031)**



Description	Budget	Change	Revised FY 10-11 Budget
Intergovernmental Expense	\$6,165	\$33,335	\$39,500

**Note:** Source of funds for increased appropriation to be offset by fund balance higher than anticipated for year ending FY 09-10.  
**Construction Of Capital Projects Fund (055)**

Description	Budget	Change	Revised FY 10-11 Budget
Capital Outlay	\$2,850,000	\$6,055,000	\$8,905,000

**Note:** Source of funds for increased appropriation to be offset by unanticipated net proceeds for year ending FY 09-10.  
**Airport Capital Fund (380)**

Description	Budget	Change	Revised FY 10-11 Budget
Capital Outlay	\$1,250,000	\$270,000	\$1,520,000

**Note:** Source of funds for increased appropriation to be offset by additional grant revenues & net proceeds for FY 10-11.

Commissioner Williams called for public comment. Let the record reflect that no public comment was received. Commissioner Williams closed the public hearing at this time. Commissioner Garner moved to approve the augmentation of the FY 2010-2011 budget and adopt Resolution No. 2011-01, a resolution to augment the FY 2010-2011 Lander County budget; and authorize the Chairman to sign. Seconded by Commissioner Mason, the motion was voted and carried. **Resolution Approved.**

**FINANCE**

- 2) **Budget Review & Update:** Let the record reflect the presence of Austin via telephone conference. Finance Director Rogene Hill presented the following update to the Board:

"We moved two ambulance accounts totaling \$920.00 to the write-off accounts, those being six months with no activity. We also sent \$920.00 in two new accounts to the collection agency, for a total current accounts of \$8,922.00. I've been working on the budget and also working on things to be addressed in labor negotiations. My department will be attending a GASB 54 meeting in Elko February 8<sup>th</sup>. I talked to Julie with Sewer & Water #2 yesterday. It looks like the work on the telemetry has finally begun. That project hopefully will be over and done with by the end of May."

Let the record reflect that this matter was an update only. **No Action--Update Only.**

- 3) **Discuss & Approve/Disapprove FY 2009-2010 Plan Of Corrective Action To Nevada Department Of Taxation:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- \* The FY 2009-2010 Plan of Corrective Action to the Department of Taxation for violations noted in the annual Audit Report is presented for ratification;
- \* Pursuant to NRS 354.6245(2), a plan of corrective action to address issues of apparent noncompliance with statutes/regulations identified in the annual audit report must be submitted to the Department of Taxation within 60 days after the audit report is delivered to a local government;
- \* The FY 2009-2010 Audit Report was accepted/approved by the Board November 30, 2010;





- \* The LC Plan of Corrective Action was submitted to the Department of Taxation January 7, 2011.

The Board reviewed and discussed the January 7, 2011 Plan of Corrective Action for FY 2009-2010, as presented by Mr. Etcheverry. Commissioner Garner moved to accept and ratify the Lander County Plan of Corrective Action addressing issues of apparent noncompliance identified in the 2009-2010 annual Audit Report, submitted to the Department of Taxation pursuant to the provisions of NRS 354.6245(2). Seconded by Commissioner Bullock, the motion was voted and carried. **Ratification Approved.**

## **COMMISSIONERS**

- 4) **Discuss & Approve/Disapprove Contract Between Lander County & Summit Engineering Corporation For Phase I Battle Mountain Levee Project:** Let the record reflect the presence of Austin, via telephone conference, and Ben Veach, Summit Engineering, for this discussion. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- \* A contract between LC & Summit Engineering for the BM Levee Phase I project is presented for consideration;
- \* The contract is presented in a phased approach to allow the project to progress in a timely manner;
- \* It also allows for Board input, direction & control over the project;
- \* Pursuant to NRS 332.115(1)(a), engineering services are not subject to competitive bidding;
- \* Since Summit Engineering has been the contractor performing studies & ancillary services relative to flood issues, continuance of the contractual relationship through completion of the project would negate the benefit of procuring these services through the RFP process.

The Board reviewed and discussed a Consulting Services Agreement between Lander County and Summit Engineering for the Battle Mountain Levee Phase I project, in the amount of \$43,900.00, as presented by Mr. Veach. There was general discussion regarding the following issues: **a)** the proposed scope of work for the first phase of the project; **b)** the projected time line for completion of the project; **c)** the estimated cost for the entire project; and, **d)** the possibility of expediting the project to take advantage of current construction costs. Commissioner Bullock moved to approve the contract between Lander County and Summit Engineering Corporation for Phase I of the Battle Mountain Levee project; to approve the expenditure of funds in the amount of \$43,900.00 to complete this phase; and authorize the Contractor to proceed on Battle Mountain Levee Project Phase I activities. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**

- 5) **Discussion & Possible Action Regarding Nevada Division Of Water Resources FY 2011-12 Budget For: A) Antelope Valley Groundwater Basin; B) Boulder Flat Groundwater Basin; C) Clovers Area Groundwater Basin; D) Crescent Valley Groundwater Basin; E) Humboldt River Distribution; F) Kingston Creek (Big Smoky Creek); G) Lower Reese River Groundwater Basin; H) Middle Reese River Valley Groundwater Basin; & I) Whirlwind Valley Groundwater Basin:** Let the record reflect the presence of Austin, via telephone conference, and Assessor Lura Duvall for this



discussion. The Board reviewed and discussed the FY 2011-2012 budgets for the Antelope Valley Groundwater Basin, the Boulder Flat Groundwater Basin, the Clovers Area Groundwater Basin, the Crescent Valley Groundwater Basin, the Humboldt River Distribution, the Kingston Creek (Big Smoky Creek), the Lower Reese River Groundwater Basin, the Middle Reese River Valley Groundwater Basin, and the Whirlwind Valley Groundwater Basin, as presented by Executive Director Gene Etcheverry. Mr. Etcheverry made the following comment for the record:

"It was indicated last time that the Clerk's Office didn't get this to other county officials. That's very incorrect. This is never distributed to the Clerk's Office. NRS says who it's distributed to - and that's the commissioners. It comes to our office. Our office distributed them as they came in. I've spoken to our Treasurer, who last time had a problem with this because she hadn't had time to review it. She's reviewed it and according to her there's no problem with them."

Commissioner Garner moved to accept and approve the Nevada Division of Water Resources FY 2011-2012 budgets for the Antelope Valley Groundwater Basin, Boulder Flat Groundwater Basin, Clovers Area Groundwater Basin, Crescent Valley Groundwater Basin, Humboldt River Distribution, Kingston Creek (Big Smoky Creek), Lower Reese River Groundwater Basin, Middle Reese River Valley Groundwater Basin and Whirlwind Valley Groundwater Basin, seconded by Commissioner Bullock. There was general discussion of how special assessments are processed by the Assessor's Office and collected by the Treasurer's Office. Let the record reflect that at this time Commissioner Garner's motion was voted and carried. **Approved.**

6) **Discussion & Possible Action Regarding Submitting Letter To Public Utilities Commission Concerning "Peak Period Non-Curtailment Penalty Rate" (IS-2) Which May Be Imposed On Farmers:** Let the record reflect the presence of Austin, via telephone conference; North Battle Mountain farmer Eric Taylor; Antelope Valley farmer Michael Farr; Battle Mountain farmer Russ Parker; and Jeff Fontaine, NACO Executive Director, for this discussion. Executive Director Gene Etcheverry provided the following update to the Board:

- \* A draft letter proposed for submission to PUCN regarding "Peak Period Non-Curtailment Penalty Rate" (IS-2), which may be imposed on farmers, is submitted for review & approval;
- \* PUCN adopted a policy in 2008 based upon legislation passed by the 2007 Legislative session;
- \* The policy requires farmers & ranchers to interrupt electric service to their irrigation pumps on weekdays between the hours of 2-6 pm during July & August;
- \* Noncompliance results in electric service rates 3-4 times higher than normal rates;
- \* Several LC farmers/ranchers have asked the Board to oppose imposition of the IS-2 rate or, at a minimum, continue suspension of the rate for 2011.

The Board reviewed and discussed a January 27, 2011 draft letter to PUCN expressing strong opposition to the IS-2 rate, as presented by Mr. Etcheverry. Mr. Taylor presented testimony regarding the financial impact of the IS-2 rate to Lander County's farmers/ranchers; and requested that the Board send a letter to PUCN expressing strong opposition to the IS-2 rate for agricultural customers. Mr. Fontaine presented testimony of what NACO is doing to address the penalty rate issue on a State level. Commissioner



Garner moved to authorize the Chairman to sign the letter to the Public Utilities Commission of Nevada (PUCN), as presented, registering Lander County's opposition to the peak period non-curtailment penalty (IS-2) rate and the imposition of the rate on farmers/ranchers within Lander County. Seconded by Commissioner Bullock the motion was voted and carried. **Approved.**

- 7) **Discussion & Possible Action Regarding Nevada Land & Resource Company, LLC, Applications Proposing Changing Point Of Diversion From Humboldt County To Lander County For Existing Permits 71716 & 71715:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry requested that this matter be deferred to the February 24, 2011 commission meeting; and explained that pursuant to NRS 533.363, this item must be noticed for three weeks in the Battle Mountain Bugle before it can be considered by the Board. The Board directed staff to publish notice, as required, for applications 80309 and 80310 requesting change in the point of diversion and place of use from Humboldt County to Lander County for existing permits 71716 and 71715; and set the date for consideration of the applications as February 24, 2011. Let the record reflect that this matter was discussion and direction only. **No Action - Discussion/Direction Only.**
- 8) **Discussion & Possible Action Regarding Lander County's Issues/Concerns To Be Addressed At The 2011 Legislative Session:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

"Next Wednesday at 3:00 p.m. we'll have the legislative committee meeting. We finally got our ambulance resolution to all people who needed it. Senator Lee is going to get with Pete Goicoechea to see if they need a joint introduction."

Let the record reflect that this matter was an update only. **No Action - Update Only.**

- 9) **Presentation By Jeff Fontaine Regarding NACO (Nevada Association Of Counties) Updates:** Let the record reflect the presence of Austin, via telephone conference, and Jeff Fontaine, NACO Executive Director, for this discussion. Mr. Fontaine expressed appreciation to Lander County for supporting NACO; and presented a brief overview of NACO's current activities. Mr. Fontaine presented testimony regarding the following issues: **a)** renewable energy tax abatements; **b)** functional home rule; **c)** RS 2477 rights-of-way; **d)** geothermal lease revenues; **e)** payment in lieu of tax revenues; **f)** secure rural schools funding; **g)** BLM wild horse management; and, **h)** wild land designations. Mr. Fontaine updated the Board regarding the projected deficit in the State's budget which will result in huge cuts in State programs. There was general discussion regarding the financial impact of the State's proposed budget cuts to Lander County and other rural Nevada counties. Mr. Fontaine encouraged County participation during this year's legislative session. Let the record reflect that this matter was an update only. **No Action - Update Only.**



## EXECUTIVE DIRECTOR

- 10) **Discuss & Approve/Disapprove Task Order No. 83-10-025-001, Battle Mountain Airport, Between Lander County & J-U-B Engineers, Inc.:** Let the record reflect the presence of Austin, via telephone conference, and Lew Lott, J-U-B Engineers, Inc., for this item. The Board reviewed and discussed Task Order No. 83-10-025-001 between Lander County and J-U-B Engineers, Inc., in an amount not to exceed \$10,000.00, for Battle Mountain Airport ACIP activities, as presented by Mr. Lott. Commissioner Garner moved to approve Task Order No. 83-10-025-001 for Battle Mountain Airport ACIP activities between Lander County and J-U-B Engineers, Inc., in an amount not to exceed \$10,000.00. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**
- 11) **Discuss & Approve/Disapprove Task Order No. 83-10-025-101, Austin Airport, Between Lander County & J-U-B Engineers, Inc.:** Let the record reflect the presence of Austin, via telephone conference, and Lew Lott, J-U-B Engineers, Inc., for this item. The Board reviewed and discussed Task Order No. 83-10-025-101 between Lander County and J-U-B Engineers, Inc., in an amount not to exceed \$10,000.00, for Austin Airport ACIP activities, as presented by Mr. Lott. Commissioner Garner moved to approve Task Order No. 83-10-025-101 for Austin Airport ACIP activities between Lander County and J-U-B Engineers, Inc., in an amount not to exceed \$10,000.00. Seconded by Commissioner Bullock, the motion was voted and carried. **Approved.**
- 12) **Discussion & Possible Action To Appoint Mark Meyers, MD, As The Lander County Health Officer:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:
- \* Proposed appointment of Mark Meyers, MD, as the LC Health Officer is presented for consideration;
  - \* Mr. Philip Hanna, CEO, BM General Hospital, is requesting appointment of Mark Meyers, MD, as the LC Health Officer pursuant to the provisions of LCC 2.20.030.

Commissioner Garner moved to honor the recommendation of Battle Mountain CEO Hanna and appoint Mark Meyers, MD, as the Lander County Health Officer pursuant to the provisions of Lander County Code 2.20.030. Seconded by Commissioner Mason, the motion was voted and carried. **Appointment Approved.**

## ASSESSOR

- 13) **Discuss & Approve/Disapprove Draft Ordinance 2010-06, "Uniform Addressing & Street Naming"; & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin, via telephone conference, and Assessor Lura Duvall for this discussion. The Board reviewed and discussed draft Ordinance No. 2010-06, an ordinance providing for address assignments and street naming, as presented by Executive Director Gene Etcheverry. Commissioner Bullock moved to accept the recommendation of the Lander County Planning Commission and propose the ordinance



to address uniform addressing and street naming for public hearing during the February 24, 2011 regular commission meeting. Seconded by Commissioner Garner, the motion was voted and carried. **Ordinance Proposed.**

## TREASURER

- 14) **Discussion & Possible Action Regarding Adjustment To Real Property Roll:** Let the record reflect the presence of Austin, via telephone conference; Accountant Rebecca Murphy, Treasurer's Office; and Assessor Lura Duvall for this item. The Board reviewed the following proposed real property adjustments, in the total amount of \$1,562.73, as submitted:

**APN #001-064-06:** FY 2009-10 - reversed EQ 5794 from secured to unsecured - (\$58.53).  
**APN #001-152-06:** FY 2009-10 - exemption error - \$741.05 & FY 10-11 - exemption error - \$734.16.  
**APN #003-092-04:** FY 2010-11 - county exempt - (\$99.81).  
**APN #003-092-20:** FY 2010-11 - county exempt - (\$86.96).  
**APN #003-092-21:** FY 2010-11 - county exempt - (\$961.34).  
**APN #003-201-10:** FY 2010-11 - county exempt - (\$79.01).  
**APN #010-370-24:** FY 2010-11 - error in assessed value - \$1,403.07.  
**APN #011-240-07:** FY 2010-11 - adjusted off in error (wrong parcel) (\$9.03) & adjusted on - offset - \$9.03.  
**APN #011-240-09:** FY 2010-11 - adjusted parcel boundaries - (\$9.90).  
**APN #011-320-02:** FY 2010-11 - county exempt/TV Tax adjusted off - (\$20.00).

Commissioner Garner moved to approve adjustments for FY 2009-10 secured tax roll in the amount of \$682.52 and approve adjustments for FY 2010-11 secured tax roll in the amount of \$880.21, for a total adjustment of \$1,562.73. Seconded by Commissioner Bullock, the motion was voted and carried. **Adjustments Approved.**

## PUBLIC WORKS

- 15) **Discussion, Update & Possible Action Regarding Battle Mountain Arsenic Project:** Let the record reflect the presence of Austin, via telephone conference; Public Works Foreman Jacob Edgar; and Steve Brigman, Shaw Engineering, for this item. Mr. Brigman and Mr. Edgar, respectively, updated the Board regarding the status of all phases of the Battle Mountain Arsenic project. There was general discussion regarding the following issues: **a)** the depth of the two wells & the groundwater they contain; **b)** the possibility of installing a secondary waterline loop through the Sheep Creek area; and, **c)** the estimated cost to install a secondary waterline loop. Mr. Brigman noted the following for the record:

"We have tons of water rights on the three existing wells; but the new wells are in a different basin. We have a little bit of water rights out there. We need to figure out how to take all water rights in this side of the basin and get them over there. There's lot of options."

There was general discussion regarding the pros and cons of expanding the Battle



Mountain water and sewer district boundaries. Let the record reflect that this matter was an update only. **No Action - Update Only.**

- 16) **Discuss & Approve/Disapprove Presentation Of Bid Schedule & Award Of Bid For Battle Mountain Water & Sewer Department Wilson Street Project:** Let the record reflect the presence of Austin, via telephone conference; Public Works Foreman Jacob Edgar; and Steve Brigman, Shaw Engineering, for this discussion. The Board reviewed and discussed nine bids received for the Battle Mountain Water & Sewer Department Wilson Street project, presented by Mr. Brigman, as follows:

No.	Received	Bidder	Amount	Bid Bond
1	1/18/2011	A&K Earth Movers, Inc.	\$333,998.00	Yes
2	1/18/2011	Herback General Engineering, LLC	\$398,443.00	Yes
3	1/18/2011	Gordon Paving Co.	\$386,352.20	Yes
4	1/18/2011	Mesquite General Contractors	\$417,017.54	Yes
5	1/18/2011	H.E. Hunewill Construction Co.	\$226,860.69	Yes
6	1/18/2011	Campbell Construction Co.	\$362,708.00	Yes
7	1/18/2011	MKD Construction, Inc.	\$554,000.00	Yes
8	1/18/2011	Sierra Nevada Construction	\$297,007.00	Yes
9	1/18/2011	Acha Construction	\$289,947.00	Yes

Mr. Brigman recommended award of bid to H.E. Hunewill Construction Company, in the amount of \$226,860.69, as it is the lowest and best bid for Lander County. Commissioner Garner moved to accept the recommendation of Lander County Engineer Brigman and award the bid for the Battle Mountain Water and Sewer Department Wilson Street project to Hunewill Construction, of Winnemucca, Nevada, as the apparent low bidder at \$226,860.69. Seconded by Commissioner Mason, the motion was voted and carried. **Award Of Bid Approved:**

**AUSTIN CHAMBER OF COMMERCE**

- 17) **Discuss & Approve/Disapprove Austin Chamber Of Commerce Request For Permission To Place Up To Ten (10) Banners In County Right-Of-Way Along Highway 50 (Location Agreeable To Austin Road & Bridge Department & Property Owners):** Let the record reflect the presence of both Austin and Philip Williams, President, Greater Austin Chamber of Commerce, via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

\* A request from the Austin Chamber of Commerce for permission to place up to ten banners in the county right-of-way along Highway 50 is presented for consideration;



- \* The banners would be placed on poles that could be removed when not in use or when conditions warranted removal;
- \* The banners would announce town events & other features in/around the Town of Austin;
- \* Placement of the banner stands will meet w/consent of property owners & the LC R&B Department.

The Board reviewed and discussed the tentative event location map and placement plan for the proposed banner stands, as presented by Mr. Williams. Commissioner Garner addressed the following concern:

"I go through some of these towns and they haven't taken stuff down in years. I think the whole deal you've got going is awesome; I think it's great - as long as somebody is responsible for this project to put them up and take them down. Sometimes people spend a lot of time and effort and then it goes the other way and makes it look awful when things are blowing. That would be my concern."

Commissioner Bullock moved to grant permission to the Austin Chamber of Commerce to place up to ten banner stands and banners in the Lander County right-of-way along Highway 50 within the Town of Austin. Seconded by Commissioner Garner, the motion was voted and carried. **Request Approved.**

## KINGSTON TOWN BOARD

- 18) **Discussion & Possible Action To Appoint Town Board Members To Vacant Seats "C" & "E" On Kingston Town Board:** Let the record reflect the presence of Austin, via telephone conference; Kingston Town Deputy Clerk Shannon Thiss; and Kingston resident Rosalie Zamora for this discussion. The Board reviewed and discussed a letter of interest from Ron Palmer requesting appointment to one of the vacant seats on the Kingston Town Board, as submitted. Ms. Thiss read the following December 20, 2010 letter of interest from Rosalie Zamora into the record:

"I'd like the opportunity to serve on the vacancy of the Kingston Town Board. Thank you for considering me."

Executive Director Gene Etcheverry noted for the record that the appointments would be for a two-year term. Commissioner Bullock moved to appoint Mr. Ron Palmer to Seat C on the Kingston Town Board and Rosalie Zamora as Seat E on the Kingston Town Board. Seconded by Commissioner Mason, the motion was voted and carried. **Appointments Approved.**

- 19) **Discussion & Possible Action On The Following Projects/Services:** Let the record reflect the presence of Austin via telephone conference.

**Airport Projects:** Let the record reflect that this matter was discussed previously under another agenda item. **No Update.**

**Ambulance Service:** Let the record reflect the presence of Executive Secretary Tammy Dimitroff for this discussion. Executive Director Gene Etcheverry formally apologized to



Ms. Dimitroff for an uncivilized note he penned December 18, 2010, the day after he was injured in an accident while responding to an ambulance call on I 80. Ms. Dimitroff made the following comment for the record:

"I'd discussed what happened that morning and how upset I was with all the commissioners. I had to search my soul on what I was going to do to handle that. I wasn't going to bring it into an open meeting - I didn't feel it was appropriate. Since Mr. Etcheverry apologized to me on the record, I do accept your apology. I can't say those feelings are completely gone, not just being mad but hurt because I feel I do an excellent job. I did search my soul of what you'd gone through. I didn't feel it was appropriate no matter what you'd gone through, but I do accept it and hope it doesn't have to happen again."

The Board reviewed and discussed the following documents as presented by Ms. Dimitroff: a) an Austin/Battle Mountain Ambulance Income/Loss Statement; and, b) a Battle Mountain Ambulance run log. Ms. Dimitroff presented testimony regarding the benefits she and the County derived from use of the run logs; and addressed her concerns that she is no longer allowed to use the run logs per direction of Mr. Etcheverry. Mr. Etcheverry presented testimony regarding ongoing problems/issues with the Battle Mountain Ambulance Service. Commissioner Garner made the following comment for the record:

"I've done some research; I've got the protocols for the ambulance. This has been a huge problem. There's a company out of Salt Lake that would audit the ambulance, fire and search/rescue departments. These people come in, put things together and give us constructive advice on what to do."

There was general consensus in favor of allowing Ms. Dimitroff to use the previously approved run logs. Commissioner Mason made the following comment for the record:

"Gene, you've got to get off of it [BMAS]. I've studied this, too, and word is you're too deep in it and you've got to get out. You're the problem, Gene, and I've got to be blunt about it. You've got a huge job to do for us. I think you just need to back out. We'll find somebody else to replace you."

Finance Director Rogene Hill presented a brief history regarding previous problems and issues with the Battle Mountain Ambulance Service. **No Action - Update Only.**

**Economic Development:** Executive Director Gene Etcheverry stated that the next scheduled meeting of LEDA is Wednesday, February 2<sup>nd</sup> at 2:00 p.m. in the Commission Chambers. **No Action - Update Only.**

**Public Lands:** Executive Director Gene Etcheverry updated the Board regarding a public lands meeting scheduled February 9<sup>th</sup> at 6:00 p.m. at the Austin town hall. There was general discussion regarding various public lands issues of interest to Lander County. **No Action - Update Only.**

**Street/Road Projects:** Let the record reflect the presence of Road and Bridge Foreman/North Donnie Negro for this item. Mr. Negro updated the Board regarding the status of various street/road projects and issues affecting Battle Mountain. **No Action - Update Only.**






**Water/Sewer Projects:** Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. Mr. Edgar updated the Board regarding the status of various water/sewer projects and issues affecting Battle Mountain. **No Action - Update Only.**

**Culture & Recreation:** Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. Mr. Edgar updated the Board regarding the status of various culture/recreation projects/issues affecting Battle Mountain. There was general discussion regarding the outdated lighting system at the Battle Mountain adult league softball fields; and possible resolutions to this issue. **No Action - Update Only.**

**Contracts:** Executive Director Gene Etcheverry updated the Board regarding the status of various past due and upcoming County contracts. **No Action - Update Only.**

### **ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of January 27, 2011. Seconded by Commissioner Mason, the motion was voted and carried. **Meeting Adjourned.**

  
CHAIRMAN OF THE BOARD OF LANDER  
COUNTY COMMISSIONERS AND THE  
LANDER COUNTY LIQUOR BOARD

ATTEST:   
LANDER COUNTY CLERK

**Note:** The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.