

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 October 11, 2012 at 9:00 a.m.

PRESENT: DEAN BULLOCK, COMMISSIONER
BRIAN GARNER, COMMISSIONER
DAVID MASON, COMMISSIONER
RAY H. WILLIAMS JR., COMMISSIONER
ANGIE ELQUIST, DISTRICT ATTORNEY
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
ROGENE HILL, FINANCE
SOVIEDA ROBINSON, HUMAN RESOURCES
CATHY MYERS, DEPUTY CLERK

ABSENT: STEVEN STIENMETZ, COMMISSIONER

9:00 A.M.

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four Commissioners.

Commissioner Bullock led the Pledge of Allegiance.

Let the record reflect the presence of Austin via telephone conference.

APPROVAL OF AGENDA NOTICE

The Notice of Posting was reviewed and found to be in order. Commissioner Garner moved to approve the Notice of Posting. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

APPROVAL OF MINUTES

September 27, 2012 – Regular Session

Commissioner Garner moved to approve the minutes of September 27, 2012 regular session. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSIONER REPORTS

Commissioner Williams reported on his work with Rex Massy and the Land Board to finish up the work on the Land Plan. He has also been working with the Forest Service on access to the historic mining site of Gold Park. Commissioner Williams reported on the NACO meeting held in Las Vegas on September 28, 2012, he attended via teleconference and said there was a presentation on a new Affordable Care Act, a discussion on what will be proposed regarding the Nevada Tax structure in the next Legislative period, a presentation on the Bill in Utah to take over the public lands and a Resolution was passed opposing the State Transfer of Highways to the Counties. He also reported on fires in the South end of the County, and the criticism of the sage grouse plan.

Commissioner Mason reported on his attendance of the Planning Commission meeting on October 10, 2012 where Rex Massey gave his introduction to the update drafts for the Federal Administered and Public Land disposal. There was a list of existing business use permits that was reviewed because it had dropped significantly.

STAFF REPORTS

Executive Director, Gene Etcheverry, reported there have been many phone calls with NDOT regarding the Austin Loneliest Highway Visitor's Center, the possible raising of I-80 as part of the Levee Project, and the pedestrian bridge that would go over I-80 from Broyles Ranch to Lemaire. Mr. Etcheverry also reported he asked NDOT where the pay request was that has been submitted for six months. He has resubmitted the request and was told they will expedite the payment. There will be a joint Planning Commission and OCC meeting on October 24, 2012 at 3:00 regarding the proposed sewer expansion. Mr. Etcheverry received an email from Mr. Phil Hanna and the Hospital Board was not interested in the date or time of the joint meeting between the Hospital Board and the Commissioners, which was scheduled for October 25, 2012.

Commissioner Bullock said the update for the Ambulance still needed to be done on the last meeting. If the Board doesn't want to come, Mr. Hanna still needs to be here.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

RIVERTON ELKO SUPERSTORE

Commissioner Garner moved to ratify check #42119 in the amount of \$34,025.08 to Riverton Elko. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Commissioner Garner moved to approve submitted expenditures in the amount of \$1,565,335.29 from check #42152 thru check #42250. Seconded by Commissioner Williams, the motion was voted and carried with Commissioner Garner abstaining from the vote on check #42154. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee Change Request for employee number 1222, New Hire, Animal Control Officer, \$15.35 per hour, effective October 1, 2012.

Commissioner Garner moved to approve employee change request for employee #1222. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

PUBLIC COMMENT

District Attorney, Angie Elquist, introduced the new Deputy District Attorney Nicole Ting to the Board.

Ms. Ting provided the Board a little bit of her background.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Rogene Hill, Finance Director, requested for the transfer of funds to be read into the minutes.

\$45,000.00 taken from Fund 052-053-5401, fixed assets for parks, and put into the Golf Course fixed assets, Fund 052-052-54010. This movement will compensate for the parking lot pavement at the Golf Course. There was \$170,000.00 budgeted in parks for paving. \$20,925.00 will be transferred from Professional Services and the Executive Director's Department for the purchase of the DOE vehicle for the new Safety Manager. That movement will be \$20,925.00 from fund 001-005-59205, Professional Services, and a debit into fund 001-005-54010. \$11,000.00 will also be transferred from the Executive Director's Professional Services to department 001, Commissioners, for the purchase of five iPads. The movement will be a credit from fund 001-005-59205 of \$11,000.00 and debit to fund 001-001-53880.

Commissioner Williams asked if the computers couldn't be purchased out of the Tech Fund. Ms. Hill answered by saying the Tech Fund cannot be used for Commissioners, they checked into that.

Commissioner Garner moved to approve the movement of the following: 052-053-5401 for \$45,000.00 to 052-052-54010 for \$45,000.00, secondly \$20,925.00 from the Executive Director's for DOE vehicle to account 001-005-59205 with a debit of 001-005-54010, then \$11,000.00 from the Executive Director 001-005-59205 for a credit in the amount of \$11,000.00 to 001-001-53880. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Ms. Hill updated the Board on the audit and stated the audit exit meeting will be held Wednesday, October 17th at 9:00.

Accounts receivable for the month of September are as follows:

Water: \$9,284.00
Sewer: \$7,896.00
Water & Sewer Misc: \$18,081.00
Landfills: \$14,548.00
Ambulance: \$19,397.00
Active Accts. at Collections: \$22,481.00
TOTAL: \$91,687.00

Ms. Hill said the Water & Sewer Misc. amount includes \$12,000.00 for Jay Wintle. She explained that when this money was put on the books, it was thought Mr. Wintle would be building the four houses immediately. After talking with Jake it won't be until Spring of 2013. They will back that \$12,000.00 and as Mr. Wintle builds the first house they will bring back the \$3,000.00 and go accordingly to the houses. **UPDATE**

ROAD & BRIDGE SOUTH

- 2) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, reported on behalf of Burt Ramos, Road and Bridge South, and stated they are moving ahead on the completion of the pavement project, clean up in Kingston from the two flood events and moving ahead on making the yard serviceable at the, hopefully new, County Road and Bridge South Yard. Mr. Etcheverry has received phone calls from the NV Energy Property Manager and there is some disagreement on the lease with them. **UPDATE**

ROAD & BRIDGE NORTH

- 3) **Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto:** It was stated that Donnie Negro, Road and Bridge North was at fire training, therefore unable to attend the meeting.

Commissioner Williams reported there has been some conversations with Jim McGuire, of Summit, regarding the mapping of the RS 2477 Roads. On October 2, 2010 the Commission gave direction to proceed with the project to map the additional roads.

Executive Director, Gene Etcheverry, received an email from Mr. McGuire with a proposed scope of work and a contract would be forthcoming. **UPDATE**

PUBLIC WORKS

- 4) **Discussion & Update On Public Works Projects & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, reported the parking lot at the Golf Course has been paved and looks good. Mr. Edgar will be setting up a meeting with Bullock Management Services to go over the contract and ways to better the contract because of the things they have dealt with this year. It is being suggested to not allow carts on the golf course after November 1st. A lot of money has been put into the course and it would be in the County's best interest to reevaluate what they are doing.

The parks that went out to bid are still at the manufacturing stage. Krouse Craft will be trying to ship them all out at the same time and will have four crews to get them done fairly quickly.

There have been a few developers call, which have purchased some land between Haney's Furniture and Clark's Storage Sheds between Carson and Bastian. There is no sewer service there. Jake's guys are meeting with them today to go over the options.

Mr. Edgar will be trying to keep the bathrooms open. Heaters and pipe wrap have been purchased, but there are some concerns with the plumbing going through the brick where the brick wasn't filled with concrete when the walls were done. The only bathrooms to be closed will be the Racetrack and the Rodeo Grounds, but they will try to keep the other open as long as possible. He also spoke with CXT about putting another bathroom on the golf course on #4. **UPDATE**

Commissioner Bullock opened item #10 at this time.

COMMISSIONERS

- 5) **Discussion For Possible Action Regarding Approval/Disapproval Of Agreement Between Lander County & Tholl Fence, Inc., In The Amount Of \$140,501.16, For Battle**

Mountain Raceway Fencing Project & Other Matters Properly Related Thereto:

Executive Director, Gene Etcheverry, stated this is the agreement between the County and Tholl Fence. It has been received and reviewed by the District Attorney's Office and is ready to move ahead.

Commissioner Garner moved for the Commission to approve the Agreement between Lander County and Tholl Fence, Inc., in the amount of \$140,501.16, for the Battle Mountain Raceway Fencing Project. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

6) Discussion For Possible Action Regarding Approval/Disapproval Of Agreement Between Lander County & Nelson Electric, In The Amount Of \$418,000.00, For the Battle Mountain Raceway Lighting Project & Other Matters Properly Related Thereto:

Executive Director, Gene Etcheverry, stated the agreement between Lander County and Nelson Electric to facilitate the completion of the Battle Mountain Raceway Lighting Project. It has been received by the District Attorney's Office and reviewed and it is appropriate to move ahead and consider it for approval.

Commissioner Garner moved for the Commission to approve the Agreement between Lander County and Nelson Electric, in the amount of \$418,000.00, for the Battle Mountain Raceway Lighting Project. Seconded by Commissioner Mason.

Jake Edgar stated he would get a packet ready to send to the District Attorney's Office on the notice of award. There will be a fifteen day waiting period then they will put out the notice to proceed. Commissioner Garner asked Mr. Edgar to also give the information to the Building Department so they can oversee the project.

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

7) Discussion For Possible Action Regarding County Commission Meeting Schedule For The Month Of November & December 2012 & Other Matters Properly Related Thereto:

Executive Director, Gene Etcheverry, said this was discussed in the last meeting, but to formalize the schedule and to meet the provisions of NRS 244.085 for notice. It was discussed having the first meeting in November on the regular date of November 8th and the second meeting would be Monday, November 19th. In the month of December, if they stay with the regular meeting schedule, the second meeting would be on December 27th.

Commissioner Bullock proposed to only have one meeting in December.

Rogene Hill, Finance Director, asked if the December meeting could be held on Wednesday, December 12th to accommodate for the Audit Report. The Commissioners did not have a problem with this change.

Commissioner Garner moved for the Commission to set the second meeting date of the month of November as November 19th and set the December meeting to December 12th at the regular time and to only include one meeting in December. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

- 8) **Discussion For Possible Action Regarding Approval/Disapproval Of The Pre-Construction Services Agreement Between Lander County & CORE For Construction Manager At Risk (CMAR) Services For The Pre-Construction Phase Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, stated the Board had before them the Lander County Courthouse/Administration Building Owner CMAR Pre-Construction Agreement. The Board has received these agreements before. The only changes to the Pre-Construction agreement are the execution date of the agreement, the address for CORE Construction Services of Nevada Inc. and the CMAR total sum of not to exceed \$51,250.00 for Pre-Construction Services. The District Attorney's Office did make the adjustments to meet the criteria of the County.

Commissioner Garner moved for the Commission to approve the Pre-Construction Services Agreement between Lander County and CORE for the Construction Manager At Risk (CMAR) Services for the pre-construction phase of the Lander County Courthouse/Administration building Project incorporating any amendments or revisions as suggested by the Lander County District Attorney. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 9) **Discussion For Possible Action Regarding Presentation By Mary Wherry, Deputy Of Clinical Services, Nevada State Health Division, Concerning County Services Provided By The State & Other Matters Properly Related Thereto:** Mary Wherry, Deputy of Clinical Services, Nevada State Health Division, addressed the Board and said Brenda Keller, Community Health Nurse, would give a brief update on the Community Health Nursing Program and Cindy Ulch, from the Environmental Health Service Program, would provide an update to the Board as well.

Ms. Werry updated the Board on the SB471 from the last Legislature session, where the Legislation made the decision to push down some funding from the Counties up to the States instead of using General Fund. Ms. Werry also provided a brief update on what is happening at the State level with regard to the Department of Health and Human Services and some changes in the program structure and asked if there were any

questions regarding the Affordability Care Act. There is an excellent website put out by Robert Wood Johnson for those interested in Health data related to writing for grants. There is specific Lander County information related to Health outcomes and factors. Lander County isn't doing well on mortality/morbidity, but Health Factor wise Lander County ranks second in the State. The Health Factor is the social economic, education, people who have insurance and access to care.

Brenda Keller, Public Health Nurse, updated the Board that in 2011 they provided about 2000 vaccines to this community. In doing so the office received the Silver Syringe Award for the outstanding rural immunization program in the State of Nevada. They were at 100% on immunizations for thirteen year olds going into the seventh grade. The immunization rate of two to three year olds is at 81%. Ms. Keller said they conduct about thirty-five pre-school screenings every year. They also did ten communicable disease investigations and nine STD investigations and treatments. They previously only had one to two a year so this is a huge increase for them and the average age is twenty-one. Ms. Keller did state that this tells them the STD program they have in the schools for the seventh and eighth graders is working. They also provide family planning services to about 200 clients in the community and have partnered with some of their private companies, their mining companies, in order to bill private insurances. She also said Rita Newgard was without errors in billing during the last audit. She gave examples of some of the contract they have acquired because of the error free billing. They go to Austin once a month providing services to the Senior Center and at the schools. She also reported the P.O.D. they did the previous weekend, netted 588 vaccines given. This was up from the previous year. They also went to Austin and gave about 50 vaccines and visited the homebound in Austin and Battle Mountain. There will be a clinic in Kingston on Saturday, October 13, 2012.

Mary Wherry commented on how fortunate we are to have Brenda Keller in our community, and how she is the most aggressive of Ms. Werry's staff. She talked about billing with private insurance companies and how they don't have to put them on the provider panel and recognize them as a provider because Community Health doesn't do primary care only preventive well care. This means the insurance companies don't have to reimburse Community Health for the services they have provided. Ms. Wherry stated the consumer should not pay out of pocket for immunizations if their insurance company covers them. They are monitoring the data and will raise this issue with the Legislature if they can have sufficient data to support their concerns.

Ms. Keller informed the Board of projects that she and Ms. Newgard would like to move forward in the next two years. They would like to get co-locating services for Nevada State Health Division, Community Health and Mental Health. They are starting to partner in providing services that they think are crossing. Services that they are both

providing but could provide better, and they would like to be in the same building. Another program they would like to kick off at the next Health Fair is the take back program where unused medications and prescriptions can be brought to the Community Health and disposed of properly. The next Health Fair is scheduled for September 28, 2013 at the Civic Center. Ms. Wherry advised to not flush medication down the sink or toilet because it can get into the ground water.

Commissioner Garner thanked Ms. Keller and Ms. Newgard for their services in Lander County.

Cindy Ulch, REHS, Supervisor, Environmental Health Program, introduced the Battle Mountain Health Inspector, Ellen Kunz. Ms. Ulch reported in Lander County there where a total of 95 inspections completed between October 1, 2011 and October 1, 2012. There were 54 inspections done in restaurants, bars or caterers, 20 done in markets, delis or food processors, there was a warehouse inspected, 18 schools and school kitchens and a jail inspection. There were 26 food establishments that had at least one critical violation. The critical violation is one that can immediately endanger the public health. Ms. Ulch gave some examples of what those violations would be. When critical violations are found they try to correct them immediately on site. There has been no food borne illness outbreaks in Lander County in the last twelve month. They completed 100% of Lander County inspections last year. They are working on put all the inspection reports on the State web page so the public has access to view those inspection results.

Commissioner Williams, expressed a concern about the change in the ADA regulation in regards to questions you can ask a disabled person or a person with a dog in your establishment. Before 2005 a service animal in training had to have an orange collar, a vest and a certificate saying they were in training the dog. Now you can only ask two questions and no documentation has to be provided to show the dog is a service dog in training.

Ms. Ulch addressed Commissioner Williams concern by saying they are working on changing their regulation because is it a huge issue for them as well. In the proposed new food regulations it states that a service animal can be in food establishment, only in the dining room, but cannot be up on the both or in the shopping cart. They have a prohibition against therapy animals being in food establishments.

Commissioner Williams said he would just like people with service animals to have a card showing that the animal is a service animal or one in training. At the current time they don't have to provide anything and they can't be asked if they are disabled or what there disability is.

Ms. Werry explained some of this is with a Federal issue with regard to Health Insurance Protection and Affordability Act. Ms. Ulch has been putting a lot of effort into developing a new food code which was supposed to be approved last Friday. There has been a quirk with the Legislative Counsel Bureau on which version they should be posting.

Ms. Werry stated that Mental Health Developmental Services is a division of the Department of Health and Human Services. They are proposing at the department level to split up Mental Health from Developmental Services. Developmental Services serve people mostly from the age of three years, sometimes younger, up until death. They have a Medicaid waiver so they provide support and living arrangement for people who are mentally retarded or have a developmental delay of some kind. This program provides funding that keeps them in the community instead of in an institution. This program is supposed to merge with the early intervention program that serve children zero to three who have developmental delays. These programs would go with aging and disability services. Mental Health is proposed to merge with Public Health. One thing they have found is women who are mentally ill and on medication and become pregnant end up having to be hospitalized in the State Hospital, sometime up to seven months. The reason being they can't be on their medication and they are unpredictable so they need to be hospitalized. This is one reason why they would like to see these program co-located. They could get these women into Family Planning and educate them to help prevent unwanted pregnancies. Ms. Werry is advising Counties, that due to cuts in Mental Health in the Volunteer Communities, to partner to offset the General Fund so they are not cutting personnel. If you look at Lander Counties Health Rankings and Health Data, we have some serious mental illness problems and a high suicide rate.

UPDATE

- 10) Discussion For Possible Action Regarding Conditional Acceptance Of Shaw Engineering's Letter of Resignation & Confirmation Of Continuing Involvement Of Shaw Engineering In The Construction Phase Of The 5th Street Alleys Water & Sewer Replacement Project, The Hydrology & Exploratory Well Drilling Phases Of The Well No. 9 Project, The Austin Loneliest Highway Visitor Center Project & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said if it was the Boards pleasure, Dora Blossom from Shaw Engineering, was available by phone but Mr. Brigman was on vacation. In discussions with Shaw, they stick by their letter and are willing to complete and fully execute those projects or parts of projects they are currently involved with.

Commissioner Mason asked if Shaw's contract wasn't terminated in the previous meeting. Commissioner Bullock said it had, but there are some issues at hand. There was some discussion on the terms of the old contract and keeping Shaw on that

contract for services as needed and on an on call basis. Mr. Etcheverry stated the vote of the Commission was to accept the letter of resignation without further involvement.

Jake Edgar reviewed the projects and said, to his knowledge, the only thing needed for the Four, Fifth, Sixth and Seven Street Alley Projects is the signature for the notice to proceed. They don't have to have the Engineer on the NTP they could redo it and just have Client and Owner. It would then be up to Mr. Edgar and his guys to monitor the project. He feels that would be the simplest solution.

Commissioner Mason asked how long it would take to hire another Engineer. Mr. Etcheverry answered by saying the RFQ is out for publication and is due at 3:00 p.m. on October 30, 2012 at the Clerk's Office. Commissioner Bullock commented they are about two months out before they have a new Engineer. However, if an Engineer is needed the County has other Engineers that could help out.

Mr. Edgar explained that Dwight Smith, Principle Hydrologist for Interflow Hydrology, was hired through Shaw Engineering through the Engineering Design Contract. The Drilling Company that was going to drill the test well was also hired through Steve Brigman through his Engineering Design Contract. At this point and time, they will have to go out to bid for a driller. Everything, for the new well, has been put on hold. Mr. Edgar suggests not doing anything for the new well until they can figure out what they are going to do with the pumps on wells #7 and #8. Some of the money set aside for the test well may have to be used to fix the issues with #7 and #8.

Commissioner Garner asked Mr. Edgar if he was covered without Shaw. Mr. Edgar answered by saying he was they would just have to go direct and go back out to bid. There is a process they need to go through, but they are not into it that deep.

Commissioner Garner questioned the need for Shaw Engineering on the Austin Loneliest Highway Visitor's Center. Mr. Etcheverry stated even that project can be done a different way. It was also stated the Donnie, Road and Bridge North, and Burt, Road and Bridge South, were good to move forward on their projects without Shaw Engineering.

Sadie Sullivan, Lander County Clerk, asked Commissioner Williams if he was alright with Shaw Engineering not following through on the Austin Loneliest Highway Visitor's Center Project, where he is the representative for the South. Commissioner Williams answered by saying he didn't have a problem with that, but he would just like to see the center built. Commissioner Williams didn't feel the Engineer really did all that much other than to coordinate between Stantec and the County. The oversee on the project could be done by Stantec, and although it would be more expensive, who would be better to oversee their own design.

Mr. Edgar explained, on the Racetrack, the only problem he sees is the shop drawings and submittals. He suggested sending them to the Building department and letting them handle those. There is still some pole layout that needs to be done, but Mr. Edgar feels he has that covered. Mr. Edgar asked the Board what he should do about having someone out at the Racetrack to monitor the Lighting Project. Commissioner Garner said to direct the Building Inspector to do that.

Commissioner Williams moved for the Commission to stand with the decisions made on the September 27, 2012 meeting. Seconded by Commissioner Garner, the motion was voted and carried. **APPROVED**

11) Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-21, A Resolution Between Nevada Department Of Transportation (NDOT) & Lander County, Consenting To A Relinquishment & Land Transfer Agreement That Would Transfer A Portion Of The Road At US-50 At SR 305 Adjacent To The Austin Cemetery To Lander County; & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, informed the Board this Resolution came to them from NDOT and what it does is provide for relinquishment of a small piece of land. Mr. Etcheverry pointed out this piece of land on a map.

Commissioner Williams said it is just inside the fence of the cemetery, and when they did this relinquishment in the past they took into consideration and said as long as they didn't bury anyone in that area they would be ok.

Commissioner Garner moved for the Commission to pass and adopt Resolution No. 2012-21, a resolution between Nevada Department of Transportation (NDOT) and Lander County, consenting to a relinquishment and land transfer agreement that would transfer a portion of the road at US-50 at SR 305 adjacent to the Austin Cemetery to Lander County. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

EXECUTIVE DIRECTOR

12) Discussion For Possible Action Regarding Presentation Announcing The 2013 Community Development Block Grant (CDBG) Funding Cycle & Call For Applications To The Program; & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, explained the Community Services Officer is the person who conducts the CDBG Program and the Administration thereof for the County. Mr. Etcheverry provided a short presentation on what the CDBG is all about and the criteria that must be met to qualify. **UPDATE-DISUCSSION**

13) Discussion For Possible Action Regarding Letter Of Resignation From Jerry Annis From The Lander County Public Land Use Advisory Planning Commission & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, stated a letter received, by Mr. Whitman, from Mr. Annis was submitted to the Clerk's Office. This opens a vacancy for the Lander County Public Land Use Advisory Planning Commission.

Commissioner Williams moved to accept the resignation of Jerry Annis from the Lander County Public Land Use Advisory Planning Commission and request the County Clerk to advertise the vacancy of that position and draft him a letter thanking him for his service on the Board. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

BOARD APPOINTMENTS

14) Discussion For Possible Action Regarding Appointment Of Daun Bohall To The 2012-2013 Category 1 Lander County Debt Management Commission & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, told the Board that Mr. Bohall's letter of interest was presented for their approval. He is requesting appointment to the Lander County Debt Management Commission.

Commissioner Garner moved to accept the letter received from Mr. Bohall and appoint him to serve as a member of the Debt Management Commission. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSIONERS

15) Correspondence/Reports/Potential Upcoming Agenda Items:

1. US FISH & WILDLIFE SERVICE, NEVADA FISH & WILDLIFE OFFICE, postcard announcing that the Endangered Species Act protection not warranted for Spring Mountains acastus checkerspot butterfly.
2. US FISH & WILDLIFE SERVICE, NEVADA FISH & WILDLIFE OFFICE, postcard announcing that the Service proposes to protect the Mt. Charleston blur butterfly and five similar butterflies under the Endangered Species Act.
3. KEVIN E. SULLIVAN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Brian Musser, Barrick Cortez Inc., letter regarding 2012 1st Biannual Groundwater Monitoring and LNAPL Recovery Report, Barrick Cortez Inc. Mill #1 Facility, Crescent Valley, NV, NDEP Facility ID #5-000020, Petroleum Fund #93-126.

4. LUIS RODRIGUEZ, P.E., FEDERAL EMERGENCY MANAGEMENT AGENCY, to Dean Bullock, Chair, Lander County Board of Commissioners, letter regarding proposed flood hazard determinations for Lander County and notification concerning the appeal process.
5. JUNE MANHIRE, CHAIRMAN, KINGSTON TOWN WATER UTILITY, to Burt Ramos, Lander County Road and Bridge South, letter expressing gratitude for timely response by southern road and bridge department to recent flash flooding in Kingston.
6. TIMOTHY HAENER, EXECUTIVE VICE PRESIDENT, J-U-B ENGINEERS, INC., to Gene Etcheverry, Lander County Executive Director, letter of interest regarding Lander County Engineer position.
7. TONI M. PARKS, MBA, to Lander County Commissioners & Lander County Sewer & Water District #2, letter addressing concerns.

Executive Director, Gene Etcheverry, asked the Board if they would like Architectural Services to come before them before it gets put out on the street, or if they just want that request put on the street with consultation and concurrence of the CMAR. Commissioner Garner said to get it on the street. Mr. Etcheverry said it was prepared to be on the street as soon as the following week.

Commissioner Williams said he would like to see something on the agenda for a report from the Building Department. He would like to see what their activities are and how many inspections they have been doing.

- 16) Discussion For Possible Action Regarding Review Of The Employment Agreement For Gene Etcheverry, The Lander County Executive Director, To Determine Whether It Should Be Continued, Terminated, Or Otherwise Revised:** Hy Forgeron, Attorney representing Gene Etcheverry, explained he was only there to make sure things went well.

Commissioner Mason said Mr. Etcheverry is an employee of Lander County and should be treated as such. Every employee of the County deserves the best treatment we can give them and if anyone has anything against anyone who works as an employee should hold their tongue. There is a right way and a wrong way of doing things. Commissioner Mason stated, as Mr. Etcheverry's employer and as a Commissioner, if he wished to commend or correct his conduct or job performance, it should be done in writing and signed by a Commissioner or the Commission and placed in his personal file and a

record of any action required. He also stated, as far as he knew, there was nothing in Mr. Etcheverry's file that would demand criticism. No signed affidavits or statements for or against, on his behalf, have been received. Commissioner Mason explained that Mr. Etcheverry knows more about the Governments of this State, the County Governments and the Federal than all of them put together. He feels it is an ill time and is ill advised to have a key individual of the County dismissed for any reason, and feels Mr. Etcheverry needs to remain on the job for the next two years. There is a policy in this County that the Board doesn't answer or respond to unwritten unsigned complaints. Commissioner Mason expressed his concern of changing employment when there is a twenty million dollar project on line. He feels this meeting is nonsense and should not go any further. Commissioner Mason's last comment was that Mr. Etcheverry is not helpless and if he should fight back; this County could be in a lot of trouble for Defamation of Character. He is not appreciative of it, he doesn't like it and it shouldn't be happening.

Commissioner Mason moved for the Commission to revise Mr. Etcheverry's contract with whatever is needed to revise it to help him along for the next two years. There was no second so the motion died.

Commissioner Williams said everyone was entitled to an opinion before they make a vote on what Commissioner Mason was talking about. The purpose of the meeting, as is stated on the agenda, is to review the Employment Agreement for Gene Etcheverry, the Lander County Executive Director, to determine whether it should be continued, terminated, or otherwise revised. Commissioner Williams stated this was a continuation of the meeting on April 28, 2011, when the results of that meeting said:

"Commissioner Stienmetz directed to have the Executive Director job description revised and they would discuss any changes that may need to be made at the next Commissioner's meeting."

Commissioner Williams explained that this was the first evaluation they have had since he has been a Commissioner, and he has been on the Board for almost four years. The contract said they will conduct an evaluation every year. He has had a problem with it since he has come back on the Board because this position is often viewed as a County Managers position. He reads it very directly as it says "Executive Director" which is pretty explicit as to how he works at the pleasure of the Board.

Commissioner Garner said he has issues that there have never been any evaluations or performance standard. There has never been a communication ladder as to who answers to whom from Gene to Soveida, to the Commission. He has problems with how it has been laid out and how the performance has been handled.

Commissioner Bullock went back to the evaluation of that time (April 28, 2011) where the recommendation was to make sure we evaluated all employees. In talking to employees, under Mr. Etcheverry's jurisdiction, some were evaluated and some were not. There was also a recommendation regarding phone calls being an issue and it is still an issue as far as returning them. Commissioner Bullock said there was some documentation regarding a jacket and a hat, and he still has not seen the jacket which was a shady deal. The documentation was provided on that and it has still not been known where that jacket is and it should have never been received as a gift or otherwise in his position. Eighteen month later, Commissioner Bullock does not feel, they have moved any further from where they were by what was asked of the Commission. Commissioner Bullock and Commissioner Stienmetz did talk with Mr. Etcheverry about looking into the possibility of buying out his retirement. It was stated the Mr. Etcheverry's desire for retirement was November 2014. To buy out Mr. Etcheverry's retirement is a little over \$83,000.00. Permission was given by Mr. Etcheverry to look into the cost of a buyout. Commissioner Bullock and Commissioner Garner talked with Mr. Etcheverry again to see if there was any change to when Mr. Etcheverry planned to retire, and it was stated that Mr. Etcheverry said that November 2012 was definitely the date he was looking at and no regard for a different date according to the cost. In regards to Commissioner Mason's comments, Commissioner Bullock said there is never a good time because you are always in the middle of a project.

Commissioner Williams stated he would like to see it go in a different direction. In 2001 the minutes from the meetings read the County Manager had left and the Board made a decision to hire a Chief Administrator. Commissioner Williams is not sure when Chief Administer was made into Executive Director.

Commissioner Williams moved to terminate the position of Executive Director and go in a different direction at the pleasure of the Board and work out some sort of amicable agreement with Mr. Etcheverry on a timeline when he would be willing to part with us. Seconded by Commissioner Mason.

Mr. Hy Forgeron said the Board should hear from Mr. Etcheverry before they made a vote on the motion.

Mr. Etcheverry stated he thinks the Board already knows where he sits on the matter. The Board has made it clear to him that they want to go in a different direction, this is a perfect opportunity for them to do so, and he is sure they can reach some amicable agreement.

Commissioner Williams asked what Mr. Etcheverry's amicable agreement would include.

Mr. Etcheverry said that they should discuss that in a different negotiation, but simply buying out the time is not going to cut it. He added that looking at the past folks in this position and what the package was at the time, and a period of time for insurance to deal with personal health issues. He is not looking for anything unreasonable or anything from where they have been in the past.

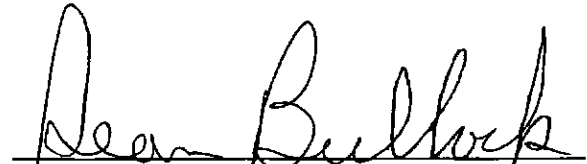
The motion was voted and carried. **APPROVED**

PUBLIC COMMENT

No Public Comment.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of October 11, 2012. Seconded by Commissioner Williams the motion was voted and carried. **ADJOURNMENT**



**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.