



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 November 17, 2011 at 9:00 a.m.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
 RAY H. WILLIAMS, JR., COMMISSIONER
 DEAN BULLOCK, COMMISSISONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 JAMES BARNES, DEPUTY DISTRICT ATTORNEY
 GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
 SOVIEDA ROBINSON, HUMAN RESOURCES
 CATHY MYERS, DEPUTY CLERK

9:00 A.M.

Chairman, Steven Stienmetz, called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Williams led the Pledge of Allegiance.

Let the record reflect Commissioner Stienmetz held a moment of silence for Deputy Sheriff Zachariah to let him know he is in our prayers and wish him a speedy and complete recovery.

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

APPROVAL OF AGENDA NOTICE

Commissioner Bullock moved to approve the Notice of Posting. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

October 27, 2011 – Regular Session

Commissioner Garner moved to accept the minutes of October 7, 2011. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

November 7, 2011 – Special Session

Commissioner Garner moved to accept the minutes of November 7, 2011. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

November 10, 2011 – Regular Session

The minutes for the November 10, 2011 meeting were not ready for review at this time.



COMMISSIONER REPORTS

Commissioner Williams said he has had some complaints from the Kingston residents in regards to the power generator.

Commissioner Garner said he attended the Safety Committee and only two people showed up so there was no quorum.

STAFF REPORTS

Executive Director, Gene Etcheverry, said FAA is conducting inspections of the Automated Weather Observation System (AWOS) at both Battle Mountain and Austin. He said the contract for Vaisala was on the agenda. Components for the Austin AWOS System needed to be replaced but it is now up and running. He said the Safety Committee had to be canceled because there was no quorum. He also said there are two active resignations and possibly a third and possibly a fourth.

PAYMENT OF THE BILLS

Commissioner Garner moved to approve the submitted expenditures in the amount of \$229,915.02 from check #38706 thru check #38802. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioner Williams abstaining from the vote on check #38801, Commissioner Bullock abstaining from the vote on check #38761, and Commissioner Garner abstaining from the vote on check #38710. **APPROVED**

PAYROLL CHANGE REQUESTS

There were no payroll change requests at this time.

PUBLIC COMMENT

Commissioner Williams asked Dennis Lundberg in Kingston to comment on the generator. Mr. Lundberg said he didn't have any information on that. Commissioner Williams provided a brief statement that there were two generator systems for the Kingston vicinity. Mr. Lundberg said those were the hydro plants and said he had not received any further information on that. Commissioner Williams said the party that lives adjacent to one plant is having a problem with the noise factor. He said they are trying to work out a solution to this problem.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said Rogene Hill, Finance Director, was not available but nothing had changes since the previous Commission Meeting. **UPDATE ONLY**
- 2) **Discussion For Possible Action Regarding The 2010-2011 Audit Report As Presented By Kafoury, Armstrong & Company & Other Matters Properly Relating Thereto:** Shelly Drake and Kim Plummer of Kafoury, Armstrong & Company presented the 2010-2011



Audit Report for Lander County. Ms. Plummer said Lander County was in a healthy financial position. Ms. Drake reviewed the impact of GASB54.

Commissioner Williams moved for the Commission to approve the Lander County Fiscal Year 2010-2011 Audit Report, findings and recommendations as presented. Seconded by Commissioner Bullock the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

- 3) **Discussion For Possible Action Regarding Acceptance Of Qualifications & Proposal For Provision Of Mosquito & Black Fly Abatement Services For Battle Mountain & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said both respondents were present to provide further information to the Board on their Mosquito and Black Fly Abatement Programs.

Robin Gray, Seven Valleys LLC, addressed the Board and stated he had been doing this program for the past 25 years. He talked about the cost of the program and his attempts to keep the cost low. He talked about his surveillance techniques and his percentage of kills on mosquitos last year. He also explained the duties he performs to decide when best to spray and when not to spray. There was discussion about Mr. Gray spraying more this upcoming mosquito season.

Kris New, Vector Disease Control International, presented to the Board a packet that illustrated some of his company's qualifications. He stated that this business has been around for almost 20 years and gave a little background on the company. Mr. New explained the different contracts that they provide and stated they own their own aircraft. He also gave information on how they do surveillance. Mr. New said they can spray in wind up to 10 miles an hour because of the advanced technology they use. Mr. New explained they can target areas with real time weather updates so they can offset their plane to still hit the targeted area.

Commissioner Garner moved for the Commission to accept the proposal from Vector Disease Control for mosquito abatement for Lander County for a two year period as submitted. The motion died for lack of a second.

Commissioner Mason moved for the Commission to renew Robin Gray's contract for the next two years as stated in the agenda. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Stienmetz, Commissioner Williams, Commissioner Bullock and Commissioner Mason voting "AYE" and Commissioner Garner voting "NAY". **APPROVED**

- 4) **Discussion For Possible Action Regarding Contact Between Lander County & Vaisala Inc., To Provide Maintenance Service On The Automated Weather Observation System (AWOS) At The Battle Mountain & Austin Airports & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said before the Board was the most



recent modified contract between Lander County and Vaisala. He said it is for maintenance on both AWOS Systems. He said Vaisala was not going to look to retrieve the costs lost from maintaining two systems but only charging for one. He said they are just going to give the County a contract for both AWOS Systems and that cost is going to be \$8,800.00. He said the unplanned outage facility visit, Holiday fee, and cancellation delay fee remain the same. Commissioner Garner asked if James Barnes, the Deputy District Attorney, had reviewed this. Mr. Barnes said they were still working on it.

Commissioner Garner moved to defer. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **DEFERRED**

- 5) **Discussion For Possible Action Regarding Ambulance Report By Tammy Dimitroff & Other Matters Properly Relating Thereto:** Tammy Dimitroff addressed the Board and said not much has changed. She said when she gets the reports she logs them and bills them but they are getting less and less. Ms. Dimitroff praised those Ambulance individuals that are going on the calls and turning in their reports. She said the main thing is to save lives. She reviewed the report with the Board. There was a comment that the Ambulance Volunteers are not receiving their stipends. **UPDATE ONLY-NO ACTION**

- 6) **Discussion For Possible Action Regarding Agreement Between Lander County & Bank Of America For Automated Teller Machine & Other Matters Properly Relating Thereto:** James Barnes, Assistant District Attorney, said the District Attorney's Office is still trying to get in contact with Bank of America with the updated contract. Executive Director, Gene Etcheverry, said the Board could proceed with the agreement they put in place earlier this year on July 11, 2011.

Commissioner Bullock moved for the Commission to approve the placement of the Agreement as approved by the Commission during the regular meeting of July 28, 2011 between Lander County and Bank of America for the automated teller machine, located at the Lander County Learning Center, 350 East Front Street, Battle Mountain, Nevada, for a one-year automatic extinction, at a monthly rental rate payable to Lander County at an amount of \$500.00. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

EXECUTIVE DIRECTOR

- 7) **Discussion For Possible Action To Hire A Building Inspector & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is a proposal to get some assistance for the Building Department and for the Planning Department when needed. He said the County is already over the annual budgeted revenue by 32.47% in building permit fees, as of October 31, 2011.

Joe Lindsey, Building Official, said the total building permits issued for the last fiscal year has been about 250 and he has approximately 260 open permits right now that have



carried over from last year. He said he feels a Building and Planning Technician would be a great help and free him up to go out and do the inspections. The technician would be able to handle the paperwork, filing, answer phone calls and office organization. There was discussion on the other aspects of Mr. Lindsey's work load. There was other discussion on the hours, PERS and the possible involvement of the Union for this position.

Commissioner Garner moved for the Commission to authorize staff to develop the job description for a "Building and Planning Department Technician" position and present the job description for Commission approval prior to commencing the hiring process. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED

- 8) **Discussion For Possible Action Regarding Letter Of Interest From JBR Environmental Consultant, Inc., Dated November 7, 2011, Pertaining To Health & Safety Services For Lander County & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said a letter of interest was included in the packet from JBR Environmental Consultants. He said it is a proposal for them to help Lander County in the area of Safety Compliance. Ben Veach, JBR Environmental, addressed the Board and said that JBR Environmental provides these kinds of services to the Mines. Mr. Veach expressed concerns that our County does not have a true safety plan. His proposal was to have someone come in and assess the County's needs and provide training if needed. There was some discussion on the status of the Lander County Safety Committee and where the County stands on Safety issues. Commissioner Garner said the Safety Committee has not been privy to this information from JBR and he feels the County needs a qualified full-time "Safety Person". There was discussion of what this person would be responsible for. Mr. Veach said the first step in the JBR proposal was to figure out what the County needs.

Commissioner Garner moved to defer this to the safety committee. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

- 9) **Discussion For Possible Action Regarding An Agreement To Provide Alternative 457 Deferred Compensation Program Through Nationwide Retirement Solutions, Sponsored By The National Association Of Counties (NACO), For Lander County Employees & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is another alternative to provide Lander County Employees a deferred compensation plan.

Commissioner Garner moved for the Commission to approve the agreement between Lander County and NACO Services, Inc., to provide an alternative 457 Deferred Compensation program, offered by Nationwide Retirement Solutions and sponsored by the National Association of Counties, for all Lander County Employees. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**



- 10) Discussion For Possible Action Regarding Implementation Of A Federal "Dirt Tax"; Possible Action To Adopt Resolution No. 2011-22, A Resolution Opposing The Imposition Of A "Dirt Tax" & Supporting The National Mining Association (NMA) In Opposition To Such Proposal; & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said this is just the discussion on the information received through the National Mining Association.

Commissioner Garner moved for the Commission to pass and adopt Resolution No. 2011-22, a resolution opposing the imposition of a "Dirt Tax and supporting the National Mining Association (NMA) in opposition to such a proposal and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

YUCCA MOUNTAIN REPOSITORY PROGRAM

- 11) Discussion For Possible Action Regarding Presentation & Update By Rex Massey Concerning The Yucca Mountain Oversight Program 2011 Baseline Report & Other Matters Properly Relating Thereto: Rex Massey, Yucca Mountain Oversight Consultant, said the Baseline Report just tracks a host of economic and demographic information about Lander County. He said it also include financial information. He said Lander County is third highest in the State in wages, per capita, at \$44,000.00 a year.

Commissioner Bullock moved for the Commission to accept and approve the Yucca Mountain Oversight Program 2011 Baseline Report. Seconded by Commissioner Garner, the motion as voted and carried unanimously. **APPROVED**

- 12) Discussion For Possible Action Regarding Yucca Mountain Oversight Program Agreement/Scope Of Services Between Lander County & NWOP Consulting, Inc., An Amount Not To Exceed \$25,000.00, To Provide Professional Services In Connection With Implementation Of The Lander County Yucca Mountain Oversight Program & Other Matters Properly Relating Thereto: Rex Massey said this is a renewal of a contract that they have had with this individual for several years. Mr. Massey gave a list of responsibilities the NWOP provides. He said the contract has been reviewed by the DA's Office. He also said they usually utilize less than the amount in the contract.

Commissioner Bullock moved for the Commission to approve the Yucca Mountain Oversight Program Agreement/Scope of Services between Lander County and NWOP Consulting, Inc., in an amount not to exceed \$25,000.00, to provide professional services in connection with implementation of the Lander County Yucca Mountain Oversight Program and authorize the Chairman to sign the document. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 13) Discussion For Possible Action Regarding FY 2011 Certification Of Expenditure Of Funds For The Yucca Mountain Oversight Program & Other Matters Properly Relating



Thereto: Rex Massey said each year they have to certify that the funds were used properly. He said in the past there was an audit conducted by the DOE of the program and they didn't have any findings. He said they don't deviate too much from the accepted criteria. Mr. Massey said this is more of a house keeping item that has to be turned in every year.

Commissioner Garner moved for the Commission to approve the Fiscal Year 2011 Certification of Expenditure of Funds for the Lander County Yucca Mountain Oversight Program, authorize the Chairman to sign the Certification of Expenditure of Funds form and authorize the Executive Director to sign the transmittal letter. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

14) Correspondence/Reports/Potential Upcoming Agenda Items:

The Board reviewed the following Correspondences that are retained in the Clerk's Office:

- 1) LEDA Report to Commissioners – November 2011.
- 2) PHILIP WILLIWAMS, GREATER AUSTIN CHAMBER OF COMMERCE, to Dave Davis, Bureau of Land Management, letter supporting Newmont Mining Corporation's Phoenix Copper Leach Project EIS.
- 3) MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Taxpayer, Merit Electric, letter regarding Application Filing Number: 10-10006G; Project Name: Ormat McGinness Hills Project.
- 4) MICHELE R. REID, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Steven Stienmetz, Dyno Nobel, Inc., letter regarding issuance of groundwater discharge permit NEV90031, Dyno Nobel Inc. Battle Mountain Plant, Lander County, NV.
- 5) CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding public consultation for the 2011 Ellison Fire, Mount Lewis Field Office.

Commissioner Williams said Mr. Massey had sent out a memo on doing a tour of a plant Arizona. There was some discussion of who might be interested in going.

Executive Director, Gene Etcheverry, asked if the decision to go with a Safety Person or the alternatives thereof should go on the December 15th Agenda. The Commission said yes move forward. Commissioner Williams asked for an item to be on the mapping of the RS2477 Roads. Donnie Negro said they needed to discuss the Echo Bay issue.



PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business before the Board at this time Commissioner Bullock moved to adjourn the meeting of November 17, 2011. Seconded by Commissioner Garner, the motion was voted and carried. **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.