



The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Court House in Battle Mountain, Nevada, on March 24, 2011 at 9:00 A.M.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
 RAY H. WILLIAM, JR., COMMISSIONER
 DEAN BULLOCK, COMMISSIONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 JAMES BARNES, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR
 SOVEIDA ROBINSON, HUMAN RESOURCE DIRECTOR

ABSENT:

Chairman Steven Stienmetz called meeting to order.

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

Cindy Benson led the Pledge of Allegiance.

APPROVAL OF AGENDA NOTICE

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

APPROVAL & ACCEPTANCE OF MINUTES

Special Session & Budget Workshop Of March 16, 2011

The minutes of the Special session of March 16, 2011, were not presented.

Deferred



Regular Session Of March 10, 2011

Commissioner Garner, moved to approve the minutes of the Regular Session of March 10, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

CORRESPONDENCE

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

DAVID OVERCAST, BLM, Livestock Grazing Management Decision, Notice of Closure to Livestock Grazing on the Twenty- Five Allotment & Rehabilitation Objection for Tuscarora Sagebrush Habitat Restoration Initiative & Izzenhood Phase IV Treatment.

ROB KUCZYNSKI, NDEP, to JOHN GOYMAN, Notice of Decision, Permit & Fact Sheet. New, Permit 2011 Cove Helen Exploration Project-Lander County, Nevada WPCP NEV2010102

CHRISTOPHER COOK, BLM, to Interested Public, regarding an Environmental Assessment, which analyzes the impact of proposed mining exploration project in Eureka Count, Nevada.

NDEP, Notice of Proposed Action, Renewal of Water Pollution Control Permit NEV0087061 for Fortitude/Reona (Phoenix) Project.

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA, Application of, SIERRA PACIFIC POWER COMPANY d/b/a NV ENERGY, under Advise Letter No. 517-E to revise Interruptible Irrigation Service Schedule No. IS-2 to increase the IS-2 rate and decrease the Non-Curtailment Peak rate; and under Advise Letter To. 405 to revise Interruptible Agricultural Irrigation Water Pumping Schedule No. IAIW P to increase the IAIW P rate and decrease the Non-Curtailment Peak rate

REPORTS

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

LANDER COUNTY CLERK – Monies collected - February 2011

AUSTIN JUSTICE OF THE PEACE – Monies collected - February 2011

ARGENTS JUSTICE COURT – Fines & Forfeits - February 2011

LANDER COUNTY RECORDER – Total Amount Remitted to Treasurer -February 2011

LANDER COUNTY TREASURER – Technology Fees -February 2011



COMMISSIONER REPORTS

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

Commissioner William updated the Board on a telephone conference on March 18, 2011 in regards to the Central Nevada Regional Water Authority, to approve a draft resolution for water right protest.

Commissioner Williams also updated Board that Executive Director Gene Etcheverry called Soveida to set up a meeting to work out the budget with the District Courts, which needed to be done the first week in April. Soveida noted that she spoke with Karen in Humboldt County, and that Bill Deist, County Commissioner didn't have any tentative dates yet, and to call back in the afternoon. This is for the Tri-County meeting of Humboldt, Lander and Pershing. Commissioner Williams clarified that it is an agenized meeting and suggested that most of the Board should attend.

Commissioner Garner updated on a LEPC meeting went good and they approved of a couple Gran requests to the State. Discussed the Ambulance problems, and to support the EMS.

Commissioner Mason commented on visiting the jail with Sheriff Ron Unger on Tuesday, March 22, 2011.

Commissioner Stienmetz updated the Board on a discussion he had with Bart Negro. Mr. Negro feels that with the amount of money the County would spend with Emergency Management Services (EMS) that we should actually be going out for a request for service. Just like we did for our Engineering. Commissioner Stienmetz feels that EMS, once everything is in line, is going to be like the County Engineer of Record. You are going to need somebody that will be there that you can consult with once a year to make sure you are up to date on all your stuff. If you Google Nevada Emergency Services, you will find a list of people that provide that type of service. Commissioner Stienmetz suggests maybe looking into more than just one service, to get more bang for our buck and to spend the taxpayer's money like they should. Commissioner Stienmetz is in agreement that we need this service, but feels it should be done right to avoid a potential lawsuit for not going out and checking other service providers.

Commissioner Stienmetz notes he will not be in attendance for the afternoon session of the Commissioner's Meeting.

STAFF REPORTS



There were no Staff Reports presented.

PAYMENT OF BILLS

Commissioner Garner moved to approve payment of the bills, check numbers 36113 thru 36212 in the amount of \$163,475.60. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Stienmetz, Williams, Bullock and Mason voting "AYE" and with Commissioner Garner abstaining from the vote on check number 36117 payable to himself in the amount of \$684.75. **Approved.**

Commissioner Garner moved to approve vouchers to Wells Fargo Bank in the amount of \$1,500.00; JNA Consulting Group in the amount of \$2,250.00; Causey Demgen & Moore Inc. \$2,250.00; and Swendseid & Stern in the amount of \$5,000.00. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

BANK OF AMERICA – SHERIFF'S OFFICE CREDIT CARD

Commissioner Garner moved to ratify check number 36103, in the amount of \$2, 582.08, to Bank of America, for various purchases made on the Sheriff's Office credit card. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

WELLS FARGO REMITTANCE CENTER– COUNTY CREDIT CARD

Commissioner Garner moved to ratify check number 36100, in the amount of \$392.29, to Wells Fargo Remittance Center, for various purchases on the County credit card. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

DAVID J. CORMANY – PLANNING REVIEWS

Commissioner Garner moved to ratify check number 36068, in the amount of \$1,432.28, to David J. Cormany, for Planning Reviews. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

PAYROLL CHANGE REQUESTS

Payroll Change Request – Cassandra McIntosh-Taylor – Sheriff's Department

Request for approval to hire Cassandra McIntosh-Taylor, Animal Control Officer, at a salary of \$13.43 per hour, effective March 21, 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 – Cathy J. Myers – County Clerk’s Office

Request for approval to hire Cathy J. Myers, Part-time Deputy Clerk, Grade 16 at a salary of \$12.72 per hour, effective March 16, 2011, was approved by consensus of the Board. Let the record reflect that the Clerk's Office has approved the payroll change request and it has been reviewed by the Finance/Human resource Department. **Approved**

PUBLIC COMMENT

There was no one present for public comment.

FINANCE

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 don't have much other then just been getting the information ready for the workshop, which I'd like to thank the three new Commissioners for an awesome job, it went very well. Also, just working on the Budget getting the updates done for you from the Budget Workshop."

Discussion & Possible Action Regarding Write-Offs Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference. The Board reviewed and discussed the following proposed ambulance billing write-offs as presented by Rogene Hill:

Run #2008565 – DOS 04/18/10 – amount to be written off - \$510.00 (Patient Deceased)

Run #2008575 – DOS 04/28/10 – amount to be written off- \$510.00 (Patient Deceased)

Run #2008639 - DOS 06/02/10 – amount to be written off - \$460.00 (Patient Deceased)



Run #2008646 - DOS 07/21/10 – amount to be written off - \$1,130.00 (Patient Deceased)

Run #2008661 – DOS 08/24/10 – amount to be written off - \$406.00 (Patient Deceased)

Commissioner Williams moved to approve write-off of the following runs: #2008565 #2008575, #2008639, #2008646 and #2008661, in the total amount of \$3,070.00 as presented by Finance Director Hill. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved!**

COMMISSIONERS

3) **Update & Discussion Regarding The Battle Mountain Levee Project & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference, and Mr. Ben Veach, of Summit Engineering and consultant for Lander County for the Battle Mountain Levee, for this discussion.

Mr. Veach provided maps to the Board on a section of the Levee that is in a state of change and was questioned on the last update. Mr. Veach updated the Board on the USACE project team meeting held Wednesday, March 16, 2011, in Sacramento, California. The following topics were discussed:

- The Army Corps attorney provided a final decision on the scope of work for the Environmental Assessment revision.
- The Geotechnical Report will require the significant update presented and will require a seepage analysis.
- The Dry Side Levee analysis does not appear to be a requirement for the Levee.
- Engineering update will require 4 Army Corps reviews
- Updating of the Partnering Agreement will follow negotiation of the engineering fees.
- Real Estate Analysis is on the critical path.
- Cost / Benefit Analysis
- Certification & Maintenance
- Levee Section Change
- Community Rating System



Mr. Veach updated the Board on the Environmental Assessment that was done for the Levee, they are going to stand behind what's existing there. They are going to update that by going through the Threatened & Endangered Species, (T&E), to make sure there hasn't been any change in the last fifteen to twenty years. Mr. Veach stated that it sounded like that would stand, and that was his last real impediment to the schedule that they put together. As they finish this phase of the project and get ready to go to the construction documents, Mr. Veach stated that he should be able to give a schedule that resembles what they had talked about with construction being the middle of spring next year (2012).

Mr. Veach updated that they went over the Geotechnical Report, which was somewhat inadequate, that was done originally. In their meetings, in discussion of the exact location of the Levee, it was clear to Mr. Veach's staff that the County wanted to look at extending the Levee all the way to the North of Mule Shoe and connecting it up to Highway 806. The Corp didn't include that in their Geotechnical Reports. Mr. Veach noted that it was clear to his staff that the County had intended to have that Levee built up and included in the flood plain. That was discussed in the evening meeting, that some of the people in that part of town wanted to see that as well. Mr. Veach stated that they were also going to extend the Levee an additional 400 feet to the South, the way it looks right now. That will protect a crossing or a flooding of Marvel Ranch Road that would have occurred without that little extension. They are still working out the details in the length, the section and the alignment of the Levee. The Geotechnical Report will be a little more extensive than they originally thought, but he doesn't feel that's an issue.

Mr. Veach updated the Board on the Dry Side Levee analysis. This is us telling the Corp in order to get FEMA to sign off and make sure that everything is copasetic, that we are going to want to have a lot of the surveying information on storm drains and such in the Town done on the dry side of the Levee. This is to make sure that we don't end up with any ponding or create any kind of impediments to water flow by building the Levee up. There is a bit of a discrepancy between Lander County and the Corp right now as to if that is something that is required, and we are definitely taking the position that it is. The Corp has an incredible amount of Engineering update reviews. We submit a set of drawings with a normal public agency, they look at them once at the worst twice. The Corp has a four step review. The next Phase with the Corp of Engineers is to negotiate the final fees that they are willing to pay. We are going to push the Corp to make certain we have everything included 1) that we have already done, and 2) the stuff that has to be done in the next phase, and to make sure the Corp will be picking up their share of that. Once we get those numbers negotiated out, now that we have a scope to work from, we will take that and turn that into a new agreement between Lander County and the Corp of Engineers replacing the 2000 document, that is now out of date.

Mr. Veach updated the Board that the work going on right now is the Real Estate Analysis. Lander County is going to have to provide some documentation to show that our easement



are in the right place, the right size and they are recorded, to the Real Estate at the Corp of Engineers.

Mr. Veach updated Board on the change to the Cost/Benefit Analysis. In the time between the first design and the current design of the Levee, the Federal Highway Administration has come through and said you cannot have a Interstate as a part of the Levee System. That is a significant change. The length of the Levee will be increased to protect the Interstate on both sides, and extend some of the boxes along Interstate 80.

Commissioner Garner asked what was going to be above ground along Interstate 80, if there was going to be sand bags; stating that the Levee was going to be higher than the Freeway. That it would be more than two feet when you got down to Highway 40.

Mr. Veach explained that sand bags would not work. He explained the original plans called for raising the grade of the road up about two hundred yard to still match the height of the Levee. Mr. Veach explained that the cost of this change would be part of Corp's project. Mr. Veach also explained that this was different from the Rail Road, were they are going to just put up posts and set boards. There will actually be a manual operation during the flood at the Rail Road, because they are not willing to raise the Rail Road. The current plan with the Interstate, we are going to come down on the West side of the Reese River, going down stream, and come up to the Interstate and then make a right turn parallel to the Interstate for about 1,500 feet, a couple feet higher than the Interstate. We will then extend the box culverts out through that Levee. Then we will go on the other side of the Freeway, parallel to that Levee, and protect the back side of the Interstate with the extension of the box culverts yet again. We will than go on with the current alignment, which will add about 3,000 feet to the Levee, and add extension to the four 10x10 boxes.

Finance Director, Rogene Hill, explained she was working on the 2011-12 Budget, and asked Mr. Veach if he had an idea of the expected dollar amount on the County's share of the cost for the Levee Project. Mr. Veach stated that the original numbers, which were thought to be high at the start of last year, were a total cost of 7.7 million, with the County's share being between 2.2 and 2.3 million. Ms. Hill stated that 2.5 million is what was budgeted for the project for 2011-12. Mr. Veach stated that he should have an idea in the next four to six weeks how much Levee they would actually be building, and should be able to refine that number. Mr. Veach said they should be able to get an engineer's estimate that states how much it is going to cost. Ms. Hill asked if Mr. Veach felt the amount budgeted was high. Mr. Veach stated that he felt they seemed high, but he wanted his people to sit down and come up with quantities to generate a real number. Ms. Hill then asked if the project would be done by June 30, 2012. Mr. Veach stated it would be several months beyond that date, according to preliminary studies. Ms. Hill said if they could get by with the amount budgeted for 2011-12, then if there was more needed they could budget it in for the 2012-2013 budget.



Mr. Veach updated the Board on the Certification and Maintenance of the Levee Project. He stated that the Corp of Engineers has been told that the Levee will be certified locally and maintained locally. That will keep the Levee in the National Flood Insurance Program. The NFIT will recognize this as an existing maintained Levee. That will provide addition relief for the Flood Insurance, and also protect the community.

Mr. Veach updated the Board on the Community Rating System. This is to help reduce the cost of Flood Insurance in the County. He stated they had made initial contacts with the Insurance Service Offices for FEMA. Region Nine is going to come out and do a visit and an assessment here to see where we are lacking and where we are ok in that application process. We are going to be scheduling a meeting between Region Nine and Joe, to go through Joe's records. They have a tentative date for June 23, 2011.

Commissioner Mason asked how the Levee walls were build. Mr. Veach answered by saying, they are earthen structures with cut off walls. Slurry walls that are trenched in the ground to varying depths filled with slurry, with an earthen Levee pavement top. Commissioner Garner asked if, when the Levee was turned over to the County if they would be able to put fences and gates on the top. Mr. Veach stated the Levee would already have fences and gates in place when the Levee is turned over to the County. Donnie Negro updated the Board that they had been working on access for material really close to the dyke site in a new pit through the BLM. Commissioner Garner stated, that would help the County to not have to pay so much on material.

4) **Discussion & Possible Action Regarding Ordinance No. LC 2001-04, "The Hours For Which The Curfew Exists For Juveniles" & Request By Battle Mountain High School To Extend Curfew Hours For The Junior-Senior Prom On April 2, 2011 & Other Matters Properly Relating Thereto:** Let the Record reflect the presence of Austin via telephone conference.

Commissioner Stienmetz stated that extending the curfew by one hour on Prom Night was something they do every year. Commissioner Williams moved, in concurrence with Sheriff Ron Unger, approve the extension from 12:01 a.m. to 1:00 a.m. to be in effect Sunday April 3, 2011 due to the Prom on Saturday April 2, 2011. Seconded by Commissioner Mason, the motion was voted and carried, with Commissioners Stienmetz, Williams, Garner and Mason voting "AYE" and with Commissioner Bullock abstaining from the vote. **Approved.**

5) **Discuss & Approve/Disapprove An Agreement Between Lander County & Elko County Library For Library Services In Austin & Battle Mountain For FY 2011-2012 & Other Matters Properly Relating Thereto:** Let the Record reflect the presence of Austin via telephone conference.



Commissioner Stienmetz moved to approve the agreement between Lander County and Elko County Library for Library Services for Battle Mountain and Austin for the FY 2011-12 at a total cost of \$103,977.00. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **Approved:**

6) Discuss & Approve/Disapprove Resolution No. 2011-5, A Resolution Supporting Completion Of The Nuclear Regulatory Commission's Review Of The Yucca Mountain License Application & Other Matters Properly Relating Thereto: Let the Record reflect the presence of Austin via telephone conference, and Mr. Rex Massey, Lander County Yucca Mountain Project Oversight Program consultant.

Rex Massey updated the Board on the Resolution supporting the continuation of the Yucca Mountain License Review. It was originally initiated by Nye County. Mr. Massey stated that the resolution states they are in the process of reviewing the Yucca Mountain license application and we would like that process to continue. It is federally and legally mandated. Nye County had inserted another provision in the Resolution that Mr. Massey recommended to the Board to strike, and keep it just with the license review. Mr. Massey gave some background to the Board. He stated in 2008 the Department of Energy submitted a license application to Nuclear Regulatory Commission. Mr. Massey compared the licensing application to being similar to a building application that would go into your own department. Your staff would review it, they would mark it up and send it back, but they review the plans and they decide whether or not they are going to approve it. The Department of Energy has spent about 11 Billion dollars. They compiled a license application of about 8,000 pages that goes before the Nuclear Regulatory Commission and the Atomic Safety Licensing Board. The Nuclear Regulatory Commission Permits includes everything that is Nuclear related. Transportation, transportation canisters, storage of nuclear materials, anything that is civilian, they license it, they approve it, they monitor it, it is their (NRC) responsibility. That is why it has gone from DOE to NRC for review. Mr. Massey stated that the review process was a three or four year process. It is in the law, mandated to occur, and the NRC has no other options other than to review the license. Mr. Massey updated the Board that in recent news events, and recent events with the Administration, the Obama administration has attempted to terminate the license, which by law they cannot do. This process has been questioned before the US Court of Appeals. The hearing was held the week of March 21, 2011, to determine whether or not the Obama Administration has the legal right to withdraw the license. The Atomic Safety and Licensing Board, which this license is going before, is a panel of Administrative Judges and Technical Experts, and they have already ruled that the Department of Energy and the Obama Administration do not have a legal authority to withdraw the license. Mr. Massey stated that in this process, we are at this point we are unable to do much in the terms of licensing. Licensing is supposed to move forward to a prescribed end in law. It was supposed to be originally a three to four year process. We got into about a year of work, and it has been about three years now that



it has been not moving forward. Nye County felt like they needed to make a statement and try to get the process to move forward, the Atomic Safety Licensing Board thinks it needs to move forward, they are going to force the issue to move it forward. A number of Counties are going to participate in this program and are considering this Resolution. Three Counties have already passed the Resolution and three more are considering it. Mr. Massey said he thinks the likelihood of passage is strong. It simply says that we should go forth with this process, and allow to run its natural course. If the Repository isn't a suitable place, this three or four year review will expose that. Lander County is involved with three other Counties, and there is two parts to the licensing review. 1) the staff review, where they look at the entire license and issue their own decision 2) is run by the Construction Authorization Board, that affectively sets an Adjudicatory Hearing on the license application and we can go in and contest certain parts of the license. Lander County has filed six contentions with NRC. Once the process is completed, with the Staff Review, and the contentions are heard before these Boards they will make their determination whether or not they will license the facility and authorize construction. Right now that process is stalled and this Resolution is saying we need to move forward. It is going to cost the tax payers between thirty and ninety billion dollars to delay this process. Lander County runs at about 50% to 55% of the populace that supports the Yucca Mountain Repository. Mr. Massey suggested making a change to the first Resolution presented by striking #2 on page two under, **NOW THEREFORE**, it hereby is resolved as follows, which reads; If upon completion of the license application review by the NRC staff and the licensing proceeding before the ASLB, the conclusion is that the Yucca Mountain repository can be constructed and operated safely, Lander County supports such construction and operation.

Commissioner Mason stated that Yucca Mountain depository was designed to be the National Depository.

Commissioner Garner moved to approve and adopt the Resolution 2011-05, a Resolution supporting completion of the Nuclear Regulatory Commission's review of the Yucca Mountain License Application, as recommended by Rex Massey and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.

Approved!

7) Discuss & Approve/Disapprove The Annual Membership Dues For The Nevada Association Of Counties (NACO) In The Amount Of \$11,220.36 & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference.

Commissioner Garner moved to approve the 2011 Nevada Association of Counties (NACO) invoice for Lander County Annual Membership Dues and authorize payment of \$11,220.36 to NACO. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved!**



8) **Discussion & Approval of Lander County Standard Practice No. 2011-01 Regarding Appropriate U.S. Flag Display & Protocols On Lander County Properties & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference, and Jake Edgar of the Public Works Department.

Commissioner Mason asked if this regulation changed or if this was the same regulation Lander County has always had. Commissioner Garner and Stienmetz replied by saying Lander County has never had one, and that was why they were putting this one in. They have a Flag code, it is the United States Code, Title Four, Chapter One, for the Flag that tells you what you have to do, and this is just putting Lander County in compliance with that.

Commissioner Garner asked Jake Edgar to come up to address the Board. Mr. Edgar updated the Board that there had been some complaints, so his department went around and looked at all the lights, then placed an order for lights. They got the light in and put the flags up, but the problem is they are going to need four lights instead of one light. Mr. Edgar stated he felt it would be easier to dedicate people in the buildings, which would be the Court House, the Civic Center, and the Commissioner Building. He also stated the Flags should be put up and taken down every day. They put new ropes, pulleys, and new hooks on the Flag poles that needed it. Mr. Edgar stated that the life of the Flag could be extended if the Flags were taken down every day. They did not have a man basket that was OSHA approved, and they didn't feel renting one at the amount of \$1200.00 for two days was reasonable, so they borrowed one from a local contractor. Mr. Edgar also stated that he felt by adopting this Standard Practice it would set things in motion so the display of the Flag is done right.

Commissioner Garner asked if the school had one and stated that, that one is not the County's. He also asked if the school has been notified. Mr. Edgar replied by saying, he felt they had probably received that same phone calls as the county. Commissioner Garner questioned hard wiring the light to surround the Flag poles. Mr. Edgar stated that he would prefer to just order the lights but would look into the idea of hard wiring.

Mr. Edgar stated that the County has eleven Flag poles all together. Commissioner Garner stated that the Commissioner's Office, the Civic Center and the Court House had Flags that needed to be up every work day. Mr. Edgar stated the Standard Practice states all the days that the Flag needs to be flown.

Commissioner Garner moved for the Commission to approve and adopt Lander County Standard Practice 2011-01 setting that standards and protocols for appropriate display of the U.S. Flag at Lander County buildings. Seconded by Commissioner Bullock. Commissioner Garner made an addition that this item be put back on the agenda for next meeting, for the Civic Center, the Commission Office, and the Court House, as to who is



going to take care of that duty, and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved.**

9) **Discussion & Adopt The Lander County Water Resource Plan & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference and Rex Massey presented the final Water Resource Plan for Lander County to the Board:

Mr. Massey stated that about a month ago he presented a draft plan to the Board.

Commissioner Williams asked if any changes had been made to the draft since it was presented.

Mr. Massey stated that he had not made any more changes to the plan and did not anticipate making any changes to the plan. Mr. Massey updated the Board about the contents of the plan. Mr. Massey stated that it has sizable amount of information on water resources in Lander County. It has a lot information on municipal operations. It talks about current and future service areas, Well Head Protections, population served and future population needs in the municipal system. Mr. Massey stated that it was important to have major improvements required of a municipal system in your planning documents for Grant applications or Funding applications. It identifies problems that face Lander County, those being flood zones. They did an extensive review of the eighteen Hydrographic Basins in Lander County for ground changes in ground water levels. Mr. Massey stated that there are some areas that have significant changes in ground water levels. The prospects of exportation are addressed. Domestic wells and the obligation of the water to serve those wells, and how many could be developed is discussed. This hydrographic basin is linked all the way up to the upper Reese River Valley; there are four basins that are connected here in terms of the water shed, and things that go on in that area should it concern the ultimate user downstream. In the Water Plan they like to anticipate future problems as well. Things that are likely to develop in the future. Then they set forth a number of policies to address a number of problems and issues in the Water Plan. If Lander County had a matter before the State Engineer he will look at the plan and that can have some influence on the decision he makes. It sets forth the County's vision and management of the resources and addresses problems, it notifies the public of what your plans are such as service area expansions or infrastructure development.

Commissioner Mason asked how often the Water Plan is redone. Mr. Massey answered by stating the plan could be changed, modified, amended and things can be deleted as the Board feels. Commissioner Mason asked how often the whole plan was surveyed. Mr. Massey answered by stating the last one was done in 2000, it is not mandated by law, but it was time to update the Master Plan that hadn't been done since 1997. They decided to put both the Mater Plan and the Water Plan together.



Commissioner Mason asked if Lander County is losing water. Mr. Massey replied by saying yes, it was substantial, sixty plus feet over a short period of time. Mr. Massey also stated that sometime in some of the Hydro basins where mining operations are, the ground water levels change from one part of the Valley to the next because they are re-injecting water. When they looked at the upper Reese River area, even with all the agricultural pumping, they didn't see substantial changes in ground water levels.

Commissioner Williams moved that the Commission adopt the final Lander County Water Resource Plan, as presented and specify March 24, 2011 as the effective date of the plan, and authorize the Chair to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved**

YUCCA MOUNTAIN REPOSITORY PROGRAM

10) Update & Progress Report On The Yucca Mountain Program & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference and Rex Massey, Lander County Yucca Mountain Project Oversight Program consultant presented the following update to the Board

Yucca Mountain Project:

- The Proposed Yucca Mountain Project is a Permanent Geological Repository for Spent Nuclear Fuel from Commercial Nuclear Power Plants and Government Defense Related High-Level Nuclear Waste. Additionally, the Project will help fulfill certain international obligations and allow for future expansion of nuclear power in the United States.
- Spent Fuel and High-Level Nuclear Waste is currently stored at Nuclear Power Generating Stations as well as Defense and Department of Energy facilities. More than 40 sites around the U.S. function as a temporary repositories.
- The Nuclear Waste Policy Amendments Act of 1987
 - Identified Yucca Mountain as the only candidate repository site
 - Set forth a Process for Repository Development
 - a. Site Characterization
 - b. Site Recommendation
 - c. Licensing Review (which is currently stalled)
 - d. Construction Authorization
- The Repository Program including activities undertaken by Lander County is funded by fees charged to nuclear power users.
- Lander County is one of 10 Affected Units of Local Government with Yucca Mountain Oversight Responsibilities under Section 116(b). Such responsibilities include:
 - Impact Investment
 - Review Activities authorized under the NWPA of 1987
 - Provide Public Information
 - Request information and make comments and recommendations
 - Licensing Participation



- All activities undertaken by Lander County are reviewed and approved by the Board of Commissioners as part of an annual work program.

Licensing the Yucca Mountain Project:

- In 2008, the Department of Energy submitted the Yucca Mountain license application to the Nuclear Regulatory Commission (NRC) for review. The NRC is responsible for the license review and construction authorization.
- The Yucca Mountain license review is an adjudicatory process overseen by a panel of administrative law judges and technical experts. The license review consist of two primary elements:
 - Nuclear Regulatory Commission Staff Review
 - Hearings on Contentions before the NRC's Construction Authorization Board (CAB)
- To be a party to the licensing hearings, a petitioner must have standing and have at least one contention admitted. A contention is a material issue requiring litigation before the CAB.
- Lander County along with Churchill, Esmeralda and Mineral Counties has 6 admitted contentions pending before CAB.
- In early 2010, the Obama Administration announced its intent to terminate the repository program and withdraw the license application calling the project unworkable but providing no technical basis for their decision.
- In June 2010 the CAB rejected the Administration's request to withdraw the Yucca Mountain license application noting that such an action would be contrary to the Nuclear Waste Policy Act.
- Several states, the National Association of Regulatory Utility Commissioners, and the Nuclear Energy Institute filed suit in the US Court of Appeals petitioning the court to determine the legality of the Administration's attempt to terminate the project. Hearings started March 22, 2011.
- Last week Energy Secretary Chu said the Administration will resume the licensing proceedings if the Court of Appeals rules against the withdrawal of the license application.

EXECUTIVE DIRECTOR

11) **Discussion & Ratification Of Employment Agreement Between Gina Little For The Position Of The Community Services Office:** Let the record reflect the presence of Austin via telephone conference, and Soveida Robinson, Human Recourse Department. Let the record reflect the absence of Executive Director, Gene Etcheverry, for this discussion.

Commissioner Garner moved to ratify the Employment agreement between Lander County and Gina Little for employment at the position of Community Services Officer and authorize



the Chair to sign the agreement. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved**

12) Discuss & Approve/Disapprove A Memorandum Of Understanding (MOU) Between Lander County & Emergency Medical Systems In Regards To The 800 MHZ Radio System For The Lander County Ambulance Services & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference, and the presence of Mr. Pat Irwin, Program Manager, State of Nevada Emergency Medical System.

Mr. Irwin stated he was looking to get an MOU in place statewide, and what they have implemented is Phase 1 of an 800 MHZ project to migrate all of the Ambulance radios from the 460 MHZ to a narrow banded 800 MHZ system. This is a project that has been worked on and discussed for about three years. These radios have already been installed in the Hospital and all of the Ambulances here in Lander County. Mr. Irwin stated that now, they are going through and seeing what training has been done and if they work or not, and what MOU's have been placed. He said he found that there had been none. The original goal to this was to get a Federal Grant from Homeland Security that was originally around \$700,000.00 to implement the State wide system. That had been broken down between the Homeland Security Grant, the ASPR Grant, CDC Grant and some other grants that are out there. However, the system is in place and it had been tested about a month ago, and it seems to work ok for Lander County. There have been some major issues with call backs on a power supply unit at the Hospital, and they are going to implement a new power supply for that one which is about a \$500.00 retrofit. The goal is to have the County take over the maintenance and operations of the system itself. The DOIT system, the Department of Information Technology with the State, runs the 460 MHZ system. It is across the repeaters and the radio sites across the State of Nevada today. It has been replaced by the 800 MHZ system, which is geared with the Highway Patrol system. With that infrastructure already in place this gives us better coverage across the State, and gives the Ambulance that ability to talk to the Hospital in places where they could never talk and get support, protocol changes, confirm what is being done as far as patient care goes. It gives us a better communication and interoperability statewide so if Lander County was called in a mass causality incident with Pershing County, Humboldt County, or even Elko County, that you have the same capability of talking to their Hospitals or their Ambulance personnel from here to Las Vegas to anywhere. That was the main point of the inoperability to that radio. The two pieces that the County would need to take over are 1) it is going to move away from DOIT and into the NDOT system, which is maintained for Highway Patrol. Every radio system, whether it is the one in the Hospital or in the ones in the Ambulances, is \$385.00 per year per radio, to maintain the system. This includes the inoperability, the towers, the maintenance, the rack space, and the entire statewide system. Mr. Irwin stated that there are approximately 6000 users today, and they have calculated that out to improve the growth. With the EMS coming



on board that they have lowered that rate to that is what it takes to maintain and keep that cost going. Lander County currently has five radios. That cost is just to maintain the system. The radios and the install have been paid for. The rights to those radios will be turned over to Lander County, and the only responsibility to the County is to maintain them. It is mandated that by December 31, 2012 we have to be off the 460 MHZ system and either be narrow banded on the 460 or on a statewide system. It is also mandated for the VHF system to do the same requirement change. Mr. Irwin stated that the MOU was still stuck in the AG's office to get an approval, however he had brought some copies that he would provide. Because 1) they are turning over the equipment to Lander County, that is a MOU and 2) there would be a contract that the County would be willing to pay the \$385.00 per year per radio. There will be two forms for the Commissioners to review, but there is no hurry to get this through, even though the County is up and operational today, they are probably going to start this operation July 1, 2011. Mr. Irwin said the main reason he was there was to prepare the County for when they are in their budget processes that they could add in the cost for the maintaining of the system. This system is not for the dispatching portion but for the medical condition, giving the Hospital the preface to what they are bringing in and get the protocols, advisement, changes in the protocol or what may be going on with that patient care. Washoe County has already migrated to the 800 and they have cross band talk groups that have merged. This gives dispatch the capability to hear what is going on with medical.

Ms. Rogene Hill, Financial Director, stated that they would need to add the additional into the Ambulance budget. Mr. Irwin said he would get with Undersheriff Quick and discuss the plans of the Sheriff's Department to upgrade. Ms. Hill also suggested that they make sure that they aren't double budgeting for the radio system. **No Action – Update Only**

13) Discussion & Possible Action Regarding Baker Hughes Drilling Fluids Request For Lander County To Submit An Application To Bureau Of Land Management (BLM) For Right- Of- Way (ROW) Grant Under The Federal Land Policy & Management Act (FLPMA) & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference, and Ron Zurlinben, P.R.C., Lead Program Manager for Baker Hughes.

Mr. Zurlinben stated that Baker Hughes is moving through a permit process with the Bureau of Land Management for Slaven Canyon Mine. That mine is intended to help them continue their operation at the mill which is east of town (Battle Mountain). It is a Barrack Mine where access to that mine is via Beacon Light Road and a road that runs south of Beacon Light Road down to the mine. Portions of that road are currently under a FLPMA right-of-way with the BLM. Mr. Zurlinben stated that in the material presented so far is to consider a FLPMA right-of-way for the remainder of that road. He said they have provided some information, and could recap that information if there were any questions.



Commissioner Garner asked if they wanted to extend this road. Commissioner Stienmetz stated that Skyline Blvd was where it came off of the feeder street, but they are going up past it where the old Beacon Light Road used to come off it. Mr. Donnie Negro addressed the Board and stated that the County maintains that Beacon Light Road, the County claims road tax on it, and Slavin Canyon Mine Road is a minimal maintenance road. Commissioner Williams stated that what is being proposed in the application is, Baker Hughes would bring the road up to the County standards and maintain it throughout the life span of the mine and not restrict any access, and when they are finished they will give it back, the permit will remain in the County. Mr. Zurlinben confirmed Commissioner Williams's statement.

Commissioner Williams asked how many miles they were talking about. Mr. Zurlinben answered by saying that the entire route was 13.3 miles. Commissioner Williams said that was from the Highway all the way through Beacon Light Road. Mr. Zurlinben said yes and into the Slavin Mine, roughly 7.5 miles of that crosses federally managed lands. Commissioner Williams then asked about the private land. Mr. Zurlinben stated that they are now moving through the Assessor's office to find out what the position of those roads are now and to find out whether an easement exists. Commissioner Garner asked how they were getting down the Freeway. Mr. Zurlinben said along the Frontage Road, and they would be driving haul trucks on those roads. They are looking to see if the underpass there is going to be big enough to accommodate those haul trucks. Commissioner Stienmetz stated if they are the belly dumps they would fit. There was discussion on who would maintain the road from the Highway to the mine. Mr. Zurlinben stated that Baker Hughes would maintain the travel road from where their trucks would move, that entire road would be under their maintenance. The alignment they have right now avoids residential areas and favors the BLM managed lands for a new haul road.

Commissioner Mason asked what the life expectancy of the new mine was. Mr. Zurlinben answered by saying with the ore reserves right now, it is expected to last three or four years.

Commissioner Garner moved for the Commission to grant the request of Baker Hughes Drilling Fluids and agree to submit a Lander County application to the Bureau of Land Management (BLM) for a right-of-way (ROW) grant under the Federal Land Policy and Management Act (FLPMA) for the lesser, unnamed road providing access to the Slaven Canyon mine site subject to Baker Hughes undertaking all permitting, baseline studies, engineering and construction activities at no cost to Lander County. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **Approved**

KINGSTON TOWN BOARD

14) **Discussion & Possible Action To Appoint Donald Haines To The Kingston Town Board Seat "B" & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference.



Commissioner Williams stated that he has read the resume of Mr. Donald Haines and felt he would be an excellent resource for the Board.

Commissioner Williams moved that the Commission appoint Donald Haines to fill the vacant seat "B" on the Kingston Town Board. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved.**

ROAD & BRIDGE NORTH

15) Discuss & Approve/Disapprove Award Of Bid For A Used 4-Wheel Drive Loader & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference, and Mr. Donnie Negro, Lander County Road & Bridge Foreman. Let the record also reflect the absence of Commissioner Stienmetz.

Mr. Negro addressed the Board on a bid for a used loader and it came out of Geo Thermal money. The low bid was from Pape Equipment for \$109,500.00. It is a John Deere 644; it is a 2005, with 4350 hours. It is my recommendation to go ahead and accept that bid.

Commissioner Garner asked when these people give us bids for equipment, do we know what this stuff is, are they just picking, do we have maintenances files. Mr. Negro said that yes he did have maintenance files on the equipment and that he screened the pretty heavy. Commissioner Williams asked why they weren't going out for new stuff. Mr. Negro replied by stating that they had so much on the Geo Thermal that they just spread it around and he didn't see any since in spending a lot of money for a new one. Commissioner Mason asked what a new one would cost. Mr. Negro replied by stating that a new one would probably cost around \$300,000.00.

Commissioner Garner moved to award a bid for a used 4-Wheel Drive Loader to Pape Equipment in the amount of \$109,500.00. Seconded by Commissioner Bullock, the motion was voted and carried. **Approved.**

PUBLIC WORKS

16) Discussion & Possible Action Regarding The Battle Mountain Arsenic Project & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference, Steve Brigman, Lander County Engineer. Let the record also reflect the absence of Commissioner Stienmetz.

Mr. Brigman updated the Board regarding the Wintle Looping Main, Mr. Wintle came down and executed an easement for that. We actually have the easement and that is good to go. CAL Environmentalists, the archeologist, found two cultural resources last week while doing their clearing, which have to be reported. Mr. Brigman was not sure what resources they were or where they were at, but they are working at this point to try to identify those



locations. It is not public information and they are not allowed to turn that information over. There have been some issues on the main pipeline project, but it is a matter of paperwork with the BLM and getting those archeological sites cataloged which could take a few weeks. Mr. Brigman also stated that they submitted an application to NDOT on a part of the Chukkar works. The connection over there is an NDOT right-of-way. Regarding the big projects, there is not a lot of activity going on. The tanks are done. We are just waiting for the painters, but due to bad weather there is a delay for them to get here. Regarding the big pipeline and the well building project, that is about finished. The electricians were wiring the pumps up. The next big item of work on that project is the SCADA system, which will be done by a Sub- Contractor through Drake Electrical.

Commissioner Williams asked if the sites that were found, if they were on private property. Mr. Brigman stated that they had not received clarification from the BLM. The good news is they didn't require an amendment to the environmental report that was done. They called it a connected action site and still had to be cataloged for agricultural resources. **No Action - Update Only**

17) Discussion & Possible Action Regarding Replacement Of Septic System To Include Tank & Leach Lines For The New Restroom Facility At Battle Mountain Raceway & Other Matters Properly Relating Thereto: Let the record reflect the presence of Austin via telephone conference, and Jake Edgar, Foreman Lander County Public Works. Let the record also reflect the absence of Commissioner Stienmetz.

Mr. Edgar updated the Board that the Race Association had not combined the new septic system into their project cost. State Health said they could use the old building, but they wouldn't suggest it and the old tank is undersized. Mr. Edgar stated that he felt if they are going to do this project, they need to do it right. He talked with Rogene Hill, and she said they could fund it out of the Emergency Maintenance Fund. Mr. Edgar said he estimated it to be about \$15,000.00 for the whole system.

Commissioner Mason asked if they would be using the old leach field, to which Mr. Edgar responded the he would not, but there is plenty of room for a new leach field. Mr. Edgar also stated that State Health would tell you how many sinks and toilets you would need, and then decide on the size of tank needed.

Commissioner Garner recommended that Mr. Edgar get a couple bids from local contractors. He also stated that he would like plans to look at.

Commissioner Bullock moved to approve getting a contractor for the amount of up to \$15,000.00, for a new septic tank and leach lines for the restroom facilities at Battle



Mountain Raceway. Seconded by Commissioner Mason, the motion was voted and carried. **Approved.**

COMMISSIONERS

18) **Discussion & Possible Action Regarding Lander County's Issues/Concerns To Be Addressed By Gene Etcheverry Or Ray Williams, Jr. For The 2011 Legislative Session & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. Let the record also reflect the absence of Commissioner Stienmetz.

Mr. James Barnes, Deputy District Attorney, stated that there needed to be some formal authority made so that anyone who goes to the Legislative Session can act on behalf of Lander County and the Commissioners, and come back and report what they did. There needs to be some wording changed on the agenda that says who officially represents Lander County.

The Board is in agreement to grant formal authorization for Commissioner Ray Williams, Jr. and County Executive Director Gene Etcheverry to address and represent the position of Lander County at it relates to specific issues and matters before the 2011 Nevada State Legislative Session. **Discussion Only.**

19) **Discuss & Approve /Disapprove Resolution No. 2011-06, A Resolution Supporting The Central Nevada Regional Water Authority (CNRWA) In Their Formal Protest Of The Southern Nevada Water Authority (SNWA) Application For Groundwater In Spring, Cave, Dry Lake & Delamar Valleys & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. Let the record also reflect the absence of Commissioner Stienmetz.

Commissioner Williams gave a brief update to the Board about Resolution No. 2011-06, a stated that there would be no cost to Lander County in the filing of this protest.

Commissioner Garner moved for the Commission to approve and adopt Resolution No. 2011-06, a Resolution supporting the Central Nevada Regional Water Authority (CNRWA) in their formal protest of the Southern Nevada Water Authority (SNWA) application for groundwater in Spring, Cave, Dry Lake and Delamar Valleys. Seconded by Commissioner Bullock, the motion was voted and carried. **Approved.**



20) **Discussion & Possible Action To Authorize The Lander County Executive Director To File A Formal Protest On Behalf Of Lander County To The Southern Nevada Water Application For Groundwater In Spring, Cave, Dry Lake & Delamar Valleys & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. Let the record also reflect the absence of Commissioner Stienmetz.

Commissioner Williams stated he didn't feel that Lander County was in a position to file an individual protest at this time. Mr. Barnes was in agreement, since the protests are already being filed by the CNRWA, and Lander County is joining in with them. **No Action**

21) **Discuss & Possible Action On The Following Projects/Service:** Let the record reflect the presence of Austin via telephone conference. Let the record also reflect the absence of Commissioner Stienmetz.

Airport Projects: Commissioner Williams updated the Board that there will be a Nevada Airport Managers Association Meeting in Reno May 10th and 13th. There was discussion of who should be recommended to attend this meeting. Commissioner Williams asked for this to be put back on the next agenda for approval of funds for Pacific Contractors to attend this meeting. **No Action - Discussion Only**

Ambulance Services: Let the record reflect the presence of Troy and Marla Easton of Emergency Management Solution for this item. Let the record also reflect the presence of Donnie Negro for this item. Mr. Easton updated the Board on revisions made to the contract per the Commission's request, and updated on some involvement in the community. Mr. Negro updated the Board that Rescue One was back in the barn and would be inspected. Mr. Etcheverry stated that it did not pass inspection. Mr. Negro asked Mr. Etcheverry about a delay on getting the card from an EVAC class that was taken a few months ago. Let the record reflect the presence of Pat Irwin, of the State EMS Office. Mr. Irwin updated the Board on a meeting attended at the Hospital on March 22, 2011. Commissioner Mason stated the Hospital was having a Board meeting on March 31, 2011 and one agenda item was to discuss the possibility of the Hospital taking over the Ambulance Service. **No Action - Discussion Only**

Economic Development: There was nothing to be reported at this time.

Public Lands: There was nothing to be reported at this time.

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 various street/road projects. Mr. Negro also asked about the benefit statements for the employees, who he needed to contact to get those. Soveida Robinson, Human Recourses, said they needed to work on them, but they should have them shortly.



Commissioner Bullock said he had talked to Newmont about the Echo Bay Division, and it is theirs. Newmont records indicated that it was given to the County, but found that the County did not accept the roads. Newmont is taking action and responsibility that those roads are theirs, and proposals will be coming forward. **No Action-Update Only**

Water & Sewer Projects: Let the record reflect the presences of Public Works Foreman Jake Edgar for this item. Mr. Edgar update the Board regarding the status of various water/sewer projects and issues affecting Battle Mountain. There was also discussion with issues going on with the wetlands. **No Action-Update Only**

Culture & Recreation: Let the record reflect the presences of Public Works Foreman Jake Edgar for this item. Mr. Edgar updated the Board regarding the status of various culture/recreation projects and issues affecting Battle Mountain. **No Action-Update Only**

Contracts: Let the record reflect the presence of Finance Director Rogene Hill and Executive Director Gene Etcheverry for this item. Ms. Hill updated the Board on contracts that are past due for renewal and contracts coming up. **No Action-Update Only**

CLOSED LABOR SESSION PURSUANT TO NRS 288.220

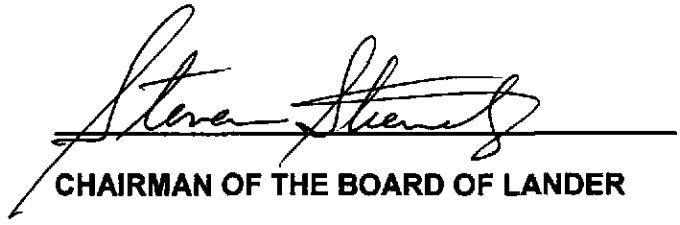
22) **Closed Labor Session With Management Representatives To Reach Further Direction From Lander County Board Of Commissioners On Upcoming Labor Negotiations:** Commissioner Bullock moved to recess the meeting of the Board of Commissioners into Closed Labor Session. Seconded by Commissioner Mason, the motion was voted and carried.

Let the record reflect that Commissioner Garner moved to recess the Closed Labor Session into Regular Session. Seconded by Commissioner Bullock, the motion was voted and carried.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of March 24, 2011. Seconded by Commissioner Bullock, the motion was voted and carried. **Meeting Adjourned!**




A handwritten signature in cursive, reading "Steve Stearns", is written over a horizontal line.

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

ATTEST: 
A handwritten signature in cursive, reading "Heidi Sullivan", is written over a horizontal line.

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.