

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 April 28, 2011 at 9:00 A.M.

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

9:00 AM

Chairman Stienmetz called the meeting to order

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

Jane Bianchi 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 Bullock moved to approve the Agenda Notice, as posted. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

Regular Session Of April 14, 2011

Commissioner Garner moved to approve the minutes of the regular session of April 14, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

CORRESPONDENCE

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

TODD PROCESS, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Stephen Pluemer, Mi-SWACO/Greystone Mine, regarding Private Land Pit expansion and Pit Backfill amendment – Greystone Mine, Permit #0240. BLM #NVN-067003.

MARK A. KIMINSKI, P.E., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Robert Berger, Fire Management Officer, BLM, letter regarding renewal of permit #NEV2000506 for Battle Mountain Air Attack Base.

CHRISTOPHER J. COOK, BLM, to Interested Parties, letter regarding solicitation of public comments for the Steven Springs Enclosure.

REPORTS

There were no reports to be reviewed at this time.

COMMISSIONER REPORTS

9:01:50 AM

Commissioner Williams updated the Board on the Austin Car Show. There was a meeting of the Fourth of July Committee and Ridley Day will be moved to the fourth of July. NACO Public Lands meeting has been set for May 2, 2011 at 1:30. Austin Financial Litigation meeting is set for May 2, 2011 at 1:00, to discuss issues on the Arsenic Litigation. Commissioner Williams and Commissioner Mason attended the Opening of the TerraGen Power Plant in Beowawe on April 20, 2011 and updated the Board on the Power Plant. Mr. Williams met with three Congressman, on April 25, 2011, at Yucca Mountain and was able to present Lander County resolution for Yucca Mountain on the continuation of the License process.

Commissioner Mason updated the Board on attending the NV Energy Luncheon. He also informed the Board he spoke with Charlene Booth on plans for the new Courthouse. Mr. Mason stated he enjoyed visiting the Beowawe Power Plant.

Commissioner Stienmetz updated the Board on his attendance of the Hospital Board meeting, and NV Energy meeting that was on April 18, 2011. Mr. Stienmetz announced he will be attending POOL PACT meeting in Carson City on April 29, 2011.

STAFF REPORTS

9:12:16 AM

Executive Director, Gene Etcheverry, updated the Board on the presence of Cynthia Albright for the Austin Loneliest Highway Project. Nevada Legislature fiscal request has been submitted on FY 2011-2012. Mr. Etcheverry gave updates on bills going through the Legislation and Senate. He stated that PACT POOL would be reviewing the Human Recourses policy. He also updated on the "Benefit Statements". May 3, 2011 is the Army Corp of Engineers Project Team meeting in Sacramento, CA. Battle Mountain BLM Resource Management Plan, Socio-Economic Workshop, June 14, 2011 from 8:00 a.m. to 12:00 p.m. PACT POOL Board meeting April 28-29, 2011 in Reno, NV. Mr. Etcheverry updated on mosquito issue. Commissioner Garner commented on possible action with the mosquito issue.

PAYMENT OF THE BILLS

9:19:17 AM

Commissioner Stienmetz abstained form check #36459. Commissioner Garner abstained from check #36470. Commissioner Mason abstained from check #36517.

Commissioner Garner moved to approve submitted expenditures in the amount of \$152,039.34 form check #36467 thru #36568. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner move to ratify check #86812 to the Nevada Department of Public Safety and check #86813 to the Office of Criminal Justice in the amount of \$51.25 each. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to ratify check #36457 in the amount of \$51.25 to the Department of Public Safety. Seconded Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner move to ratify check #36456 in the amount of \$100.00 to New Frontier Treatment. Seconded Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED

Commissioner Garner moved to ratify check #36455 in the amount of \$10.00 to Nevada State EMS, Seconded Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED

PAYROLL CHANGE REQUESTS

9:24:28 AM

- 1) Approval of Employee Change Request for employee number 1132, transfer to Finance Department, Accounting Specialist, \$14.89 per hour, effective April 4, 2011.
- 2) Approval of Employee Change Request for employee number 0796, lateral move to Executive Director's Office, Executive Secretary, \$17.30 per hour, effective April 4, 2011.
- 3) Approval of Employee Change Request for employee number 1177, New Hire, Relief Communications Officer, \$14.16 per hour, effective April 25, 2011.
- 4) Approval of Employee Change Request for employee number 1455, New hire, Relief Communications Officer, \$14.16 per hour, effective April 25, 2011.
- 5) Approval of Employee Change Request for employee number 1331, promotion to Traffic Court Clerk 1/11, \$15.88 per hour, effective April 4, 2011.
- 6) Approval of Employee Change Request for employee number 1400, New Hire, Landfill Operator, \$15.48 per hour, effective April 19, 2011.

There was question on the difference between a transfer and a lateral move. Mr. Etcheverry stated the difference.

Commissioner Williams moved to approve the employee change requests as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously.

APPROVED

PUBLIC COMMENT

No one was present for comment.

FINANCE

9:27:27 AM

- 1) **Budget Review & Update:** Rogene Hill updated the Board on Budget Reviews on upcoming projects, and meetings she will be attending or conference calling into. Meeting for the State Budget is on May 16, 2011 at 9:00 a.m.

DISTRICT ATTORNEY

9:30:15 AM

- 2) **Update From Angie Elquist, Lander County District Attorney, Regarding The Status Of Switching The Lander County Law Library To Online Research:**

Angie Elquist, District Attorney, update the Board on the Law Library.

COMMISSIONERS

9:30:54 AM

- 3) **Discuss & Approve/Disapprove Agreement Between Lander County & Battle Mountain Stock Car Racing Association For Lease Of Stock Car Racing Facility At Battle Mountain Airport:** Let the record reflect the presence of Angie Gonzales for this item. There was discussion of issuance of an Accord Certificate as Lander County as an additional insured. Williams made motion to approve the Lease Agreement between Lander County and the Battle Mountain Stock Car Racing Facility located at the Battle Mountain Airport, for a five-year period with no change in terms, requiring the full payment of the five-year lease amount (\$60.00) to the Lander County Finance Department upon acceptance and approval of the Agreement by BMSCRA and authorizing the Chair to

sign. There was discussion of redrafting the contract for a one-year lease. Commissioner Williams withdrew his motion. **DEFERRED**

9:36:34 AM

- 4) **Discussion & Possible Action Regarding Battle Mountain Raceway Association's Request To Fence The Battle Mountain Raceway Track Property For Safety & Security Purposes & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Angie Gonzales from Battle Mountain Raceway for this item. Two quotes had been submitted. There was discussion of fencing the Motocross and Mud Bog Pits along with the Raceway into one project and budgeting it all together, in the 2012-13 budget, verses individual projects. There was also discussion of the possibility of making it into a Sports Complex. Commissioner Stienmetz directed to consult with members of the Raceway, Motocross and the Mud Bog Pit to determine what would be needed or desired for a Sports Complex. **DEFERRED**

9:52:24 AM

- 5) **Discuss & Approve/Disapprove Interlocal Contract Between Lander County & Division of Health Care Financing & Policy (DHCFP) To Provide Administrative Services Necessary To Implement Medical Assistance Program:**

Executive Director, Gene Etcheverry, informed the Board that this is an Interlocal Agreement to participate in the County Match Program for long term care. Gene is opposed to this contract and recommended the Board to wait a month on this agreement to see how many more may come before the Board. Garner made motion to defer. Seconded by Commissioner Mason. **DEFERRED**

9:58:55 AM

- 6) **Discuss & Approve/Disapprove Central Nevada Regional Water Authority (CNRWA) FY12 Member Assessment In The Amount Of \$7,500.00 & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, addressed the Board on this item. Garner made motion to approve the Central Nevada Regional Water Authority (CNRWA) Fiscal Year 2012 member assessment, in the amount of \$7,500.00 for Lander County's membership in the organization. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

10:00:35 AM

7) **Discussion & Possible Action Regarding Entity Responsible For Taking Down & Raising Flag At Commission Building, Courthouse & Civic Center & Other Matters Properly Relating Thereto:**

Jake Edgar updated the Board and requested to have a protocol for certain individuals assigned to raise and lower the U.S. Flags at the Courthouse, Commissioner's Building and Civic Center. There was discussion in regards to the lighting on the Flag poles, and if it would be more cost effective to not light the poles, but to just have someone raise and lower the Flag every day. It was directed to send a memo to various departments to request volunteers for the task of raising and lowering the Flag. **UPDATE - DISCUSSION**

EXECUTIVE DIRECTOR

10:05:19 AM

8) **Update, Presentation By Cynthia Albright, Stantec Consulting, & Possible Acceptance Of Design Of The Austin Loneliest Highway Visitor's Center By The Commission & Other Matters Properly Relating Thereto:**

Cynthia Albright, Stantec Consulting, presented a visual presentation of the design of the Austin Loneliest Highway Visitor's Center. Commissioner Garner moved to accept and approve the Austin Loneliest Highway Visitor Center design, as presented, and direct a letter of the acceptance and approval to be transmitted to NDOT and the SHPO with the Project design documents. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

10:42:08 AM

9) **Discussion & Ratification Of The National Telecommunications & Information Administration Financial Assistance Grant Award No. 32-09-U90243, Amendment O, In The Total Amount Of \$12,000.00, For Purchase Of Equipment To Upgrade Low-Power Stations In Eligible Rural Communities From Analog To Digital & Other Matters Properly Relating Thereto:**

Executive Director, Gene Etcheverry, informed the Board that this is a reimbursement grant for work already done. Commissioner Garner moved to ratify the acceptance of the National Telecommunications and Information Administration (NTIA) Financial Assistance Grant Award No. 32-09-U90243, Amendment O, in the total amount of

\$12,000.00, for purchase of equipment to upgrade low-power stations in eligible rural communities from analog to digital. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

10:44:45 AM

- 10) **Presentation Of Governor Sandoval's March 1, 2011 Certification Of Population Letter Certifying The Estimated Population Figures For Nevada, Its Counties, Incorporated Cities, & All Of Its Unincorporated Towns As Of July 1, 2010 Pursuant To Nevada Revised Statutes (NRS) 360.285 & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, addressed the Board on this item. **NO ACTION - INFORMATION ONLY**

TREASURER

10:51:09 AM

- 11) **Discussion & Possible Action Regarding Tim Bare's Request To Petition Lander County For Purchase Of Parcel #002-045-03 & Other Matters Properly Relating Thereto:**

Let the record reflect the presence of Grace Prowrie, Treasurer, and Tim Bare for this item. Ms. Prowrie addressed the Board and gave a history on this property. Mr. Bare is requesting to purchase parcel #002-045-03 to build a business. Commissioner Garner moved for the Commission to direct the District Attorney to start process of converting this parcel back to the state at which this property may be sold. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

RECORDER

10:57:12 AM

- 12) **Discuss & Approve/Disapprove Amendment To Interlocal Contract Between Lander County & Department Of Motor Vehicles (DMV) To Provide All Services Relating To Registration & Titling Of Motor Vehicles, With The Exception Of Vehicle Appraisals:**

Let the record reflect the presence of Idonna Trevino, Recorder, for this item. Ms. Trevino updated the Board on changes to the contract. There was discussion on various fees and services. Commissioner Bullock moved to accept the Interlocal Contract between Lander County and Department of Motor Vehicles (DMV) to provide all

services relating to registration and titling of motor vehicles, with the exception of vehicle appraisals. Seconded by Commissioner Mason. Commissioner Bullock amended his motion to authorize the Chair to sign. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

PUBLIC WORKS

11:08:14 AM

13) **Discussion, Update & Possible Action Regarding The Battle Mountain Arsenic Project & Other Matters Properly Relating Thereto:**

Let the record reflect the presence of Jake Edgar, Public Works, for this item. Mr. Edgar updated the Board on the various issues and concerns with the Battle Mountain Arsenic Project. Mr. Edgar also gave updates on Round Mountain and the Wintle Loop. **NO**

ACTION - UPDATE ONLY

11:11:49 AM

14) **Discussion & Possible Action Regarding Sale Of Old Golf Carts At Mountain View Golf Course To The Cart Barn & Other Matters Properly Relating Thereto:**

Let the record reflect the presence of Jake Edgar, Public Works, for this item. Mr. Edgar updated the Board on a letter he wrote in regards to the old golf carts. Grace Prowrie, Treasurer, informed the Board on policies regarding the sale or trade of County items. There was discussion on the contract between Lander County and The Cart Barn.

DISCUSSION - NO ACTION

COMMISSIONERS

1:30 PM

15) **Discussion & Possible Action Regarding Plan Of Action For Lander County Emergency Medical Services, To Include, A) Proposal From Karlene Andreola, And; B) Proposal From Emergency Management Solutions (EMS), And Other Matters Properly Relating Thereto:**

Karlene Andreola, RN, addressed the Board, on behalf of University of Nevada School of Medicine regarding issues concerning the Ambulance Service in Lander County and a

proposal she presented to the Board on April 14, 2011. Ms. Andreola informed the Board on training services available to Lander County. Bobbi Sullivan, State EMS Representative from Elko, provided some clarification to the Board on Battle Mountain being permitted at the intermediate level of service.

Todd Kelly, Emergency Management Solutions, addressed the Board regarding the concerns of Emergency Management Solutions with the Ambulance issues and reviewed their proposal to Lander County.

Commissioner Garner expressed his thoughts and concerns on the Ambulance issues, and those of others he has spoken with.

Phil Hanna, Battle Mountain Hospital, addressed the Board and expressed his thoughts on how to improve the Ambulance Service, and the concerns of the Hospital Board. Mr. Hanna also informed the Board on his experience in the Medical Field.

Bobbi Sullivan, State EMS, addressed the Board in regards to Lander County already having a working relationship with the Hospital between Lander County Services.

Troy Easton, EMS, addressed the Board and explained the expertise of Emergency Management Solutions and their support for the Community.

Karlene Andreola readdressed the Board and explained that it isn't going to take only thirty days to get the Ambulance Service running effectively.

Commissioner Mason commented on the proposals presented to the Board.

Commissioner Mason moved to create a Memorandum of Understanding (MOU) with Phil Hanna, the Hospital Staff, the Legal Department and the Board of Commissioners, to facilitate the Ambulance Service for all of Lander County.

Mr. Etcheverry commented on the development of the MOU.

Commissioner Bullock stated that we need a coordinator and explained what he felt needs to be done.

Seconded by Commissioner Williams.

There was a discussion and public comment among the Commissioners and the public.

The motion was voted with Commissioners Williams, Mason, Bullock, and Stienmetz voting "AYE" and Commissioner Garner voted "NYE". **APPROVED**

2:36:46 PM

16) Discussion & Possible Action Regarding Lander County's Issues/Concerns To Be Addressed By Gene P. Etcheverry Or Ray Williams, JR. For The 2011 Legislative Session And Other Matters Properly Relating Thereto:

Mr. Etcheverry updated the Board on issues concerning Lander County. The SJR15, SB185, Senior Citizen property tax assistant rebate program, the DMV Program and the Budget and Value of Lander County. Ms. Prowrie expressed her thoughts and concerns.

DISCUSSION – NO ACTION

2:58:10 PM

17) Discussion & Possible Action To Consider The Character, Alleged Misconduct, & Professional Competence Of The Executive Director, Gene P. Etcheverry, & Other Matters Properly Relating Thereto:

Commissioner Bullock expressed his concerns on evaluations not being performed on department heads and on job not being posted for "At Will" employees. Mr. Bullock also expressed concerns on Mr. Etcheverry absence, and notice not given on his absence for an arbitration, where documentation needed to be presented.

Mr. Etcheverry addressed some of those concerns shared by Commissioner Bullock.

Commissioner Williams expressed his concerns on the job duties of the Executive Director and issues with Standard Practices of Lander County. He also expressed issues of Mr. Etcheverry being hard to get in touch with.

Mr. Etcheverry addressed those concerns as well.

Commissioner Garner also expressed concerns on the difficulty of reaching Mr. Etcheverry, and the need to readdress the duties of Mr. Etcheverry and see what should be removed as his responsibility. Commissioner Stienmetz concurred.

Commissioner Bullock addressed concerns on purchases made by Mr. Etcheverry of items and materials that could have been purchased locally, saving the County over \$4000.00.

Mr. Etcheverry addressed these concerns.

Commissioner Garner also expressed concerns on those purchases made by Mr. Etcheverry.

Mr. Etcheverry stated that he made some of those purchases for "Safety" reasons.

Donnie Negro, Road and Bridge North, addressed the Board stating that Jake Edgar and himself shop around before making purchases like these and try to buy local if the materials are available. He also stated he had not asked Mr. Etcheverry to order these materials.

Commissioner Garner questioned Mr. Etcheverry about what else he may be ordering without the knowledge of other Departments.

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

3:53:46 PM

18) Update On The Following Departments/Services:

Airports: Mr. Gene Etcheverry updated the Board on this item. **UPDATE ONLY**

Ambulance Services: Mr. Gene Etcheverry commented on this item. **UPDATE ONLY**

Economic Development: Mr. Gene Etcheverry updated the Board on the cost of advertising and marketing through LEDA. Commissioner Garner questioned what LEDA has brought forth in the last five year. Mr. Etcheverry addressed this question. Ben Veach, Civil Engineer and Rogene Hill, Finance, also commented on this item. **UPDATE ONLY**

Public Lands: Let the record reflect the presence of Ben Veach, Civil Engineer, for this item. Mr. Veach addressed the Board regarding the RS2477 issue and how SB49 will affect the roads mainly Grass Valley Road. **UPDATE ONLY**

Road & Bridge Departments: Let the record reflect the presence of Burt Ramos, Road and Bridge/South, for this item. Mr. Ramos updated the Board regarding various street/road projects and issues affecting Austin. He also updated the Board on the negotiations of trading buildings with NV Energy.

Let the record reflect the presence of Donnie Negro, Road and Bridge/North, for this item. Mr. Negro updated the Board regarding various street/road projects affecting Battle Mountain. He also updated on the yard extension. **UPDATE ONLY**

Water & Sewer Departments: Let the record reflect the presence of Jake Edgar, Public Works Foreman, for this item. Mr. Edgar updated the Board on various water/street projects affecting Battle Mountain. **UPDATE ONLY**

Culture & Recreation: Let the record reflect the presence of Jake Edgar, Public Works Foreman, for this item. Mr. Edgar updated the Board on various culture/recreation projects affecting Battle Mountain. **UPDATE ONLY**

Contracts: Mr. Gene Etcheverry presented the update on this item.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of April 28, 2011. Seconded by Commissioner Garner, the motion was voted and carried. **MEETING ADJOURNED**



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

ATTEST: 

LANDER COUNTY CLERK

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