

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 July 12, 2012 at 9:00 a.m.

**PRESENT:** DEAN BULLOCK, COMMISSIONER  
STEVEN STIENMETZ, COMMISSIONER  
DAVID MASON, COMMISSIONER  
RAY H. WILLIAMS, JR., COMMISSIONER  
JAMES BARNES, DEPUTY DISTRICT ATTORNEY  
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR  
ROGENE HILL, FINANCE DIRECTOR  
SOVIEDA ROBINSON, HUMAN RESOURCES  
CATHY MYERS, DEPUTY CLERK

**ABSENT:** BRIAN GARNER, COMMISSIONER

**9:00 A.M.**

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four Commissioners.

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

**APPROVAL OF MINUTES**

**June 28, 2012 – Regular Session**

Commissioner Stienmetz moved to approve the minutes of June 28, 2012 regular session. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

### **COMMISSIONER REPORTS**

Commissioner Williams reported on the Fourth of July in Austin and extended his thanks to the Austin Lion's Club and the Greater Austin Chamber of Commerce. He said the next NACO meeting would be in Ely on July 27, 2012.

Commissioner Mason reported on his attendance of the Planning Commission meeting on July 11, 2012. He said the Planning Commission meeting time has changed to 6:00 pm on its regular day so more people may attend. He also said Rex Massey is updating the map for recreation public purposes uses for the County.

Commissioner Stienmetz reported on the Hospital Board meeting he attended. He said Mr. Hanna presented the same information on the Ambulance service to them as he did to the Commissioners.

Commissioner Bullock reported on the Chairs and Mayors meeting he attended in Reno on June 28, 2012. He said there was a proposal for a service tax to be proposed to the Legislature. It would be a 2% service tax on Limousines, taxis and thing like that. The hope would be for the Legislature to reduce the sales tax by 2%.

### **STAFF REPORTS**

Executive Director, Gene Etcheverry, reported on the NACO meeting that will be held in Ely on July 27, 2012. He said there are several meetings to do with projects such as the Austin Loneliest Highway Visitor's Center and the Building Project.

### **PAYMENT OF THE BILLS**

Jane Bianchi presented the Board with bills to be ratified.

Commissioner Williams had a few questions on the general bills. Check #41206 to Kingston Management for \$520.00. Ms. Bianchi said Grace (Powrie) submitted this for assessments on land. He also questioned the State of Nevada for Barnes and Elquist check #41242. Ms. Bianchi said this was an advance for training they will be attending in September.

### **Laurie J. Richardson**

Commissioner Stienmetz moved to ratify check #41134 in the amount of \$4,631.75 to Laurie J. Richardson. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**AUSTIN POSTMASTER**

Commissioner Stienmetz moved to ratify check #41099 in the amount of \$100.00 to the Austin Postmaster for box rent. Seconded by Commissioner Mason, the motion was voted and carried.

**APPROVED**

**DAVID J. CORMANY**

Commissioner Stienmetz moved to ratify check #41158 in the amount of \$32,780.14 to David J. Cormany for planning views. Seconded by Commission Mason, the motion was voted and carried. **APPROVED**

Commissioner Stienmetz moved to approve the submitted expenditures in the amount of \$160,586.16 from check #41174 thru check #41254. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner William abstaining from check #41252 and Commissioner Bullock abstaining from check #41212. **APPROVED**

**PAYROLL CHANGE REQUESTS**

1. Employee change request for employee number 1273, 1.5% Salary Increase, Maintainer II, \$14.75 per hour, effective July 9, 2012.
2. Employee change request for employee number 278, 1.5% Salary Increase, Secretary to the Sheriff, \$19.66 per hour, effective June 9, 2012.
3. Employee change request for employee number 1368, 1.5% Salary Increase, Justice Court Clerk, \$14.91 per hour, effective July 9, 2012.
4. Employee change request for employee number 1331, 1.5% Salary Increase, Traffic Court Clerk, \$18.50 per hour, effective July 9, 2012.
5. Employee change request for employee number 1205, 1.5% Salary Increase, Deputy District Attorney, \$2,377.44 bi-weekly, effective July 9, 2012.
6. Employee Change request for employee number 1100, 1.5% Salary Increase, Maintainer I, \$15.19 per hour, effective July 9, 2012.
7. Employee Change Request for employee number 698, 1.5% Salary Increase Accountant, \$2,014.49 bi-weekly, effective July 9, 2012.
8. Employee Change Request for employee number 1462, 1.5% Salary Increase, Executive Secretary, \$17.78 per hour, effective July 9, 2012.

9. Employee Change Request for employee number 1225, 1.5% Salary Increase, Water and Sewer Tech I, \$18.04 per hour, effective July 9, 2012.
10. Employee Change Request for employee number 1132, 1.5% Salary Increase, Accounting Specialist, \$17.61 per hour, effective July 9, 2012.
11. Employee Change Request for employee number 1277, 1.5% Salary Increase, Legal Secretary, \$15.43 per hour, effective July 9, 2012.
12. Employee Change Request for employee number 796, 1.5% Salary Increase, Executive Secretary, \$17.82 per hour, effective July 9, 2012.
13. Employee Change Request for employee number 163, 1.5% Salary Increase, Deputy Recorder, \$15.51 per hour, effective July 9, 2012.
14. Employee Change Request for employee number 434, 1.5% Salary Increase, Assistant Site Director, \$17.31 per hour, effective July 9, 2012.
15. Employee Change Request for employee number 1092, 1.5% Salary Increase, Lead Person, \$20.17 per hour, effective July 9, 2012.
16. Employee Change Request for employee number 1362, 1.5% Salary Increase, Communications Officer, \$18.66 per hour, effective July 9, 2012.
17. Employee Change Request for employee number 1142, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
18. Employee Change Request for employee number 535, 1.5% Salary Increase, Communications Officer, \$17.80 per hour, effective July 9, 2012.
19. Employee Change Request for employee number 1250, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
20. Employee Change Request for employee number 1116, 1.5% Salary Increase, Assistant Cook, \$14.45 per hour, effective July 9, 2012.
21. Employee Change Request for employee number 1192, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.

22. Employee Change Request for employee number 1494, 1.5% Salary Increase, Patrol Deputy, \$18.36 per hour, effective July 9, 2012.
23. Employee change Request for Employee number 293, 1.5% Salary Increase, Maintainer III, \$21.06 per hour, effective July 9, 2012.
24. Employee Change Request for employee number 1479, 1.5% Salary Increase, Communications Officer, \$15.71 per hour, effective July 9, 2012.
25. Employee Change Request for employee number 1449, 1.5% Salary Increase, Administrative Assistant, \$15.35 per hour, effective July 9, 2012.
26. Employee Change Request for employee number 1416, 1.5% Salary Increase, Public Works Foreman, \$2,569.61 bi-weekly, effective July 9, 2012.
27. Employee Change Request for employee number 1347, 1.5% Salary Increase, Executive Director, \$3,891.42 bi-weekly, effective July 9, 2012.
28. Employee Change Request for employee number 1415, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
29. Employee Change Request for employee number 789, 1.5% Salary Increase, Court Clerk III, \$20.59 per hour, effective July 9, 2012.
30. Employee Change Request for employee number 1109, 1.5% Salary Increase, Maintainer III, \$19.04 per hour, effective July 9, 2012.
31. Employee Change Request for employee number 2060, 1.5% Salary Increase, Deputy Clerk, \$13.10 per hour, effective July 9, 2012.
32. Employee Change Request for employee number 1189, 1.5% Salary Increase, Senior Deputy Clerk, \$15.96 per hour, effective July 9, 2012.
33. Employee Change Request for employee number 1505, 1.55 Salary Increase, Landfill Operator, \$16.60 per hour, effective July 9, 2012.
34. Employee Change Request for employee number 2017, 1.5% Salary Increase, Greenskeeper, \$15.51 per hour, effective July 9, 2012.

35. Employee Change Request for employee number 1352, 1.5% Salary Increase, Patrol Deputy, \$18.36 per hour, effective July 9, 2012.
36. Employee Change Request for employee number 2026, 1.5% Salary Increase, Finance Director, \$3,454.26 bi-weekly, effective July 9, 2012.
37. Employee Change Request for employee number 1169, 1.5% Salary Increase, Office Manager, \$1,366.34 bi-weekly, effective July 9, 2012.
38. Employee Change Request for employee number 1414, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
39. Employee Change Request for employee number 1383, 1.5% Salary Increase, Van Driver, \$12.91 per hour, effective July 9, 2012.
40. Employee Change Request for employee number 903, 1.5% Salary Increase, Administrative Secretary, \$15.35 per hour, effective July 9, 2012.
41. Employee Change Request for employee number 1482, 1.5% Salary Increase, Accounting Specialist, \$15.35 per hour, effective July 9, 2012.
42. Employee Change Request for employee number 462, 1.5% Salary Increase, Sergeant, \$29.25 per hour, effective July 9, 2012.
43. Employee Change Request for employee number 1101, 1.5% Salary Increase, Maintainer I, \$16.66 per hour, effective July 9, 2012.
44. Employee Change Request for employee number 2044, 1.5% Salary Increase, Sergeant, \$27.85 per hour, effective July 9, 2012.
45. Employee Change Request for employee number 1141, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
46. Employee Change Request for employee number 1014, 1.5% Salary Increase, Building Official, \$2,401.33 bi-weekly, effective July 9, 2012.
47. Employee Change Request for employee number 430, 1.5% Salary Increase, Community Services Officer, \$1,917.80 bi-weekly, effective July 9, 2012.

48. Employee Change Request for Employee number 593, 1.5% Salary Increase, Corporal, \$25.90 per hour, effective July 9, 2012.
49. Employee Change Request for employee number 161, 1.5% Salary Increase, Assistant to Public Works Foreman, \$1,719.76 bi-weekly, effective July 9, 2012.
50. Employee Change Increase for employee number 391, 1.5% Salary Increase, Accountant, \$1,641.69 bi-weekly, effective July 9, 2012.
51. Employee Change Request for employee number 1325, 1.5% Salary Increase, Deputy Clerk, \$13.10 per hour, effective July 9, 2012.
52. Employee Change Request for employee number 1337, 1.5% Salary Increase, Road & Bridge Foreman North, \$2,753.15 bi-weekly, effective July 9, 2012.
53. Employee Change Request for employee number 1233, 1.5% Salary Increase, Executive Secretary, \$15.58 per hour, effective July 9, 2012.
54. Employee Change Request for employee number 1166, 1.5% Salary Increase, Deputy Recorder, \$13.10 per hour, effective July 9, 2012.
55. Employee Change Request for Employee number 1177, 1.5% Salary Increase, Communications Officer, \$15.71 per hour, effective July 9, 2012.
56. Employee Change Request for employee number 133, 1.5% Salary Increase, Building Planning Tech, \$1,401.01 bi-weekly, effective July 9, 2012.
57. Employee Change Request for employee number 1400, 1.5% Salary Increase, Landfill Operator, \$15.96 per hour, effective July 9, 2012.
58. Employee Change Request for employee number 1283, 1.5% Salary Increase, Lead Person, \$21.90 per hour, effective July 9, 2012.
59. Employee Change Request for employee number 718, 1.5% Salary Increase, Undersheriff, \$3,063.60 bi-weekly, effective July 9, 2012.
60. Employee Change Request for employee number 1137, 1.5% Salary Increase, Road & Bridge Foreman South, \$2,655.77 bi-weekly, effective July 9, 2012.

61. Employee Change Request for employee number 847, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
62. Employee Change Request for employee number 801, 1.5% Salary Increase, Human Resources Director, \$2,074.06 bi-weekly, effective July 9, 2012.
63. Employee Change Request for employee number 964, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
64. Employee Change Request for employee number 655, 1.5% Salary Increase, Mechanic III, \$20.25 per hour, effective July 9, 2012.
65. Employee Change Request for employee number 584, 1.5% Salary Increase, DMV Clerk, \$17.63 per hour, effective July 9, 2012.
66. Employee Change Request for employee number 1344, 1.5% Salary Increase, Maintainer III, \$19.22 per hour, effective July 9, 2012.
67. Employee Change Request for employee number 963, 1.5% Salary Increase, Gate Keeper, \$15.35 per hour, effective July 9, 2012.
68. Employee Change Request for employee number 625, 1.5% Salary Increase, Head Cook, \$14.74 per hour, effective July 9, 2012.
69. Employee Change Request for employee number 1098, 1.5% Salary Increase, Food Service Director, \$17.34 per hour, effective July 9, 2012.
70. Employee Change Request for employee number 712, 1.5% Salary Increase, Water & Sewer Lead Person, \$22.87 per hour, effective July 9, 2012.
71. Employee Change Request for employee number 856, 1.5% Salary Increase, Social/Senior Services Director, \$2,489.39 bi-weekly, effective July 9, 2012.
72. Employee Change Request for employee number 1311, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
73. Employee Change Request for employee number 525, 1.5% Salary Increase, Water & Sewer Tech I, \$20.37 per hour, effective July 9, 2012.



74. Employee Change Request for employee number 972, 1.5% Salary Increase, Maintainer III, \$17.90 per hour, effective July 9, 2012.
75. Employee Change Request for employee number 911, 1.5% Salary Increase, Corporal, \$25.90 per hour, effective July 9, 2012.
76. Employee Change Request for employee number 971, 1.5% Salary Increase, Senior Deputy Assessor, \$17.22 per hour, effective July 9, 2012.
77. Employee Change Request for employee number 1112, 1.5% Salary Increase, Patrol Deputy, \$22.30 per hour, effective July 9, 2012.
78. Employee Change Request for employee number 2034, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
79. Employee Change Request for employee number 2029, 1.5% Salary Increase, Animal Control Officer, \$15.35 per hour, effective July 9, 2012.
80. Employee Change Request for employee number 402, 1.5% Salary Increase, Maintainer III, \$20.42 per hour, effective July 9, 2012.
81. Employee Change Request for employee number 548, 1.5% Salary Increase, Executive Secretary, \$17.63 per hour, effective July 9, 2012.
82. Employee Change Request for employee number 1152, 1.5% Salary Increase, Appraiser, \$18.76 per hour, effective July 9, 2012.
83. Employee Change Request for employee number 545, 1.5% Salary Increase, DMV Clerk, \$17.22 per hour, effective July 9, 2012.
84. Employee Change Request for employee number 1490, 1.5% Salary Increase, Maintainer III, \$16.60 per hour, effective July 9, 2012.
85. Employee Change Request for employee number 1201, 1.5% Salary Increase, Legal Secretary, \$13.64 per hour, effective July 9, 2012.
86. Employee Change Request for employee number 778, 1.5% Salary Increase, Secretary, \$15.81 per hour, effective July 9, 2012.

87. Employee Change Request for employee number 1252, 1.5% Salary Increase, Communications Officer, \$20.11 per hour, effective July 9, 2012.
88. Employee Change Request for employee number 1466, 1.5% Salary Increase, Patrol Deputy, \$22.39 per hour, effective July 9, 2012.
89. Employee Change Request for employee number 374, 1.5% Salary Increase, Sergeant, \$29.25 per hour, effective July 9, 2012.
90. Employee Change Request for employee number 1309, Promotion, 1.5% Salary Increase, Deputy Sheriff, \$25.26 per hour, effective July 9, 2012.
91. Employee Change Request for employee number 1386, 1.5% Salary Increase, Maintainer II, \$14.97 per hour, effective July 9, 2012.
92. Employee Change Request for employee number 1157, 1.5% Salary Increase, Patrol Deputy, \$21.23 per hour, effective July 9, 2012.
93. Employee Change Request for employee number 1046, 1.5% Salary Increase, Communications Supervisor, \$24.32 per hour, effective July 9, 2012.
94. Employee Change Request for employee number 381, Promotion, Administrative Assistant, \$1,519.23 bi-weekly, effective July 9, 2012.
95. Employee Change Request for employee number 1476, Promotion, Lead Person, \$17.67 per hour, effective July 9, 2012.
96. Employee Change Request for employee number 1177, Communications Officer, Level Change, \$16.50 per hour, effective July 23, 2012.

Commissioner Stienmetz moved to approve the employee change requests as stated, all ninety-six of them. Seconded by Commissioner Williams, the motion was voted and carried.

**APPROVED**

**PUBLIC COMMENT**

No Public Comment.

## FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Finance Director, Rogene Hill, updated the Board that the Auditors were working on the single audit on July 11, 2012. She said accounts receivable for the month of June are as follows:

WATER: \$4,132.00  
SEWER: \$3,351.00  
WATER & SEWER MISC: \$7,442.00  
LANDFILL: \$17,029.00  
AMBULANCE: \$37,256.00  
ACTIVE ACCOUNTS AT COLLECTIONS: \$17,099.00  
TOTAL: \$86,309.00

Ms. Hill said the unpaid Water & Sewer bills that rolled onto the Property Taxes was \$21,031.29.

Golf Course Revenues for the month of June are as follows:

GREEN FEES: \$4,813.00 - \$365.00 over prior year  
TRAIL FEES: -\$245.00 - \$245.00 under prior year  
TOTAL REVENUES FOR GOLF COURSE: \$5,058.00

Swimming Pool Revenues for the month of June:

BATTLE MOUNTAIN: \$7,552.00  
AUSTIN: \$629.00

Ms. Hill said she was going through the Shaw Engineering bills and ran across a bill from Shaw for \$8,128.50. She said it had a heading of "Battle Mountain South Side Sewer Planning", but she could find any approval from the Commission on this. Ms. Hill questioned another bill for \$3,554.38 from Shaw for the Lander County waterline. She said it was her understanding that it was Lew Lott who was the engineer for the Airport. Mr. Etcheverry said this was the bill for the County Engineer looking over the situation of the waterline out at the airport and J-U-B chose not to oversee.

- 2) **Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-13. A Resolution Directing Apportionment Of Net Proceeds Received On June 8, 2012 & Other Matters Properly Related Thereto:** Finance Director, Rogene Hill, said on June 8<sup>th</sup> the County received \$15,141.28. She said the mandated fees were \$7,432.86

and a discretionary amount of \$7,708.42 that went into fund 55CCP. She said that was just putting things in order where they would have some identification of net proceeds.

Commissioner Williams moved to adopt Resolution 2012-13, a resolution directing apportionment of the Net Proceeds of Minerals taxes received on June 8, 2012, in the total amount of \$15,141.28. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 3) **Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-14, A Resolution Directing Apportionment Of Net Proceeds Received On June 26, 2012 & Other Matters Properly Related Thereto:** Finance Director, Rogene Hill, said on June 26<sup>th</sup> the County received \$52,975,474.48. She said the mandated portion is \$26,005,665.73 and discretionary was in the amount of \$26,969,808.75. Ms. Hill said, under direction of the Commission, Net Proceeds do not go into operations it goes into funding projects that we do not live on.

She said the discretionary funds were divided as follows:

CCP	\$18,964,808.75
BLDG. & EQUIPMENT	\$ 3,000,000.00
CULTURE & RECREATION	\$ 5,000.00
EMERGENCY MAINTENANCE	\$ 2,000,000.00
AIRPORT	\$ 500,000.00
AIRPORT CAPITAL	\$ 2,500,000.00

Commissioner Stienmetz moved for the Commission to approve and adopt Resolution No. 2012-14, a resolution directing apportionment of the Net Proceeds of Minerals taxes received on June 26, 2012, in the total amount of \$52,975,474.48. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

### **COMMISSIONERS**

- 4) **Discussion For Possible Action Regarding The Draft Lander County Policies & Procedures & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said the Lander County Policies and Procedures are before the Board, as amended and revised. He said they have been reviewed and questions posed by the District Attorney's Office have either been addressed or are aside from the policies.

Commissioner Mason asked if this becomes a manual and supersedes all other policies in place. Mr. Etcheverry said it does. Mr. Etcheverry said it will be noticed, and then there will be a comment period before it becomes effective.

Commissioner Williams said he has gone through several drafts. He encouraged the other Commissioner to read the policy, and said there are many areas where he has questions. He asked about seeing the Sheriff's Policies and Mr. Etcheverry said the Commission wouldn't see it because it is under another Elected Official.

Robert Quick, Lander County Undersheriff, said the County and POOL/PACT have copies of the Sheriff's current Policy. He said the Commissioners are more than welcome to have a copy.

Commissioner Williams said a copy of the Policies and Procedures should go to all the Elected Officials and said he assumes it has, because there are a lot of statements regarding Elected Officials.

Mr. Etcheverry said he believes they were distributed, but that is why there is a protractive time frame for review, and once adopted by the Board it goes under a review period before it is implemented.

Mr. Quick said the Sheriff's Office is excluded from the Policy of the County because there are NRS requirements that require different portions of a policy or are more stringent by the Sheriff.

Commissioner Williams moved to defer to the second meeting on August 23, 2012. Seconded by Commissioner Mason.

Jeanie Green said a lot of laws have changed on the State and Federal level and that is why this policy is much longer than the old policies.

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

- 5) **Discussion For Possible Action Regarding Lander County Master Plan & Revisions/Updates To The Current Plan & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said the current Master Plan was adopted by the Commission on October 28, 2010 through a passage of Resolution No. 2010-14. He said one of the Commissioners has taken a look from the prospective of the Community Development and has seen the possibility of the need to revise and update the plan. Mr. Etcheverry said the second part of the motion, in the October 28, 2010 meeting, was never carried out. He said that part of the motion read, "and develop language for a proposed ordinance to implement the Plan as a guideline for long-range planning and address the impact of the Plan on future ordinances and amendment of the Plan through the passage of future ordinances." He said it needed to go back through the

Planning Commission and come out as a recommended proposed ordinances for the Commission Board to either adopt or not.

Commissioner Williams moved for the Commission to direct staff to perfect the motion passed during the October 28, 2012 meeting by carrying out the necessary tasks to fully implement the current (2010) Lander County Master Plan. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

#### **EXECUTIVE DIRECTOR**

6) **Discussion For Possible Action Regarding Execution Of A Quitclaim Deed To Transfer All Of Lander County's Interest In The Property Located In The N2 SW4, Section 6, T32N, R46E, M.D.B.&M. (Portion Of The Blossom Ranch) To The 26 Ranch, Inc., Due To A Discrepancy With Tax Deed From 1938, & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, said Mr. John E. Marvel has petitioned the Commission to Quit Claim a 2/10 interest in the property located in the N2 SW4, Section 6, T32N, R46E. Mr. Etcheverry provided a map to show where the property is located and said he has a deed, but the deed is incorrect. He said the deed predates what is being discussed today and is from 1908. He said the one they are interested in is from 1936 and the December 1938 deed. Mr. Etcheverry said in October 1936 a portion of this property was subject to a tax deed which conveyed to the County the 2/10 interest in this 80 acres. He said the 26 Ranch obtained their interest in 1993. He said they are looking to clear the County's 2/10 interest, and there has been taxes paid over the last 70 years, by whoever the owner was, on everything but the 2/10 interest.

James Barnes, Deputy District Attorney, said they reviewed the deed but they didn't delve into what the Commission may or may not want to do. He said they wanted to see what the Commission wanted to do and they will look into it further.

There was discussion about not having the correct information to make a proper decision on this matter.

James Barnes, Deputy District Attorney, recommended the Commission get more information in order to move forward.

Commissioner Stienmetz moved for the Commission to defer until all required information is received. Seconded Williams, the motion was voted and carried.

**APPROVED**

- 7) **Presentation & Discussion For Possible Action Regarding Severe Drought Conditions & Possible Measures, Management Prescriptions & Decisions Forthcoming From Bureau Of Land Management (BLM), Battle Mountain District & Other Matters Properly Related Thereto:** Doug Furtado, Bureau of Land Management Battle Mountain District, introduced two of his employees. Mike Feddick the Fire Management Officer for the Central Nevada Zone, and Barry Burt the acting assistant Fire Management Officer in charge of fire operations for the Battle Mountain District. Mr. Feddick said they were there to potentially discuss the Austin Land Use Agreement, and to put some names to faces.

Mr. Furtado said he asked to be on the agenda to talk about drought. He said we are in severe drought conditions in the district, and they predicted the drought in January due to the lack of precipitation. He sent out a drought letter at that time to the permittees. Mr. Furtado said the letter asked the permittees to come talk with them at the BLM Office to discuss mitigating drought. He said there were only a few permittees who did. He said they completed a Drought Environmental Assessment (EA) and analyzed the drought management plan that identifies a suite of drought management mitigation options. Mr. Furtado provided photo documentation from the monitoring of drought conditions. He said they finding some severe and ongoing impacts that constitute, in most cases, resource damage. He said this occurs when the forage is over grazed and when the area is adversely and negatively impacted.

Mr. Furtado said the first thing he is doing is asking the permittees to voluntarily remove their cattle from those grazing areas that are adversely impacted. He said if the permittees won't voluntarily remove their cattle, then through regulations, there will be a full force and effect decision, which is effective immediately. Mr. Furtado discussed temporary fencing and temporary water hauling. He also said many of the areas being affected are sage grouse priority habitat.

Commissioner Mason asked why they don't open up the springs, drill down more to let the water flow. Mr. Furtado said that is an appropriate range improvement project. He said there are many water developments around that where authorized and constructed, but not maintained or in a functional state. Commissioner Mason said 80% of Lander County is under Mr. Furtado's management. He said we are an agricultural County and the Rangers need the extra range to survive. He asked if we were going to help the Ranchers or just rope them off because there are problems with the BLM's water supply. Mr. Furtado said if he went by regulations, when they find an area being adversely impacted, he would issue a letter to the permittee telling them they need to remove their cattle in five days and it would be effective immediately. He said he doesn't want to do that, he wants to work with the permittees and look at other options. Commissioner Mason asked Mr. Furtado why he does correct the springs or wells or

make them more useable. Mr. Furtado said there are old projects where the spring dried up. Mr. Furtado also said the maintenance is assigned to the grazing permittee of a well on public lands.

Paula Tomera, Tomera Ranches, asked Mr. Furtado how many springs he was currently working on in the Argenta allotment. She also said she could show what the forage is like at the Mule Canyon allotment and they were hauling water but were removed. Mr. Furtado said the Argenta allotment is currently being documented and there are no spring developments currently being planned. He said there are no spring developments in the Battle Mountain District that are currently being implemented. He said the reason is because it is not a priority. Commissioner Bullock asked if the mines get more time from the BLM because they have more money than the Ranchers. Mr. Furtado said he only has ten people and he puts them with the highest priority. He also said Mines are one of the only locatable minerals and one of the only activities they permit on public lands that have a legal right property right. He said grazing is not a right it is a privilege and is revocable.

Mr. Furtado said when Mule Canyon burned; NDOW came in and gave BLM hundreds of thousands of sportsman dollars, and partnered with them in reseeding efforts. He said the manager, at that time, approached Tomera Ranch and got an agreement for that area to be rested and grazed during the appropriate time of the year (spring to mid-July). He said the last few years, when mid-July comes around, Pete Tomera has applied to stay up there longer. He said he has put a staff member, along with NDOW, with Mr. Tomera to monitor the springs to allow grazing beyond July 15<sup>th</sup>. Mr. Furtado said his people are coming back to him and telling him Argenta is experiencing severe drought related grazing impacts. He said a report is being written that will result in Mr. Furtado meeting with the permittees in Argenta where the field manager, Chris Cook, will ask them to take non-use and reduce their number due to drought.

Commissioner Williams questioned how he was going to control the numbers in wild horses, and if he can't control the wild horses why is he trying to control the cattle.

Eddy Ann Filippini said her and her husband have two allotments in Lander County and one in Humboldt County. She said you can control grazing and the concentration by the distribution of water. She also said there is feed in Mule Canyon and the Tomara's were hauling water. Ms. Filippini talked about the hazard of wild fires and said Mr. Furtado is an enforcer. She said they had asked to be notified when the BLM is going to go out and monitor so they could participate, and they were not. She said grazing is a right not a privilege and this is their livelihood.



Shawn Mariluch questioned why the BLM wasn't moving the cattle to the cheat grass burns to keep the fire down.

Mr. Furtado said there are several federal case laws that say grazing is not a right. He said an enforcer would issue decisions, but he is choosing not to do that. He said when he talks about over grazing he is not talking about cheat grass. It is about native perennials, repairing vegetation, native shrubs and things wildlife and ecology need to be resilient and keep cheat grass and weeds from becoming established. Mr. Furtado said he agreed with Mr. Mariluch on moving cattle to cheat grass areas. They could haul water and put out protein supplements, and keep them there as long as they can. He said that is an appropriate drought management response. He said his goal is to work with the permittees and not issue drought decisions. Mr. Furtado said he has hired GBI's to do the monitoring and he doesn't have the staff to contact the permittees when they will be doing monitoring. He said they would contact the permittees on areas that are in adverse conditions.

Shawn Mariluch questioned why BLM couldn't make a courtesy call to a permittee when they will be in their allotment. He said they would like to be given the chance to go up with them and maybe show them something different. Mr. Furtado said they could do that, but for them to know that it may be last minute.

EddyAnn Filippini said when there is a fire; formally the BLM doesn't let livestock on for three years. She asked if Mr. Furtado issues a decision, full force and effect, that they remove their cattle because of drought, who determines when the range conditions are well enough to go back on. Mr. Furtado said when the drought is over and the resources have recovered based on the objective criteria the closure is lifted. He also said he can't overgraze the resources for the purpose of preventing fire. He said if the native plants die they will be replaced by cheat grass and the fire danger is increased one hundred fold.

Suzanne Lemaire questioned Mr. Furtado if it wouldn't behoove him to spend the time and resources in to develop water systems in other places to help prevent over grazing. Mr. Furtado said, again, it is all a matter of capability and priority. He said he would like to see the permittees come to him and offer to invest in repairing the water developments they do have.

Mr. Furtado said the permittees do not communicate with him on how many of their cows they put out, if it is their whole herd or a reduced number. He said when he goes out to do the monitoring and finds all these adverse conditions he thinks he will be asking them to remove all their cattle. Mr. Furtado said if the Ranchers informed him they made the reduction on their own he would move on to something else. Mr.

Mariluch said he didn't understand how that worked when a rancher already made a reduction and the BLM goes out thinking there is more and decides to make a total reduction. Mr. Furtado said it is based on what they see and he said he sees cattle out where there is no feed.

Ms. Tomera asked how many people have voluntarily reduced their cattle numbers. Mr. Furtado read a list of those who have submitted drought management plans before turn out and have voluntarily reduced their numbers or non-use of cattle or sheep or have moved them away from areas for the wild horse.

Ms. Filippini said, in Mr. Furtado's broad net, it seems like sage grouse and wild horses are first priority over livestock. She said they don't want their cattle to starve and they have reduced their numbers, but she doesn't feel they need to call Mr. Furtado and tell him their business. Mr. Furtado said those who want to work with him and follow the grazing regulations are the ones he will put effort into working with. Those who don't will get a decision in the mail and then they can go to court.

Mr. Furtado said he doesn't have control over the wild horse gathers. He did explain that he can herd them to a different area, haul water or submit an emergency drought gather if the horses are going to die. Commissioner Mason said he feels the priority should be water and getting the springs and wells opened up and working properly. Mr. Furtado said his first priority was going to be to get agreements with people on the land use and if he can't get agreements he will issue decisions.

Mr. Mariluch said there have been bigger fires in the last fifteen years since the cattle numbers have dropped. He said after the fire cheat grass comes in. Mr. Furtado said targeted cheat grass grazing is appropriate. He said the best time for grazing those areas is when the cheat grass is growing in the winter and spring.

Mr. Furtado discussed the EIS Plan for the issues on sage grouse. He applauded Lander County on their commitment and awareness of the sage grouse issues. He said in one year, ten months and seventeen days the Courts will make a decision on of the sage grouse will be listed as an endangered species.

## PUBLIC WORKS

- 8) Discussion For Possible Action Regarding Approval Of The Public Works Department's Job Description For Executive Secretary Position & Other Matters Properly Related Thereto: Tami Dimitroff, Administrative Assistant to the Road and Bridge Departments, she said this is the position she vacated. She said when the department was split the job descriptions weren't updated. She reviewed the changes made to the job description.

There was discussion on why the grade was changed from an 18 to a 20 and the use of adding "Executive" to Secretary or Clerk to get more pay to do the same job. It was stated that in the bargaining unit contract this job title is a grade 20.

Commissioner Stienmetz moved for the Commission to approve the updated Public Works Department job description for the Executive Secretary position. Seconded by Commissioner Mason, the motion was moved and carried. **APPROVED**

- 9) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Fencing Project & Other Matters Properly Related Thereto:** Commissioner Bullock said he didn't think this project was the responsibility of the County. He said the County leases that property to the Race Track. James Barnes, Deputy District Attorney, said it is being paid for with public money. Commissioner Bullock said the County gave them a grant. Mr. Barnes said they looked at it in their office and determined it should go through the Commissioners. Steve Brigman said before the projects are put out to bid they seek the advice of the District Attorney's Office. Executive Director, Gene Etcheverry, said it can't be the project of the Race Track because it is a public project under NRS. Commissioner Bullock said this project will have to wait another year then because the County gave them a grant. Rogene Hill, Finance Director, said a letter has been sent asking for the money to be returned. Mr. Etcheverry said it can't be done as a grant because it is a lease holder improvement on public land and if it is \$100,000.00 or more it is a Public Works project. Ms. Hill asked the Board if they had known all of this would they have still approved the lighting and the fencing to improve their County land. Commissioner Mason said he didn't think they would have changed it.

Steve Brigman, Shaw Engineering, said there were eight bids. He said the low bidder was Throll Fence in the amount of \$140,501.16. He recommended the award of bid to Throll Fence. He said they would start after the approval of the contract.

Ms. Hill said there were no engineering fees added. Only an estimate of the project was brought before the Board. She said that was the amount granted. She said they cannot go over \$119,950.00. That was the amount granted for the fencing. She said \$231,290.00 was granted for the lighting less \$3,000.00 already paid out to NV Energy for permitting. She said \$211,565.00 less the \$3,000.00 for the Motocross leaving them \$208,565.00. She said they are short \$1,696.16 on both projects. She said engineering costs would need to be paid as well. She said after the \$3,000.00 paid out for each one, they have \$556,805.00 for both projects.

There was discussion of the excess dollars coming from the Race Track and the Moto Cross. There was also discussion of only approving one project and doing the other one next year. Mr. Etcheverry said they were bid as a Public Works Project. Commissioner

Stienmetz said the Race Track and Moto Cross needed to be approached and have them decide if they want to pay for the remaining cost or choose which project they want done this year. Ms. Hill said Mr. Brigman also needs to give them a number on the cost for engineering. Mr. Brigman said there is other possible costs not accounted for at this time that could be in the \$30,000.00 to \$40,000.00 range.

Commissioner Stienmetz moved for this to be brought back to the Race Track and the Moto Cross Clubs and let them determine if they want to do the fencing based on these bids, and to defer action by the Commission. Seconded by Commissioner Mason, the motion was voted and carried. DEFERRED

- 10) Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Lighting Project & Other Matters Properly Related Thereto: Commissioner Stienmetz moved that the lighting project be sent back to the Race Track and the Moto Cross and allow them to determine what they want and all Commission action be postponed until they can review this. Seconded by Commission Williams, the motion was voted and carried. DEFERRED

#### ROAD & BRIDGE SOUTH

- 11) Discussion For Possible Action Regarding Approval/Disapproval Of A Change Order For The Austin/Kingston Paving Project 2012 To Facilitate An Increased Scope Of Work In An Amount Not To Exceed \$365,000.00 & Other Matters Properly Related Thereto: Burt Ramos, Road and Bridge Foreman South, said what he is asking to do is use the remaining funds of what was approved for paving. He said he got excellent prices for the asphalt in Austin. He said it came in way under and he usually does alternates but he didn't this year. He said the asphalt came in at \$2.19 a square foot verses almost \$3.00 a square foot last year. He said with those prices he has a considerable amount of money left and would like to pave some roads in Gillman Springs and continue on with his five year paving plan in Austin. Mr. Ramos provided a map of the road in Gillman Springs he would like to pave.

Commissioner Williams moved for the Commission to approve Change Order #1 for the Austin/Kingston Paving Project 2012, to facilitate an increased scope of work, in an amount not to exceed \$365,000.00. Seconded by Commissioner Stienmetz, the motion was voted and carried. APPROVED

**COMMISSIONERS**

**12) Correspondence/Reports/Potential Upcoming Agenda Items:**

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

1. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Glacier Construction, Inc., letter regarding Application Filing Number: 10-10006G; Project Name: Ormat McGinness Hills Project.

Commissioner Bullock said he wants Notifying the Union about bargaining with a full Union to be put on as an upcoming agenda item. He said that now is the time to get it on the agenda. Executive Director, Gene Etcheverry, said it should have been done. Commissioner Bullock said they have until the first of August. Commissioner Williams addressed James Barnes, Deputy District Attorney, and reminded him they talked about this and Mr. Barnes said they could put it on the agenda when they were ready.

Commissioner Williams said they still didn't complete the evaluation on the Executive Director. He said they had a meeting and determined they were going to clarify the job description and the contract. He said it has never come back and it needs to. Mr. Barnes said notice would need to be given.

Commissioner Williams also said another item to be on the agenda was the to clarify the expansion of the sewer system.

**PUBLIC COMMENT**

Donnie Negro, Road and Bridge North, asked if the Race Track belongs to them or the County. It was stated the county owns the property and leases it to the Race Track and the Moto Cross.

Commissioner Williams said there would be an RTC meeting at 3:00. (July 12, 2012)

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Mason moved to adjourn the meeting of July 12, 2012. Seconded by Commissioner Stienmetz the motion was voted and carried. ADJOURNMENT

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

ATTEST: Sadie Sullivan  
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.*