

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 August 23, 2012 at 9:00 a.m.

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

ABSENT: STEVEN STIENMETZ, COMMISSIONER

9:00 A.M.

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four Commissioners.

Commissioner Williams led the Pledge of Allegiance.

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

APPROVAL OF AGENDA NOTICE

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

APPROVAL OF MINUTES

August 9, 2012 – Regular Session

Commissioner Garner moved to approve the minutes of the August 9, 2012 regular session. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSIONER REPORTS

Commissioner Williams reported on his disappointment that the Board did not pass the Emergency Drought Declaration, because of the situations in surrounding Counties and in Austin. He also reported Eureka County has made a decision to appeal the State Engineers Water Rights Ruling on the transfer of water. The reason is because they feel it is going to affect future water transfers and historic descriptive rights on the water. Commissioner Williams commented on the issue with the Pony Express Rider Silhouette and where it was to be placed.

Dee Helming, Austin Chamber of Commerce, told the Board she talked to the State Engineer in Ely and was told as long as the silhouette is thirty feet off the right-of-way there would be no problem with NDOT. Ms. Helming also talked with the water department and as long as it is not where the water department is going to put the new lines they don't have a problem with it either.

Commissioner Williams also reported on a meeting in Carson tomorrow (Friday August 24, 2012) that will be the last meeting of the State Legislative Public Lands Committee.

STAFF REPORTS

Executive Director, Gene Etcheverry, restated the meeting in Carson of the State Legislative Public Lands Committee. Mr. Etcheverry also reported on a meeting to be held on Monday, August 27, 2012 with Summit Engineering at the NDOT Headquarters, to discuss the highway projects and how they will interface with the levee project. Mr. Etcheverry attended a meeting, in Reno, on August 17, 2012 with Stantec and Shaw Engineering on the Austin Loneliest Highway Visitor's Center. Once approval by the State Historic Preservation Office (SHPO) comes in they will be set to go. The Shoshone Tribe of the Yomba Reservation has requested representation in one of the interpretive panels on the site. They will need to submit what they want on the panel to Mr. Etcheverry and it will come before the Commission in September. They do have a right to come forward at any point prior to the project going out to bid.

Commissioner Williams asked why the pre-construction conference was cancelled. Mr. Etcheverry stated they can't have a pre-bid conference until NDOT says they are ready to go to bid, and they have not.

George Agnor, on behalf of the Stakeholders and the family that donated the land, stated he was not convinced, as far as the Indians are concerned, that under section 106 of the NRS they would have an input if they didn't attend the community meetings. Mr. Agnor stated the second portion of that is, what would prohibit Colorado or Utah from coming to Austin and telling Austin they need an interpretive panel. Mr. Agnor stated the Yomba's are in Nye County and have nothing to do with Austin particularly. The children don't go to school in Austin and he

feels it is a stretch of the statute. Mr. Agnor also requested the Stakeholders be informed when meetings are held before they are published in the paper or discovered after they happen. He feels the stakeholders have had little to say about the project. Mr. Etcheverry told Mr. Agnor that the only meetings that have taken place, other than the stakeholder's meetings, have been the Administrative Team meetings. Mr. Agnor stated they don't know what the design looks like. Mr. Etcheverry told Mr. Agnor the design hasn't changed from the one first one they saw, and he would make sure he gets a copy of the drawings.

PAYMENT OF THE BILLS

Cindy Benson presented the Board with bills to be ratified.

Commissioner Bullock asked if the checks to Blue Moon where annual, quarterly or monthly? Ms. Benson replied by saying it is usually monthly.

RENO BUICK GMC CADILLAC

Commissioner Garner moved to ratify check #41656 in the amount of \$43,751.00 to Reno Buick GMC Cadillac. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

LANDER COUNTY HOSPITAL DISTRICT

Commissioner Garner moved to ratify check #41650 in the amount of \$22,699.14 to Lander County Hospital Board (LCHD). Seconded by Commissioner Williams, the motion was voted and carried.

APPROVED

H.E. HUNEWILL CONSTRUCTION

Commissioner Garner moved to ratify check #41644 in the amount of \$2,534,056.52 to H.E. Hunewill Construction. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

BOARD OF REGENTS

Commissioner Garner moved to ratify check #41636 in the amount of \$119.22 to the Board of Regents. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

H.E. HUNEWILL CONSTRUCTION

Commissioner Garner moved to ratify check #41627 in the amount of \$65,482.96 to H.E. Hunewill Construction. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

Commissioner Garner questioned check #41652 to NORCO under the Battle Mountain Ambulance. He questioned if the bill from NORCO was for the Battle Mountain Ambulance or if it was for LEPC. Commissioner Garner named some of the items listed in the bills, such as boots, flashlights, docking stations, HAZMAT Suits, eye gas readers and pressure regulators. It was stated, if this is for the Ambulance, it is not the responsibility of the County. Ms. Benson checked to see where the bill was coded from and confirmed it was for LEPC. Ms. Benson said there was \$641.00 that was for the Hospital and it was deducted from their payment.

NORCO, INC

Commissioner Garner moved to ratify check #41652 in the amount of \$16,771.14 to NORCO, Inc. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

Commissioner Garner moved to approve submitted expenditures in the amount of \$303,385.83 from check #41668 thru #41776. Seconded by Commissioner Mason.

Commissioner Williams questioned check #41746 to William Schaeffer for his contract as an Alternate Public Defender. He also questioned the benefit to the County and if there has been any tracking concerning the number of cases he has represented. Mr. Etcheverry informed the Board that in Mr. Schaeffer's invoices he gives a detailed account on the cases he is working on, but he has only seen one.

Sadie Sullivan, Lander County Clerk, told Commissioner Williams some of the cases for Mr. Schaeffer would come through District Court, however if the District Court Judge appoints council it does not have to be Mr. Schaeffer.

The motion was voted and carried with Commissioner Garner abstaining from check #41673.

APPROVED

PAYROLL CHANGE REQUESTS

No Payroll Change Requests.

PUBLIC COMMENT

No Public Comment at this time.

FINANCE

- 1) Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, reported they are going through the contracts, on a case by case basis. They are looking to see what is in the contract and what the payment is compared to what they are getting. Letters will be sent to those with discrepancies.

9:30 A.M.

Commissioner Bullock opened the Public Hearing.

PUBLIC HEARING

- 2) Public Hearing To Discuss Lease Of Storage/Maintenance Shop Facility "Old Battle Mountain Water & Sewer Yard" Located At 145 West Third Street In Battle Mountain, Nevada: Executive Director, Gene Etcheverry, stated the Public Hearing was open to receive any public comment, testimony on leasing the Lander County owned premises on Third Street, formally known as the "Old Battle Mountain Water & Sewer Yard" at 145 West Third Street in Battle Mountain. This property is not currently in use. If the Board finds, in a Resolution, that it is in the best interest of the County, the property can be leased as it has been in the past.

Commissioner Garner asked why they would want to.

Commissioner Williams asked why they didn't just sell the property. The front part is currently being used by New Frontier for Counseling Services.

Commissioner Mason asked if the leases are renewable every year or one year at time. Mr. Etcheverry stated most of them are now that there is a more uniform format.

Commissioner Garner expressed his concern with the lease being if something goes wrong with the property the County has to pay to have it fixed. With no general fix-it guy it is more cost to the County. He suggested a lease "As Is" instead of expecting the County to fix every problem.

*Commissioner Garner moved to close the public hearing. Seconded by Commissioner Williams, the motion was voted and carried. **PUBLIC HEARING CLOSED***

COMMISSIONERS

- 3) **Discussion For Possible Action Regarding Adoption Of Resolution No. 2012-17, Pursuant To Nevada Revised Statutes (NRS) 244.2833 (1)(b), A Resolution To Establish Lease Of The "Old Battle Mountain Water & Sewer Yard" Being In The Best Interest Of The County & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, explained, as per the provisions of the Nevada Revised Statutes (NRS) 244.2833, in order for the County to lease this property, as they have in the past, the Board is required to pass a resolution finding it to be in the best interest of the County. Without two appraisals and average market rent.

The Resolution states this property qualifies to be leased, proper publication and notice did occur, that the facility is not currently being used by the County, and it was offered to and would be, if approved, leased to a regular provider of service to Lander County. Therefore it is in the best interest of Lander County to lease this facility.

Commissioner Williams moved for the Commission to approve and adopt Resolution No. 2012-17, a Resolution to establish the lease of the "Old Battle Mountain Water and Sewer Yard" being in the best interest of the County, pursuant to Nevada Revised Statutes (NRS) 244.2833 (1) (b). Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 4) **Discussion For Possible Action Regarding Lease Of The Storage/Maintenance Shop Facility "Old Battle Mountain Water & Sewer Yard" Located At 145 West Third Street In Battle Mountain, Nevada & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board there was one response to the notice of lease. The offer was received from Mr. Scott D. Bullock, d/b/a Bullock Mechanical, and his request met all the criteria for the request of proposals.

Scott Bullock, Bullock Mechanical, addressed the Board and stated his proposal was easy to read over. He also stated the building would be kept in better shape if someone was in there, and they could work together on keeping the facility up (maintained) with minimal cost.

Commissioner Williams read a portion of the Mr. Bullocks proposal that states the County would be responsible for repair and maintenance to plumbing, heating and electrical systems in the shop building. Commissioner Williams questioned the roof and the walls.

There was discussion on the terms of the contract, the maintenance of the shop and the renewal of the lease.

Mr. Etcheverry updated the Board that Mr. Bullock was currently in the process of obtaining his General Contractor's License as well.

Commissioner Mason moved for the Commission to accept the proposal received from Mr. Scott D. Bullock, d/b/a Bullock Mechanical for lease of the Lander County-owned storage/maintenance shop facility, known as the "Old Battle Mountain Water and Sewer Yard" located at 145 West third Street in Battle Mountain, Nevada, at a monthly rental amount of \$200.00, for an initial one-year period and an automatic renewal for a subsequent one-year period. Seconded by Commissioner Williams, the motion was voted and carried, with Commissioner Bullock abstaining from any discussion and from the vote on this item. **APPROVED**

ROAD & BRIDGE SOUTH

- 5) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Relating Thereto:** Burt Ramos, Road and Bridge South, reported on flash flooding in Kingston. Mr. Ramos went on to say the road they just paved held up but there were some dirt roads that washed out and washed a lot of debris onto the roads. They were continuing cleanup.

Mr. Ramos also reported on who he talked to regarding the Pony Express Silhouette and stated it was more of a Water Board issue then Road and Bridge because they want to place it next to the water pump station. There has been a tentative plan to put a windmill in that area. Mr. Ramos suggested the Board may want consider getting a licensed Contractor to do the work verses Kip Helming for liability issues. Mr. Ramos was told by NDOT they don't like to put signs in speed changing zones and it can be a liability to the County.

Commissioner Williams brought up the issues he has with the wind mill being placed in that area, and said he would be opposed to it being put right along the side of the highway and right next to a shop. Commissioner Williams stated the silhouette was originally supposed to be place North of Eureka where it wouldn't be seen as much by the public. It was decided to bring it back and put it on the Highway. The whole history of Austin revolves around the Pony Express.

Commissioner Williams asked Mr. Ramos if he was against the Pony Express Silhouette. Mr. Ramos replied that he was not opposed; he just wanted the Board to have all the facts before the sign is placed.

Dee Helming restated she talked with NDOT and they didn't have any issues when she spoke with them. She also spoke with Louie and the only issue he could see was when they brought the new water lines in if it was in the same location, but it is not. The

footings have to be two foot deep and the main lines are more than two feet deep. Ms. Helming told Mr. Ramos that Kip Helming is a licensed contractor. Mr. Ramos said he thinks he needs a license for building not electrical. Ms. Helming said he has general building and electrical. **NO ACTION – DISCUSSION ONLY**

ROAD & BRIDGE NORTH

- 6) **Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, updated the Board on the progress of the Battle Mountain 2012 Road Projects. The in town paving is done, but they still need to raise the utilities. The goal Mr. Negro set was to have it done by the time school started. They have started on 8A and the people will have a detour to get around. Mr. Negro stated the projects are moving along good and Marvel Road should be finished next week. They will chip seal some of the older roads and it is in the contract for the roads to be striped. **NO ACTION-DISCUSSION ONLY**
- 7) **Discussion For Possible Action Regarding Ratification Of Contract Between Lander County & Hunewill Construction Co., In The Amount Of \$2,209,926.48, For The 2012 Road Paving Projects, PWP-LA-2012-251, & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, reminded the Board this was not on the agenda last meeting, but they went ahead and approved so he could give the notice to proceed.

Commissioner Garner moved for the Commission to ratify the Contract between Lander County and Hunewill Construction Co., in the amount of \$2,209,926.48, for the 2012 Road Paving Projects, PWP-LA-2012-251. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

- 8) **Discussion For Possible Action Regarding Approval/Disapproval Of Change Order No.1 For The Lander County Paving Project – Overlay Projects 2012, In The Amount Of \$477,340.00, & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, informed the Board when he went out for his paving projects he set a price and this is what is left. This is money already allocated and Mr. Negro want to use it on other projects like an overlay on the road going into the golf course and the road to the landfill from the gate up. There was discussion on widening the road at the golf course or adding some angle parking for the softball field.

Commissioner Garner moved for the Commission to approve the change order Overlay-Project 2012 in the amount of \$477,340.00. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

PUBLIC WORKS

9) **Discussion & Update On Public Works Projects & Other Matters Properly Related**

Thereto: Jake Edgar, Pubic Works Foreman, reported the golf course emergency greens renovation is going well. A tuck with sod had a pallet refused due to the sod being rotted. After the sod is cut there is limited time for it to be placed. They have 9, 8 and part of 6. They will be starting on 2 then do 1 and the practice green. Mr. Edgar thanked Mr. Negro and his mechanics for their help with the service carts.

Mr. Edgar asked the District Attorney, Angie Elquist, if she had received anything from Nelson Electric or Tholl Fencing on their contracts or bonds. Ms. Elquist answered that she hasn't. Mr. Edgar is waiting on those and then the fencing and lighting projects can begin.

Mr. Edgar reported there have been some issues with water wells. One of the trans fusers got hung up down in the trans fuser pipe. They have a backup plan if it is needed. Commissioner Bullock asked about the new well, well #9. Mr. Edgar informed the Board they will be drilling a test hole in September. Mr. Edgar has been working with Steve Brigman of Summit Engineering and G3 Engineering on the problems with the current wells and computers. There was discussion on how to prevent head loss and the placement of the new well.

Mr. Edgar also reported the notice to proceed will be sent out on the remaining parks.
NO ACTION-DISCUSSION ONLY.

COMMISSIONERS

10) **Discussion For Possible Action Regarding Amendment No. 2 To The Agreement Between The Nevada Department Of Transportation (NDOT) & Lander County For The Austin Loneliest Highway Visitors Center Project & Other Matters Properly Related**

Thereto: Executive Director, Gene Etcheverry, addressed the Board with Amendment No. 2 between the Nevada Department of Transportation and Lander County for the Austin Loneliest Highway Visitors Center Project. On April 30th additional funding was requested and the response was received on May 11th. After the review the Amendment is before the Board for Approval to fully fund the project. The original agreement was dated March 30, 2009 and Amendment No. 1 was February 7, 2011 for the purpose of clearing the title and land conveyance process. Mr. Etcheverry stated this is \$100,000.00 more from Federal Highways through NDOT and Lander County's 5% is \$5,263.00. This increases the total project funding to \$754,128.00 for the project.

Commissioner Garner asked if Rogene (Finance Director) had received the money back from this yet. Mr. Etcheverry answered by stating a request for funds, request #2, is still

out to NDOT and he has a call into them. Commissioner Garner expressed his concern that the County has been waiting for this money for over two years and they (NDOT) has never refunded the original money. Mr. Etcheverry stated the original money was refunded in December of 2011 and was sent in June. Mr. Etcheverry also stated the current request for funding, request #2, was submitted April 28th and a third request is ready to be processed. Once the project starts there will be weekly requests.

Commissioner Garner moved for the Commission to accept and approve Amendment No. 2 to the Austin Loneliest Highway Visitor Center Project Agreement, Local Public Agency (LPA) Project Number 73504, Agreement Number PR070-09-063, reflecting the increase of funding to complete the Project in the amount of \$105,263.00, with \$100,000.00 being funded through Federal Enhancement funding and \$5,263.00 being funded by Lander County, and authorize the Chair to sign the Amendment. Seconded by Commission Williams, the motion was voted and carried. **APPROVED**

- 11) Discussion For Possible Action Regarding Approval/Disapproval Of Supplemental Engineering Agreement No.1 To The Existing Agreement For Professional Services Between Lander County & J-U-B Engineers, Inc. Dated July 26, 2011, In An Amount Not To Exceed \$1,145.00, For Additional Engineering Services Rendered During Battle Mountain Airport Apron Reconstruction Project, AIP 3-32-0001-21 & Other Matters Properly Related Thereto:** J.D. Heithoff, P.E., Of J-U-B Engineers, addressed the Board and stated there needed to be a correction. The actual increase being requested in Engineering Services is \$12,595.00, however the total amount of the not to exceed \$165,599.80 is correct.

Commissioner Garner asked if the County was over the maximum amount on this project. Mr. Heithoff answered by stating that was correct on the Engineering. The Total project value of the Battle Mountain Airport is just over \$1.5 million. Mr. Heithoff reported the construction on the project is in the very last stages of close out. The total cost of the project including construction and Engineering fees will come in \$50,000.00 under that amount.

Mr. Heithoff explained the request for the \$12,595.00 for Engineering fees is for additional inspection days that were required because the contractor over ran the contract by four contract days. The contractor was charged liquidated damages in the amount of \$1,500.00 for two of those days because two of those were working days and two were stand by days. The second part of the additional request is for additional time for execution of contract documents. The original bidder was Aggregate Industries and the contract execution work was with them. Aggregate Industries sold a portion of their Company to Road and Highway Builders prior to the first day of work. A contract

assessment had to be done. The FAA will pay 95% of the \$12,595.00 and 5% to Lander County in the amount of \$630.00.

There was discussion on the Contractor being responsible for the additional costs.

Commissioner Williams moved for the Commission to accept and approve the Supplemental Engineering Agreement No. 1 to the existing Agreement for Professional Services between Lander County and J-U-B Engineers, Inc. dated July 26, 2011, in an amount not to exceed \$1,145.00, for additional engineering services rendered during the Battle Mountain Airport Apron Reconstruction project, AIP 3-32-0001-21. Seconded by Commissioners Garner.

Mr. Heithoff stated the actual increase request is for \$12,595.00 total, but the fixed fee is the \$1,145.00.

Commissioner Williams amended his motion to include the total amount of the increase is \$12,595.00.

Commissioner Bullock questioned if the FAA was the other portion of the contract between Lander County and J-U-B Engineering. Mr. Etcheverry stated the FAA follows Lander County's agreement.

Seconded by Commissioner Garner, the motion was voted and carried. **APPROVED**

- 12) Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-18, A Resolution In Support Of Post-Secondary Educational Services Provided By Great Basin College To Nevada Citizens In Rural Nevada & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, addressed the Board and reminded them, in the last Commission meeting, it had been stated there was a meeting for Great Basin College in Winnemucca on August 3, 2012. There is a problem with the funding formula and it's the subject of an Interim Legislative Sub-Committee. It takes, heavily, into account the number of people that attend any single UNCE System. Mr. Etcheverry stated this Resolution was formulated by the North Eastern Nevada Economic Development Association and is being circulated to all rural Local Governments. Mr. Etcheverry also stated he worked with the Resolution but he didn't change the spirit or the intent. He just made it a little more clear.

What the Resolution, basically, says is for those in rural areas want this funding to be looked at they support Great Basin College's efforts into getting a funding system in place so people in rural places, especially Lander County, have access to higher education.

Mr. Etcheverry read a portion of the seventh WHEREAS that states “systemic cutbacks to the Fallon Campus of the Western Nevada College in Churchill County” and it goes on to say “Lincoln, Pershing, Mineral and Esmeralda Counties have seen reduction almost to no higher education services being available.” Fallon is actually looking at their alignment and will possibly aligning with Great Basin College.

Commissioner Garner moved for the Commission to adopt and pass Resolution No. 2012-18, a Resolution in support of post-secondary educational services provided by Great Basin College to Nevada citizens in rural Nevada. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

13) Discussion For Possible Action Regarding Development & Submission Of A Bill Draft Request (BDR) For Action By The 2013 Nevada State Legislature To Relax And/Or Eliminate State’s Statutory Provisions To Allow For The Adjustment Of Property Boundary Lines, Easements & Realignment Within The Town Of Austin & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, stated this issue was discussed in the last regular meeting of the Commission. It is getting down to the wire to get a Bill Draft Requests in. One suggestion, that will help Lander County, is to get some special dispensation from the Statutory and Nevada Administrative Code Provisions, where adjustment of boundary lines, easements, street and road abandonments become very expensive and time consuming. This was done in the 2009 Legislation for the sites of Lida and Gold Point in Esmeralda County.

Commissioner Williams believes this is under a Court Order. Mr. Etcheverry believed the wording to be “The County would use any and reasonably available resources to get the Town of Austin’s boundary lines and street alignments correct.” This decision was made in 1989 and very few have been done.

Commissioner Garner asked why this couldn’t be done through the Planning and Zoning. Mr. Etcheverry answered by saying only the Legislature could give special dispensation from the State.

Commissioner Garner moved for the Commission to approve the proposal to develop and submit a Bill Draft Request (BDR) for action by the 2012 Nevada State Legislature to relax and/or eliminate State’s statutory provisions to allow for the adjustment of property boundary lines, easements and realignments within the Town of Austin. Seconded by Commissioner Williams

CLOSED LABOR SESSION PURSUANT TO NRS 288.220

The Board adjourned the regular Commission meeting to convene a Closed Labor Session.

14) Closed Labor Session With Management Representative To Discuss Upcoming Labor Negotiations:

The Board adjourned the Closed Labor Session to reconvene the regular Commission meeting.

COMMISSIONERS

15) Discussion For Possible Action Regarding Review Of Lander County Local 3 General Employees' Bargaining Unit Representation & Paid Membership Report; Direction To Staff On Whether Or Not To Proceed In Filing A Petition To Decertify The Bargaining Unit; & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, stated before the Board was a report of the represented positions in the Lander County Local 3 General Employee's Bargaining Unit and the number of those represented positions that are actual member of the Union. There are forty-seven represented positions of which eight are paid member of the Union. It was stated those on probationary status cannot join.

Commissioner Williams moved for the Commission to direct staff to request Charlie Cockerill to draft a petition with EMRB to decertify Lander County Local 3 General Employee's Bargaining Unit due to lack of majority membership status. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

16) Discussion For Possible Action Regarding Update By Phil Hanna, Battle Mountain General Hospital CEO, On Emergency Medical Services In Lander County, Under Administration By The Lander County Hospital District (LCHD), & Other Matters Properly Related Thereto: Phil Hanna, Battle Mountain Hospital, updated the Board on the Emergency Medical Service since it's transfer from Lander County to the Battle Mountain Hospital on July 1, 2012. Mr. Hanna reported that sixty-eight requests for services were addressed by the EMS Service and those resulted into thirty-five billable runs. He stated there would be about four hundred billable runs in the first twelve months of service and that is twice as many as the volunteers were able to handle.

Mr. Hanna stated he had received some positive feedback from the Sheriff's Office that the EMS Service is there in a timely fashion and sometimes are the first on the scene.

Mr. Hanna also reported on two cases, one of a young adult and one a toddler, that the nurses has commented that if the paramedic hadn't been there to start the medications and the IV's that they did those patients wouldn't have survived.

Mr. Hanna stated he has had some meetings on the service in Southern Lander County and has received significant amount of interest on the EMS Service. He also stated they are about midway through the process of getting and EMS Education Course put together, in Austin, and that will allow for conversation on the money budgeted for an EMS vehicle and what is the most appropriate way to get the vehicle.

Mr. Hanna will be reporting on a quarterly basis on the EMS Service. Every ambulance response is reviewed for quality improvement. He feels they are off to a good start.

Some of the outside graphics on the two ambulances where updated. There was also some equipment required such as monitor, defibrillators for paramedics and medication vaults that where installed in the Ambulances. The communication system was also updated.

Commissioner Mason asked if Mr. Hana has a workable plan that is pushing forward for South Lander County. Mr. Hanna answered that it is not completed because it is going to be driven by levels of involvement and the kind of vehicle. There was discussion of where patients form Austin and Kingston would be transported. Mr. Hanna would like to see more patients transferred to Battle Mountain, but depending on the medical needs they may be transferred to Banner Churchill. The Southern Lander County patients are currently being transferred to Banner Churchill.

Commissioner Williams shared his concerns on who wants to attend the classes and be a part of the service. You can buy a vehicle but if no one wants to run it the State doesn't want them running with unlicensed people. Mr. Hanna suggested not buying another vehicle for down south until they determine the level of interest and resources.

Commissioner Bullock addressed Mr. Hanna and stated that as of July 1st he agreed to provide service down south. Two months later they still don't have service. Commissioner Bullock stated that Mr. Hanna had three months before July 1st to make plans and look at these issues, and told Mr. Hanna that he is in breach of the agreement.

Commissioner Garner stated the service is excellent, but the problem is he has been getting a lot of complaints about the ambulances and the speeder car. He asked Mr. Hanna if the car was really needed to get to the scene first for \$40,000.00. Commissioner Garner also stated, upon making this agreement, the service would be derived and built off of Lander County. Not to this day has he seen anyone from Lander

County in the Ambulance Barn. It is all Humboldt County. Commissioner Garner asked if Mr. Hanna was going to call Humboldt County to have them do everything for us, then why the Commissioners didn't do that. It is their job for the constituents of this County to take care of Lander County and build something sustainable for Lander County. Now it is all directed and passed over to Humboldt County.

Commissioner Garner asked Mr. Hanna if the graphics and paint, done on the ambulances, was kept local. Mr. Hanna replied as local as they could and couldn't tell the Board where they were painted. Commissioner Garner told Mr. Hanna it was not done local. He also told Mr. Hanna, since the County is paying for the fuel he would like the ambulances to stay in the barn and not be driven around town looking for belts or going lunches. Commissioner Garner also talked about those coming to service Battle Mountain living in the ambulance barn and how that is not a proper facility to be living in. They should be staying in the hotels, buying our gas and eating at our restaurants where they would be giving some money back to our community.

Mr. Hanna responded by saying he was unaware of anyone staying the night in the Ambulance Barn and it was his understanding they were staying in the dorm across from the Hospital. The EMS Service has been more mobile out in the community to let them know the service is available and they are prepared to be immediately available to respond.

Commissioner Garner told Mr. Hanna the County wasn't giving him \$25,000.00 a month to be wasted by buying a super car. It only takes two minutes to drive across town and there is no stop light. That is \$40,000.00 more that will have to be found and peeled off the top of the budget. That is more money at the end of the year the County will not get back and the Hospital will not have. Commissioner Garner asked if they really need some of that stuff.

Mr. Hanna replied by saying he believes they do. His issue is that the priority has been getting a good service on the street. He asked if a good service is on the street saving lives. Mr. Hanna stated there are five or six people in the community that are involved in the service currently.

Commissioner Bullock asked how they can get more interest from the community to join the service if there is no training in Battle Mountain. Commissioner Mason asked how long it takes to get someone trained and brought up to certification. Mr. Hanna answered by saying it depends on the level of certification. It could be anywhere between 20 and 140 hours.

Commissioner Williams expressed his concerns of not even having a basic service in Austin. Ambulances have been coming from Round Mountain and other areas.

Commissioner Bullock stated there was one who has served this community for a long time and was told by Mr. Hanna's EMS Coordinator that he was no longer needed. That was a local who has dedicated a lot of time.

Mr. Hanna said they have a paramedic service in place and as people are trained to whatever level they replace those individuals. Commissioner Garner asked if it had to be a paramedic service. More people might be more interested if it was a basic service like it was before.

Mr. Hanna stated there are two families who would probably disagree with Commissioner Garner because without the paramedic service their loved ones would not be here. Commissioner Bullock told Mr. Hanna to be careful making that statement because he doesn't know that.

Mr. Hanna went back to providing a first class service on the street, and stating that is what they are doing. Commissioner Bullock told Mr. Hanna that no one has argued the service other than the lack of it in Austin and the fact that our own people are not being utilized. Mr. Hanna was told he needs to refocus where he is trying to promote his energies.

Commissioner Garner brought up the issue that it would be better to have anyone in Austin, even if they were just EMT's then to not have anyone. Their hearts beat just the same in Austin as they do in Battle Mountain and they need to be treated the same. He reiterated Mr. Hanna's comment on the young woman who would have died, but asked what Mr. Hanna what he would say to those people in Austin who don't have a service.

Executive Director, Gene Etcheverry asked Mr. Hanna about the fuel costs for the ambulances and the fly car. Mr. Etcheverry stated they had ordered a fuel card for the fly car and under the MOU a quarterly settle up is provided for. Mr. Etcheverry asked if they should supply the fuel card for the fly car and if they should settle up monthly or quarterly.

Mr. Hanna replied by saying the fly car expenses are part of the EMS expenses that are covered in the quarterly settle up. If the County pays directly for something then it would not be part of the quarterly settle up and if the Hospital pays for it would be part of the quarterly settle up.

Mr. Etcheverry stated the fuel for the ambulances are covered under the agreement, but the fly car is not. Mr. Hanna said they could pay for those fuel costs and that would be part of the settle up. Mr. Etcheverry also stated the fuel costs, unfortunately, were not included in the MOU. Lander County is responsible for the hard goods and vehicles they had. Mr. Hanna expressed his willingness to sit down and discuss any issues and how they want to deal with them. **DISCUSSION-UPDATE ONLY**

17) Correspondence/Reports/Potential Upcoming Agenda Items:

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

1. TRACY LARKIN-THOMASON, P.E. NEVADA DEPARTMENT OF TRANSPORTATION, to Chairman Dean Bullock, Lander County Commission, letter of appreciation for opportunity to present NDOT's Annual Work Program at recent Commission meeting.
2. US FISH AND WIDFLIFE SERVICE, NEVADA FISH AND WILDLIFE OFFICE, to Lander County Board of Commissioners, postcard announcing two Spring Mts. Butterflies to be reviewed for possible protection under the Endangered Species Act.
3. CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding Preliminary Environmental Assessment (PEA) for the Ruby Hill Project (NVN-067782).
4. TERRY TIERNAY, RENO, NEVADA, to Lander County Board of Commissioners, letter regarding legislation passed and signed by Governor during the 2011 Legislative Session.
5. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Board of Commissioners, e-mail regarding Secure Rural Schools and Payment-In-Lieu-Of-Taxes (PILT) funding.
6. DOUGLAS W. FURTADO, DISTRICT MANAGER, BUREAU OF LAND MANAGEMENT, to Permittees, letter regarding drought conditions and drought related resource impacts throughout the Battle Mountain District.
7. KEVIN E. SULLIVAN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Amanda Appelt, Western Energetix, letter regarding Groundwater Monitoring Report – 2nd Quarter 2012, Western Energetix Bulk Plant, 125 N. Mountain Street, Battle Mountain, NV, NDEP ID #5-000289, Petroleum Fund #2009000020.

8. JUNE MANHIRE, CHAIRMAN, KINGSTON TOWN BOARD, to Lander County Commissioners, letter expressing appreciation for the Board's recent decision to give two parcels of property held by the Lander County Treasurer to the Town of Kingston.
9. JUNE MANHIRE, CHAIRMAN, KINGSTON TOWN BOARD, to Lander County Commissioners, letter expressing appreciation to the Lander County Commissioners and Lander County Road and Bridge South Department for the road paving project recently completed in the Town of Kingston.
10. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioners, e-mail regarding offset of geothermal revenue to Payment-In-Lieu-Of-Tax (PILT) concerns.
11. KENNETH R. BROWN, WESTEREN COUNTIES ALLIANCE, to Lander County Commissioners, e-mail regarding HB 148, the Public Land Transfer bill passes by the Utah Legislation during the 2012 session.
12. KEVIN E. SULLIVAN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to the Estate o Martin t. Wessel, c/o Misty Wesse-Darr/Debra Jill Phillips, letters regarding 2nd Quarter 2012 Monitoring Report, Former Ted's Chevron Facility, 474 West Front Street, Battle Mountain, NV, Facility ID #5-000104, Petroleum Fund ID - 1999000052.
13. PENNY WOODS, PROJECT MANAGER, BUREAU OF LAND MANAGEMENT, to Reader, letter regarding errata sheet for Clark, Lincoln, White Pine Counties Groundwater Development Project Final Environmental Impact Statement (Final EIS) issued on August 3, 2012.

Executive Director, Gene Etcheverry, discussed a correspondence he didn't get into the packet. It was a proforma letter that dealt with how they would like the Federal Land Management Agencies, particularly the Forest Service, handling fracking or hydro geologic fracking. It is not real prevalent, particularly in this part of the west, but they wanted the Commission's feel. On a future agenda they could prepare a letter of support.

Commissioner Williams commented on the correspondence #2 concerning two Spring Mountain butterflies being reviewed for possible protection under the endangered species act.

Executive Director, Gene Etcheverry, commented on correspondence #5 concerning the application for the Western County Alliance for Secure Rural Schools. Mr. Etcheverry told the Board he is formulating Lander County's application, and a Resolution will be before the Board in the next meeting so they can allocate the Secure Rural Schools funding between titles 1, 2 and 3.

Commissioner Williams also commented on correspondence #11 regarding Utah's Public Lands Transfer Bill. Utah has notified the Federal Government that they will be taking over all the public lands in July 2013.

Commissioner Williams also commented on a correspondence that was received from Rex Massey regarding NRCs Waste Confidence Ruling. This goes against the Yucca Mountain Project. The Governor still maintains it is still a good site for temporary storage and recycling the waste.

Donnie Negro, Road and Bridge North, suggested getting back on track with Summit concerning the Lander County Map.

Commissioner Williams suggested putting the disposition of Old Road and Bridge Shop, in Austin, on the next agenda. There is a possibility it could be used for a Fire House or be torn down.

Commissioner Bullock wants to discuss the public restrooms on the next agenda. The County is paying for portables when they have public restrooms that could be repaired and used.

Commissioner Williams would like to see the Austin Fuel System on the next agenda as well.

2:00 P.M.

18) Discussion For Possible Action Regarding Presentation By Turner Construction Company For Construction Manager At Risk (CMAR) Services For The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto: Commissioner Bullock deferred this Item. DEFERRED

19) Discussion For Possible Action Regarding Presentation By Q&D Construction, Inc. For Construction Manager At Risk (CMAR) Services For Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto: Commissioner Bullock deferred this Item. DEFERRED

20) Discussion For Possible Action Regarding Presentation By CORE Construction For Construction Manager At Risk (CMAR) Services For The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto: Commissioner Bullock deferred this Item. DEFERRED

21) Discussion For Possible Action Regarding Selection Of A Firm Perform Construction Manager At Risk Services For The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, stated the Building Committee has selected the top three Companies that were mentioned in the three deferred agenda items. The Board was given a thick packet of information and the District Attorney's Office is reviewing that. Mr. Etcheverry reviewed what the packet contained, the Pre-Construction Agreement, Proposed Construction Agreement and Proposed General Conditions for the CMAR. The packet also contained the CMAR Selection Evaluation Criteria, for when the meeting is set for these presentations. The Proposed CMAR Fee Schedule Format must be in hand to all three CMAR Candidates prior to them giving their interviews. Mr. Etcheverry explained the process the Board may take in considering fees.

Mr. Etcheverry asked Angie Elquist, the District Attorney, if there is anyway, if the Board chooses to remain the selection committee, if it can be done in closed session. He explained the Board does meet the criteria because there are two members with construction experience. Ms. Elquist said if the Board does it; it has to be an open session under the open meeting law.

Commissioner Garner suggested keeping the same Committee that has done all the research. Mr. Etcheverry agreed, but said one member has a full schedule and it may be hard for him to be available. Commissioner Garner said they would work around his availability.

Commissioner Garner moved for the Commission to move ahead with the first five Building Committee members remaining the Process Committee and direct staff to get with the Committee member to get an available date for interviews.

Commissioner Williams didn't want to second the motion because he feels there should be Commissioners involved. It was explained to him that there are two Commissioners on the Building Board.

Commissioner Mason expressed his opinion that all the Commissioners should be involved like they have from the beginning. It was also explained that the Board of Commissioners would make the final approval after the selection has been made.

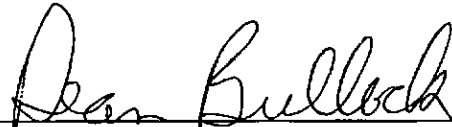
Seconded by Commissioner Williams, the motion was voted and carried with Commissioners Williams, Garner and Bullock voting "AYE" and Commissioner Mason voting "NAY". **APPROVED**

PUBLIC COMMENT

Jake Edgar, Public Works Foreman, commented on the new billboard being up.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of August 23, 2012. Seconded by Commissioner Williams, the motion was voted and carried. **ADJOURNMENT**



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

ATTEST: 

LANDER COUNTY CLERK

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