

1 The Honorable Board of Lander County Commissioners met in regular session in the  
2 Commission Chambers of the Lander County Courthouse and Administration Building in Battle  
3 Mountain, Nevada, 50 State Route 305, on May 13, 2021 at 9:00 AM.  
4

5 **PRESENT: PATSY WAITS, COMMISSIONER**  
6 **ART CLARK III, COMMISSIONER**  
7 **KATHLEEN ANCHO, COMMISSIONER**  
8 **BRYAN SPARKS, COMMISSIONER**  
9 **BERT RAMOS, COUNTY MANAGER**  
10 **PEGGY SURLA, COUNTY CLERK'S OFFICE**  
11 **THEODORE HERRERA, DISTRICT ATTORNEY**  
12 **ELIZABETH MACDONALD, DISTRICT ATTORNEY'S**  
13 **OFFICE**  
14 **ROBERT QUICK, TECHNICAL ASSISTANCE/S.O.**

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16 **ABSENT: WALLACE (JR) THOMAS, COMMISSIONER**  
17

18 (Let the record reflect the presence of a quorum of four commissioners. Let the record  
19 reflect the presence of Austin via teleconference. Let the record reflect the meeting is also  
20 via Audio Conference by Go-To-Meeting.)  
21

22 **9:00 AM**

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24 Chair Kathy Ancho called the meeting to order.  
25 Commissioner Sparks led the Pledge of Allegiance.  
26 Chair Kathy Ancho called for a moment of silence.  
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29 **COMMISSIONER REPORTS**

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31 Commissioner Waits: None.  
32 Commissioner Clark: None.  
33 Chair Kathy Ancho: None.  
34 Commissioner Sparks: None.  
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37 **STAFF REPORTS**

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39 Bert Ramos (County Manager): Bert mentioned that our lands bill is on the House floor  
40 now so hopefully we will have something to report within the next month. He also mentioned  
41 that a wreck on the interstate might hold up a few people that are scheduled to be at the meeting  
42 today. He has been getting questions from people on what the Patriotic social gathering is. So  
43 just to be clear for the community and anybody who is confused by this on what it is, it is  
44 upholding the oath of office and the constitution as written. It's not political based. The sheriff

45 has been working to put this together and he may have an update later. They are working to keep  
46 everything safe.

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49 **PUBLIC COMMENT**

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51 Commissioner Sparks: Bryan read a definition for the words *patriotic*, *social gathering*,  
52 *patriot*, and spoke on the word *detractor*. He expressed his displeasure over an episode that  
53 happened to his wife regarding a flyer she had created and handed out. She was reprimanded for  
54 it and he had issues with the situation.

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57 **CONSENT AGENDA**

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59 Chair Kathy Ancho read in the consent agenda items, numbered 1 through 8. Items #2,  
60 and #7 were pulled by Commissioner Waits.

61 Commissioner Waits made a motion to approve Items #1, #3, #4, #5, #6, and #8.  
62 Commissioner Sparks seconded the motion on the floor. The motion was voted on and carried.

63 **Motion to approve Item #1, #3, #4, #5, #6, and #8:** Commissioner Waits;

64 **Seconded by:** Commissioner Sparks;

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

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68 **COMMISSIONERS**

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71 1) **COMMISSIONERS: For possible action to approve/disapprove the payment of**  
72 **bills.**

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Chair Kathy Ancho began by pulling out checks #211592, #211627, and #211712.

75 Commissioner Waits made a motion to approve paying the balance of the bills.

76 This was seconded by Commissioner Clark.

77 **Motion to approve:** Commissioner Waits;

78 **Seconded by:** Commissioner Clark;

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

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Commissioner Waits made the motion to approve paying checks #211592,  
82 #211627, and #211712. This was seconded by Commissioner Clark.

83 **Motion to approve:** Commissioner Waits;

84 **Seconded by:** Commissioner Clark;

85 **The motion was voted and carried, with Commissioner Sparks abstaining as**  
86 **the checks are to his employer.**

87  
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89 2) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**  
90 **closure of Altenburg Ave. and Weaver Ave. as needed, to all traffic, for the Patriotic**  
91 **social gathering event taking place on May 15, 2021.**

92  
93 Bert Ramos (County Manager): Bert stated that they believe there will be enough  
94 traffic there to close that. The closures will be opened up briefly to let the flag parade  
95 through for parking. They left it open-ended so they can close it early and not have  
96 people trying to camp prior to the gathering.

97 Commissioner Clark made the motion to approve and amended his motion to  
98 include Weaver Ave. as well. This was seconded by Commissioner Sparks.

99 **Motion to approve and the amended motion to include Weaver Ave. as well:**

100 Commissioner Clark;

101 **Seconded by:** Commissioner Sparks;

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

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105 3) **LP INSURANCE: Update only regarding our current County health insurance and**  
106 **life insurance and the coverage provided for any COVID-19 vaccination**  
107 **complications and/or death.**

108  
109 Bert Ramos (County Manager): Bert asked that this item be held off until Tim  
110 Holland arrived.

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113 \*\*\*Items #4 & #5 were opened together\*\*\*

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116 4) **SEVEN VALLEYS LLC: For discussion and possible action to approve/disapprove**  
117 **the payment of bills for Robin Gray DBA Seven Valleys LLC for services already**  
118 **provided, even though the contract has expired.**

119  
120 Bert Ramos (County Manager): Bert stated that bills started coming in from  
121 Seven Valleys, LLC and he's concerned that there's no real accountability built into the  
122 contract. The bills come in and they're on good faith, these are the hours I put in and this  
123 is what I'm charging. Our contract doesn't have any *not to exceed* or any parameters on  
124 it. We're providing a vehicle and there are things in the contract that need to be looked at  
125 more closely. There are things that we're not doing for any other contractor working with  
126 the county. They are doing a good job for us and he'd like to pay these bills. Right now  
127 they're working without a contract in place and without some sort of understanding of  
128 accountability.

129 D.A. Ted Herrera: Ted explained that he believes that legally this has to be put  
130 out to bid.

131 Commissioner Waits: Patsy explained that in the past it was put out to bid but no  
132 one else came forward to bid on it.

133 Discussion ensued on the expiration date being in February and this comes before  
134 the board after the contract has expired each year. Contracts are being looked at and  
135 revamped as time permits. There was discussion on whether Seven Valleys, LLC should  
136 continue on a time and materials basis in the interim. D.A. Herrera suggested that they  
137 give the county manager authority to enter into a three-month contract with Seven  
138 Valleys, LLC while this is put out to bid.

139 Commissioner Sparks made the motion to give the county manager authority to  
140 handle our mosquito and black fly abatement and to pay the bills and all outstanding  
141 costs. It was seconded by Commissioner Clark.

142 **Motion to approve:** Commissioner Sparks;

143 **Seconded by:** Commissioner Clark;

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

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147 **5) COMMISSIONERS: For discussion and possible action to advertise and request**  
148 **proposals for black fly and mosquito abatement.**

149 This was approved as stated above in discussion of Item #4.

150 **Motion to approve:** Commissioner Sparks;

151 **Seconded by:** Commissioner Clark;

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

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156 **6) COMMISSIONERS: For discussion and possible action to approve/disapprove**  
157 **placing flow meters in the Reese River.**

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159 Bert Ramos (County Manager): Bert stated that Aaron Martinez is here to present  
160 information they've come across throughout the process of the evaluation of our levee.  
161 One of the things they've come across is that in the old data they have the Reese River  
162 flowing at similar rates as the Humboldt River. That's part of what put the county in the  
163 flood plain that we're in and we have no historical data to dispute that. Part of what we'd  
164 like to do is to put flow meters throughout the river all the way up to the headwaters.  
165 Currently there are only two. It will be a twenty-year study that we have to do to get the  
166 flow rates of the Reese River and potentially downsize our floodplain and the levee. This  
167 is the data that they need for us to move forward.

168 Aaron Martinez (AM Engineering): Aaron began his presentation by stating that  
169 the county hired them to assist in the levee review that was performed by an outside firm  
170 out of Utah. The review was received and the decision was made to not move forward  
171 with the new proposed levee project. As part of his dealings with this project and helping  
172 the county navigate where we're at today he's learned some really interesting things. He  
173 believes that the Reese River is being grossly exaggerated in flow and it's a huge  
174 disservice to the community. He doesn't understand why the original firm didn't opt to  
175 try flow reduction before trying to re-design infrastructure. Commissioner Waits asked if  
176 these numbers are the same numbers that FEMA is using and Aaron confirmed that they  
177 are. Commissioner Clark asked if they knew the age of the data being used and Aaron

178 said it appeared to be older data. For instance, the I-80 corridor is not evaluated in the  
179 floodplain and we all know the corridor is maybe 60s or 70s, or maybe in the 80s when  
180 that was developed. It looks like their data is previous to that. The map he referred to  
181 doesn't show any effect of the I-80 corridor or the existing levee that we do have. He did  
182 not have the map with him. The floodplain map people have seen shows Battle Mountain  
183 covered. The idea they were looking at was to get a flowrate reduction. We might be able  
184 to affect that map and floodplain by saying we don't have the stated flow numbers. The  
185 item in front of you today is about putting gate systems in the stream and if Lander  
186 County wants to take a long-range plan approach in looking at the existing levee and  
187 trying to come up with certain steps to leverage that existing investment and see if you  
188 can get protection from that levee. Right now FEMA is not giving you any credit from  
189 that levee or any boundary protection that the I-80 corridor is giving. He stated that the  
190 interstate is about 5' higher than the existing levee and he doesn't understand how that in  
191 itself is not considered a levee. Aaron went over various things that they felt were  
192 missteps over past years. The flow reduction is the first step in the long-range plan  
193 approach. This is a twenty-year process and if the other firm would have started with this  
194 when they first started with the levee we would have the data to do our flow reduction.  
195 That's a little unfortunate. He explained that the two existing gates are out at Mill Creek  
196 and he went over details on those. Aaron felt like the best bet at this point would be to  
197 invest in the current infrastructure we do have, working on getting FEMA accreditation,  
198 and establishing an operation and maintenance manual for the existing levee to try to  
199 bring it up to speed and make it better, with the end goal being getting credit for that.

200 Aaron stated that he has begun to put together a budget on this and if he gets  
201 direction today to work directly with our county manager and public works department to  
202 establish that budget there will be some things that will play into that. He went over some  
203 of those items, like the gate installation and quarterly maintenance. He went over the  
204 components of the gates themselves and their locations. He suggests putting them in the  
205 locations that FEMA already has them to double check data. Our gates would be checked  
206 more frequently and would provide an astronomical amount of data going forward.

207 There was discussion on whether the whole levee project was based on a lie and it  
208 was a conclusion that it was certainly based on misinformation. Commissioner Sparks  
209 made a motion to approve putting flow meters in the Reese River and working with the  
210 county manager and to use the existing funds budgeted for the levee. This was seconded  
211 by Commissioner Clark. County Manager Ramos stated he would be coming back to the  
212 Board with the actual numbers on the project.

213 **Motion to approve:** Commissioner Sparks;

214 **Seconded by:** Commissioner Clark;

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

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218 7) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**  
219 **closure of Altenburg Ave to all traffic, for the Battle Mountain All Class, All Town**  
220 **Reunion July 23-25, 2021.**  
221

222 Lori Price stated that the 24<sup>th</sup> would be the only day needed to have the road  
223 closed. Commissioner Clark made the motion to approve the road closure. It was  
224 seconded by Commissioner Sparks.

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226 **Motion to approve:** Commissioner Clark;

227 **Seconded by:** Commissioner Sparks;

228 **The motion was voted and carried.**  
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- 231 8) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**  
232 **transfer of approximately 2.5 acres of land by deed, from Lander County to the**  
233 **Lander County Historical Society pursuant to an agreement entered into between**  
234 **both parties on March 5, 1992. This transfer should have been made in 1992 as a**  
235 **result the Historical Society has put the museum on county property, and authorize**  
236 **the Chair to sign.**  
237

238 D.A. Herrera: Ted stated that Kyla discovered that this land transfer had not been  
239 completed. Ted explained that in 1992 the 3-person Board of Commissioners entered into  
240 a contract with the Lander County Historical Society. Lori Bennett, now Lori Price, is the  
241 person that signed off on behalf of the Lander County Historical Society. In that  
242 agreement Lander County was supposed to transfer two parcels of land to the Historical  
243 Society, who would then build the building and the county would become a sponsor of  
244 the project, which we are technically and legally a sponsor of the museum. The county  
245 would include the building and property under the general umbrella of the county's  
246 insurance. We would pay the cost of utilities each year and pay for one employee as the  
247 county may hereafter determine to be proper. With Lura's help in going through this we  
248 had one quitclaim deed and it was discovered that the quitclaim deed deeded part of an  
249 abandoned road between where the museum is and where the church is. When you  
250 abandon an easement or road it goes to both property owners. The property owner at that  
251 time was Lander County. The D.A. at that time in 1992 transferred by quitclaim deed that  
252 property to the museum. No other properties were transferred to the museum so  
253 technically they are the owners of half of an abandoned road. Ted has done a deed that  
254 you will see in the backup. He actually did it by warranty deed because we can warrant  
255 that it's free of encumbrances. He did it by warranty deed so that we can include the  
256 terms of the contract, such as being covered by the insurance, paying for the utilities, and  
257 the one employee. Today he just needs the contract and deed to be considered and signed  
258 by the Chair. This came about because they had asked for a grant and that will need to be  
259 re-done. He explained that a line item would be created for the items that we are  
260 contractually responsible for and they can invoice the county out of that line item.

261 Lori Price: She'd really like to resolve this problem. It's kind of embarrassing and  
262 it really needs to be resolved. She wants it completed while she's still there.

263 D.A. Herrera: Ted also mentioned that Lori would now be receiving the tax bills  
264 for the property. He also stated that the contract should be included with the deed for the  
265 recordation process.

266 Lori Price: Lori explained that she has done this all these years for free and she  
267 doesn't think she'd be able to find someone else to do it for free. Now she will be able to  
268 tell someone else that they would be paid through this contract.

269 Commissioner Sparks made the motion to approve the transfer. It was seconded  
270 by Commissioner Waits.

271 **Motion to approve transfer, with Chair to sign:** Commissioner Sparks;

272 **Seconded by:** Commissioner Waits;

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

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276 **9) COMMISSIONERS: For discussion and possible action to approve/disapprove**  
277 **Internet service in Lander County at the following locations: Lander County**  
278 **Administration Building, Battle Mountain Sheriff Department, and Austin Sheriff**  
279 **Department from the following two bids, with contract(s) to follow:**

280  
281 **1. Performance Computing:**

282 **A. Administration Building: \$1,000 monthly fee.**

283 **B. Austin Sheriff's Department: \$1,000 monthly fee.**

284 **C. Battle Mountain Sheriff's Department: \$1,000 monthly fee.**

285  
286 **2. Sky Fiber, with a one-time setup & installation fee of \$897 total:**

287 **A. Administration Building: \$850.00 monthly fee.**

288 **B. Austin Sheriff's Department/Courthouse: \$850.00 monthly fee.**

289 **C. Battle Mountain Sheriff's Department: \$850.00 monthly fee.**

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291 Commissioner Waits asked if we can mix and match and it was confirmed that it  
292 could be done that way. Commissioner Sparks expressed some of his frustrations he has  
293 experienced with his home Internet service with Performance Computing. David Peissner  
294 and Bradley Thompson from Sky Fiber came forward with their presentation first.

295 David Peissner stated that they have a 24/7 call center with techs based out of  
296 Reno and Elko. Bradley Thompson stated that they respond to issues within four hours.  
297 On a major event they will typically respond within an 8-hour window. You won't be  
298 waiting a week for someone to respond to your issue.

299 D.A. Herrera asked them why the service provided to the Battle Mountain  
300 Sheriff's office and the Austin Sheriff's office were the same price. Bradley explained  
301 that the locations of the fiber hubs can affect the costs for different locations. Typically,  
302 they try to even out those costs across the board to save money. David went on to explain  
303 the connectivity fees for their services. The \$897.00 installation fee would be for each  
304 site.

305 Commissioner Waits inquired about any plans they might have for the Kingston  
306 and Smoky Valley areas. David said he's been trying for six months to figure out a way  
307 to deliver circuits there. He's in negotiations with Kenross Mines about possibly having a  
308 fiber pop at their location just for the specific need of serving Kingston and Gillman  
309 Springs areas. He's been out there several times trying to figure out how they could get  
310 connectivity out there. They're going to be serving the Ormat power plant north of

311 Highway 50 but they're dragging their feet too long so he has to find another way to  
312 deploy the circuit there. The Kingston mine seems very happy to try to help out the  
313 communities in that area because a lot of their residents live in Kingston. He's been in the  
314 middle of the discussion with Kenross Mines for about a month now. Once things do get  
315 set up it will be the normal residential costs. He is also talking with the Kingston Water  
316 Board regarding access to their water tower.

317 The next presenters were Jake Rorex and Heather Hill from Performance  
318 Computing. Jake stated that their speeds are 250 Mbps. They also give discounts based  
319 on their equipment on the roof, the water tower, and their equipment in Austin. They give  
320 monthly discounts of \$250.00 for the courthouse, \$250.00 for the water tower usage, and  
321 \$50.00 monthly for the Austin sheriff's office. These are already adjusted currently.

322 County Manager Bert Ramos explained that it's kind of an offset, as it's the  
323 amount that we're charging them for using our locations.

324 Jake talked about the static IP addresses that would have to be adjusted on the  
325 backend if the decision was made to go with Sky Fiber. This in no way affects them  
326 providing service to the community, it's just for the county. Their speeds at the  
327 courthouse are 250 Mbps, 100 Mbps at the sheriff's office here and in Austin, and up to  
328 25 Mbps for the public. Once they get their new equipment installed people out at Hilltop  
329 will be able to get up to 25 Mbps if they can see the courthouse. They are not currently  
330 able to provide service down in Kingston and the Smoky Valley but are always looking at  
331 expansion. They have recently been bought out by a much larger corporation that has  
332 capital so things could change.

333 Commissioner Waits expressed her concerns over the problems they've had with  
334 the Internet over the past year down in Austin. Jake stated that he responds quickly  
335 anytime a problem is identified and they want to provide prompt service.

336 County Assessor Lura Duvall and Recorder Lesley Bunch came forward to state  
337 their support for Performance Computing, and their appreciation for the service that has  
338 been provided. She's a firm believer in the idea that if something isn't broken don't fix it.  
339 Lura Duvall said they have also given her impeccable service with her service at her  
340 home and business. They always answer the phone to help her even in the middle of the  
341 night. She did some estimates on what it could cost to change over for the courthouse and  
342 it could be from \$20,000-\$30,000. We have a lot of different servers with IP addresses.  
343 That would all change if we went with a different provider and it would blow out  
344 everything. We would be putting in a lot of tickets and it's not an overnight thing. It  
345 would be a lot of time, effort, trouble-shooting, and a time-intensive process. We have so  
346 much security and firewalls involved. We have connections with Court Views, the  
347 election system, web interface, backups on the AS400 server. We have seven servers in  
348 there, we have Tyler software and they are very difficult to get in touch with and get  
349 responses from. They're a big company and they're dealing with a lot of businesses and  
350 other clients. DMV has spent literally years trying to get that fixed and if this changes  
351 that blows out DMV and they could be down for days, weeks, maybe forever, who  
352 knows. It's not a simple task and there are a lot of things that go into this. She thought  
353 Richard would be here to help go over this but he must not be available. If the sheriff's  
354 office and the south want to change to Sky Fiber that's fine but she wants to leave the  
355 courthouse as it is, with Performance Computing. She has very solid reasons for leaving



356 the courthouse systems as they are. She's fine with the other entities being the guinea  
357 pigs for testing out this new company if that is what is decided. She respectfully asks that  
358 the contract with Performance Computing be approved for the courthouse.

359 Lesley Bunch (Recorder): Lura hit every nail on the head. For myself working  
360 with DMV what we have is all set up and it's functioning. She has waited two years to  
361 get one thing functioning. She too is asking that they please leave the administration  
362 system alone for now.

363 Bradley Thompson (Sky Fiber): He spoke to the engineering and IP address side  
364 of things. He did recommend buying up a block of IP addresses so that we never have to  
365 deal with that issue again. It would help with any kind of transitioning that might happen  
366 in the future.

367 David Peissner (Sky Fiber): David stated that they currently serve four other  
368 counties-Storey, Eureka, Lyon, and Pershing. They serve multiple DMVs and NDOT  
369 locations. They have the same response time and requirements that you would get. They  
370 have done these transitions all over the state and owning your own block of IP addresses  
371 is phenomenal because you can shop whenever you want when a contract comes to an  
372 end and you're not affected. They've done this type of transfer with multiple counties and  
373 have been around for fifteen years. We're fairly new in this town but not a new company.  
374 Just recently they've accessed fiber from multiple carriers so that when AT&T goes  
375 down we have a way of keeping things up. That is what we want to achieve here.  
376 They've already achieved that in Elko and Winnemucca and are looking Lovelock. They  
377 would like to help us get the block of IP addresses that are owned rather than leased, to  
378 free us up from that.

379 There was discussion on what it might cost to purchase the block of IP addresses,  
380 the issues of changing them out, and what levels of service there are for Austin residential  
381 customers.

382

383

**\*\*\*A break was taken from 10:19 AM – 10:31 AM\*\*\***

384

385 After the break Robert Quick came forward to speak on behalf of the sheriff's  
386 office for this item.

387 Robert Quick (Undersheriff): Robert stated for transparency, that he recently  
388 switched from AT&T DSL to Sky fiber at his home. For the sheriff's office both here and  
389 in Austin we have no opinion or recommendation one way or the other on which way you  
390 should go. The service is funded directly from the county on this and it doesn't come out  
391 of their budget right now. He gave a little background on how things are setup. Presently  
392 you have connections into this building, a fiber connection into the sheriff's office here  
393 and in Austin. The fiber connection in Austin services multiple buildings through a  
394 wireless link for Internet service. It includes the courthouse down south as well as the fire  
395 department, senior center, ambulance service, soon to be Road & Bridge, all from the  
396 county's fiber Internet down there. In Battle Mountain the fiber line that comes in  
397 services the sheriff's office, however they presently have twelve to fifteen connections  
398 with other law enforcement agencies out of our building, including the State. He and  
399 Jason or Brian have worked together when there's been an issue and they've had no  
400 delays. All the delays they have had have been AT&T issues. They use about eight of the

401 static IP addresses for connections to other agencies. If the county chose to change over  
402 there would be some configuration issues but he doesn't believe it would be a huge drop  
403 in service because of the ability to configure before you switch over. It's a matter of  
404 planning with that. He would like them to consider that all the buildings have the same  
405 250 Mbps service because currently the courthouse here has that and the other two  
406 buildings have 100 Mbps service and the cost is the same. He would like them all to be  
407 equal. He has no problem with being the test case for the service. PC uses AT&T and Sky  
408 Fiber uses a separate carrier. They do intend to use both services as a redundancy for our  
409 criminal justice information system, regardless of what is decided here because currently  
410 when it does go down, they lose the ability to use the system. Unfortunately, when  
411 someone cuts the AT&T line we lose service for an extended period of time. They are  
412 more than happy to test a secondary service for the county. He explained how things  
413 could go with switching over and that he has a good working relationship with the DMV  
414 I.T. that would help in switching over the DMV in Austin. He also recommends buying  
415 the block of static IP addresses. Assessor Lura Duvall stepped forward and she will be  
416 looking into purchasing the block of static IP addresses and she will pay for it out of the  
417 tech fund.

418 D.A. Herrera suggested they do a two-year contract with both services, one for the  
419 courthouse and maybe Sky Fiber for the other two. Put in the motion that we want to buy  
420 our own block of IP addresses. We will do a comparison for two years and re-visit it  
421 again. It was also asked if the existing block of IP addresses could be purchased and that  
422 is not possible. Commissioner Clark made a motion to approve Internet service for the  
423 sheriff's office and Austin with Sky Fiber and the courthouse with Performance  
424 Computing for a two-year contract and we will buy a block of IP addresses. The contract  
425 will have a 60-day out. The assessor, Lura Duvall, will be working on the purchase of the  
426 block of IP addresses with the tech funds that she is in charge of. Art modified the motion  
427 to add that the sheriff's office would have both Performance Computing and Sky Fiber.  
428 Performance Computing will have the courthouse and the sheriff's offices and Sky Fiber  
429 will have the sheriff's offices. There was discussion on how this would be budgeted for  
430 going forward. The motion was seconded by Commissioner Sparks.

431 **Motion to approve:** Commissioner Clark;

432 **Seconded by:** Commissioner Sparks;

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

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436 10) **BUILDING DEPARTMENT: For discussion and possible action to**  
437 **approve/disapprove the service agreement with Premier Elevator Company for the**  
438 **Lander County Administration Building in an amount not to exceed \$2,880.00 per**  
439 **year, and authorize the Chair to Sign.**

440  
441 Anna Penola (Building Department): Anna stated that she would like to go with  
442 this company. We were with Schindler but we weren't getting the service they said they  
443 would provide. The D.A. has looked over the agreement. Commissioner Waits made the  
444 motion to approve the agreement with Premier Elevator Company, and the Chair to sign.  
445 It was seconded by Commissioner Clark.

446                   **Motion to approve:** Commissioner Waits;  
447                   **Seconded by:** Commissioner Clark;  
448                   **The motion was voted and carried.**  
449

450  
451   3)   **LP INSURANCE: Update only regarding our current County health insurance and**  
452       **life insurance and the coverage provided for any COVID-19 vaccination**  
453       **complications and/or death.**  
454

455                   Tim Holland (LP Insurance): Tim stated that there is no pandemic clause in this.  
456                   It would pay up to \$20,000 if there was any type of death occurring from a COVID  
457                   vaccine. The benefit would be paid out to the beneficiary of the employee. The only time  
458                   the policy would not pay out is if there is criminal activity involved. He explained that  
459                   there are two sides to this policy, life and accidental death. This would not be considered  
460                   accidental. He encouraged people to update their information during this open enrollment  
461                   period.  
462

463  
464   12)   **COMMISSIONERS: For discussion and possible action to consider the sale of**  
465       **property, parcel 010-430-32, from Lander County to H.E. Hunewill Construction**  
466       **CO INC R.B.F. Excavating, and if the county finds that it is in the best interest of**  
467       **Lander County to do so, then to request the District Attorney's office to prepare a**  
468       **resolution and proceed with all necessary steps required by NRS 244.281.**  
469

470                   The parcel was identified as being behind the gravel pits they are currently in  
471                   now. It is a sale of the property. Ted referred the Board to the cheat sheet provided in the  
472                   backup that gives the steps in this process. You first have to determine it's in the best  
473                   interest of the county to proceed with this sale. At the same time you would ask the  
474                   D.A.'s office to prepare a resolution to that effect. The second step is appraisals. We have  
475                   to post the resolution and publish in the paper for three weeks. After that's done we get  
476                   the appraisals. If you do public hearing you don't need two appraisals. Frank Sullivan,  
477                   with RBF Excavating, came forward and stated that they are going to expand the gravel  
478                   pit. He mentioned that the piece of property is landlocked, there is no access to it.

479                   Commissioner Clark made the motion to sell the property to H.E. Hunewill  
480                   Construction and the sale is in the best interest of Lander County. It was seconded by  
481                   Commissioner Sparks.

482                   **Motion to approve:** Commissioner Clark;  
483                   **Seconded by:** Commissioner Sparks;  
484                   **The motion was voted and carried.**  
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491 11) **PUBLIC WORKS DEPARTMENT: For discussion and possible action to**  
492 **approve/disapprove the bid award for Cape Seal Project PWP #LA-2021-200.**

- 493  
494 1. Sierra Nevada Construction Inc. Base Bid \$719,007.00 (Recommended for  
495 Acceptance)  
496 2. VSS International Base Bid \$747,120.00  
497

498 Don Prince (Public Works): Don came forward with Aaron Martinez from AM  
499 Engineering. He stated that this is the Cape Seal Project down in Kingston and Gillman  
500 Springs.

501 Aaron Martinez (AM Engineering): Aaron stated that this was on a previous  
502 agenda and it was tabled due to some posting issues. It is back before you today and you  
503 will see our recommendation for award to Sierra Nevada Construction in the amount of  
504 \$719,007.00.

505 Commissioner Waits asked what the delay might have done to the project. Aaron  
506 asked that they include in the motion to give the public works department authorization to  
507 issue the notice to proceed today or in a week from now. Right now our notice to proceed  
508 was issued at that time and if we could give the contractor a little more contract days that  
509 would be appropriate.

510 Commissioner Waits made the motion to award the bid to Sierra Nevada  
511 Construction, not to exceed the base bid of \$719,007.00, and to authorize the public  
512 works director to give notice to proceed immediately. It was seconded by Commissioner  
513 Sparks.

514 **Motion to approve:** Commissioner Waits;

515 **Seconded by:** Commissioner Sparks;

516 **The motion was voted and carried.**  
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519 13) **LANDER COUNTY RECORDER/DMV: For discussion and possible action to**  
520 **approve/disapprove the Interlocal Contract between the Lander County Recorder**  
521 **and the Nevada Department of Motor Vehicles, and authorize the Recorder to sign.**

522  
523 Lesley Bunch (Lander County Recorder): Lesley stated that it's the same contract  
524 they do periodically. She stated that the Chair is to sign.

525 Commissioner Waits made the motion to approve the contract, with the Recorder  
526 and the Chair to sign. Commissioner Clark seconded the motion.

527 **Motion to approve:** Commissioner Waits;

528 **Seconded by:** Commissioner Clark;

529 **The motion was voted and carried.**  
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535 14) **LANDER COUNTY ASSESSOR: Update regarding the Lander County tax rates**  
536 **and all other matters properly related thereto.**  
537

538 Lura Duvall (Lander County Assessor): Lura had a handout titled *Understanding*  
539 *Nevada's Property Tax System*. Her job as county assessor is very specific by statute. It's  
540 very black and white. All seventeen counties value properties exactly the same. It is  
541 replacement cost new less statutory depreciation. Statutory depreciation is 1.5% per year  
542 down to a 25% residual. They get a lot of inquiries from people wondering why there are  
543 differences in people's property taxes. The reason for those differences is depreciation  
544 and the way that we value properties. This has been looked at numerous by times by the  
545 legislature with many different proposals out there. She calls them modified Prop 13,  
546 which happened in California. It is the structure that we've had since the tax shift of  
547 1982. We're the only state in the entire United States that has solely a cost approach to  
548 value. The only thing that is market value is land. We do everything exactly the same  
549 county to county but the reason for differences is because some of their land values are  
550 way higher than ours. We have much lower land values in the rural areas than the cities.  
551 That is driven by the market because when sale prices go up that causes land values to go  
552 up. We analyze and evaluate land values every year. We have had some increases and  
553 have had a few more recently. That does affect the land values but nothing close to the  
554 big cities. Even Winnemucca has a higher land value situation than what we do here. Tax  
555 rates are different in different counties. The cap rate is \$3.64. We are kind of a high tax  
556 rate: We're at \$3.35 per \$100 of assessed value whereas Eureka is at a little over \$2.00.  
557 She believes Winnemucca is at about \$2.80 or \$2.90 so they have a lower general tax rate  
558 than we do. That makes a difference as well. You guys are in control of setting the tax  
559 rate. She met with Bert and Ted and we went over some different scenarios that Tom  
560 Gransbery had presented. One was that if the county commissioners had the desire to  
561 lower the tax rate by maybe \$.20 it would probably lower everyone's taxes by about  
562 \$336,000 for the year. The offset of that is the net proceeds of mines, we get a lot of  
563 money from that and we're very grateful for that. The net proceeds rate set by  
564 constitution is \$5.00. The difference is they pay \$5.00, and each county that has mining  
565 and gets net proceeds, they get the amount of that whatever their general tax rate is for  
566 the district that the mine is in. For us they're all in the \$3.35. The difference goes to the  
567 State. So if we lower the tax rate by \$.20 we would be giving the State about \$1.2 million  
568 more of net proceeds.

569 Bert Ramos (County Manager): Bert stated that for every cent we lower the tax  
570 rate for as long as we're receiving net proceeds we will be giving the State \$66,000 for  
571 every one cent on net proceeds only. We're talking two different taxes which makes it  
572 very confusing so he just wants to make sure we're talking about one tax. If we lower the  
573 tax rate while we're receiving net proceeds the State takes additional money from us, by  
574 statute.

575 Commissioner Waits stated that the mine will pay exactly the same. It just  
576 depends on whether we get it or the State gets it. Lura mentioned that is probably why the  
577 commissioners haven't lowered the tax rate over the past ten or fifteen years because they  
578 did understand that if you give a break to the tax payers you're going to give a lot more  
579 funds to the State because of the way the structure works. One other item Lura went over

580 is the tax cap. It has been in place since 2006. It's a very convoluted method but the  
581 Department of Taxation analyzes the tax caps and they can change or stay the same every  
582 year. It is a ten-year rolling average of new construction, development, and growth. So  
583 forever, up until three years ago the general rate of the tax cap was 8%. That's because  
584 we had a lot of new construction, development, and growth. Most of that was from the  
585 mines. Over the last years the mines have consolidated and merged. They have not been  
586 doing that much so now that rolling average has gone way down and our general rate tax  
587 cap went down to 7.2%. Last it dropped clear down to 3.6%. This year it's at 2.4%. The  
588 abatement cap for owner-occupied properties and rental properties that fall below the  
589 HUD rent rates have always gotten a 3% cap by statute. The 8% is on all non-owner  
590 occupied, businesses, vacant land, income properties, and the mines. What's happened  
591 now is because we don't have that development, growth, and new construction like we've  
592 had in the past because of the mining, land values are going up. The homes being built  
593 and the new truck stop may help a little bit next year as this stuff comes onboard, but  
594 keep in mind that it's a ten-year rolling average and it may take a couple of years of  
595 things going up before that cap goes up. What this means is she's raising land values and  
596 construction costs are through the roof. There's a lag time with Marshall & Swift, the  
597 costing manual that is used by statute to cost everything. The lag time means it takes  
598 quite a while before those numbers start coming up in Marshall & Swift. She has seen in  
599 next year's manual that the numbers are going up. That means as those replacement costs  
600 go up your value goes up, your land goes up, it doesn't matter, it can go up a hundred  
601 thousand, but you're only going to pay 2.4 cents more on your tax bill, unless you've  
602 built something, like new construction. New construction is outside that cap for one year.  
603 The next year it gets combined and it's capped. So that means all these businesses and  
604 mines are going to pay a maximum of 2.4% above, a tax increase of 2.4%, whereas  
605 before they would have paid 8%. So, in a way that's going to help the taxpayers even  
606 though you're not lowering the tax rate. This will help buffer the costs of construction  
607 going up and up. She thinks it will take some time before our cap goes up and she's  
608 hopeful that by the time it does go up some of these construction costs will have gone  
609 down a little bit. Consequently, because the general cap cannot be lower than the  
610 occupancy cap that also lowers to 2.4%. It could even go down to one or even zero  
611 percent. For this year we're capped at 2.4%. The difference of 8% going down to 2.4% is  
612 a lot more than ten or twenty cents off the tax rate is going to do for them. They're now  
613 capped at that and their taxes can't go more than that. It means less revenue for the  
614 county but it also means less taxes for all the taxpayers. All properties are now capped  
615 equally at 2.4%. In a way it's kind of a good thing at a time when otherwise it would be  
616 going up a lot more. We may have some lower caps for a while. Lura recommended  
617 people read the publication if they get the chance. It might answer some questions people  
618 have. The Nevada Taxpayers Association puts it out.

619 County Manger Bert Ramos mentioned that Laken Sullivan, the fiscal officer,  
620 pointed out that if we do drop the tax rate other entities like the hospital and schools can  
621 pick up the amount we might lower the tax rate. They are working on something that  
622 might be a better way to get money back to the taxpayers. It wouldn't be lowering taxes  
623 but possibly doing some sort of incentive after we receive our money, whether it be net  
624 proceeds or tax money in some shape or form, possibly reallocating some of it to our

625 citizens for improvements and different things of that nature. They are researching that  
626 right now.

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629 **15) PLANNING DEPARTMENT: For discussion and possible action to**  
630 **approve/disapprove a parcel map application for Danny and Grace Kemp**  
631 **combining 6 parcels into one parcel located on Cason Court, Kingston, APN: 003-**  
632 **063-05, 003-063-06, 003-063-07, 003-063-08, portion of 003-063-16, and 006-063-40**  
633 **creating one 4.96 acre parcel, zoned R-1. This request was approved by the Planning**  
634 **Commission on April 21, 2021 with the following condition: the signatures of the**  
635 **utility companies being affixed before signature of the chairman, and authorize the**  
636 **chair to sign after the utility company's approval and signatures.**

637  
638 Grace Kemp: Grace stated that she had taken the map to Reno to have the utility  
639 companies sign it. John Williams, with the Planning Commission, signed the map after  
640 the utility companies had signed. The next step is to have the commissioners' approval.

641 Commissioner Waits made the motion to approve the parcel map, with the Chair  
642 to sign. It was seconded by Commissioner Sparks.

643 **Motion to approve:** Commissioner Waits;

644 **Seconded by:** Commissioner Sparks;

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

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648 **16) COMMISSIONERS: Discussion and possible action to approve/disapprove a**  
649 **renewed membership to the Central Nevada Regional Water Authority for fiscal**  
650 **year 2021-2022 with a \$7,500.00 assessment fee.**

651  
652 Jeff Fontaine (CNRWA): Jeff stated he serves part-time as the contract executive  
653 director for the CNR Water Authority. He is here to respectfully request our continued  
654 membership in the water authority. Lander County is one of the six original counties that  
655 established the Central Nevada Regional Water Authority back in 2005 to help ensure  
656 that there's a long-term supply of reasonably priced water available to support future  
657 agricultural, municipal, recreational, and industrial usage in the central hydro-graphic  
658 region. Today we have nine rural counties as members and he believes they're a strong  
659 advocate on water-related issues. Now more than ever Nevada's rural counties need to  
660 protect their water resources. Most of the west is in severe drought conditions at this  
661 time. The growth in our urban areas is really stretching local water supplies. There seems  
662 to be a lot of interest in moving rural agricultural water rights to development in the  
663 State's urban areas. There were a number of water-related bills in this legislative session  
664 that were concerning and they worked very hard to get them defeated. He went over what  
665 some of them were about and what they would have done. One thing they were not able  
666 to defeat within the State Water Resource's budget, was a significant increase in  
667 assessments levied in those basins designated by the state engineer to the tune of about  
668 \$600,000. It's something they're concerned about and they want to make sure that the  
669 state engineer is accountable for how those funds are being used. The funds have to be

670 used in those basins where they are levied. Jeff stated that he is pleased that the Central  
671 Nevada Regional Water Authority is a recognized voice for rural Nevada water issues  
672 and he believes highly respected by the legislature, state engineer, and water interests  
673 both from the urban and rural parts of our state. CNRWA members' support and share  
674 information with one another. The \$7,500.00 assessment fee has not changed since its  
675 inception in 2005. We hope that you will continue your membership for the next year.

676 D.A. Herrera asked who all the member counties are and Jeff stated that they are:  
677 Churchill, Esmeralda, Eureka, Elko, Humboldt, Lander, Pershing, White Pine, and Nye.  
678 The central hydrographic region is the largest of the fourteen regions for the state of  
679 Nevada. It covers roughly two-thirds of the state.

680 Commissioner Waits made the motion to approve the membership with the  
681 Central Nevada Regional Water Authority for fiscal year 2021-2022. It was seconded by  
682 Commissioner Sparks.

683 **Motion to approve:** Commissioner Waits;

684 **Seconded by:** Commissioner Sparks;

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

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688 **17) CORRESPONDENCE: Correspondence/reports/future agenda items.**

689  
690 Bert mentioned that the Nevada Supreme Court ruled against the 2019 tax  
691 increases, saying that they were unconstitutional. That could potentially have a big effect  
692 on what they're going to do with the mining tax. That's just general information that  
693 came in. It's completely separate from the three resolutions. In 2019 they put in some tax  
694 increases that have been in court since and the Nevada Supreme Court just ruled against  
695 them, saying they are unconstitutional. This could be beneficial to the mineral issue, for  
696 taxes.

697 Commissioner Clark talked about having an agenda item regarding a feasibility  
698 study on the possibility of having a stock car track, motorcycle track, and a drag race  
699 track for the revenue. He appreciates the work that Aaron Martinez does on our projects.  
700 He said that he's had a lot of people tell him that there is interest in having a drag race  
701 track along I-80.

702 D.A. Herrera stated that they needed to have a litigation meeting after this  
703 meeting ends.

704  
705  
706 **PUBLIC COMMENT**

707  
708 Connie Vaughn: Connie lives in Austin and she works at the library there. She  
709 thought that the library contract was going to be on the agenda today. She wanted to  
710 know what is going on and if she will have a job after June 30, 2021. She wants to know  
711 what the plans are.

712 Bert Ramos (County Manager): Bert stated that he and the district attorney's  
713 office are in discussion on it and no solid decision has been made. They have been in  
714 contact with the state library. It should be on the May 27<sup>th</sup> agenda. Austin will not be left



715 without a library. If they do choose to go that route they will advertise for the position  
716 and she will be able to put in for it at that time. At the next meeting they will give an  
717 informed update and get direction from the commission to move forward.

718 Cindy Clark: She was in Utah and encouraged people to come to the patriotic  
719 gathering. She expressed her thanks to everyone for organizing it.

720 Amy Nelson: Amy stated her main focus is to make sure government officials  
721 uphold the constitution. The board took an oath and she has taken them in the past to  
722 uphold and protect us from any enemies, foreign or domestic. She feels that right now  
723 most of us are pretty aware that there is a concerted effort to divide us. She listed the  
724 many areas where division is happening and she feels that most people want our liberties  
725 to be protected and the constitution enforced. She wanted to know if it would even be  
726 legal or possible to have a retreat, where the county commissioners, hospital board, and  
727 the school district board of trustees, all the elected officials got together to have  
728 constitutionally-sound attorneys, and medical professionals, where you all got together to  
729 hear solid information that people might agree on most of it. She doesn't want to see our  
730 county divided.

731 Commissioner Waits: Patsy stated that she understands where Amy is coming  
732 from but unfortunately some of the other entities are handled by the State and even  
733 though we might all agree they still wouldn't be able to go with the County.

734 D.A. Herrera: Ted stated that it would have to be scheduled and they would all  
735 have to consent to it. Those two entities have refused steadfastly to deal with it.

736 Commissioner Sparks: Bryan suggested that a town hall meeting could be an  
737 option.

738 Commissioner Clark: Art expressed his thoughts on independent people versus  
739 dependent people.

740 Bert Ramos: Bert stated that he thinks the group gathering this weekend is  
741 important and it is essential that everybody knows the roles and responsibilities of  
742 everyone within their county and what that entails. He expressed his opinions on who has  
743 authority in the county and other matters going on at this time.

744 Commissioner Clark: Art talked about there being no mention of women having  
745 issues on their mammograms after getting a vaccine.

746  
747  
748 **ADJOURNMENT**

749  
750 There being no further business before the Commission at this time, Commissioner Clark moved  
751 to adjourn the regular session of May 13, 2021. Seconded by Commissioner Sparks, the motion  
752 was voted and carried. **ADJOURNED.**

753  
754 **Meeting was adjourned at 11:42 AM.**

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**CHAIRMAN OR VICE CHAIRMAN OF  
THE BOARD OF LANDER COUNTY**

COMMISSIONERS AND THE LANDER  
COUNTY LIQUOR BOARD

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766

ATTEST: Sadie Sullivan  
LANDER COUNTY CLERK