

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on December 19, 2019, at 8:58 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.

6
7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **ART CLARK III, COMMISSIONER**
9 **JUDIE ALLAN, COMMISSIONER**
10 **BRYAN SPARKS, COMMISSIONER**
11 **KATHLEEN ANCHO, COMMISSIONER**
12 **KEITH WESTENGARD, COUNTY MANAGER**
13 **SADIE SULLIVAN, COUNTY CLERK**
14 **THEODORE HERRERA, DISTRICT ATTORNEY**
15

16
17 (Let the record reflect the presence of a quorum of five
18 commissioners. Let the record reflect the presence of Austin
19 via teleconference.)
20

21 CHAIRMAN WAITS: Good morning, everyone. We will call to
22 order the Lander County Commissioners' meeting, Town Board of
23 Battle Mountain and Austin, Board of County Highway
24 Commissioners for December 19, 2019.

25 Austin is on the phone.

26 Thank you for joining us.

27 And we will begin with the Pledge of Allegiance.

28 Kathy, can I ask you to avail with that --
29

30 (Alarm ringing)
31

32 CHAIRMAN WAITS: -- for us this morning?
33

34 (Pledge of Allegiance)
35

36 CHAIRMAN WAITS: Thank you.

37 Now if you would all join us in a moment of silence,
38 please.
39

40 (Moment of silence)

1 CHAIRMAN WAITS: Thank you.
2 Lander County Commissioners may break for lunch from 12:00
3 noon to 1:15 p.m. Any agenda item may be taken out of order,
4 may be combined for consideration by the public body, and items
5 may be pulled or removed from the agenda at any time.
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7

8 **COMMISSIONER REPORTS**
9

10 CHAIRMAN WAITS: So we will begin with our commissioners'
11 reports on meetings, conferences, and seminars attended.

12 And I'll start with -- with you, Commissioner Art.

13 COMMISSIONER CLARK: I have had no meetings.

14 CHAIRMAN WAITS: No meetings?

15 COMMISSIONER CLARK: No --

16 CHAIRMAN WAITS: Okay.

17 COMMISSIONER CLARK: -- meetings.

18 CHAIRMAN WAITS: Bryan?

19 COMMISSIONER SPARKS: No report.

20 CHAIRMAN WAITS: Kathy?

21 Judie?

22 COMMISSIONER ALLAN: Okay. So on December 10th, we had a
23 LEPC meeting. And we discussed -- to meet our CERT
24 qualifications, we have to pretty much give a schedule of -- of
25 future meetings and -- and a tabletop exercises, whatnot.

26 So we scheduled that. We are talking about having a
27 tabletop emergency discussion in April and a field exercise in
28 May.

29 And I think it's pretty important. We do have the field
30 exercises to get our members and first responders kind of aware
31 of what's going on.

32 On the 13th of December, I attended the Central Nevada
33 Regional Water Authority. That was just a ba- -- basic meeting.
34 Nothing really to report from that.

35 The 6th of December, I did attend a workshop at NACO.
36 Basically a list of bills passed through the legislature this
37 year that have a financial impact on the counties.

38 I got a list of those and some notes if anybody would like
39 to look at some of those.

40 It was actually very informational. Some of them are going

1 to have a pretty good effect on -- on the financial aspects.

2 So that's always good to know what's coming up.

3 And that's it.

4 CHAIRMAN WAITS: Thank you.

5 Yes, I did attend the workshop with NACO on the 6th with
6 all of the -- the new laws and everything. It does affect the
7 county with several things that we have to do and some
8 ordinances and such. And -- and we'll be working with our --
9 our staff.

10 There's also some for the Clerk's Office, of course, a
11 great deal. And Recorder's Office and such. So they're on --
12 on top of that with their association. And we'll be going over
13 it locally to -- to do that.

14 It was -- it was excellent.

15 Also on the 13th was our -- our actual NACO meeting. And
16 they're getting ready for our big legislative conference, which
17 is at the end of February, first part of March in Washington,
18 D.C., with a lot of things that are -- that are going in
19 federally.

20 So I'll wait and report on most of that in the first part
21 of January.

22 So we'll go to our county manager.

23
24
25 **STAFF REPORTS**

26
27 CHAIRMAN WAITS: Updates for us?

28 KEITH WESTENGARD: Yep.

29 So I've been having some ongoing discussions with J-U-B
30 regarding that \$2 million that we got. We are the only airport
31 in Nevada to receive that -- that \$2 million grant from the FAA.

32 They're going to be here next meeting and go over in detail
33 where -- where we'd like to go with that money. And that will
34 require some matching funds as well.

35 So they're going to -- they're going to present all that to
36 you at our next meeting.

37 COMMISSIONER CLARK: Did they give you a reason why we were
38 the only ones?

39 KEITH WESTENGARD: You know, they -- they really didn't.
40 They're -- I -- I don't know why. I just know we were the ones

1 that received it. I -- I would say because our airport's
2 pretty -- pretty integral in the -- in the air tanker part of
3 it. This has a lot to do with the expansion or the -- of a
4 taxiway and thickening it in order to take on the bigger air
5 tankers. So that might -- that's probably a majority of the
6 reason.

7 I did attend the Department of Taxation hearing last week.
8 And we were granted our -- our waiver again.

9 They did have some recommendations in the future, what we
10 put into the letter requesting that waiver for the future. And
11 we're going to follow that for the future tax waiver requests
12 because they -- we have to do that every year.

13 COMMISSIONER SPARKS: Well, good. That's a win.

14 KEITH WESTENGARD: Yeah.

15 COMMISSIONER SPARKS: Yeah.

16 KEITH WESTENGARD: It's a good deal. So...

17 We did meet with the BLM last week. We talked about the
18 golf course. And they're fine with us to continue on as usual
19 for this time because of -- we have the potential lands bill,
20 which our lands bill is going to -- is -- is scheduled to be
21 introduced into the House either the end of Januar- -- or I'm
22 sorry -- the end of December or the 1st of January.

23 Plus, we have the potential ability to purchase the golf
24 course. So we do have that.

25 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

26 KEITH WESTENGARD: Oh, right. Yeah.

27 One of the things we did request in the land bill is that
28 if we do purchase it that we would be reimbursed for the
29 purchase if -- if that happens prior to the -- to the land bill
30 going through.

31 So, for instance, if we were to buy the golf course for --
32 for 300,000, we're asking that if it goes through in the land
33 bill that the county be reimbursed at \$300,000. And we'll see
34 what happens.

35 We also met with -- myself and Kyla met with Jojo Myers.
36 She's the br- -- broadband from the Governor's Office, having to
37 do with the broadband internet within the county.

38 That Monkey Survey that we had put out about two months
39 ago, they've had some real good responses to that, even to the
40 point where some of the businesses have asked that the county

1 get involved to try to upgrade our service in the county.

2 So we're -- we're pretty happy about that. They had a
3 pretty good response from the community as well.

4 So we are -- we're working with her -- with Jojo Myers and
5 her staff out of the Governor's Office. And she will be here
6 January 23rd to give that whole update to you as well and to see
7 which direction the Commission would like to go.

8 I do have some things that I'd like to go over, but it --
9 it would -- it has to do with the litigation so I'm asking after
10 the -- after the meeting we go over a few litigation things.

11 Thank you.

12 CHAIRMAN WAITS: Thank you.

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15 **PUBLIC COMMENT**

16
17 CHAIRMAN WAITS: Okay. Moving on now. It's time for
18 public comment for non-agendized items only.

19 Persons are invited to submit comments in writing and/or
20 attend and make comments on any nonagenda item on the board
21 meeting, if any, and discussion of those comments at the
22 discretion of the board. All public comment may be limited to
23 three minutes per person, again at the discretion of the board.
24 Reasonable restrictions may be placed on public comments based
25 upon time, place, and manner, but public comment based upon
26 viewpoint may not be restricted.

27 Any public comment?

28 Good morning.

29 NETTIE QUINTANA: Good morning.

30 COMMISSIONER SPARKS: Good morning, Nettie.

31 COMMISSIONER CLARK: Morning, Nettie.

32 NETTIE QUINTANA: Hi. This makes me nervous in this
33 situation. But I'm Nettie Quintana, for the record. And I am
34 doing the materials testing.

35 And I'm here because I'm tired of getting my name drug
36 through the mud.

37 I'm tired that one commissioner can dictate my -- the
38 outcome of my livelihood.

39 Recently I just found out that Judie Allan had a complaint
40 against me. And it's almost laughable, like it would be

1 laughable if it didn't affect me directly.

2 There's lies. It's assumptions. It's -- it's ridiculous.
3 And because of that, I've been removed from -- from all
4 projects.

5 It's my understanding that all of you are here to represent
6 the community. And so I'm here to ask you guys to represent me.

7 Somebody can go and say complete lies and come back and it
8 affects me directly. And it's not even true. There's no truth
9 to it.

10 So I'm here to ask you guys to represent me.

11 I am as local as it gets. I was born in Battle Mountain,
12 Nevada, Battle Mountain General Hospital, raised here.

13 I represented this community through sports all the way to
14 the USA Today.

15 I have 20 years' experience in materials testing. And this
16 isn't just a handshake job. This is something that has -- takes
17 knowledge. It takes specs and testing and all these little tiny
18 numbers that nobody even understands. That's what I turned in
19 to the engineers. That's what gets turned into the state. And
20 if the state doesn't approve it, then you guys don't get to use
21 whatever you're building.

22 My job is very important. And I'm very respected in what I
23 do.

24 I've provided this service for different places. It's from
25 Washington to Arizona to as far as Zarafshan, Uzbekistan and
26 decided to do it here in my hometown to represent us, to save,
27 like, our little pond that we did at the airport, that liner. I
28 made sure that that was good so our -- we're drinking good
29 water. That's what I do. And I respect my job.

30 I provide this service for Lander County. And I am the
31 only one that does provide this service for Lander County and
32 Humboldt County, actually.

33 I'm requested to be put on the agenda. Not long ago -- a
34 couple months ago -- I was supposed to be on the agenda and
35 somehow my name got removed off of it. And so I couldn't come
36 up and speak and explain exactly what I do.

37 And I'd like to take the time to come up here and show you
38 guys exactly what I do as best I can, all the little details
39 that -- 20 years is a lot -- really hard to explain. But all
40 these little details that are important with my job and what I

1 do. And it's my livelihood.
2 I'm asking you guys to please step up for me too.
3 This is ridiculous. I work hard, and I do a good job.
4 COMMISSIONER CLARK: Thanks, Nettie.
5 NETTIE QUINTANA: Thank you.
6 COMMISSIONER SPARKS: Thanks, Nettie.
7 CHAIRMAN WAITS: (Indiscernible.)
8 COMMISSIONER CLARK: Thank you, Nettie.
9 CHAIRMAN WAITS: Any other public comment?
10 KEITH WESTENGARD: (Indiscernible.)
11
12

13 CONSENT AGENDA

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15 CHAIRMAN WAITS: Okay. We will move on to the consent
16 agenda.

17 All matters listed under the consent agenda are considered
18 routine, may be acted upon by the Board of County Commissioners
19 with one action, without extensive discussion. Any member of
20 the board or any citizen may request that an item be taken from
21 the consent agenda, discussed, and acted upon separately during
22 this meeting. Consent agenda materials are available at the
23 Lander County Clerk's Office for viewing, and copies are
24 available for a nominal charge.

25 Number 1, approval of December 19, 2000 -- oh, excuse me --

26 KEITH WESTENGARD: Excuse me, Commissioner. We -- we have
27 a time set for Item Number 1, which we're a little bit past. If
28 we could skip --

29 CHAIRMAN WAITS: At --

30 KEITH WESTENGARD: -- the --

31 CHAIRMAN WAITS: -- 9:10?

32 KEITH WESTENGARD: -- consent --

33 Yeah, if we could skip --

34 CHAIRMAN WAITS: Thank you.

35 KEITH WESTENGARD: -- and go --

36 CHAIRMAN WAITS: Okay.

37 KEITH WESTENGARD: -- right to Number 1.

38 CHAIRMAN WAITS: We'll open --

39 KEITH WESTENGARD: Thank you.

40 CHAIRMAN WAITS: -- up the consent agenda in a few minutes.

1 **COMMISSIONERS**

2
3 1) 9:10 a.m.

4 **PUBLIC HEARING: For possible action to approve/disapprove**
5 **the adoption of Ordinance 2019-02, initiating the dissolution of**
6 **the Lander County Combined Sewer and Water District #2 General**
7 **Improvement District and its board of trustees.**

8
9 CHAIRMAN WAITS: Right now we're going to Number 1, which
10 is 9:10 public hearing for possible action to approve or
11 disapprove the adoption of Ordinance 2019-02, initiating the
12 dissolution of the Lander County Combined Sewer and Water
13 District #2 General improvement District and its board of
14 trustees.

15 Okay. Hearing is open. I do have a question. In -- in
16 the ordinance, it actually refers to the rates and says that an
17 exhibit could be attached if we're doing certain rates or
18 something. So right now, if the ordinance goes through, we
19 don't have anything solidifying any rates solidifying any rates
20 or anything at all.

21 DISTRICT ATTORNEY HERRERA: That's correct.

22 CHAIRMAN WAITS: Right?

23 DISTRICT ATTORNEY HERRERA: Be- --

24 CHAIRMAN WAITS: Okay.

25 DISTRICT ATTORNEY HERRERA: That's in the second part.
26 That's the second ordinance. That's the finished ordinance.

27 COMMISSIONER SPARKS: The what?

28 DISTRICT ATTORNEY HERRERA: There's two ordinances that
29 we -- that's required. The initiating ordinance, and that's
30 what we're --

31 COMMISSIONER SPARKS: Doing now?

32 DISTRICT ATTORNEY HERRERA: -- asking you to approve today,
33 and then I have to do another ordinance and it's called
34 finalizing ordinance.

35 CHAIRMAN WAITS: Okay. So the one we do today is just the
36 initiating one.

37 DISTRICT ATTORNEY HERRERA: Yes.

38 CHAIRMAN WAITS: And then we can actually discuss the rates
39 and holding them the same for --

40 DISTRICT ATTORNEY HERRERA: This --

1 CHAIRMAN WAITS: -- Austin --
2 DISTRICT ATTORNEY HERRERA: This is more a due process
3 point.
4 CHAIRMAN WAITS: -- at the second one. Thank you.
5 DISTRICT ATTORNEY HERRERA: Give all the notices and give
6 them a chance to talk and whatever.
7 CHAIRMAN WAITS: And with this, then, it looks like when we
8 pass this, it goes into the right to appeal, up until the 26th
9 of February; is that --
10 DISTRICT ATTORNEY HERRERA: That -- that's --
11 CHAIRMAN WAITS: -- correct?
12 DISTRICT ATTORNEY HERRERA: -- when they can make their
13 protest --
14 CHAIRMAN WAITS: Okay.
15 DISTRICT ATTORNEY HERRERA: -- in writing. It has to be in
16 writing so everyone knows that. All protests have to be -- and
17 the letters written to all the property owners state that --
18 that all protests, if any, must be in writing and must be sent
19 to the Clerk's Office.
20 CHAIRMAN WAITS: Thank you. Do you have any questions?
21 Okay. I'm happy to entertain a motion if that's your
22 pleasure.
23 COMMISSIONER ANCHO: So does this entire thing need to be
24 read in?
25 DISTRICT ATTORNEY HERRERA: No.
26 CHAIRMAN WAITS: No.
27 DISTRICT ATTORNEY HERRERA: We -- when we proposed it, we
28 just read in the title -- by title.
29 And that's all that needs --
30 And today you guys can modify. You can reject or you can
31 adopt.
32 COMMISSIONER SPARKS: Okay. Well, I'll make a motion we
33 approve Ordinance 2019-02, initiating the dissolution of the
34 Lander County Combined Sewer and Water District #2 General
35 Improvement District and its board of trustees.
36 COMMISSIONER ANCHO: I'll second.
37 COMMISSIONER CLARK: Second.
38 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy
39 seconded that.
40 Any other discussion?

1 (No comment.)
2 CHAIRMAN WAITS: All those in favor?
3 COMMISSIONER SPARKS: Aye.
4 COMMISSIONER ANCHO: Aye.
5 COMMISSIONER CLARK: Aye.
6 CHAIRMAN WAITS: Aye.
7 COMMISSIONER ALLAN: Aye.
8 CHAIRMAN WAITS: And none opposed?
9 (No comment.)
10 CHAIRMAN WAITS: And that passes unanimously. Thank you.
11 And with that, we're going to go -- we still have another
12 timeframe, but that's 9:30 so we're going to go back to the
13 consent --
14 MITESHELL LANHAM: We have a --
15 CHAIRMAN WAITS: -- agenda.
16 MITESHELL LANHAM: -- public comment here in Austin.
17 COMMISSIONER ANCHO: Oh. Austin has a comment.
18 CHAIRMAN WAITS: You had a comment?
19 RAY WILLIAMS: Well, we'd like to comment, but --
20 CHAIRMAN WAITS: Yes.
21 RAY WILLIAMS: -- you've got -- you've already made a
22 decision so I guess we're a little bit behind the power curve.
23 This is Ray Williams in Austin.
24 And -- AND I would really like to comment on it, but you
25 guys are just kind of pushing the train down the road here.
26 We're more concerned up here as to how the district will be
27 managed once you get rid of it. With the district, how the
28 water system's going to be managed. That's -- that's my big
29 concern.
30 I'm a past employee of the district and a past board member
31 off and on for probably 10 or 15 years. And I know how much
32 work this board has done for the town and how available they
33 were and how their response was.
34 We're -- we're 90 miles from Battle Mountain. I just kind
35 of wonder how it'll operate once you get here. I don't know if
36 you've giving that any thought or not, but --
37 CHAIRMAN WAITS: Thank --
38 RAY WILLIAMS: -- that --
39 CHAIRMAN WAITS: -- you.
40 RAY WILLIAMS: -- that --

1 CHAIRMAN WAITS: Thank --
2 RAY WILLIAMS: -- was -- that was my comment or question, I
3 guess.
4 CHAIRMAN WAITS: Thank you, Ray.
5 Actually, yes, there's been a lot of thought that's gone
6 into this on -- on how it's going to be handled. But, of
7 course, it will be naturally combined with our water and sewer
8 district. But there's been talk of everything from, of course,
9 holding the rates to an advisory board that could be set up in
10 Austin.
11 And I think our county manager has some comments also.
12 Keith -- Keith is going to come up for you too.
13 KEITH WESTENGARD: So, Ray, what -- what we've had multiple
14 discussions on the route we -- we would -- several different
15 routes that we would consider taking bef- -- and then bringing
16 it to the commission for final approval, which would include how
17 we're going to run it. I -- I've talked with Bert quite a bit
18 about it. How it's going to be run, the -- the rates
19 themselves, to -- up to and including the advisory board if --
20 if the commission wants to go that way.
21 So it -- we're not just going to take it over and run it
22 half- -- haphazard. We have some thoughts. And we're going to
23 look for some input before we bring it to the commissioners
24 with -- for their final approval.
25 We've talked -- we've had discussions on the current
26 employees. But what we're going to have to do with the
27 employees is they'll have to apply for the positions. They'll
28 be put out to the public, just like we do with any of our other
29 positions. And then we'll -- there'll be a -- a process to go
30 through for the employees.
31 How we run it. We've talked about possible spark --
32 putting smart meters in.
33 So there's -- there's been a lot of discussion on it.
34 RAY WILLIAMS: I -- I guess just an additional question.
35 You'll probably -- part of the way -- the ordinance will be
36 similar to what you have for the Battle Mountain water system?
37 KEITH WESTENGARD: Yeah. We -- we've talked about the
38 ordinances and a direction to take on the ordinances and how to
39 word those ordinances and -- and none of that will go into
40 effect until we -- we -- the commission approves it and we get

1 input from the south.
2 RAY WILLIAMS: I guess the other question we've had on --
3 on the district went through a pretty expensive process to
4 expand the boundaries and -- and include areas that weren't
5 being served by the original district. And I understand that
6 the county doesn't recognize that.
7 KEITH WESTENGARD: That, I -- I don't have an answer for.
8 That's probably one of the things we would need to have further
9 discussion on. I -- I -- I don't know that.
10 Was that it, Ray, for me?
11 RAY WILLIAMS: Yes.
12 KEITH WESTENGARD: Okay.
13 RAY WILLIAMS: And I just followed along as you involved
14 the community in some of your decisions. We haven't really
15 heard that much about it after your --
16 KEITH WESTENGARD: Well, we'll -- we'll definitely look at
17 input from the community before we bring it -- before it's
18 brought to the commission for final approval.
19 RAY WILLIAMS: Great.
20 COMMISSIONER CLARK: We've been accepting information from
21 down south on this issue all along, haven't --
22 COMMISSIONER SPARKS: Uh-huh.
23 COMMISSIONER CLARK: -- we?
24 KEITH WESTENGARD: Yes.
25 COMMISSIONER CLARK: We've been requesting information.
26 DISTRICT ATTORNEY HERRERA: And this is a public hearing
27 set --
28 COMMISSIONER CLARK: Yeah.
29 DISTRICT ATTORNEY HERRERA: -- today for that --
30 COMMISSIONER CLARK: Yeah.
31 DISTRICT ATTORNEY HERRERA: -- express purpose.
32 CHAIRMAN WAITS: Okay. If there's no other comments, then
33 we'll move on back to the consent agenda.

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35

36 **CONSENT AGENDA**
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38 CHAIRMAN WAITS: And the consent agenda will be acted upon
39 as one vote or we can pull them out. And so we just started to
40 read: Number one, approval of December 19, 2019, agenda notice;

1 Number 2, approval of May 23, 2019, meeting minutes; Number 3,
2 approval of July 11, 2019, meeting minutes; Number 4, approval
3 of July 25, 2019, meeting minutes; Number 5, approval of
4 October 10, 2019, meeting minutes; Number 6, approval of October 24,
5 2019, meeting minutes; Number 7, approval of November 7, 2019,
6 meeting minutes; Number 8, approval of November 25, 2019, special
7 meeting minutes; Number 9, approval of September 5, 2019, meeting
8 minutes, and Number 10, the approval of the payment of bills.

9 We do need to pull Number 3 through 10. Three through nine
10 are all meeting minutes we have not received. And the approval
11 of the payment of bills needs to be pulled out.

12 So with that, I would ask for a motion to approve Number 1,
13 the agenda and Number 2, the meeting minutes on May 23rd unless
14 someone has some corrections.

15 COMMISSIONER SPARKS: So --

16 COMMISSIONER ANCHO: So --

17 COMMISSIONER SPARKS: -- moved.

18 COMMISSIONER ANCHO: I'll second.

19 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy
20 seconded.

21 Any other discussion?

22 (No comment.)

23 CHAIRMAN WAITS: All in favor?

24 COMMISSIONER SPARKS: Aye.

25 COMMISSIONER ALLAN: Aye.

26 COMMISSIONER CLARK: Aye.

27 COMMISSIONER ANCHO: Aye.

28 CHAIRMAN WAITS: Aye. Thank you.

29 And then we go down to the approval of payment of bills.
30 We're going to pull out two bills on that.

31 Number 205853 and 205954, which is for Commissioner Sparks.
32 And I'd like a motion for the other bills to be paid, unless you
33 have any questions.

34 COMMISSIONER SPARKS: I'll make that motion.

35 CHAIRMAN WAITS: Thank you, Bryan.

36 COMMISSIONER ANCHO: I'll second.

37 CHAIRMAN WAITS: And Kathy seconded that. Thank you.

38 Any other discussion?

39 (No comment.)

40 CHAIRMAN WAITS: All in favor?

1 COMMISSIONER SPARKS: Aye.
2 COMMISSIONER ALLAN: Aye.
3 COMMISSIONER CLARK: Aye.
4 CHAIRMAN WAITS: Aye.
5 Thank you. And now for bills 205853 and 205954.
6 COMMISSIONER ANCHO: So moved.
7 CHAIRMAN WAITS: Thank you, Kathy.
8 Second?
9 I need a second.
10 This is on the two bills that are to Bryan's employer. And
11 Kathy --
12 COMMISSIONER CLARK: Okay.
13 CHAIRMAN WAITS: -- made the motion. I do need a --
14 COMMISSIONER CLARK: I'll second.
15 CHAIRMAN WAITS: -- second.
16 COMMISSIONER CLARK: I'll second.
17 CHAIRMAN WAITS: Thank you, Art.
18 Any other discussion?
19 (No comment.)
20 CHAIRMAN WAITS: All in favor?
21 COMMISSIONER ANCHO: Aye.
22 COMMISSIONER ALLAN: Aye.
23 COMMISSIONER CLARK: Aye.
24 CHAIRMAN WAITS: Aye.
25 COMMISSIONER SPARKS: And I abstain because they're made to
26 my employer.
27 CHAIRMAN WAITS: Thank you.
28 And there's any opposed?
29 (No comment.)
30 CHAIRMAN WAITS: Okay. And that passes. Thank you.
31 I think we aren't ready for Number 2. And Number 3 is
32 going to be a little bit longer. So I'm going to move to
33 Number 4.
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1 4) COMMISSIONERS: For possible action to approve/disapprove the
2 appointment of one individual to serve on the Board of the
3 Lander County Planning Commission, which currently has two
4 (2) openings, four-year terms, term ending June 30, 2020, and
5 to consider all of the following applicants to include:
6 a) Jerry Annis.
7

8 CHAIRMAN WAITS: Commissioners.

9 For possible action to approve or disapprove the
10 appointment of one individual to serve on the Board of Lander
11 County Planning Commission, which currently has two openings,
12 four-year terms, term ending June 30, 2020, and to consider all
13 of the following applicants to include -- and we -- I just --

14 COMMISSIONER SPARKS: We just have --

15 CHAIRMAN WAITS: -- had --

16 COMMISSIONER SPARKS: -- one.

17 CHAIRMAN WAITS: -- the one, Jerry Annis. Uh-huh.

18 KEITH WESTENGARD: Commissioners, this has been advertised
19 properly, multiple times.

20 And this -- this gentleman has put in his letter, as you
21 see in your book. And that's all we have so far. So we
22 continue to advertise.

23 CHAIRMAN WAITS: Thank you.

24 COMMISSIONER ANCHO: All right. I'll make a motion to
25 approve Jerry Annis for the appointment to serve on the Board of
26 Lander County Planning Commission, which currently -- which has
27 a four-year term ending June 30, 2020.

28 COMMISSIONER SPARKS: I'll second that.

29 CHAIRMAN WAITS: Thank you. Kathy made the motion. And
30 Bryan seconded that.

31 Any other discussion?

32 (No comment.)

33 CHAIRMAN WAITS: And we thank Jerry for stepping up.

34 All those in favor?

35 COMMISSIONER SPARKS: Aye.

36 COMMISSIONER ALLAN: Aye.

37 COMMISSIONER CLARK: Aye.

38 COMMISSIONER ANCHO: Aye.

39 CHAIRMAN WAITS: Aye.

40 Any opposed?

1 (No comment.)
2 CHAIRMAN WAITS: Thank you.

3
4 5) **COMMISSIONERS: For possible action to approve/disapprove the**
5 **appointment of one individual to serve on the Board of Lander**
6 **County Equalization, which currently has one (1) opening;**
7 **four-year terms, term ending June 30, 2020, and to consider**
8 **all of the following applicants to include: Marla J. Sam.**

9
10 CHAIRMAN WAITS: We'll move on to Number 5. Under
11 Commissioners.

12 For possible action to approve or disapprove the
13 appointment of one individual to serve on the Board of Lander
14 County Equalization, which currently has one opening, four-year
15 terms, term is ending June 30, 2020, and to consider all of the
16 following applicants to include -- and this would be Marla J.
17 Sam. And Marla --

18 KEITH WESTENGARD: Once again, --

19 CHAIRMAN WAITS: -- is --

20 KEITH WESTENGARD: -- this was advertised properly. And
21 Marla Sam has put in her letter of interest.

22 COMMISSIONER ANCHO: I'll make the motion to approve the
23 appointment of Marla Sam to serve on the Lander County Board of
24 Equalization, which is a four-year term, ending June 30, 2020.

25 COMMISSIONER SPARKS: I'll second.

26 CHAIRMAN WAITS: Thank you. Kathy made the motion. And
27 Bryan seconded that.

28 I think she served on that before, I believe, and
29 stepped --

30 COMMISSIONER SPARKS: Yeah.

31 CHAIRMAN WAITS: -- down. So we, again, --

32 COMMISSIONER SPARKS: Pretty much.

33 CHAIRMAN WAITS: -- thank her for stepping back up.

34 And all those in favor?

35 COMMISSIONER SPARKS: Aye.

36 COMMISSIONER CLARK: Aye.

37 COMMISSIONER ANCHO: Aye.

38 COMMISSIONER ALLAN: Aye.

39 CHAIRMAN WAITS: Aye.

40 Any opposed?

1 (No comment.)
2 CHAIRMAN WAITS: Thank you. And that one passes.
3 It looks like the others are just a little bit lengthy. So
4 I'm going to go off the -- ask we go off the record and just
5 take a quick four-minute break.
6
7 (Break taken between 9:24 a.m. and 9:28 a.m.)
8
9 CHAIRMAN WAITS: And we will reconvene.
10
11 (Simultaneous indiscernible conversations.)
12
13 CHAIRMAN WAITS: And is it close to 9:30, Sadie?
14 SADIE SULLIVAN: Thirty seconds.
15 CHAIRMAN WAITS: Okay. With that, we are calling our
16 commission meeting back to order.
17
18 (Simultaneous indiscernible conversations.)
19
20 2) 9:30 a.m.
21 PUBLIC HEARING: For possible action to approve/disapprove
22 the adoption of Ordinance 2019-01 amending Title 15, Chapter 12,
23 of the Lander County Code by Repeal and Amendment, to adopt the
24 2018 Building Codes and provide similar updating thereof and
25 approve the chair or vice chair to sign.
26
27 CHAIRMAN WAITS: Thank you, everyone. We are on Agenda
28 Item Number 2, 9:30 a.m. Public hearing.
29 For possible action to approve or disapprove the adoption
30 of Ordinance 2019-01, amending Title 15, Chapter 12, of the
31 Lander County Code of Re- -- of Repeal and Amendment, to adopt
32 the 2018 Building Codes and provide similar updating thereof and
33 approve the chair or vice chair to sign.
34 Miss --
35 ANNA PENOLA: Good --
36 CHAIRMAN WAITS: -- Anna.
37 ANNA PENOLA: -- morning. Anna Penola for -- with the
38 Building Department.
39 COMMISSIONER SPARKS: Good morning, Anna.
40 ANNA PENOLA: Good morning, --

1 COMMISSIONER ANCHO: Good morning.
2 ANNA PENOLA: -- guys.
3 CHAIRMAN WAITS: So, okay. We have done everything
4 properly. And we are ready now to approve this. Is that
5 correct?
6 ANNA PENOLA: Yes, ma'am.
7 CHAIRMAN WAITS: Does anybody have any questions at all on
8 it?
9 COMMISSIONER SPARKS: No. I don't think so.
10 CHAIRMAN WAITS: Okay. Then it looks like we're ready for
11 a motion.
12 COMMISSIONER ANCHO: I'll make the motion to approve the
13 adoption of the Ordinance 2019-01, amending Title 15,
14 Chapter 12, for the Lander County Code by repeal and amendment, to
15 adopt the 2018 Building Codes and to provide simpler updating thereof
16 and approve the chair or vice chair to sign.
17 COMMISSIONER SPARKS: I'll second.
18 CHAIRMAN WAITS: Thank you. Kathy made the motion and
19 Bryan seconded that.
20 Any other discussion at all?
21 (No comment.)
22 CHAIRMAN WAITS: All in favor?
23 COMMISSIONER ANCHO: Aye.
24 COMMISSIONER SPARKS: Aye.
25 COMMISSIONER ALLAN: Aye.
26 COMMISSIONER CLARK: Aye.
27 CHAIRMAN WAITS: Aye. Thank you.
28 ANNA PENOLA: Thank you very much, guys.
29 CHAIRMAN WAITS: There you go.
30 COMMISSIONER ANCHO: Thank you.
31 CHAIRMAN WAITS: Been a long time, but we're -- we're on
32 top of it now.
33 ANNA PENOLA: I've got to have something to say to her.
34
35
36
37
38
39
40

1 **3) COMMISSIONERS: Update and information regarding future**
2 **planning, historical designation of the old courthouse,**
3 **nonprofit status, and budgetary items from Lander County**
4 **Citizens for Historic Preservation, presented by Colt and Amy**
5 **Nelson.**

6
7 CHAIRMAN WAITS: Okay. Number 3. Commissioners.
8 Update and information regarding future planning,
9 historical designation of the old courthouse, nonprofit status
10 and budgetary items from Lander County Citizens for Historic
11 Preservation, presented by Colt and Amy Nelson.

12 COMMISSIONER SPARKS: Good morning, guys.

13 COLT NELSON: Morning.

14 CHAIRMAN WAITS: Good --

15 AMY NELSON: Good morning.

16 CHAIRMAN WAITS: -- morning.

17 COMMISSIONER ANCHO: Good morning.

18 COLT NELSON: For the record, colt Nelson.

19 AMY NELSON: Amy Nelson.

20 CHAIRMAN WAITS: Thank you. We're glad you could join us
21 this morning. We've been a bit inquisitive. I know you've been
22 busy. So you can bring us up to date.

23 COLT NELSON: Okay. I'm not sure -- I believe we turned in
24 Lander County Citizens for Historic --

25 COMMISSIONER SPARKS: Yeah.

26 COLT NELSON: -- Preservation for you guys. So --

27 CHAIRMAN WAITS: Yes.

28 COLT NELSON: -- that's with you now. It's a little bit
29 about our why and our what. I don't know if you want me to go
30 through that real quick or get right to how we're going to
31 continue on with --

32 CHAIRMAN WAITS: You know, you can -- you can do that
33 either way. You could just highlight some of the things that
34 you want us to know, like --

35 COLT NELSON: Okay.

36 CHAIRMAN WAITS: And -- and then what you would like us to
37 do and go from there.

38 COLT NELSON: Okay. Sounds good.

39 Well, the LCCHP's long acronym for Lander County Citizens
40 for Historic Preservation, our mission is to support restoration

1 efforts in Battle Mountain. And we've really just got going
2 with one building at this time, the Frederic Joseph DeLongchamps
3 building, our old county building/courthouse. And we really
4 want to look at the value and beauty of a lot of historical
5 areas in Battle Mountain and approach that similar to what
6 Austin has done, I would say, and -- and take some pride in the
7 community of preserving some of these things. So that's a
8 little bit of the "why."

9 And -- and preferably get people to actually utilize
10 these -- these places for community things that we can all
11 enjoy.

12 And the -- the "what" is really coordinate our efforts to
13 restore and make these buildings where we can use them and keep
14 them into our -- maybe for another century, right? We could --
15 we could still enjoy the -- the courthouse a century from now.

16 Lots of meaning with the building. Lots of folks have a
17 lot of memories with it, including generations.

18 For me, particularly, several generations, some of them
19 even went to the school as young -- young kids.

20 So a very neat thing that -- that I think we're doing.
21 And -- and it's been a struggle because, you know, when you kind
22 of do it part-time you -- you move along and you kind of inch
23 along. And this has been something that I've questioned whether
24 or not we should have taken it on. But we're still here. And
25 we still want to do it. And we have got a little bit more
26 traction, which -- which gets us a little bit more to the how
27 are we going to do things? And -- and we've got a list of what
28 we've actually accomplished to- -- as of today.

29 So we did contract with the Nevada Preservation Foundation
30 and worked to get the grammar school/courthouse on the Nevada
31 State Register of Historical Places. So that's something to
32 really celebrate.

33 AMY NELSON: Do you want me to hand it up to them?

34 COLT NELSON: Sure.

35 AMY NELSON: So everything's in here. So I thought maybe
36 you guys can look through it --

37 COMMISSIONER SPARKS: Yeah.

38 AMY NELSON: -- as we're chitchatting.

39 COLT NELSON: And it really -- it bears repeating. It's
40 so -- it was one of the biggest steps we had in our step of

1 events we wanted to accomplish to at least get that done. And
2 like most things, there was a little bit more work involved with
3 it and a little bit more time to take that process through.

4 But during that, we developed some really good
5 relationships with regional personnel that were involved with
6 getting that done that will help us in the future with some --
7 not only with this building, of course, but others that we could
8 preserve.

9 And those folks are Jim Bertolini, Heidi Swank, Catherine
10 Wines, and Rebecca Palmer all helped us to get this done.

11 We did, unfortunately, have to terminate a relationship
12 with the attorney we were using to get our 501(3)(c) done. Is
13 that -- did I say that right? (c)(3) --

14 CHAIRMAN WAITS: Uh-huh.

15 COLT NELSON: -- done.

16 AMY NELSON: Nonprofit.

17 COLT NELSON: Nonprofit. We -- we needed that to carry on
18 for all the grants that we were excited to go after. And we --
19 we know which ones we want to go after. But that just came to a
20 complete -- where it -- just nothing was getting done.

21 So we've terminated that and actually rehired another
22 attorney.

23 AMY NELSON: Uh-huh.

24 COLT NELSON: And they're going to -- they're working on it
25 pretty fast. So it -- it -- they know that we -- we're under a
26 time crunch because we lost about a year, year and a half there.

27 We do meet. We've had one meeting just recently. And
28 we're developing next steps, including plans for an open house
29 during the 150 year anniversary Battle Mountain celebration.

30 We want to get to a point where we can clean up the
31 building enough and have people be able to walk through safely
32 and kind of get their vision, some ideas.

33 We have some that we're going to present there and that --
34 that we could do, like maybe a couple rooms or like the old
35 grammar school that it used to be, where you could walk through
36 and see it and community relation building, basically, that we
37 could utilize, maybe the new Chamber of Commerce. I don't know.
38 But whatever. Right? It's -- it's just thoughts because it's a
39 beautiful building that -- to get those ideas.

40 Once -- and once we receive that nonprofit, we really want

1 to develop those capital campaigns to -- to make some -- some
2 money for -- it's not all on Lander County. But to get the
3 grants to preserve it and do the right things for the building.

4 And as of right now, Lander County blessed us with
5 providing 50,000 for seed money to get at least what we got done
6 completed.

7 And at this point, we -- we basically -- the cost to NPF
8 to -- to be designated on the Nevada State Registry was 15,000
9 plus 250 to belong to the National Trust Historical
10 Preservation. And the initial payment to our attorney was 417.
11 So you can see there on the back, we -- and you have all those
12 financial statements --

13 AMY NELSON: Yeah.

14 COLT NELSON: -- in the book there for you guys to go
15 through. But it's all in there.

16 So right now we're sitting at 34,269.84. Oh, and we have
17 \$62 to order checks. I think that was the total. So that's
18 where we're at.

19 I think -- I think we're going to really get some traction
20 with the 501(c)(3). And we have some really good people that
21 we've met that's going to help us with a lot of this we would --
22 we didn't have before the last time we met with you.

23 So I'm -- I'm more confident we can keep this going.

24 We -- we just got to keep steadfast with it, you know, and
25 get that 501(c)(3) done.

26 AMY NELSON: Uh-huh.

27 COLT NELSON: Do you have anything to add there, Amy?

28 AMY NELSON: Nope. You nailed it.

29 COMMISSIONER ANCHO: And I think it's hard when you're
30 starting off on a new project that you've never done before of
31 saving a building. It's those -- those things are not easy.

32 AMY NELSON: Yeah.

33 COMMISSIONER ANCHO: And so it's -- I think when you jumped
34 off you go, "Oh. What did I just do?" type thing. So --

35 But one of the things I thought when they're -- since you
36 guys are -- since they're having the all-school reunion, you
37 guys might consider doing a GoFundMe page and hand out flyers at
38 that reunion. Because you're going to have everybody, you know,
39 lots of people that are still around that probably went to that
40 school.

1 So you might try doing that as far as raising some funds
2 for it as well.
3 And from --
4 COLT NELSON: Good idea.
5 COMMISSIONER ANCHO: -- someone who loves -- to Boston, you
6 go back there and you look at those beau- -- and I know it's
7 night and day. But it does -- preservation's preservation.
8 AMY NELSON: Uh-huh.
9 COMMISSIONER ANCHO: And the, you know, the buildings that
10 they save and they preserve, they're absolutely beautiful. And
11 it's worth saving, you know, those type of buildings.
12 So kudos to you guys. And I do respect how hard it is
13 to -- been there, done that -- to jump in and try to get
14 something done like that.
15 So nice --
16 COMMISSIONER SPARKS: Yeah.
17 COMMISSIONER ANCHO: -- job. And thank you --
18 COMMISSIONER SPARKS: Yeah. I think --
19 COMMISSIONER ANCHO: -- for --
20 COMMISSIONER SPARKS: -- that's a --
21 COMMISSIONER ANCHO: -- your efforts.
22 COMMISSIONER SPARKS: -- great idea. And thanks for
23 stepping up and taking it --
24 COMMISSIONER CLARK: I just want to --
25 COMMISSIONER SPARKS: -- on.
26 COMMISSIONER CLARK: -- I just want to mention a little bit
27 of history about this.
28 When I started four years ago, there were two schools of
29 thought. One school of thought was knock the courthouse down,
30 haul it away and fill it in.
31 The other was -- and we saw at the town hall meeting, we
32 had people in tears.
33 So I formulated the committee to get this going and I don't
34 know where the people who originally started it are now. But
35 with you two mover and shakers, maybe we can get something done.
36 DISTRICT ATTORNEY HERRERA: From a legal --
37 COMMISSIONER ANCHO: And reach --
38 DISTRICT ATTORNEY HERRERA: -- from --
39 COMMISSIONER ANCHO: -- back out.
40 DISTRICT ATTORNEY HERRERA: -- a legal standpoint, I -- I'd

1 just comment that you would be amazed at how many doors will
2 open for you once you establish the 501(c)(3).
3 AMY NELSON: That's what we've heard. So we'll --
4 DISTRICT ATTORNEY HERRERA: That --
5 AMY NELSON: -- just talk about --
6 DISTRICT ATTORNEY HERRERA: -- is --
7 AMY NELSON: -- that. Yeah.
8 DISTRICT ATTORNEY HERRERA: -- the -- you're -- that should
9 be your primary focus because Nevada law is set up to
10 accommodate 501(c)(3)s.
11 AMY NELSON: I appreciate that. Thank you.
12 COMMISSIONER ANCHO: And that you --
13 AMY NELSON: Yeah.
14 COMMISSIONER ANCHO: -- stay --
15 AMY NELSON: But, like I said, --
16 COMMISSIONER ANCHO: -- on your --
17 AMY NELSON: -- last time, --
18 COMMISSIONER ANCHO: -- person.
19 AMY NELSON: -- it's just -- we both work 60-hour --
20 DISTRICT ATTORNEY HERRERA: Nine -- I --
21 AMY NELSON: -- jobs.
22 DISTRICT ATTORNEY HERRERA: -- know.
23 AMY NELSON: So it's just we're -- so we felt like, gosh,
24 are we even the right people to do this? But, you know, as long
25 as you guys are patient, we're --
26 COLT NELSON: Yeah.
27 AMY NELSON: -- going to --
28 COLT NELSON: And -- and --
29 COMMISSIONER CLARK: Well, my --
30 COLT NELSON: -- it wasn't --
31 AMY NELSON: Some traction.
32 COLT NELSON: Yeah. And it --
33 COMMISSIONER CLARK: -- my concern was we had some
34 vandalism within the building.
35 AMY NELSON: Yeah.
36 COMMISSIONER CLARK: And I -- you know, do we need to put a
37 fence around it with a gate to protect it? Or do we just let it
38 go the way it is? That was my biggest --
39 AMY NELSON: I know. Yeah.
40 COMMISSIONER CLARK: -- concern.

1 AMY NELSON: Yeah. Security is --
2 COMMISSIONER CLARK: And if we're going to -- if we're
3 going to put millions of dollars into that building to bring it
4 back, you know, do we -- do we need a fence? I mean, that --
5 that was just a concern after I walked around in there after
6 I -- you know, after the --
7 AMY NELSON: After the --
8 COMMISSIONER CLARK: -- vandalism took place.
9 AMY NELSON: Yeah.
10 COMMISSIONER CLARK: And I don't want to see the windows
11 get broken because they're that old glass.
12 AMY NELSON: Yes.
13 COMMISSIONER CLARK: So if you guys can come up with a plan
14 to --
15 AMY NELSON: Security?
16 COMMISSIONER CLARK: -- to help some security issues there,
17 bring it back, and -- and we'll get going on it.
18 AMY NELSON: Awesome.
19 CHAIRMAN WAITS: Thank you. We sincerely appreciate the
20 update. And pick up your book.
21 AMY NELSON: Oh. Thank you.
22 CHAIRMAN WAITS: Amy, thank you so much.
23 COMMISSIONER ANCHO: Thank you very --
24 CHAIRMAN WAITS: And --
25 COMMISSIONER ANCHO: -- much.
26 CHAIRMAN WAITS: -- thank you for --
27 AMY NELSON: You bet.
28 CHAIRMAN WAITS: -- working on it.
29 COLT NELSON: You betcha.
30 Well, we'll have more news to share with you. Once we get
31 that 501(c)(3), I think things will move faster.
32 AMY NELSON: Yeah.
33 COMMISSIONER SPARKS: Thanks, Liz.
34 COMMISSIONER ANCHO: All right.
35 CHAIRMAN WAITS: Well, it's finally moving --
36 COMMISSIONER ANCHO: Thank you.
37 CHAIRMAN WAITS: -- so thank you.
38
39
40

1 **6) ASSESSOR: For possible action to approve/disapprove the**
2 **modified Aerial Photography Contract with Pictometry and**
3 **approve the chair or vice chair to sign.**
4

5 CHAIRMAN WAITS: Our next Agenda Item Number 6 under
6 Assessor's.

7 For possible action to approve or disapprove the modified
8 aerial photography Contract with Pictometry and approve the
9 chair or vice-chair to sign.

10 Is Lura here?

11 KEITH WESTENGARD: Let me go check her office real quick.
12 So my understanding is, after going through all of this
13 again, it's the amendment, the modification -- right? -- to
14 this --

15 COMMISSIONER ANCHO: I think --

16 CHAIRMAN WAITS: -- full --

17 COMMISSIONER ANCHO: -- I believe --

18 CHAIRMAN WAITS: -- agreement?

19 COMMISSIONER ANCHO: -- so.

20 CHAIRMAN WAITS: And they're upgrading it. So --

21 COMMISSIONER ANCHO: I believe so.

22 CHAIRMAN WAITS: -- Lura's the only one that really
23 knows --

24 COMMISSIONER ANCHO: Yes.

25 CHAIRMAN WAITS: -- what's -- what's going on and -- and
26 where we are.

27 COMMISSIONER SPARKS: Well, it's a change of 150,000.
28 So...

29 CHAIRMAN WAITS: Yes. It's significant. Absolutely.

30 KEITH WESTENGARD: She's on her way right now.

31 CHAIRMAN WAITS: Thank you.

32 COMMISSIONER ANCHO: I think this --

33 CHAIRMAN WAITS: Morning, --

34 COMMISSIONER ANCHO: -- money comes out of the --

35 CHAIRMAN WAITS: -- Lura.

36 COMMISSIONER ANCHO: -- Tech Fund.

37 LURA DUVALL: Good morning.

38 CHAIRMAN WAITS: We -- we have -- have gone through this
39 and -- and taken a look at it with the -- with the upgrade and
40 the amendment and such.

1 But only you can explain what -- what we're actually doing
2 on that upgrade of why the additional amount.

3 LURA DUVALL: Lura Duvall, Lander County Assessor.

4 We didn't realize that the original contract had the wrong
5 imagery resolution. It had a six-inch, which doesn't have near
6 the clarity or the precision as the three-inch.

7 We use pictometry daily in our reappraisal process because
8 a lot of times you can't get into properties. Gates are locked.
9 People aren't home. We are able to actually measure structures,
10 concrete, pavement, buildings with our pictometry. And in order
11 to do so, we need the three-inch resolution.

12 So the difference in the price is just changing it from a
13 six-inch resolution to a three-inch. And that's what we wanted
14 in the beginning.

15 I didn't catch that on the first go-around when we did the
16 first contract. So the modification is for our flyover. And,
17 actually, our flyover was supposed to be this year, but because
18 of weather conditions early in the spring, it's been bumped up
19 to the spring of 2020 after the snow is off the mountains and
20 off the trees. And that's always iffy, as you know, in our neck
21 of the woods.

22 So the difference is just a modification. I had actually
23 budgeted more than enough to cover this. As you can see, I
24 budgeted fif- -- 550-. But the total is only going to come to
25 408-.

26 So what I'm asking you to approve is just the modification
27 in the fees -- this is out of my technology fund -- and then to
28 sign the modified agreement with Pictometry.

29 COMMISSIONER SPARKS: And how often do we -- do we update
30 this every two years? We pay that?

31 LURA DUVALL: We're on a -- on a schedule. Yeah. Every
32 couple of years is where we're at.

33 That's what we've been doing. It's been a -- actually, our
34 last flyover was '16. So it'll end up being four years once we
35 do the flyover in -- in -- in the spring of 2020.

36 Sometimes we'll do just small little areas. And we have a
37 program through Pictometry called Change Finder.

38 So what it does is it -- it takes the last flyover and then
39 the next flyover and it matches the two images together. And it
40 detects just properties that have changes.

1 And in fact, in the larger counties, that's all they do is
2 they do a Change Finder program where they only visit properties
3 that physically have any kind of changes. And it saves a lot of
4 time, money, staffing requirements and everything. So it is a
5 very useful tool.

6 And so we just started using that. We will be going to
7 Phoenix in the spring for more -- for a week-long training on
8 advanced skills with the pictometry. But I'll tell you what,
9 it's been a lifesaver in many situations.

10 We -- with ranches, there's a lot of properties anymore.
11 You know, it's hard to get in.

12 And so we've been able to measure because it has really
13 good measuring tools. And the accuracy is very good. So it has
14 been a very resourceful tool.

15 So, yeah, publicly our next one would be -- after 2020, it
16 would be a couple years after that. It just depends on --
17 because we're not doing the full county. This is a -- this is
18 all Battle Mountain town, the surrounding Hilltop areas, and
19 stuff where our populated growth is.

20 So the next year we might do another one down in the south
21 because it's a much smaller area. It's a much smaller amount.
22 I just have to look at the schedule and see where we're at on
23 that. Okay.

24 CHAIRMAN WAITS: Just -- just a quick clarification because
25 we approved this actually in -- in March.

26 LURA DUVALL: Uh-huh. Yeah.

27 CHAIRMAN WAITS: So have they been doing the six-inch and
28 we're finding, no, we're --

29 LURA DUVALL: No.

30 CHAIRMAN WAITS: -- going to redo it to three? Or --

31 LURA DUVALL: No. No. Like I said, we didn't do the
32 flyover yet. It got rescheduled to the spring of 2020. So --

33 CHAIRMAN WAITS: Okay. So we haven't --

34 LURA DUVALL: -- the one you --

35 CHAIRMAN WAITS: -- paid --

36 LURA DUVALL: -- approved for --

37 CHAIRMAN WAITS: -- them anything?

38 LURA DUVALL: No, we've -- we've -- no, we haven't. No,
39 it's all budgeted.

40 CHAIRMAN WAITS: Okay.

1 LURA DUVALL: Yeah. Uh-huh. I'm sorry.
2 CHAIRMAN WAITS: Great.
3 LURA DUVALL: Yeah.
4 CHAIRMAN WAITS: Well, I just wondered --
5 LURA DUVALL: Yeah.
6 CHAIRMAN WAITS: -- if we'd wasted something between
7 March --
8 LURA DUVALL: No, no.
9 CHAIRMAN WAITS: -- and --
10 LURA DUVALL: No, no, --
11 CHAIRMAN WAITS: -- now.
12 LURA DUVALL: -- no, no. No, no.
13 CHAIRMAN WAITS: Okay.
14 LURA DUVALL: No. No, no.
15 CHAIRMAN WAITS: Great. Thank --
16 LURA DUVALL: No, it's just --
17 CHAIRMAN WAITS: -- you.
18 LURA DUVALL: -- got rescheduled because --
19 CHAIRMAN WAITS: You --
20 LURA DUVALL: -- we needed a --
21 CHAIRMAN WAITS: -- realized it was the wrong --
22 LURA DUVALL: Yeah.
23 CHAIRMAN WAITS: -- digital. Okay.
24 LURA DUVALL: Uh-huh.
25 COMMISSIONER SPARKS: So this covers the entire county? Or
26 just the northern part of the county?
27 LURA DUVALL: It's -- I -- let's see our flight schedule, I
28 think there's a copy of it on here. It covers a pretty big
29 area.
30 COMMISSIONER SPARKS: So --
31 LURA DUVALL: This is -- this kind of shows you. It's all
32 of this here. We've got some stuff down in here, over, you
33 know, on the Crescent Valley side where the mining sites are and
34 stuff.
35 So it -- it's a -- it's not the whole county, but it's a
36 very large chunk of it, yes.
37 And I think you have that, don't you?
38 COMMISSIONER SPARKS: I don't --
39 COMMISSIONER ANCHO: I --
40 COMMISSIONER SPARKS: I haven't --

1 COMMISSIONER ANCHO: -- haven't seen --
2 COMMISSIONER SPARKS: -- seen it.
3 COMMISSIONER ANCHO: -- it.
4 CHAIRMAN WAITS: I don't --
5 LURA DUVALL: Yeah.
6 CHAIRMAN WAITS: -- remember seeing it.
7 LURA DUVALL: It's on the back of the actual amended
8 contract that you guys are going to sign.
9 COMMISSIONER ALLAN: We do --
10 LURA DUVALL: Yeah.
11 COMMISSIONER ALLAN: -- have it.
12 LURA DUVALL: Well, somebody has that.
13 COMMISSIONER ALLAN: No, we've got it. It's just --
14 LURA DUVALL: Okay.
15 COMMISSIONER ALLAN: -- a little hard to read.
16 CHAIRMAN WAITS: Okay.
17 I'm ready unless anybody has any other questions.
18 COMMISSIONER ANCHO: I'll make the motion to approve the
19 modified aerial photography contract with Pictometry and to
20 approve the chair or vice-chair to sign.
21 COMMISSIONER SPARKS: I'll second that.
22 CHAIRMAN WAITS: Thank you. Kathy made the motion and
23 Bryan seconded that.
24 Any other discussion?
25 (No comment.)
26 CHAIRMAN WAITS: Questions?
27 (No comment.)
28 CHAIRMAN WAITS: Okay. All in favor?
29 COMMISSIONER CLARK: Aye.
30 COMMISSIONER SPARKS: Aye.
31 COMMISSIONER ANCHO: Aye.
32 COMMISSIONER ALLAN: Aye.
33 CHAIRMAN WAITS: Aye.
34 LURA DUVALL: Thank you.
35 CHAIRMAN WAITS: Any opposed?
36 (No comment.)
37 CHAIRMAN WAITS: Thank you.
38 And that passes.
39 LURA DUVALL: And I'll get that back.
40 CHAIRMAN WAITS: Thank you, Lura.

1 7) UNIVERSITY OF NEVADA RENO EXTENSION -- LANDER COUNTY: For
2 possible action to approve/disapprove the budget carryover
3 spend-down plan as presented by Holly Gatzke of the
4 University of Nevada Reno Extension.
5

6 CHAIRMAN WAITS: We're on Number 7. University of Nevada
7 Reno Extension, Lander County.

8 For possible action to approve or disapprove the budget
9 carryover spend-down plan as presented by Holly Gatzke of the
10 University of Nevada Reno Extension.

11 Did she want us to call her if we --

12 KEITH WESTENGARD: Yes.

13 CHAIRMAN WAITS: -- had questions? Or did she want to be
14 on? Or --

15 KEITH WESTENGARD: Here's her cell phone number. This --
16 this -- this proposed agreement was put forth by -- by
17 Ms. Gatzke. There's some things in there that are -- I think we
18 ought to look at a little harder --
19

20 (Attempting to contact Holly Gatzke by telephone.)
21

22 KEITH WESTENGARD: -- as far as it would be a -- a 30-day
23 out or a 60-day out.

24 And if the commission is in favor of making a policy,
25 myself and the DA can -- can get with Ms. Gatzke and actually
26 come up with a policy.

27 But this is just an --

28 HOLLY GATZKE: Hello.

29 KEITH WESTENGARD: -- agreement for now.

30 COMMISSIONER SPARKS: Hello. Lander County Commission.

31 HOLLY GATZKE: Hey there.

32 COMMISSIONER SPARKS: Hi, Holly.

33 CHAIRMAN WAITS: Hi, Holly. We just read it in -- into
34 the -- the minutes here.

35 And you are on. We're just looking.

36 We also have a -- a letter from Dr. Lyles. And so we're
37 kind of reviewing that one too.

38 I think that was -- yeah, I was going to say, that was part
39 of it.

40 I knew I saw that before.

1 Okay. So the question is whether we do their -- their
2 mandatory minimum of 90,000 or what.

3 And of course, naturally, this -- this fund is -- is funded
4 by -- by the *ad valorem*, what we charge, the .015 to all of our
5 citizens on our taxes.

6 So it's been accumulating because we haven't had,
7 naturally, an educator for the last year.

8 But the other thing is we actually moved Shannon over into
9 our admin office and -- and some of her costs now has been
10 picked up by us rather than --

11 So -- so their amount that we have is -- is their total
12 fund balance, 252,900. So the question is how much you want to
13 move on over.

14 I do know they -- they needed -- what? -- they were looking
15 at a -- a new vehicle and stuff when we finally get our
16 educator. And we'll be interviewing on that real soon.

17 So hopefully that will be very soon in the next few months
18 of the new year.

19 And Keith, yes.

20 KEITH WESTENGARD: Yes. So we -- actually, the updated
21 balance -- ending fund balance is \$282,585.11.

22 And -- and their -- their board of regents has -- has asked
23 a 10 percent carryover.

24 COMMISSIONER SPARKS: Right.

25 KEITH WESTENGARD: But we are looking at -- or Ms. Gatzke
26 is requesting a \$90,000 carryover, which is equivalent to about
27 one year of -- of operating funds.

28 So, like I say, their Board of Regents is ask- -- asking
29 for the 10 percent. They're asking for a one-year, which was
30 approximately 90,000 with the updated fund balance of
31 \$282,585.11.

32 COMMISSIONER SPARKS: So approximately with three years'
33 operating expenses is what they have in it right now?

34 KEITH WESTENGARD: Yes. That is correct. And that's due
35 to the fact that there hasn't been an exten- -- edu- -- educator
36 there for quite a while.

37 COMMISSIONER SPARKS: Uh-huh.

38 KEITH WESTENGARD: Or in part.

39 CHAIRMAN WAITS: So since we are collecting this under the
40 auspice of the ag -- that's what our citizens are being charged

1 for. We've got this -- if we decided to just take part of this,
2 what -- what happens -- let's just say we took two 200,000, what
3 happens to the other 82,000? Does that go in our General Fund
4 balance?

5 KEITH WESTENGARD: No. It -- it'll stay with them -- with
6 the university. It's -- it's their discretion on how they spend
7 it. It's -- it's their money to spend.

8 CHAIRMAN WAITS: Okay. So if it's their money on the whole
9 282-, which we thought, what's the point of -- of keeping
10 90,000? I guess I don't --

11 COMMISSIONER SPARKS: You can --

12 KEITH WESTENGARD: That --

13 CHAIRMAN WAITS: I don't understand that.

14 KEITH WESTENGARD: That would be a one-year carryover for
15 them to continue with their operations.

16 COMMISSIONER SPARKS: In -- in addition to their \$282,000.

17 KEITH WESTENGARD: No, we would take --

18 CHAIRMAN WAITS: No, no.

19 COMMISSIONER SPARKS: No. We would take that back?

20 KEITH WESTENGARD: Yes. We --

21 COMMISSIONER SPARKS: Okay.

22 KEITH WESTENGARD: -- would -- we would hold that. And
23 that would be a rollover, an annual rollover, of the \$90,000 if
24 it's approved. And -- and then they could use the rest of it
25 for a new vehicle, for additional extension programs.

26 And I'm not speaking for the university like, for instance,
27 the Bootstraps program, something like that.

28 DISTRICT ATTORNEY HERRERA: They're basically asking for a
29 30 percent carryover, approximately 30 percent --

30 COMMISSIONER SPARKS: As opposed --

31 DISTRICT ATTORNEY HERRERA: -- rather than --

32 COMMISSIONER SPARKS: -- to the 10 --

33 DISTRICT ATTORNEY HERRERA: -- ten --

34 COMMISSIONER SPARKS: -- percent --

35 DISTRICT ATTORNEY HERRERA: -- percent.

36 COMMISSIONER SPARKS: That they're --

37 DISTRICT ATTORNEY HERRERA: That -- that's the bottom line.

38 CHAIRMAN WAITS: I -- I guess I'm confused. What if we
39 just carried over the whole amount? What difference would that
40 make? It's still theirs.

1 DISTRICT ATTORNEY HERRERA: That -- that's --
2 KEITH WESTENGARD: I -- I would ask Holly that.
3 CHAIRMAN WAITS: Holly?
4 HOLLY GATZKE: Okay. Yes. I -- I can tell you I'm
5 struggling to hear you, but I think I caught most of that. So
6 the -- the thing is, is traditionally we just carried over the
7 whole amount. But with this agreement with the NSHE, they're
8 saying that the most you can carry over is 10 percent. And that
9 is very unnerving. That means we've got to spend it out every
10 year. In cases like in the last couple, you know, the last year
11 where we don't have an extension educator, you may be spending
12 that money frivolously. And we don't want to go there. We'd
13 rather have the money ready for programming for the new person
14 to come in.
15 The other thing is, is that it's risky to only have 10
16 percent because, you know, that's -- what? -- \$9,000 carryover
17 instead of 90-.
18 And it -- it's -- you know, in the boom-bust years, if the
19 mining decreases, your tax income goes down dramatically.
20 It means we'd have to be cutting staff and changing over
21 programming. Whereas if we have 90,000 there, it helps us to
22 kind of buffer those troubled years. Does that make sense?
23 CHAIRMAN WAITS: Well, it -- it does. But my -- my main
24 question on it is if we roll over the whole amount, because it
25 is your money, basically. We've collected it --
26 HOLLY GATZKE: Right.
27 CHAIRMAN WAITS: -- for you. If we roll over the whole
28 amount, what -- what does that have to do with the 90,000? I
29 mean, can you -- can you exercise your whole amount? What --
30 what are we voting on the 90,000 --
31 HOLLY GATZKE: What --
32 CHAIRMAN WAITS: -- for then?
33 HOLLY GATZKE: -- what it means is that instead of us
34 rolling over the -- you'd roll over the whole amount. But this
35 document means that you have an agreement. And we -- we
36 consider this a partnership. You know, we want programming that
37 works for you. And that's why we're bringing this forward.
38 So the thing is, is that means that you would be agreeing
39 that when it becomes more that we have five years to use up
40 those extra funds that show up and we'd use it for programming

1 in extension, which shouldn't be shocking. That's exactly where
2 it should go. But we've got five years of leeway to deal with
3 extras on these years where we do end up with more.

4 COMMISSIONER SPARKS: So do we -- do we even -- do we need
5 to set a policy? Or can we just look at it on a year-to-year
6 basis?

7 COMMISSIONER CLARK: How --

8 HOLLY GATZKE: I --

9 COMMISSIONER CLARK: -- have --

10 HOLLY GATZKE: -- think the --

11 COMMISSIONER CLARK: -- we been --

12 HOLLY GATZKE: -- problem --

13 COMMISSIONER CLARK: -- doing it?

14 HOLLY GATZKE: -- is, is that we need --

15 COMMISSIONER SPARKS: Yeah.

16 HOLLY GATZKE: -- something in agreement that it isn't the
17 10 percent, something that you're comfortable with.

18 COMMISSIONER SPARKS: How have we been --

19 HOLLY GATZKE: So --

20 COMMISSIONER SPARKS: -- doing --

21 HOLLY GATZKE: -- you --

22 COMMISSIONER SPARKS: -- it, Keith?

23 HOLLY GATZKE: -- could state that you would like to
24 discuss how to do it with the carryover on a year-to-year basis.
25 That could be your agreement that is different than the 10
26 percent NSHE has as a -- as a set thing.

27 But I'm putting this before you because I think you, as the
28 Lander County Commission, should have somewhat of a say other
29 than it just being a standard 10 percent.

30 KEITH WESTENGARD: So in the past what it's been used for
31 was the ex- -- part of it's been used for the educator extension
32 salary and for programs and for vehicles and so forth.

33 The program's pretty much been -- been dead for over a
34 year, I believe.

35 COMMISSIONER SPARKS: A year. Yes.

36 KEITH WESTENGARD: Yeah. So it's just -- it's just been
37 sitting there accumulating on a monthly basis.

38 So that's why they're -- they're asking for this.

39 It gives them the ability to spend their money. But we're
40 going to keep 90,000 in a reserve, I guess you could call it.

1 CHAIRMAN WAITS: Okay. So you want a motion that -- that
2 the 90,000 -- we will recognize the 90,000, maintain a reserve
3 balance of that, and the balance will be carried over for this
4 year?
5 KEITH WESTENGARD: Yes.
6 CHAIRMAN WAITS: Right? For next year.
7 KEITH WESTENGARD: For -- for next --
8 CHAIRMAN WAITS: Right?
9 KEITH WESTENGARD: -- fiscal. Yes.
10 CHAIRMAN WAITS: Does that sound right? Is that what we're
11 looking at?
12 HOLLY GATZKE: Ye- -- yes. That's correct. And --
13 CHAIRMAN WAITS: Okay.
14 HOLLY GATZKE: -- and if the balance beyond the 90- gets --
15 we have five years to do some planning and bring it for you on
16 how it's going to be spent.
17 COMMISSIONER SPARKS: I thought I -- I had asked for some
18 numbers of -- to see -- to see what the operating was. So I
19 seen that. That's not in the pack. So -- but they're -- you're
20 saying the 90,000 is about one year's operating expense for
21 them?
22 KEITH WESTENGARD: Yes.
23 HOLLY GATZKE: Correct. Correct. On average that's about
24 one year's operating.
25 COMMISSIONER CLARK: We -- we haven't had anybody in there
26 so we haven't had any --
27 KEITH WESTENGARD: Yeah.
28 COMMISSIONER CLARK: -- expenses except --
29 KEITH WESTENGARD: And --
30 COMMISSIONER CLARK: -- for --
31 KEITH WESTENGARD: -- and that --
32 COMMISSIONER CLARK: -- Shannon.
33 KEITH WESTENGARD: So when we -- I can certainly get you
34 past years of -- of what it was --
35 COMMISSIONER SPARKS: (Indiscernible.) If you say it's
36 90,000.
37 KEITH WESTENGARD: Yeah.
38 COMMISSIONER CLARK: Do you want to have a policy? Or do
39 you just want to review this every year?
40 CHAIRMAN WAITS: Yeah.

1 COMMISSIONER SPARKS: That's --
2 COMMISSIONER CLARK: I think we --
3 COMMISSIONER ANCHO: I was thinking --
4 COMMISSIONER CLARK: -- review it every --
5 COMMISSIONER ANCHO: -- we review --
6 COMMISSIONER CLARK: -- year.
7 COMMISSIONER ANCHO: -- it --
8 CHAIRMAN WAITS: We review --
9 COMMISSIONER ANCHO: -- every --
10 CHAIRMAN WAITS: -- it --
11 COMMISSIONER ANCHO: -- year.
12 CHAIRMAN WAITS: -- every year.
13 COMMISSIONER CLARK: Yeah.
14 COMMISSIONER SPARKS: That's what I think too.
15 COMMISSIONER CLARK: Thank you.
16 CHAIRMAN WAITS: Yeah.
17 Okay. So we're looking at a motion to maintain the reserve
18 balance in the Lander County Extension Fund of 90,000 and the
19 balance to be carried over for next year.
20 KEITH WESTENGARD: And -- and reviewed annually --
21 COMMISSIONER CLARK: Right.
22 KEITH WESTENGARD: -- by the --
23 COMMISSIONER CLARK: Okay.
24 KEITH WESTENGARD: -- Board of --
25 CHAIRMAN WAITS: Okay.
26 KEITH WESTENGARD: -- Commissioners.
27 COMMISSIONER CLARK: Sure.
28 KEITH WESTENGARD: We -- and we can add --
29 COMMISSIONER ANCHO: So moved.
30 KEITH WESTENGARD: -- that language if -- if --
31 COMMISSIONER CLARK: Okay.
32 KEITH WESTENGARD: -- you'd like.
33 COMMISSIONER ANCHO: So moved.
34 CHAIRMAN WAITS: Come on, Kathy, you can do this.
35 COMMISSIONER ANCHO: I can't remember all of -- all of what
36 you said. So Bryan wants to reiterate that.
37 CHAIRMAN WAITS: Here. Take it from here.
38 COMMISSIONER ANCHO: Oh. Okay.
39 COMMISSIONER CLARK: Well --
40 COMMISSIONER ANCHO: So I'll make the motion to maintain

1 the reserve balance of the Lander County Extension Fund of
2 90,000 and utilize the remaining funds towards the extension
3 programming efforts for the community deployment for the next
4 five years.

5 COMMISSIONER SPARKS: No.

6 CHAIRMAN WAITS: And to be reviewed --

7 COMMISSIONER CLARK: We'll --

8 CHAIRMAN WAITS: -- every --

9 COMMISSIONER CLARK: -- review it --

10 CHAIRMAN WAITS: -- year.

11 COMMISSIONER ANCHO: And to be reviewed --

12 COMMISSIONER SPARKS: To be reviewed every --

13 COMMISSIONER ANCHO: -- annually.

14 COMMISSIONER SPARKS: -- year.

15 COMMISSIONER CLARK: -- annually. Okay.

16 CHAIRMAN WAITS: Okay.

17 COMMISSIONER SPARKS: I'll second that.

18 Okay. Kathy made the motion. Bryan seconded that.

19 Did we -- did we have that clear enough, Holly?

20 HOLLY GATZKE: Yes. Yeah. That sounds wonderful. Sounds

21 --

22 CHAIRMAN WAITS: Okay.

23 HOLLY GATZKE: -- great.

24 CHAIRMAN WAITS: Okay. Any other discussion?

25 (No comment.)

26 CHAIRMAN WAITS: All in favor?

27 COMMISSIONER CLARK: Aye.

28 COMMISSIONER SPARKS: Aye.

29 COMMISSIONER ANCHO: Aye.

30 COMMISSIONER ALLAN: Aye.

31 CHAIRMAN WAITS: Aye.

32 Any opposed?

33 (No comment.)

34 CHAIRMAN WAITS: Thank you. Thank you, Holly. Merry

35 Christmas.

36 HOLLY GATZKE: Merry Christmas to you all too. And thank

37 you so much.

38 COMMISSIONER SPARKS: Bye.

39 HOLLY GATZKE: Bye-bye.

40

1 **8) UNIVERSITY OF NEVADA RENO EXTENSION - LANDER COUNTY: For**
2 **possible action to approve/disapprove Proclamation 2019-03 to**
3 **declare January as National Radon Action Month and approve**
4 **the chair or vice chair to sign.**

5
6 CHAIRMAN WAITS: We are at Number 9 -- oh, I'm sorry -- 8.
7 We're still in the University Nevada Reno Extension, Lander
8 County.

9 For possible action to approve or disapprove the
10 Proclamation 2019-03 to declare January as our National Radon
11 Action Month and approve the chair of vice-chair to sign, which
12 we have done every year.

13 And I think Shannon is before us this morning to bring us
14 up to date on that one again.

15 SHANNON BERUMEN: Good morning. Shannon Berumen, executive
16 secretary.

17 Yes. I was just -- I put this forth so that we can do
18 this. We've been doing it the last few years to have a
19 proclamation to declare January National Radon Action Month.

20 We will be giving out test kits again free for January and
21 February.

22 So we encourage everyone to -- to obtain a test if they
23 haven't tested.

24 There may be a cut in the grant funding for 2021 that they
25 will only be able to give the free tests for a portion of
26 January. So utilizing it this year would be ideal for everyone.

27 And, again, just reiterating the importance of finding out
28 if there is radon in homes and buildings for the lung cancer
29 health reasons.

30 CHAIRMAN WAITS: Thank you. We -- we -- we always
31 appreciate it. And, of course, part of that -- where the
32 radon -- if you look at some of the maps, it's really heavy in
33 the south too. So we really, really push that for people to be
34 testing.

35 We do need the proclamation read in, though, the whole
36 thing.

37 COMMISSIONER SPARKS: I'll make a motion that we approve
38 the Proclamation 2019-03 to declare January as a National Radon
39 Action Month and approve the chair and vice-chair to sign.

40 And I'll read the proclamation into the record.

1 National Radon Action Month, January 2020.

2 Whereas many Lander County residents don't know about
3 radon, yet need to know for the safety and health of their
4 families, as radon is a colorless, odorless, natural-occurring
5 radioactive gas, it is primary -- that is the primary cause of
6 lung cancer among non-smokers and the second leading cause of
7 lung cancer for smokers.

8 And whereas the U.S. Environmental Protection Agency
9 estimates 21,000 people in the U.S. die each year from lung
10 cancer caused by indoor radon exposure, and lung and bron- --
11 bronchus cancer -- bronchus cancer kills more people in a year
12 than any other cancer.

13 And whereas radon kills more people than secondhand smoke,
14 drunk driving, and home fires combined.

15 And whereas any home in Lander County may have elevated
16 levels of radon, even if neighboring homes do not, and living in
17 a home with an average radon level of four picocuries per liter
18 of air poses a similar risk of developing lung cancer as
19 smokers -- as smoking half a pack of cigarettes a day.

20 And whereas testing is the only way to know if a home has
21 an elevated radon level. And testing is easy and inexpensive,
22 and when identified, homes can be fixed.

23 And whereas University of Nevada Reno Extension, Nevada
24 Radon Education Program, the Nevada Division of Public and
25 Behavioral Health, and the EPA support efforts to encourage all
26 Lander County residents to test their homes for radon, mitigate
27 elevated levels of radon, and have new homes built with radon
28 reducing materials and features.

29 Therefore, the Lander County Commissioners do hereby
30 proclaim January 2020 as National Radon Action Month in Lander
31 County.

32 COMMISSIONER ANCHO: I'll second.

33 CHAIRMAN WAITS: Thank you. It's been moved and seconded
34 for the adoption of the -- the National Radon Action Month.

35 All those in favor?

36 COMMISSIONER SPARKS: Aye.

37 COMMISSIONER ALLAN: Aye.

38 COMMISSIONER CLARK: Aye.

39 COMMISSIONER ANCHO: Aye.

40 CHAIRMAN WAITS: Aye.

1 Any opposed?
2 (No comment.)
3 CHAIRMAN WAITS: Thank you. And that passes.
4 And thank you so much for bringing it forward so timely.
5 SHANNON BERUMEN: Yes. Thank you.
6 COMMISSIONER CLARK: What did we declare last month as? We
7 -- we declared it late. We --
8 CHAIRMAN WAITS: Hospice?
9 COMMISSIONER CLARK: -- wee -- hospice?
10 CHAIRMAN WAITS: I think so.
11 COMMISSIONER CLARK: Okay.
12 CHAIRMAN WAITS: Yeah.
13 COMMISSIONER CLARK: That was National Hospice Month?
14 CHAIRMAN WAITS: Yes.
15 KEITH WESTENGARD: Yes.
16 COMMISSIONER CLARK: Because I went to Walmart later that
17 day. They had a completely different cause for the month. I
18 was just wondering if we were off track.
19 CHAIRMAN WAITS: No. There's lots -- there's lots of
20 months. I -- I should have -- every month there are a lot of
21 different things that they --
22 COMMISSIONER CLARK: Okay.
23 CHAIRMAN WAITS: -- bring forward.
24 COMMISSIONER CLARK: And we --
25 CHAIRMAN WAITS: But --
26 COMMISSIONER CLARK: -- picked --
27 CHAIRMAN WAITS: -- the only thing --
28 COMMISSIONER CLARK: -- one --
29 CHAIRMAN WAITS: -- brought forward to us last time was the
30 hospice that we thought was a little bit --
31 COMMISSIONER CLARK: Okay.
32 CHAIRMAN WAITS: -- late. Where I just thought this one
33 was really timely because Shannon can get on and --
34 COMMISSIONER ANCHO: For January.
35 CHAIRMAN WAITS: -- start advertising early. So we're
36 okay.
37
38
39
40

1 9) **COUNTY MANAGER: Discussion and information regarding a**
2 **financial update and direction for the FY 2020/2021 budget,**
3 **presented by Cindy Benson, Lander County fiscal officer.**
4

5 CHAIRMAN WAITS: Okay. We're on Number 9. County Manager.
6 Discussion and information regarding a financial update and
7 direction for fiscal year 2020-2021 budget presented by Cindy
8 Benson, Lander County fiscal officer.

9 COMMISSIONER SPARKS: Good morning, Cindy.

10 COMMISSIONER ANCHO: Good morning.

11 CHAIRMAN WAITS: Ms. --

12 CINDY BENSON: Good --

13 CHAIRMAN WAITS: -- Cindy.

14 CINDY BENSON: -- morning.

15 Cindy Benson, fiscal officer.

16 Sorry. I've got a frog in my throat.

17 I just wanted to give you an update that we've received FAA
18 grant money for the Battle Mountain Airport for fiscal year
19 '19/'20.

20 We received \$56,948.12 for the reconstruction apron design.

21 And we received for the Austin Airport, fiscal year of
22 '19/'20 \$40,379.95 for the rehabilitate access road.

23 And I believe you have a memo from Lura where she granted
24 \$100,000 to the General Fund from her Technology Fund.

25 And then other than that, I would just like to ask what
26 direction would you like to go with 2021 budget?

27 COMMISSIONER SPARKS: Spend less money.

28 CINDY BENSON: Okay.

29 CHAIRMAN WAITS: I think in the previous years we've always
30 had the budgets due -- what? -- first part of February?

31 CINDY BENSON: Yes.

32 And so I don't see any reason to be changing that.

33 I think we should keep on track. It seemed to work fairly
34 well to make sure we have everything done and done in a proper
35 time frame.

36 CINDY BENSON: Is there anything that you guys would like
37 to do differently budgetwise? Or pretty much just keep it the
38 same?

39 COMMISSIONER ANCHO: I thought it worked well last year.

40 COMMISSIONER SPARKS: Yeah. As long as everything we did

1 was in compliance, I think that we just continue on.

2 CINDY BENSON: Okay. All right. Thank --

3 COMMISSIONER ANCHO: Thank --

4 CINDY BENSON: -- you.

5 COMMISSIONER ANCHO: -- you.

6 CHAIRMAN WAITS: Thank you, Cindy.

7 We are on Number 10.

8
9 **10) COUNTY MANAGER: For possible action to accept or deny the**
10 **fiscal year 2018-2019 audit report after a slideshow**
11 **presentation by CPA Chad B. Atkinson of HintonBurdick CPAs**
12 **and Advisors.**
13

14 CHAIRMAN WAITS: Under the County Manager. For possible
15 action to accept or deny the fiscal year 2018-2019 audit report
16 after a slideshow presentation by the CPA, Chad B. Atkinson of
17 HintonBurdick CPAs and Advisors.

18 And you're on, Mr. Atkinson.

19 CHAD ATKINSON: Thank you very much. Is it okay if I stand
20 here?

21 CHAIRMAN WAITS: Absolutely.

22 COMMISSIONER CLARK: Sure.

23 CHAD ATKINSON: Chad Atkinson from HintonBurdick.

24 CHAIRMAN WAITS: Just a minute. We might want to turn that
25 phone around just a little bit. So maybe put it up on top.
26 Maybe that will help pick up -- so Austin can hear a little bit
27 better. Thank you.

28 CHAD ATKINSON: Now, I will try to speak as though I'm
29 speaking to my children. No, never mind. No, I won't do that.
30 So that everybody can hear.

31 It's nice to be with you today. Merry Christmas to
32 everybody.

33 We're here to discuss the fiscal year 2019 audit.

34 And I've prepared a slideshow presentation. And I'll
35 proceed through that. I'd encourage you to ask any questions
36 that you may have.

37 Due to the nature of the setting and the slides that I've
38 prepared, most of my comments will be kind of at a higher level.

39 And so if you have any questions or want to dig into some
40 of the details, we're happy to do that probably later on or you

1 can send me a follow-up question and things like that. Happy to
2 do that for you. But we'll probably just keep it at a high
3 level today. So...

4 Okay. So first -- first of all, I want to say thank you to
5 the county staff for helping us get through the audits.

6 Audits are disruptive. And we re- -- we ask for a lot of
7 information. And we appreciate the good working relationship we
8 have with the county and all of the people here.

9 We try to be as friendly as we can as auditors. And that's
10 been reciprocated by the county.

11 So we appreciate working with the county staff. Wanted to
12 say thank you to them.

13 We wanted to also say thank you to the contract
14 accountants, Keddington & Christensen, who came in to assist the
15 county in the software transition that's taken place.

16 So I -- I would say that given the -- the circumstances
17 with transitioning systems, the audit went really pretty
18 smoothly for fiscal year '19. And we attribute that to the
19 county staff working hard, of course, and then Keddington &
20 Christensen assisting.

21 So we're pleased with the -- the flow of how it went. And
22 we started a little bit later on the audit this year. And we
23 were actually able to get it done on time. So we're happy about
24 that.

25 Couple of things that you might want to read in the report
26 are the letter of transmittal and the management's discussion
27 and analysis. Those are -- are written by management.

28 And so if you have time, that -- that's those things should
29 give you kind of a sense of the major things that occurred
30 during fiscal year 2019.

31 If you don't get a chance to read the -- the entire
32 document, take a look at those two things.

33 So I'm going to cover reports first today.

34 So the independent auditor's report's on page 1 in your
35 financial statements.

36 And we issued an unmodified opinion or clean opinion on the
37 financial statements. So there were no problems or issues
38 there.

39 The next report that we issue is on page 129 in your
40 financial statements. That's the report on internal controls

1 over financial reporting on compliance.

2 I've given you kind of a summary of what we have there. We
3 had some prior year audit findings that were cleared. So I --
4 we had two that were cleared.

5 In the ranking of audit findings, there's -- there's
6 material weaknesses, significant deficiencies, and then other --
7 kind of other matters or control deficiencies.

8 The county had a material weakness finding in -- in
9 previous audits that was resolved during 2019. So that's good
10 news. That's one of the ones that was cleared.

11 We had two that were reissued for -- from previous years.

12 And then we had three new audit findings that were kind of
13 at the medium level. They were not the material weaknesses, but
14 they were significant deficiencies. Kind of in the middle. So
15 I'll cover those in -- in my next couple of slides. But that --
16 that was the outcome for internal controls.

17 Then we also do a report on compliance with the NRS. And
18 that's on page 131. If you were to read that report in its
19 entirety, you would find that there were some prior year audit
20 findings that were cleared, two that were cleared and then one
21 that was reissued.

22 And happy to report that there were no additional current
23 year audit findings related to the NRS. So that's -- that's
24 good news there.

25 So next report that we do. The county had a major -- well,
26 it had significant federal funds received during fiscal year
27 2019 related to the airport. And so we had to do additional
28 test work, called a single audit, where we review the
29 expenditures there. And I'm happy to report -- and on page 137,
30 you can find this report -- that there were no current year
31 audit findings related to that major program that we looked at.
32 And there were no prior year audit year findings to resolve. So
33 no problems or issues there.

34 Okay. So then findings and recommendations. I'm going to
35 go over these. I think the commission's had -- in your packet
36 you should have had the full financial statements, including the
37 findings. So you've had a chance to maybe look those over.

38 I'm going to just give you a brief -- brief summary of each
39 one and kind of some -- some of the keys there. I'm not going
40 to read the whole thing to you. But --

1 So 2019, 001 was titled Water Revenues and Collections.
2 There were some -- some internal control issues related to how
3 collection of some of the older accounts receivable for water
4 billings were being handled. So we -- we identified some issues
5 there and wrote those up in our -- in our findings and
6 recommendations to be addressed.

7 I think they've already been addressed in fiscal year '20.
8 I -- yeah. He's nodding his head. And also I think there's
9 been a corrective action plan that was included in your packet
10 too.

11 So I think that -- that issue's been tackled.

12 Any questions on that one?

13 Okay. 2019, 002, the compensated absence payout -- payout
14 policy. There were some compensated absences payouts during
15 fiscal year 2019 that we went through and audited and looked at.
16 And we didn't have any problems or issues with that.

17 But -- but as we were going through, we did -- we did
18 notice maybe some clarity that may be needed in the policies for
19 the county related to those payouts.

20 And so that's kind of what the finding is pointing to is
21 just to clarify who should receive payouts and when. And -- and
22 all of those things should be clarified in your policies. So
23 were there any questions on that one?

24 COMMISSIONER ANCHO: Can you be a little bit more specific
25 on that issue?

26 CHAD ATKINSON: Of -- of what we found? Or --

27 COMMISSIONER ANCHO: Yes.

28 CHAD ATKINSON: -- what we're --

29 COMMISSIONER ANCHO: Of what you found.

30 CHAD ATKINSON: Okay. So we had a couple of -- I should
31 have -- I should have wrote -- you know, wrote those down
32 beforehand. But we had a -- I think a couple of department
33 heads that were paid out during fiscal year 2019. And we --
34 when we went through, we found commission approvals for those
35 and things like that. So there weren't any issues with that.

36 However, when the county staff is trying to administer that
37 policy, if it's not clear in there who should receive them and
38 who shouldn't and when they should receive them and how much,
39 then it becomes a little bit tricky.

40 So we're encouraging the commission to clarify your policy

1 COMMISSIONER SPARKS: So --
2 CHAD ATKINSON: -- on that.
3 COMMISSIONER SPARKS: -- you said they had commission
4 approval. Was that inside of a meeting? Or outside of a
5 meeting?
6 CHAD ATKINSON: I think that the approvals were -- I think
7 some of them were in the meeting and some were additional --
8 COMMISSIONER SPARKS: Out?
9 CHAIRMAN WAITS: -- information that was given to us. Does
10 that make sense?
11 COMMISSIONER SPARKS: Yeah.
12 KEITH WESTENGARD: If --
13 CHAD ATKINSON: Maybe you could clarify a little --
14 KEITH WESTENGARD: Yeah.
15 CHAD ATKINSON: -- bit of on --
16 KEITH WESTENGARD: Yeah.
17 CHAD ATKINSON: -- what you --
18 KEITH WESTENGARD: This has to do with when a department
19 head goes -- or elected off- -- department head goes over on
20 their vacation. And they're -- they're -- then it becomes a
21 payout issue because we're capped at 240.
22 And we are working to clear up that policy, make it much
23 clearer to the commission.
24 But when -- when it -- when a department head goes over the
25 240 hours, it becomes a payout.
26 COMMISSIONER SPARKS: So explain that to me. If you --
27 when you say, go over on your vacation, you've taken more than
28 you are occurred?
29 KEITH WESTENGARD: No.
30 COMMISSIONER ANCHO: No, you don't --
31 KEITH WESTENGARD: You've --
32 COMMISSIONER ANCHO: -- take any.
33 KEITH WESTENGARD: -- incurred -- you've incurred more --
34 incurred more than you're supposed to have per --
35 COMMISSIONER SPARKS: Oh, got you.
36 KEITH WESTENGARD: -- policy.
37 COMMISSIONER SPARKS: So then it has to be paid back --
38 KEITH WESTENGARD: It -- no --
39 COMMISSIONER SPARKS: -- to that person?
40 KEITH WESTENGARD: -- it -- it's paid out. So for

1 instance, --
2 COMMISSIONER ANCHO: To the --
3 KEITH WESTENGARD: -- a --
4 COMMISSIONER ANCHO: -- person.
5 KEITH WESTENGARD: -- a --
6 COMMISSIONER SPARKS: To the person, though.
7 KEITH WESTENGARD: Yes. So somebody has 280 hours so
8 they're over 40 hours. And it's done quarterly. And it's --
9 it's in concurrence with our current policy. It's just the
10 clarification of who is allowed to -- or who should get those
11 payouts.
12 And what we do is we leave it up to the elected official or
13 the department head. If that person can't use vacation, then
14 they get a me- -- the -- a memo or a discussion takes place with
15 payroll at every quarter. And -- and that is paid out at that
16 time.
17 So if they have 40 hours over, they get a 40-hour payout
18 based on their hourly salary.
19 DISTRICT ATTORNEY HERRERA: Or they lose it.
20 KEITH WESTENGARD: Or -- or -- or they lose it. In some
21 cases, they do lose it.
22 DISTRICT ATTORNEY HERRERA: Or they're made to take
23 their --
24 KEITH WESTENGARD: Or they're made to --
25 DISTRICT ATTORNEY HERRERA: -- vacation --
26 KEITH WESTENGARD: -- take it. That's correct.
27 DISTRICT ATTORNEY HERRERA: -- immediately.
28 COMMISSIONER SPARKS: So basically your findings is our
29 policy's very vague in that area?
30 CHAD ATKINSON: Yeah. It's hard --
31 COMMISSIONER SPARKS: Okay.
32 CHAD ATKINSON: -- to administer.
33 So I -- the main word there is "clarity". If you could
34 bring clarity to the policy so that it's easy for the staff to
35 administer.
36 We felt like we got substantial documentation for those
37 payouts that occurred. So we didn't see any issues with that.
38 But we -- we felt like there's a control issue there that
39 could be looked at.
40 COMMISSIONER SPARKS: Okay.

1 CHAD ATKINSON: Good questions. Thank you.
2 All right. So next one. 2019, 003, credit card internal
3 controls.
4 We -- we found some instances as we went through and looked
5 at credit card internal controls where we needed to have the
6 proper level of review for the credit card transactions.
7 In some cases, there was a subordinate reviewing the credit
8 card transactions for somebody over them.
9 And so we just needed to kind of realign those approvals
10 and reviews to the proper auth- -- level, --
11 CHAIRMAN WAITS: Authorities.
12 CHAD ATKINSON: -- authorities so that it's either, you
13 know, cross-functional, somebody with equal authority, or
14 somebody over with greater authority reviewing those things.
15 So that's the main thing that we pointed to there.
16 CHAIRMAN WAITS: And that's been changed also; right?
17 KEITH WESTENGARD: Well, we're working on that change, to
18 put it in writing, to bring it to the board. Yes.
19 But we're -- we're aware of it. I've had several
20 discussions with Chad about it. And we're going to --
21 COMMISSIONER ANCHO: And how -- how soon are we going to be
22 able to see that?
23 KEITH WESTENGARD: It should be by next month.
24 COMMISSIONER ANCHO: Okay.
25 KEITH WESTENGARD: By January. Yep.
26 CHAD ATKINSON: I think also in that credit card internal
27 control, I think we found some instances where the documentation
28 wasn't as good as it could have been, explaining, like, the
29 purpose for the expenditure and some of the receipts and stuff
30 like that.
31 I think that was kind of written up in the finding that the
32 county can continue to work on that. It wasn't widespread, but
33 there were some issues where we were wondering about the purpose
34 and -- and the documentation that was there. So --
35 COMMISSIONER SPARKS: Yeah.
36 CHAD ATKINSON: -- be -- be good at your documentation,
37 I --
38 COMMISSIONER SPARKS: Yeah.
39 CHAD ATKINSON: -- guess.
40 COMMISSIONER SPARKS: That shouldn't be a question. It

1 should be very clear-cut --
2 CHAD ATKINSON: Yeah.
3 COMMISSIONER SPARKS: -- of where tax dollars are being
4 spent. So --
5 CHAD ATKINSON: So I think that was the other component to
6 that finding.
7 COMMISSIONER ANCHO: So when in that finding, just the --
8 so my two cents. I have a huge issue with that, that in this
9 day and age everybody knows they're supposed to turn in every --
10 all of their receipts. And there should be no incidents where
11 they aren't.
12 You -- you purchase something. You get -- you go to a
13 hotel, you do whatever, you get a receipt. You get an envelope.
14 You put it in, and you turn it in. And you have the proper
15 documentation.
16 KEITH WESTENGARD: So -- so I -- I will let you know
17 what -- what I've been doing with -- with credit card statements
18 that come in without documentation if they can't provide it to
19 me. The individual is requested to pay out of their pocket.
20 COMMISSIONER ANCHO: And is that something that we can
21 bring forward as a policy that if you don't have your
22 documentation --
23 KEITH WESTENGARD: Yes. That -- that --
24 COMMISSIONER SPARKS: Absolutely.
25 COMMISSIONER ANCHO: -- that it --
26 KEITH WESTENGARD: That would --
27 COMMISSIONER ANCHO: And I would like to see that. If you
28 don't turn in your documentation when that credit card comes in,
29 then you're -- they'll be responsible for that.
30 KEITH WESTENGARD: Yep.
31 CHAD ATKINSON: Wonderful. Okay. So I think we're on the
32 right track there.
33 COMMISSIONER CLARK: I -- I have a question.
34 CHAD ATKINSON: Yes.
35 COMMISSIONER CLARK: Isn't your credit card statement your
36 receipt?
37 CHAD ATKINSON: Yes and no. Sometimes you can tell what's
38 being purchased there; sometimes you cannot.
39 COMMISSIONER SPARKS: Right.
40 CHAD ATKINSON: And usually a receipt will give you a

1 detail, a little more detail, of what that is. For instance,
2 you may -- you may be able to see the vendor and kind of, you
3 know, what it is but it doesn't give you the detail of what was
4 purchased.

5 COMMISSIONER SPARKS: Of what was actually purchased;
6 right?

7 CHAD ATKINSON: So --

8 COMMISSIONER ANCHO: Yes.

9 CHAD ATKINSON: -- the receipts are necessary. Yeah.

10 COMMISSIONER CLARK: Well, if you go to a gas station,
11 you're probably going to purchase fuel.

12 CHAD ATKINSON: Yeah. Yep.

13 COMMISSIONER SPARKS: Well, if you go to a hardware store
14 and it says "hardware store" and then you get the receipt. Oh,
15 I bought -- and he bought some guns.

16 What'd you buy some guns for?

17 CHAD ATKINSON: Yeah. Yeah.

18 COMMISSIONER SPARKS: That's -- that -- I -- I see your
19 point. That's why the receipts are necessary.

20 CHAD ATKINSON: You've got to have the receipts.

21 And I -- I'm held to the same -- just so you know, at our
22 firm, same thing.

23 I -- I tried to argue that point at my firm. And they said
24 no. You've got to have their whole -- whole receipt so we can
25 see what's there. So --

26 Okay. So bank reconciliation timeliness, 2017, 005. I
27 think this one is -- we're looking at the rearview mirror on
28 this one. I think there was a period during fiscal year 2019
29 where the bank reconciliations weren't being done timely. And
30 that was the first half of the fiscal year. And then the second
31 half of the fiscal year, I think that got a lot better. And
32 there was also a software transition going on.

33 So this -- this finding is just reporting to you that --
34 that the bank reconciliations were not timely in the first half
35 of the fiscal year. So --

36 CHAIRMAN WAITS: You know, it's an interesting point on
37 that because when we were looking back and -- and we would -- we
38 would actually bring in our treasurer and say, you know, what --
39 what's going on? And apparently you haven't been reconciling
40 bank statements properly. And we did. We -- we brought them in

1 before the commission and were promised, absolutely, it would be
2 done and this would happen.

3 KEITH WESTENGARD: Could I -- I ask you to make a point
4 that it was our past treasurer. It's not our current --

5 COMMISSIONER ANCHO: It's --

6 KEITH WESTENGARD: -- treasurer.

7 CHAIRMAN WAITS: No. Not --

8 CHAD ATKINSON: Yes.

9 CHAIRMAN WAITS: -- current. No, I --

10 CHAD ATKINSON: Yep.

11 CHAIRMAN WAITS: Didn't I say 2018?

12 COMMISSIONER SPARKS: No.

13 COMMISSIONER ANCHO: Yeah. But -- yeah.

14 CHAIRMAN WAITS: Yeah. Okay. Because our --

15 KEITH WESTENGARD: I just wanted --

16 CHAIRMAN WAITS: -- current is --

17 KEITH WESTENGARD: -- that on --

18 CHAIRMAN WAITS: -- 2019.

19 KEITH WESTENGARD: -- the record.

20 COMMISSIONER ANCHO: Right.

21 CHAD ATKINSON: It's our past treasurer.

22 CHAIRMAN WAITS: So I'm saying we -- we brought them before
23 us. Okay. And, yes, we -- we knew there was a problem. And we
24 had to bring him in. And they were promising this would take
25 place.

26 And then we assumed it was done.

27 And it never came back to us for months and months. So
28 we're saying, what do we put in that policy to say "Somebody
29 better be on top of this" if it's not done?

30 COMMISSIONER SPARKS: Well, if it's a -- if it's a board
31 and -- and you decide as a board that we want to follow up on
32 it, that's where our county manager makes sure that gets put on
33 the next agenda --

34 CHAIRMAN WAITS: Well, we --

35 COMMISSIONER SPARKS: -- with --

36 CHAIRMAN WAITS: -- hope --

37 COMMISSIONER SPARKS: -- extra --

38 CHAIRMAN WAITS: -- so. Because we're dealing with an
39 elected official. And at this point it was an appointed
40 official to an elected position.

1 But are we saying -- even the employees that were there
2 that knew all about the problem and nothing was brought forth to
3 us individually.

4 So we look back and say, this was a horrible time. And we
5 thought we were on top of it and kept bringing it up, and yet
6 nothing was being done.

7 So I'm going, where does the buck stop? I mean, it really
8 stops here, but nobody was telling us.

9 COMMISSIONER CLARK: That's pretty common, isn't it?
10 Employees not telling us things that are going on that they
11 should?

12 CHAIRMAN WAITS: Well, we do have a whistle- -- we have a
13 whistleblower --

14 COMMISSIONER ANCHO: But the aud- -- that's what we have
15 auditors for because they're going to catch that.

16 CHAIRMAN WAITS: But they don't catch it till --

17 CHAD ATKINSON: Yeah. We're a little bit --

18 COMMISSIONER CLARK: Yeah. We're running --

19 CHAD ATKINSON: -- slower --

20 COMMISSIONER CLARK: -- on --

21 CHAD ATKINSON: -- than you'd like probably. Yeah.

22 COMMISSIONER CLARK: Hindsight's 20/20. That's what we're
23 running on. We have to let it happen until we find out. And
24 that's always a problem.

25 CHAIRMAN WAITS: So I'm saying, --

26 COMMISSIONER CLARK: If we --

27 CHAIRMAN WAITS: -- what --

28 COMMISSIONER CLARK: -- know about it, we can intervene.

29 CHAD ATKINSON: What I would do, just as a
30 recommendation, --

31 CHAIRMAN WAITS: Yeah. What could --

32 CHAD ATKINSON: -- is --

33 CHAIRMAN WAITS: -- we do --

34 CHAD ATKINSON: -- probably --

35 CHAIRMAN WAITS: -- so it won't happen again?

36 CHAD ATKINSON: Probably I would have that -- when you
37 approve bills to pay -- right? -- that should be an agenda item
38 that I think would be complementary to that and include it.
39 Every month you should have a reconciliation to look at. I
40 don't think it's unrealistic to have that done every month.

1 CHAIRMAN WAITS: Thank --
2 COMMISSIONER ANCHO: Not --
3 CHAIRMAN WAITS: -- you.
4 COMMISSIONER ANCHO: -- so.
5 CHAD ATKINSON: So --
6 It's an important part of the -- the financial controls.
7 So --
8 KEITH WESTENGARD: Right. And in the past, there -- there
9 have been reconciliations submitted to you -- to the commission
10 regularly, monthly, or -- or even bimonthly.
11 With the new system, it's -- they're working on trying to
12 get that in place. So it will come back where we used to get
13 that printout, that green printout.
14 Once we get the new system in place, that -- that'll start
15 again. It -- it has stopped for -- for a while now because of
16 the new --
17 COMMISSIONER ANCHO: How long are --
18 KEITH WESTENGARD: -- system.
19 COMMISSIONER ANCHO: -- we looking --
20 COMMISSIONER SPARKS: Yeah.
21 COMMISSIONER ANCHO: -- before it will --
22 COMMISSIONER SPARKS: What's the runway on that, Jusdi?
23 JUSDIVIA JOHNSON: (Off microphone) Our accountants will
24 be here the week of the 6th of January. And we'll start it.
25 COMMISSIONER ANCHO: Very good.
26 JUSDIVIA JOHNSON: (Off microphone) Jusdi, for the record.
27 CHAIRMAN WAITS: And for the record, that was our treasurer
28 Jusdi. So this --
29 COMMISSIONER CLARK: Thank you.
30 CHAD ATKINSON: So, yes. I -- I would allow for some --
31 some transition between the two systems. And then once you get
32 that first reconciliation done, then it's -- should be kind of a
33 monthly routine to go through it. So --
34 CHAIRMAN WAITS: We just want to be sure we weren't in that
35 same situation ever again.
36 CHAD ATKINSON: Yep.
37 CHAIRMAN WAITS: Thank you.
38 CHAD ATKINSON: Okay. 2016, 003 is a finding that we're
39 holding over. And I think this is just kind of an ongoing risk
40 of -- of what we call segregation of duties in small

1 departments. Due to the nature and size of some departments,
2 there's only a few people handling funds. And it can put them
3 in a situation where fraud or errors can occur. And so this
4 finding is just pointing out a couple of areas of the county
5 that are at risk that you need to monitor and try to put in
6 controls in place so that you cannot have any fraud or errors
7 occur within the county's funds. So --

8 COMMISSIONER SPARKS: So those are in act- -- is it largely
9 in activities where we receive cash?

10 CHAD ATKINSON: Yeah. I think that's where your risk is.

11 COMMISSIONER SPARKS: What -- I mean, honestly, what if we
12 went to an all credit, debit card based -- I mean, that's what
13 mostly people pay nowadays, right?

14 KEITH WESTENGARD: And -- and we have talked about that,
15 Commissioner.

16 Our biggest -- one of our bigger issues is -- is the
17 landfill of where it's at. So we've talked about getting a -- a
18 hot spot out there in order for a credit card or debit cards to
19 be taken as well as an invoicing system --

20 COMMISSIONER SPARKS: Right.

21 KEITH WESTENGARD: -- so that we don't -- that -- that the
22 gatekeeper out there isn't tasked with -- with collecting cash.

23 COMMISSIONER SPARKS: Right.

24 KEITH WESTENGARD: The golf course is another one. And
25 we -- we've got some things in place for -- for the next vendor
26 at the golf course that will be included in their contract for
27 them to do on a -- on a weekly or even a daily basis.

28 COMMISSIONER CLARK: You know, my only concern about paying
29 with a credit card out at the landfill is, you know, you go
30 there and you pay four or five dollars. Nobody's going to want
31 to use a card for that because then you have a fee on top of it.
32 So --

33 KEITH WESTENGARD: That -- yeah. And that -- that was
34 brought up. That's why we -- we talked about doing an invoicing
35 system.

36 COMMISSIONER CLARK: Absolutely.

37 KEITH WESTENGARD: -- or -- or something along those
38 lines --

39 COMMISSIONER CLARK: Okay.

40 KEITH WESTENGARD: -- where we can eliminate as -- as much

1 as we can, eliminate the cash flow at -- at those two places.

2 COMMISSIONER CLARK: I -- I have a question for the
3 auditor. Is there a way to monitor loss -- physical loss
4 through the audit? You know, things that have been stolen or
5 disappeared, whatever?

6 CHAD ATKINSON: That's a pretty -- that's a large question.
7 Are you talking about cash receipt fraud type --

8 COMMISSIONER CLARK: No, --

9 CHAD ATKINSON: -- thing?

10 COMMISSIONER CLARK: -- I'm talking about something that
11 was bought with an invoice but later was misplaced or stolen
12 or --

13 COMMISSIONER SPARKS: It's no longer --

14 COMMISSIONER CLARK: -- something?

15 COMMISSIONER SPARKS: -- within --

16 COMMISSIONER ANCHO: Inventory.

17 COMMISSIONER SPARKS: -- county possession.

18 COMMISSIONER ANCHO: That would be an inventory issue.

19 COMMISSIONER SPARKS: Yeah.

20 COMMISSIONER ANCHO: That you'd have to have --

21 CHAD ATKINSON: Yeah.

22 COMMISSIONER ANCHO: -- an inventory --

23 COMMISSIONER CLARK: We --

24 COMMISSIONER ANCHO: -- system.

25 COMMISSIONER CLARK: We just started an inventory list
26 about two years ago. There was none before.

27 CHAD ATKINSON: Yeah. That's -- that's a -- has to do
28 with -- the only way to monitor that would be internally within
29 the county's processing --

30 COMMISSIONER CLARK: Okay.

31 CHAD ATKINSON: -- systems.

32 So I would suppose that some counties have maybe used
33 technology, like cameras and things like that.

34 But largely, it's going to be: What's my inventory system?
35 And how do I double-check on that?

36 COMMISSIONER CLARK: Okay.

37 COMMISSIONER SPARKS: And that's a -- that's a -- that's a
38 good idea, Art. But, man, that's a big task.

39 KEITH WESTENGARD: So -- so I -- I just wanted to clarify,
40 Commissioner. There's -- there's -- we've always had an annual

1 inventory, but it was left up to the departments to do it.
2 So two years --
3 COMMISSIONER CLARK: Now we --
4 KEITH WESTENGARD: -- ago --
5 COMMISSIONER CLARK: -- have a master list.
6 KEITH WESTENGARD: So -- well, two years ago, actually, an
7 outside firm --
8 COMMISSIONER CLARK: Okay.
9 KEITH WESTENGARD: -- has come in to do it; to mark it, the
10 equipment, and prior- -- not prioritize it, but list it. We
11 actually have bar codes on -- on things as well --
12 COMMISSIONER SPARKS: That's --
13 KEITH WESTENGARD: -- as --
14 COMMISSIONER SPARKS: -- a good --
15 KEITH WESTENGARD: -- a --
16 COMMISSIONER SPARKS: -- way. Yeah.
17 KEITH WESTENGARD: -- as well as a -- a tracking system
18 on -- cloud based.
19 COMMISSIONER CLARK: Yeah. Thirteen -- thirteen gas
20 generators in a year is just absolutely ridiculous.
21 COMMISSIONER SPARKS: That's how many we have as a county?
22 COMMISSIONER ANCHO: And we had --
23 COMMISSIONER CLARK: How many --
24 COMMISSIONER ANCHO: -- stolen
25 COMMISSIONER CLARK: -- we had stolen in one --
26 KEITH WESTENGARD: Lost --
27 COMMISSIONER CLARK: -- year.
28 KEITH WESTENGARD: -- through a --
29 COMMISSIONER SPARKS: Oh.
30 KEITH WESTENGARD: -- year.
31 We lost in -- in a year.
32 COMMISSIONER CLARK: Pumps. You name it. They were gone.
33 KEITH WESTENGARD: Yep.
34 CHAD ATKINSON: And there's -- there's a little bit of two
35 buckets there. It's kind of the *de minimis* supplies that you
36 may have that could walk away. And then there's kind of the
37 capital assets.
38 So I would definitely recommend that you have barcoding and
39 tracking of capital assets so they --
40 COMMISSIONER CLARK: Okay.

1 CHAD ATKINSON: -- don't walk off. Yeah.
2 Okay. Ready to keep going?
3 Okay. The other thing was on page 150, there was a
4 purchasing requirements, 2017, 005. Took a sample of items that
5 were run through the bid process. And we were unable to obtain
6 documentation on some aspects of the bidding process. And so I
7 think we wrote up our finding, generally speaking, that in our
8 review of the sample that we looked at that the county needs to
9 review its policies there on how do we advertise and make sure
10 that we follow all the steps re- -- related to the NRS?
11 So I don't have specifics in front of me, but I could
12 provide those to you if -- if you would like --
13 COMMISSIONER SPARKS: I'm interested in specifics. Yes.
14 CHAD ATKINSON: -- later.
15 COMMISSIONER SPARKS: Uh-huh.
16 CHAD ATKINSON: We can look at those. Okay.
17 COMMISSIONER SPARKS: I mean, that's something that needs
18 to be ironclad.
19 COMMISSIONER ANCHO: I agree.
20 COMMISSIONER SPARKS: Yeah.
21 CHAD ATKINSON: Okay. I -- I have a work paper that we
22 kept track of the things that we looked for and things that we
23 couldn't find. And so I'd be happy to send that to you.
24 COMMISSIONER CLARK: I missed that, Bryan. What did you
25 say?
26 COMMISSIONER SPARKS: I was like, that's something that
27 needs to be ironclad.
28 I mean, we have NRS and it's anything over --
29 COMMISSIONER ANCHO: Dictates.
30 COMMISSIONER SPARKS: -- what's the amount?
31 CHAD ATKINSON: There's -- there's different
32 classifications --
33 COMMISSIONER SPARKS: Cut -- yeah.
34 CHAD ATKINSON: -- for whether it's public works or --
35 COMMISSIONER SPARKS: Right.
36 CHAD ATKINSON: -- below. But there's a \$50,000 limit. I
37 think it's \$125,000.
38 COMMISSIONER SPARKS: So anytime we're in violation of NRS,
39 yes, that -- that's a major red flag.
40 CHAD ATKINSON: Okay.

1 COMMISSIONER SPARKS: So -- that's all I'm interested in,
2 the specifics.

3 CHAD ATKINSON: Okay.

4 COMMISSIONER SPARKS: Yeah.

5 CHAD ATKINSON: Sounds good. I will pass those on to you.
6 All right. So let's go to some financial highlights.

7 Next. So on page 18 in your financial statements, I've
8 got -- just wanted to take a quick look at the governmental
9 funds for the county.

10 Most of -- a lot of the activity for Lander County goes
11 through the General Fund. So you can see on page 18 that the
12 bottom line change for this fund was to improve its financial
13 position by 2.8 million.

14 The other major fund, the CCP Fund, had quite a bit of ac-
15 -- of activity go through it during the year. 11.8 million in
16 revenues and 11.8 million in expenses. So it's kind of a
17 break-even year for that fund.

18 And then the other governmental funds are a combination of
19 all the other funds -- governmental funds within the county.

20 So the increase in those funds was 2.1 million for an
21 overall increase for the governmental funds of 4.9 million.

22 I just wanted to give you kind of a snapshot of that. And
23 I'm going to go over the resources in each of the funds in my
24 slides as I go through. But that's kind of the bottom line for
25 the governmental funds.

26 Let's look at page 21 for the business-type funds. This
27 lists out your operating revenues and operating expenses.

28 And Battle Mountain Water/Battle Mountain Sewer both had a
29 change in -- a change in net positions of 2.8 million and 2.9
30 million, respectively.

31 So -- and I'll get into why the increases were so large in
32 those funds.

33 But it -- it basically had to do with the donation of
34 capital assets that were constructed in the governmental side of
35 the house and then transferred over to Water and Sewer.

36 So that's why they had large increases is, is the capital
37 assets switching over.

38 So positive results for the county countywide. Let's go to
39 some slides on some of your resources that are on hand.

40 So this is in the General Fund. Just a couple of things to

1 point out here.

2 The change in the fund balance is 2.8 million. The
3 unassigned, which is your top line here, is at 39.5 million.
4 And that was up 958,000 from the previous year.

5 You have some assigned fund balance, which is the purple
6 line. That's at 6.5 million. And that is basically promised in
7 the fiscal year 2020 budget. So it's the -- assigned to that
8 budget.

9 You also have a committed fund balance here of 1.3 million.
10 That's for retiree insurance. And then the restricted portion
11 here, which is -- is *de minimis*, but it's external restrictions
12 for public statement purposes.

13 So you've got a -- a gradual trend here and an improvement
14 from the previous year. I don't see any issues with -- with
15 this. You have plenty of reserves on hand for the General Fund
16 operations.

17 Any questions?

18 Okay.

19 This is your CCP Fund. I wanted to point out that in the
20 previous -- or in the prior years, from fiscal year '15 to
21 fiscal year '17, that was a period of construction, where the --
22 the county was using some of that fund -- the funds to build the
23 county administration building, Battle Mountain recreation
24 center, and other things.

25 So that's the reason for the decline.

26 From fiscal year '18 to fiscal year '19, not a lot of
27 change there. But there's 42.8 million on hand at the end of
28 fiscal year 2019.

29 I -- I already mentioned this, but in the CCP Fund, there
30 were two -- there were major projects constructed for Water and
31 Sewer. And then those were subsequently transferred over to the
32 Water and Sewer funds. And then there was also a lot of road
33 work that was done in the CCP Fund.

34 So probably you've talked about this in your budget and
35 you're aware of -- of some of the projects that were going on
36 there.

37 So Battle Mountain Water. So Battle Mountain Water, the
38 increase in the net investment of capital assets, which is your
39 twenty -- 22.1 million there, that is -- that top line
40 represents the capital assets that are used to carry out the

1 purposes of the water fund.

2 So that was up from the previous year because of the
3 donations from the governmental side of the house where assets
4 were constructed and transferred. So they had an increase
5 there.

6 The restricted amount in here -- which -- I'll have to look
7 and see -- it's the red line, 1.7 million. That is set aside
8 for AB 198, which is a reserve requirement, where the grantor
9 requests -- required the -- the county to have ongoing reserves
10 set aside. So that's the 1.7 million.

11 And then the unrestricted was up 749,000. That's your --
12 your purple line there. To -- it's at 2.4 million. And that's
13 32 months of operating reserves. So in good shape for the Water
14 Fund.

15 Similar story here with Battle Mountain Sewer. A donation
16 of assets caused its net investment in capital assets to go up
17 to 13.5 million.

18 The restricted -- restricted amounts here for the Sewer
19 Fund is the county option sales tax reserve. That's at six --
20 six -- 6.2 million.

21 And then the unrestricted amount was up 705,000 from the
22 previous year. And that's 85 months of operating reserves.

23 So reserves are steady and climbing in a northeast fashion
24 -- in a northeast trend is what I like to say.

25 Okay. And then cash balances. A little bit of a comment
26 here.

27 Governmental cash for governmental funds is up 6.7 million.
28 And business type, it's up 1.8 million. And those are the
29 balances on hand at the end of fiscal year '19.

30 So I wanted to say thank you to my audit team as well for
31 making it happen. It's -- it's hard to summarize 6- or 700
32 hours of work in 15 minutes.

33 But we appreciate all the efforts of the county staff,
34 including my staff, and Jeff. Jeff is my audit manager. He
35 does a great job. And so we encourage you to reach out with any
36 questions you may have.

37 That's it.

38 COMMISSIONER ANCHO: Thank you. Other than the stuff with
39 the -- what were you wanting the information on? Just drew a
40 blank.

1 CHAD ATKINSON: The purchasing --
2 KEITH WESTENGARD: The bid.
3 CHAD ATKINSON: -- the NRS purchasing?
4 COMMISSIONER SPARKS: Yes. All of those. Yeah.
5 COMMISSIONER ANCHO: Yes.
6 CHAD ATKINSON: Okay.
7 COMMISSIONER SPARKS: That's what I'd like to see.
8 CHAD ATKINSON: Any comments?
9 CHAIRMAN WAITS: Okay.
10 COMMISSIONER CLARK: Thanks.
11 KEITH WESTENGARD: I -- I would just -- if we can go back
12 to the bid part of it, it was -- if I remember correctly when --
13 in our discussion, it had to do with advertising mostly --
14 CHAD ATKINSON: Uh-huh.
15 KEITH WESTENGARD: -- and -- and how we advertise. And it
16 was that you guys couldn't find the advertisements. If -- am I
17 correct, Chad?
18 CHAD ATKINSON: Yeah. There was some --
19 KEITH WESTENGARD: So --
20 CHAD ATKINSON: -- information that we couldn't locate
21 or --
22 KEITH WESTENGARD: Right.
23 CHAD ATKINSON: -- put fingers on. So --
24 KEITH WESTENGARD: Right. And just to put your mind a
25 little bit at ease, Commissioner, that -- those advertisements
26 are kept by the engineer of record.
27 So one of the things we're in the process of changing is we
28 will also keep the documents that they keep, the engineer.
29 Because the engineer's the one that does the advertising.
30 We will also keep those in the county as well for the
31 future.
32 So we're aware of that. It wasn't -- we didn't do anything
33 incorrectly or illegally. It's just we didn't have the -- the
34 documentation to back it up. It's with the engineers.
35 CHAIRMAN WAITS: For the audit, it is.
36 COMMISSIONER SPARKS: I'd like to see our current policy on
37 that as well.
38 KEITH WESTENGARD: Okay. I've got it right here.
39 CHAIRMAN WAITS: Okay. Yeah.
40 And -- and the actual wording on it from our auditor said,

1 "We could not verify that the county properly solicited or
2 advertised bids according to NRS 332."
3 COMMISSIONER SPARKS: And that's a -- that's a --
4 CHAIRMAN WAITS: Yeah.
5 KEITH WESTENGARD: Right.
6 COMMISSIONER SPARKS: I mean, we need to clear -- maybe
7 make a great clear --
8 KEITH WESTENGARD: Absolutely.
9 COMMISSIONER SPARKS: -- line. So --
10 KEITH WESTENGARD: I -- one hundred percent. And we'll --
11 CHAIRMAN WAITS: Okay.
12 CHAD ATKINSON: Sometimes it's just a documentation
13 issue --
14 KEITH WESTENGARD: Uh-huh.
15 COMMISSIONER SPARKS: Right.
16 CHAD ATKINSON: -- and we can't see clearly what went on.
17 So --
18 COMMISSIONER ALLAN: So, Chad, I think still that
19 information, if you could make it available to us, --
20 CHAD ATKINSON: Yeah.
21 COMMISSIONER ALLAN: -- the deficiencies and whatnot.
22 Thank you.
23 CHAD ATKINSON: If you'll send me an email, I'll be hap- --
24 I don't know who I should direct it to. But if you'll send an
25 email --
26 COMMISSIONER ALLAN: I think everyone.
27 CHAD ATKINSON: Everyone?
28 COMMISSIONER SPARKS: Yeah.
29 COMMISSIONER ANCHO: Mm.
30 CHAD ATKINSON: All right. Sounds --
31 COMMISSIONER ALLAN: Transparency.
32 CHAD ATKINSON: -- good.
33 COMMISSIONER ALLAN: And you give it to one, you need to
34 give at all.
35 CHAD ATKINSON: Sounds good. And your email addresses
36 are --
37 KEITH WESTENGARD: I'll get them to you, --
38 COMMISSIONER SPARKS: Keith --
39 KEITH WESTENGARD: -- Chad.
40 COMMISSIONER SPARKS: -- will help him.

1 CHAD ATKINSON: Located --
2 KEITH WESTENGARD: Everybody's.
3 CHAD ATKINSON: Okay. As long as I can get it to you.
4 CHAIRMAN WAITS: Thank you.
5 COMMISSIONER SPARKS: Thank you very --
6 CHAD ATKINSON: Maybe if --
7 COMMISSIONER SPARKS: -- much.
8 COMMISSIONER ANCHO: Thank you very much.
9 CHAIRMAN WAITS: Also just a -- a quick comment for the
10 record. As part of our financial package, we do have the
11 response from our Lander County fiscal officer, Cynthia Benson.
12 And that starts on page 151 with what we are doing to be in
13 compliance.
14 COMMISSIONER SPARKS: Right.
15 CHAIRMAN WAITS: So I want that on the record that that's
16 also --
17 CHAD ATKINSON: Thank you.
18 CHAIRMAN WAITS: -- part of --
19 CHAD ATKINSON: Yes.
20 CHAIRMAN WAITS: -- it.
21 CHAD ATKINSON: Sure. Pointed that out, but thank you.
22 CHAIRMAN WAITS: That's --
23 COMMISSIONER SPARKS: Yeah.
24 CHAIRMAN WAITS: -- okay. Thank you.
25 With that and our humble thanks and wishes for a beautiful
26 holiday season, we are going to take a 10-minute break.
27 Thank you, Austin.
28
29 (Break taken between 10:37 a.m. 10:47 a.m.)
30
31 CHAIRMAN WAITS: Thank you, everybody. We are going to
32 call our meeting back to order.
33 And we are still on Agenda Item Number 10 to accept or deny
34 the fiscal year 2018-2019 audit report.
35 COMMISSIONER SPARKS: I'll make a motion that we approve
36 fiscal year 2018-2019 audit report.
37 COMMISSIONER ANCHO: All second it.
38 CHAIRMAN WAITS: Thank you. Bryan made the motion. And
39 Kathy seconded that.
40 Any other discussion?

1 (No comment.)
2 CHAIRMAN WAITS: No, but there will be throughout the year
3 I'm sure.
4 All in favor?
5 COMMISSIONER SPARKS: Aye.
6 COMMISSIONER CLARK: Aye.
7 COMMISSIONER ANCHO: Aye.
8 COMMISSIONER ALLAN: Aye.
9 CHAIRMAN WAITS: Aye. Thank you. And that passes.
10 Thank you so much.

11
12 11) **COUNTY MANAGER: For possible action to approve/disapprove a**
13 **closure of all Lander County buildings at 12:00 p.m. on**
14 **December 24, 2019, with the exception of the Lander County**
15 **Senior Centers, to close any time after 1:00 p.m. This is**
16 **not a dedicated holiday.**

17
18 CHAIRMAN WAITS: Number 11. County manager.
19 For possible action to approve or disapprove with the
20 closure of all Lander County buildings at 12:00 p.m. on December
21 24, 2019, with the exception of the Lander County senior centers
22 to close any time after 1:00 p.m. This is not a dedicated
23 holiday.

24 KEITH WESTENGARD: So we -- we got together -- I got
25 together with the elected officials. And we came up with a
26 general, unanimous consensus that we would like to request -- my
27 department included -- we would like to request that the county
28 commissioners give us a -- a closing time on December 24 of
29 12:00 noon in observance of Christmas Eve day to allow people to
30 go home and get --

31 COMMISSIONER SPARKS: So --

32 KEITH WESTENGARD: -- ready --

33 COMMISSIONER SPARKS: -- that would be --

34 KEITH WESTENGARD: -- for Christmas.

35 COMMISSIONER SPARKS: -- countywide, 12:00 o'clock we shut
36 down?

37 KEITH WESTENGARD: With -- with the exception of the senior
38 centers because the senior centers --

39 COMMISSIONER SPARKS: Right.

40 KEITH WESTENGARD: -- serve lunch. So once they finished

1 with lunch, then we would like to ask for them to be able to
2 close early as well.

3 COMMISSIONER SPARKS: Question. How do other -- how do
4 other counties do that?

5 KEITH WESTENGARD: It's kind of a mix. One county doesn't
6 do it, period. Another County I spoke with leaves it up to
7 the -- the individual department heads and elected officials.
8 So it's really a mix. But after --

9 CHAIRMAN WAITS: Well, the fed -- the federal employees are
10 all getting off --

11 KEITH WESTENGARD: Well, and I --

12 CHAIRMAN WAITS: -- at 12:00 --

13 KEITH WESTENGARD: -- was going --

14 CHAIRMAN WAITS: -- noon; --

15 KEITH WESTENGARD: -- to say --

16 CHAIRMAN WAITS: -- right?

17 KEITH WESTENGARD: -- yes.

18 COMMISSIONER SPARKS: All federal --

19 KEITH WESTENGARD: President --

20 COMMISSIONER SPARKS: -- employees --

21 KEITH WESTENGARD: -- Trump, --

22 COMMISSIONER SPARKS: -- are?

23 COMMISSIONER ANCHO: Uh-huh.

24 KEITH WESTENGARD: -- 2020, --

25 CHAIRMAN WAITS: Uh-huh.

26 KEITH WESTENGARD: -- decided to give federal employees the
27 day off.

28 And it's also -- it's actually in -- in the union contract,
29 which states all the hol- -- holidays that are listed through
30 the year. And it says, any other day declared a legal holiday
31 or day of mourning by the President of the United States,
32 Governor of the State of Nevada, or the Lander County
33 Commissioners. And that's right out of the book -- union
34 contract.

35 Discussed it with the -- the Sheriff's Office. And their
36 association president is -- and bargaining team is -- or
37 president is good with it. No issues. At this point.

38 COMMISSIONER SPARKS: Yeah. I say the only thing is if we
39 did approve it, we should make sure that everybody understands
40 in the county that that's what we're doing so people -- we don't

1 hear that, you know, we came in and they were closed. We
2 couldn't conduct business.

3 KEITH WESTENGARD: If this is approved, it will be -- well,
4 we don't have time to get it into --

5 COMMISSIONER SPARKS: I know.

6 KEITH WESTENGARD: -- the paper, but we will certainly put
7 posts around -- or put it on our boards at the rec center, the
8 civic center, as well as we'll put some notices up where we hang
9 our agendas.

10 COMMISSIONER SPARKS: Yeah.

11 KEITH WESTENGARD: And -- and the door.

12 COMMISSIONER ALLAN: So I just want to say that
13 Thanksgiving, the day before Thanksgiving, which actually the
14 day following is a family day. It is recognized by the county
15 that the employees would have that day off. And the majority of
16 the offices in the courthouse were closed by noon on the day
17 prior to Thanksgiving.

18 And we work for the public. And a lot of the public
19 doesn't get the day off before Christmas or get off early at
20 noon.

21 Is I think that we have to -- we work for them. We have to
22 be available to them. And, sure, it's really nice, but by the
23 same token, they're not getting off early.

24 As I mentioned before, the day for -- day before
25 Thanksgiving, most of the offices were closed. That did not
26 come before the commission. And I am opposed to this. I think
27 that, you know, it should be a full day as planned.

28 KEITH WESTENGARD: May I clarify on that? Because I can
29 tell you for a fact my office was open. I let my staff go.
30 And -- and the majority of the offices in this building let
31 their staffs go and the elected department head -- or the
32 elected officials --

33 UNIDENTIFIED PARTICIPANT: Stayed.

34 KEITH WESTENGARD: -- as well as myself -- I know I was
35 here till 4:30 -- or 4:15. I -- I talked with one of the DMV
36 clerks in my office until 4:15 that day.

37 I -- the D- -- the DA's Office, she was here until 4:00 --
38 4:00 or 4:15. I believe Sadie -- are you -- oh, you're right
39 over there -- I believe she was here until 5:00 that day. I --
40 I -- I -- I believe the -- the staff was let go, but the elected

1 official or department head stayed until late in the day, some
2 till 5:00.

3 Like I said, I did leave at 4:15 that day.

4 COMMISSIONER SPARKS: If they take off at noon, are they
5 paid for a full day or only half a day?

6 KEITH WESTENGARD: They're -- they're given the full day.

7 COMMISSIONER SPARKS: They're paid for the full day?

8 KEITH WESTENGARD: Yeah. It's administrative leave is what
9 it is. Paid administrative leave.

10 COMMISSIONER ALLAN: Well, and I do have to say that I -- I
11 am aware that you'd let your staff go and you were in the
12 office. I know Sadie was in his off- -- in her office.

13 I know there was different department heads or -- or
14 different elected officials offices, which is at their
15 discretion to some degree.

16 As far as the DMV, no, it was not open in the afternoon.

17 LESLEY BUNCH: (Off microphone) Yes, it was till 4:30.
18 Lesley Bunch, for the record. But --

19 COMMISSIONER CLARK: Come on up, Lesley, please.

20 LESLEY BUNCH: (Off microphone) I want to clarify some
21 things. I'm glad you brought this up.

22 Lesley Bunch, for the record, Lander County Recorder.

23 (On microphone) You have to remember, DMV's a contract with
24 me. It is not part of my elected position. It is not anything
25 to do with anything other -- as a courtesy to the county, which
26 I believe is a very good courtesy.

27 You have 30 days prior to your renewal date to get your
28 renewals done. If you wait till the day before Thanksgiving or
29 Christmas to come in and do your registration renewals, part of
30 that's on you, not on us.

31 We did have an employee here till 4:15 or 4:30. I believe
32 she was.

33 KEITH WESTENGARD: Marla and I, 4:15.

34 LESLEY BUNCH: Yeah. And so she always takes lunch from
35 2:00 to 3:00. There's no- -- there was nothing changed there.
36 We did have someone available.

37 The individual that had the issue on Facebook was called.
38 I did talk to her prior to talking to my employee to make sure
39 both sides of the story -- before anything was finalized. Their
40 stories were very concurrent. However, one stormed out --

1 stormed out very upset, the son of the individual was very
2 upset, saying every foul word you could hear.
3 And I'm sorry. I wouldn't make my employee work with
4 someone like that anyway.
5 COMMISSIONER CLARK: You shouldn't.
6 LESLEY BUNCH: If you can't conduct --
7 COMMISSIONER CLARK: No way.
8 LESLEY BUNCH: -- business in a civil manner -- manner,
9 which they were never denied.
10 I'm sorry -- I would not make anybody in my office work
11 for -- with someone like that anyway.
12 There was no inconvenience. The individual -- the first
13 individual that had five enrolls to do did get help, did get
14 taken care of before the office closed.
15 But we were closed for an hour for lunch, which we have the
16 right to do.
17 As far as recording does -- goes, there was absolutely no
18 issues there whatsoever.
19 COMMISSIONER SPARKS: Let me ask --
20 LESLEY BUNCH: And we didn't know till 10:00 o'clock in the
21 morning that day that everybody else was letting everybody go.
22 So there was a little bit of inconsistency too. So --
23 COMMISSIONER SPARKS: So DMV --
24 COMMISSIONER CLARK: Ted.
25 COMMISSIONER SPARKS: -- would fall under state?
26 LESLEY BUNCH: Yeah.
27 KEITH WESTENGARD: It's --
28 LESLEY BUNCH: It's under state.
29 COMMISSIONER SPARKS: So do they recognize it as a holiday?
30 State?
31 LESLEY BUNCH: It doesn't matter. It's by contract. I --
32 COMMISSIONER CLARK: Right.
33 LESLEY BUNCH: -- can work with them however --
34 KEITH WESTENGARD: I don't know --
35 LESLEY BUNCH: -- it be.
36 KEITH WESTENGARD: -- if the state has recognized -- I
37 don't have any information on that. I just have the -- the one
38 that President Trump signed in front of me. I don't know.
39 And just for clarification, this -- it's just for this day.
40 We're not -- we all agreed that New Year's Day we're not going

1 to ask for it. We're not going to do anything there.
2 And next year for the day before Thanksgiving, --
3 COMMISSIONER SPARKS: And then --
4 KEITH WESTENGARD: -- they'll have four days off. So we
5 might --
6 COMMISSIONER SPARKS: -- and then my other question is: If
7 it's part of our union-negotiated contract --
8 KEITH WESTENGARD: Yes.
9 COMMISSIONER SPARKS: -- that you just read --
10 KEITH WESTENGARD: Yes.
11 COMMISSIONER ALLAN: It's an option. It's not set in --
12 COMMISSIONER SPARKS: -- is it an option?
13 COMMISSIONER ALLAN: -- stone.
14 COMMISSIONER SPARKS: Or is it something that we --
15 KEITH WESTENGARD: It's a --
16 COMMISSIONER CLARK: It's not -- it's -- it's not harmful
17 to the employee. It's a benefit to the employee. And any
18 business agent that would fight something like this is a fool.
19 Speaking as being president of the teachers association for
20 10 years.
21 Because we do the same thing in education. On the last day
22 of school, we'll all meet. We'll have a half-hour meeting and
23 then the principal says, Stay if you want. Go home if you want.
24 It's -- it's the same thing.
25 KEITH WESTENGARD: So in the union contract it lists all
26 the holidays. And then it says that, you know, any other day
27 declared a legal --
28 COMMISSIONER SPARKS: Right.
29 KEITH WESTENGARD: -- holiday. But it's up to the Lander
30 County commissioners --
31 COMMISSIONER SPARKS: Oh, I see what you're saying.
32 KEITH WESTENGARD: -- in addition --
33 COMMISSIONER SPARKS: To --
34 KEITH WESTENGARD: -- to the normal --
35 COMMISSIONER SPARKS: And I -- I -- okay.
36 KEITH WESTENGARD: -- listed --
37 COMMISSIONER SPARKS: I understand that.
38 KEITH WESTENGARD: -- holidays.
39 COMMISSIONER SPARKS: Yeah. I understand.
40 KEITH WESTENGARD: So that's -- that's your call.

1 COMMISSIONER SPARKS: My -- my -- my last question is
2 historically how -- how busy is that day historically?
3 UNIDENTIFIED PARTICIPANT: It's not.
4 UNIDENTIFIED PARTICIPANT: It's not.
5
6 (Indiscernible simultaneous comments.)
7
8 COMMISSIONER ANCHO: It isn't.
9 MARLA SAM: It is not.
10 COMMISSIONER CLARK: Yeah. There you go.
11 COMMISSIONER ANCHO: It's not.
12 COMMISSIONER CLARK: Now, --
13 UNIDENTIFIED PARTICIPANT: You can hear --
14 COMMISSIONER CLARK: -- Ted --
15 UNIDENTIFIED PARTICIPANT: -- crickets in the building.
16 COMMISSIONER CLARK: Ted?
17 DISTRICT ATTORNEY HERRERA: Yes.
18 COMMISSIONER CLARK: I have a question. Can the commission
19 make a rule that affects all the public elected officials? In
20 other words, if we didn't address this at all, could the public
21 elected official still allow their employees to leave?
22 DISTRICT ATTORNEY HERRERA: In -- in certain cases. In
23 certain circumstances, yes.
24 As long as they're in compliance with the statute. NRS
25 245.040 -- and that's what was handed out to the commissioners
26 prior to the meeting -- it states which offices need to be open
27 and also states in subsection 4a that it can be deviated by the
28 county commissioners for -- now, this statute contemplates an
29 ongoing deviation. And that's not what they're asking for.
30 They're asking for a one and -- 1 1/2-day deviation.
31 So you certainly can do it. And it -- like my -- my
32 office, for instance, DA's Office, is not on the list here.
33 The -- as Lesley Bunch pointed out to you, Department of Motor
34 Vehicles is not controlled by the county commissioners. That's
35 a contract with her.
36 And -- and it's not part of her official duties.
37 Since you --
38 COMMISSIONER SPARKS: But don't we budget for her -- her
39 employee that runs DMV? Don't we set the budget for that?
40 DISTRICT ATTORNEY HERRERA: Yes.

1 COMMISSIONER SPARKS: Yeah.
2 DISTRICT ATTORNEY HERRERA: You --
3 COMMISSIONER SPARKS: We --
4 CHAIRMAN WAITS: Uh-huh.
5 COMMISSIONER SPARKS: -- do.
6 DISTRICT ATTORNEY HERRERA: That's what --
7 CHAIRMAN WAITS: Uh-huh.
8 DISTRICT ATTORNEY HERRERA: -- you guys can do -- budget
9 for. Just like my office.
10 COMMISSIONER SPARKS: So we do have some business in it?
11 DISTRICT ATTORNEY HERRERA: Right.
12 COMMISSIONER SPARKS: Right.
13 DISTRICT ATTORNEY HERRERA: As far as budget, you do.
14 COMMISSIONER SPARKS: Right. Exactly.
15 DISTRICT ATTORNEY HERRERA: But as far as the hours of
16 operation, to answer the question, --
17 COMMISSIONER SPARKS: Right.
18 DISTRICT ATTORNEY HERRERA: -- in certain cases, yes, and
19 in certain cases, no.
20 COMMISSIONER SPARKS: Right.
21 DISTRICT ATTORNEY HERRERA: And I just used two so that --
22 I brought up two examples of when you -- no.
23 And -- but there's a lot of yes examples. And -- and some
24 of it -- they're all listed here. The offices need to be open
25 unless it's deviated from permanently or -- or just by
26 piecemeal.
27 COMMISSIONER SPARKS: Right. And you said it -- you said
28 they're asking for a day and a half. It's just a half a day.
29 COMMISSIONER ANCHO: Just a half a --
30 DISTRICT ATTORNEY HERRERA: Well, --
31 COMMISSIONER ANCHO: -- day.
32 CHAIRMAN WAITS: Yeah. Just a --
33 DISTRICT ATTORNEY HERRERA: -- a half --
34 CHAIRMAN WAITS: -- half a --
35 KEITH WESTENGARD: Half a --
36 CHAIRMAN WAITS: -- day.
37 KEITH WESTENGARD: -- day.
38 DISTRICT ATTORNEY HERRERA: -- half day.
39 KEITH WESTENGARD: You --
40 COMMISSIONER SPARKS: Yeah.

1 KEITH WESTENGARD: -- on the --
2 COMMISSIONER SPARKS: So --
3 KEITH WESTENGARD: -- twenty --
4 COMMISSIONER SPARKS: -- so historically, it's not very
5 busy. And we notify taxpayers, hey, guys, our department's
6 going to be closed at noon. If you have any business to do,
7 please get in before noon before we do it.
8 I mean, it's -- typically it is -- and I speak from the
9 private sector -- it -- IT is pretty busy on -- I mean, pretty
10 slow on that day. People are getting -- you know, with their
11 families --
12 KEITH WESTENGARD: Right.
13 COMMISSIONER SPARKS: -- and getting ready for Christmas.
14 And so, I mean, I don't know. That's my thought on it. So --
15 COMMISSIONER ANCHO: And we, as a hospital board, voted to
16 do that, give a half a day off as well.
17 DISTRICT ATTORNEY HERRERA: So --
18 COMMISSIONER ANCHO: So, I mean, it's --
19 DISTRICT ATTORNEY HERRERA: -- legally --
20 COMMISSIONER ANCHO: -- it is --
21 DISTRICT ATTORNEY HERRERA: -- you can --
22 COMMISSIONER ANCHO: -- common.
23 DISTRICT ATTORNEY HERRERA: -- do it is all -- I guess my
24 only point. Legally you can do it.
25 CHAIRMAN WAITS: Uh-huh.
26 DISTRICT ATTORNEY HERRERA: I'm not taking a position on
27 whether you should or not.
28 COMMISSIONER SPARKS: Right.
29 CHAIRMAN WAITS: Okay.
30 COMMISSIONER SPARKS: No, I --
31 CHAIRMAN WAITS: Okay.
32 COMMISSIONER SPARKS: -- understand that.
33 COMMISSIONER CLARK: Well, I -- I think it's a -- a
34 courtesy that is well deserved by our staff. I mean, --
35 JUDGE DENISE FORTUNE: Okay. Can I say something, --
36 COMMISSIONER CLARK: -- they're --
37 JUDGE DENISE FORTUNE: -- please?
38 COMMISSIONER CLARK: -- they're --
39 CHAIRMAN WAITS: I'm going -- I'm going to --
40 COMMISSIONER CLARK: -- moms and dads --

1 CHAIRMAN WAITS: -- open it up --
2 JUDGE DENISE FORTUNE: Thank you.
3 COMMISSIONER CLARK: -- too.
4 CHAIRMAN WAITS: Just -- just a --
5 JUDGE DENISE FORTUNE: Denise --
6 CHAIRMAN WAITS: -- minute.
7 JUDGE DENISE FORTUNE: -- Fortune.
8 CHAIRMAN WAITS: Just a minute.
9 JUDGE JIM SHIRLEY: Oh.
10 CHAIRMAN WAITS: Let me --
11 JUDGE DENISE FORTUNE: Okay.
12 CHAIRMAN WAITS: -- open it up for public comment.
13 JUDGE DENISE FORTUNE: Okay.
14 CHAIRMAN WAITS: Hang on just a second till we finish
15 discussing. Okay.
16 COMMISSIONER ANCHO: I have nothing more.
17 CHAIRMAN WAITS: We all set? Okay. Yes.
18 JUDGE DENISE FORTUNE: Okay.
19 CHAIRMAN WAITS: Thank --
20 JUDGE DENISE FORTUNE: Sorry.
21 CHAIRMAN WAITS: -- you, Judge.
22 I'll open it up for --
23 JUDGE DENISE FORTUNE: Hi.
24 CHAIRMAN WAITS: -- public --
25 JUDGE DENISE FORTUNE: Thank you.
26 CHAIRMAN WAITS: -- comment.
27 JUDGE DENISE FORTUNE: Denise Fortune for Argenta Justice
28 Court.
29 I was an elected official that stayed the day before
30 Thanksgiving and let my girls go. And I stayed until 4:30 and
31 worked. It was very quiet. I think my phone rang once. Nobody
32 came to the counter. And justice court is usually pretty busy.
33 I am one of those that are excluded from this. I -- the
34 judicial does not fall under it. I can close whenever I want
35 and it doesn't fall under it.
36 But here's the thing that I wanted to bring to a point. I
37 do not like it not to be fair to the other employees. I could
38 let my girls go home on Christmas Eve. But if the whole county
39 doesn't do it, I just feel that it's not real fair for everybody
40 else.

1 Because I can't stay this year. I stayed on Thanksgiving.
2 I cannot stay on Christmas Eve. I don't want to leave and have
3 my girls have to work. I think everybody in the county, we get
4 one day off for Christmas. That's it.

5 People have kids. People have families. People have to
6 cook. People have things that are going on.

7 I just think across the board, it should be not up to the
8 elected officials. And we talked about this in the meeting.
9 And it is up to the elected officials. We can -- we can do it,
10 but we also want to be fair to the other county employees.

11 So that's why, as a group, we decided to come -- Keith was
12 going to come to you guys for us. And we're all here to say if
13 you just close it and say noon for everybody, then it doesn't
14 put the burden on us. And it makes it fair for everybody.

15 COMMISSIONER CLARK: So your --

16 JUDGE DENISE FORTUNE: So --

17 COMMISSIONER CLARK: -- plea is for courtesy for all the
18 employees?

19 JUDGE DENISE FORTUNE: All the employees to be able to go
20 at noon on Christmas Eve.

21 COMMISSIONER CLARK: You're all parents. You're all --

22 JUDGE DENISE FORTUNE: Exactly.

23 COMMISSIONER CLARK: -- aunts, uncles, grandmas, grandpas?
24 CeeCees and honeys?

25 JUDGE DENISE FORTUNE: Right. Right. So that -- that's
26 all I have to say.

27 COMMISSIONER ANCHO: And I agree.

28 JUDGE DENISE FORTUNE: Thank you.

29 COMMISSIONER ANCHO: I really --

30 CHAIRMAN WAITS: Thank you.

31 COMMISSIONER ANCHO: It's all -- everyone or, you know, no
32 one. Let's -- it needs to be --

33 CHAIRMAN WAITS: Okay.

34 COMMISSIONER ANCHO: -- across the --

35 CHAIRMAN WAITS: Any more --

36 COMMISSIONER ANCHO: -- board.

37 CHAIRMAN WAITS: -- discussion?

38 COMMISSIONER ANCHO: Nope.

39 CHAIRMAN WAITS: Okay.

40 COMMISSIONER ANCHO: I'll make the -- a -- a motion to

1 approve the closure of the Lander County buildings at 12:00
2 o'clock p.m. on December 24 with the exception of Lander County
3 Senior Center to close any time after 1:00 p.m.

4 This is not a dedicated holiday.

5 COMMISSIONER SPARKS: I'll second the motion.

6 CHAIRMAN WAITS: Kathy made the motion. And Bryan
7 seconded.

8 Any other discussion?

9 (No comment.)

10 CHAIRMAN WAITS: All in favor?

11 COMMISSIONER SPARKS: Aye.

12 COMMISSIONER CLARK: Aye.

13 COMMISSIONER ANCHO: Aye.

14 CHAIRMAN WAITS: Aye. Opposed?

15 COMMISSIONER ALLAN: Nay.

16 Thank you, Judie.

- 17
18 **12) COUNTY MANAGER: For possible action, approve/disapprove the**
19 **modified Interstate Interlocal Contract between Lander County**
20 **and the State of Nevada acting by and through its Department**
21 **of Health and Human Services, Division of Health Care**
22 **Financing and Policy and Division of Welfare and Supportive**
23 **Services for medical assistance provided in Nevada under**
24 **authority of Title XIX of the Social Security Act; contract**
25 **without modifications having been previously approved on**
26 **July 11, 2019, at a regularly scheduled Lander County**
27 **Commissioner meeting. It is also requested to approve the**
28 **chair or vice chair to sign.**

29
30 CHAIRMAN WAITS: Number 12. County manager.

31 For possible action -- approve, disapprove the modified
32 Interstate Interlocal Contract between Lander County and the
33 State of Nevada acting by and through its Department of Health
34 and Human Services, Division of Health Care Financing and Policy
35 and Division of Welfare and Supportive Services, for medical
36 assistance provided in Nevada under authority of the Title --
37 gee, which one is that? --

38 KEITH WESTENGARD: Nineteen.

39 JEANNE FALZONE: Nineteen.

40 KEITH WESTENGARD: Nineteen.

1 CHAIRMAN WAITS: Thank you.
2 -- of the Social Security Act; contract without
3 modifications having been previously approved on July 11, 2019,
4 at a regularly scheduled Lander County commissioner meeting. It
5 is also requested to approve the chair or vice-chair to sign.
6 KEITH WESTENGARD: So like it says, Commissioners, this was
7 approved July 11, 2019, at a regular meeting.
8 There's -- the only change to it is the state wanted to
9 take out -- it's on page 3 of 3 of the old contract under E --
10 Edward -- Number 4. It talks about populations in counties of
11 more than a hundred thousand. We're obviously not over a
12 hundred thousand so they removed Item 4. And you can see that
13 in your current --
14 CHAIRMAN WAITS: Page?
15 KEITH WESTENGARD: -- contract --
16 CHAIRMAN WAITS: Page 3 of 3?
17 KEITH WESTENGARD: Yes. Page 3 of 3, Item E. All parties
18 agree. Number 4 in the old contract talks about counties with
19 over 100,000.
20 The new contract, same -- same area, Section E, they took
21 out the 100,000 county because we're under a hundred thousand.
22 So they took out one paragraph. Nothing else changed.
23 CHAIRMAN WAITS: Got it. Okay. So we're looking for a
24 motion to approve the modified interstate interlocal agreement.
25 COMMISSIONER ANCHO: I'll make the motion to modify the
26 Interstate Interlocal Contract between Lander County and the
27 State of Nevada acting by and through its Department of the
28 Health and Human Services Division of Health Care Financing
29 Policy and Division of Welfare and Supportive Services for
30 medical assistance providing in Nevada under authority of
31 Title XIX -- I don't know what that --
32 COMMISSIONER ALLAN: Nineteen.
33 COMMISSIONER ANCHO: -- nineteen. Roman numeral -- it's
34 been a long time -- excuse me -- of 19, the Social Security Act
35 contract without modifications, having been previously approved
36 on July 11, 2019, at the regular scheduled Lander County
37 Commission meeting. It is also requested to approve the chair
38 or vice-chair to sign.
39 COMMISSIONER SPARKS: I'll second it.
40 CHAIRMAN WAITS: Kathy made the motion. And Bryan seconded

1 that.

2 Is there any other discussion?

3 (No comment.)

4 CHAIRMAN WAITS: All in favor?

5 COMMISSIONER CLARK: Aye.

6 COMMISSIONER ANCHO: Aye.

7 COMMISSIONER SPARKS: Aye.

8 COMMISSIONER ALLAN: Aye.

9 CHAIRMAN WAITS: Aye.

10 Any opposed?

11 (No comment.)

12 CHAIRMAN WAITS: Thank you. And that one passes.

13

14 13) **COUNTY MANAGER: For possible action on current and updated**
15 **information regarding the airport water line loop and**
16 **direction from the county commissioners on an option to**
17 **proceed, including, but not limited to, easements,**
18 **relocation, addition of water tanks or eminent domain, as**
19 **presented by Aaron Martinez of A.M. Engineering.**

20

21 CHAIRMAN WAITS: Number 13. County manager.

22 For possible action on current and updated information
23 regarding the airport water line loop and direction from the
24 county commissioners on an option to proceed, including, but not
25 limited to, easements, relocation, addition of water tanks or
26 eminent domain, as presented by Aaron Martinez of
27 A.M. Engineering.

28 SADIE SULLIVAN: (Indiscernible) it this way.

29 UNIDENTIFIED PARTICIPANT: It's going to hit me.

30 SADIE SULLIVAN: Oh, sorry.

31 AARON MARTINEZ: No worries.

32 CHAIRMAN WAITS: Good morning.

33 AARON MARTINEZ: Good morning, Commissioners. Merry
34 Christmas. I hope everyone's doing well.

35 Aaron Martinez, for the record. I'm the owner of
36 A.M. Engineering.

37 And --

38 COMMISSIONER SPARKS: Good morning.

39 AARON MARTINEZ: -- today I'm here to discuss secondarily,
40 as we had discussed in the previous meeting, the Old 8A mainline

1 transmission loop.

2 I'm going to be kind of speaking from a 30,000-foot level
3 So, again, if you have any questions, just drop -- stop me and
4 I'll be happy to answer in the -- in between my presentation
5 here.

6 So, again, main line. Let's see here. PowerPoint will
7 work good here.

8 Again, Aaron Martinez.

9 So what we're here today to discuss is there was a property
10 owner that had rescinded the acceptance of an easement that
11 allowed the transmission mainline to go through his parcel.

12 I've asked the -- some of the remaining parcel owners that
13 are in favor of that main line perpetuating through their
14 property -- I've asked them to come today.

15 There was some discussion that those owners were not in
16 participation with this in that previous meeting. That's not
17 correct. And those individuals are here to express that.

18 Okay. So John Wayne wants to know what we're doing here.
19 So let's get straight to it.

20 Basically we have an Old 8A loop main line that's here.
21 That's being a part of an existing project, which is the airport
22 loop project, which gets water to the airport.

23 This loop main line here is something that's came on in the
24 rather short term. Primarily, it has to do with occupancy,
25 which I identified in the last meeting. That occupancy is what
26 is actually at the airport.

27 Through the State Fire Marshall's Office, we're being
28 required to up that fire flow requirement at the airport.

29 Through Day Engineering report modeling, what we've been
30 able to identify is in order to achieve that one-hour minimum
31 fire flow requirement, we're initiating a Phase 2 loop project
32 into a Phase 1 initiative, which is the loop main line.

33 By bringing that loop mainline and T-ing into this location
34 right here, what that allows us to achieve that one hour of fire
35 flow at the airport per Day Engineering's model.

36 So I was tasked with an objective -- since that rescinded
37 parcel became a part of the requirement -- I was tasked by the
38 county manager and, frankly, through the commission's decision
39 at that time, to proceed with the project and essentially find
40 solutions on how we can proceed.

1 So I think some of the solutions that I've identified in my
2 option analysis are touchy to particular owners.

3 I just want to make it clear, I have no partial bias as to
4 where this thing goes. I don't care where it goes as an
5 engineer and surveyor. You tell me where it'll go, I'll
6 engineer the heck out of it and get it there.

7 So I know that there's some touchy items discussed in here.
8 Again, I am par- -- non-partial to any of that and happy to look
9 at any options.

10 So, again, that current option that I'll go over right now
11 is, again, that main line loop that comes from the Old 8A.

12 What this exhibit here, which is Exhibit 1, answers,
13 Commissioner Allen's request for additional information as it
14 related to the timing in which the Old 8A loop mainline was
15 created.

16 I'd like to draw the commission's attention to this
17 timestamp here and the actual timestamp and time of the clock
18 for the Old 8A loop exhibit.

19 This project starts all the way back September 20- --

20 COMMISSIONER SPARKS: Can you -- can we see those --

21 AARON MARTINEZ: -- -17.

22 COMMISSIONER SPARKS: Yeah. Thank you.

23 COMMISSIONER ALLAN: Aaron?

24 AARON MARTINEZ: Yes.

25 COMMISSIONER ALLAN: Actually, to clarify that, it wasn't
26 so much as when the initial project started. It's when the
27 loop --

28 AARON MARTINEZ: That loop? That's -- that's what this
29 exhibit is here. That Exhibit --

30 COMMISSIONER ALLAN: Okay.

31 AARON MARTINEZ: -- 1 shows you that loop coming from the
32 bottom edge of these parcels. What we did -- kind of as a
33 global portion for this project is working with Battle Mountain
34 Land Company, we tried to target some -- the airport water line
35 project, initially. And then where could we feasibly do a loop
36 line as a Phase 2 initiative? That was something that was a
37 part of the project from the very beginning because we were
38 concerned about the fire flow abilities of the current system.

39 So we knew that a loop main line was most certainly going
40 to be a part of this project at some point or another.

1 Basically, through the NDEP process and the water modeling
2 and the occupancy at the airport, we were basically targeted
3 with that 1500 gallons a minute.

4 With just the loop -- without the loop main line and just
5 the main line going to the airport, that was about 1200 gallons
6 a minute of fire flow.

7 So, really, this loop is kicking us up about 500 to a
8 thousand GPMs, which puts us right around 1800 to 2,000 GPMs of
9 fire flow to the airport. There will be a fire hydrant at the
10 airport --

11 COMMISSIONER SPARKS: Want to see it?

12 AARON MARTINEZ: -- as well as utilizing it for the fueling
13 stations and supplementing that current well system at the
14 airport.

15 COMMISSIONER ALLAN: Thank you.

16 AARON MARTINEZ: So a little bit of a parcel map here to
17 kind of have you understand where we're at. I know it's a
18 little hard to see, but those are the existing tanks right here.
19 This is the existing 16-inch loop that runs basically parallel
20 to 305. We're going to be hooking into that 16-inch main line
21 and perpetuating across these parcels to get over to Sheep Creek
22 Road.

23 COMMISSIONER SPARKS: And -- and, Aaron, which parcel --
24 which parcels are in -- are in -- that we're debating right now?

25 AARON MARTINEZ: So --

26 COMMISSIONER SPARKS: Is it 01 through --

27 AARON MARTINEZ: You bet.

28 COMMISSIONER SPARKS: -- 05? Is it --

29 AARON MARTINEZ: Great question. I'll -- yeah.

30 So I'll draw your attention to Exhibit 5, which gives you
31 the exact parcels. And I'll go back to one of my previous
32 exhibits so you can kind of see a little bit better --

33 CHAIRMAN WAITS: I think it's --

34 AARON MARTINEZ: -- which ones --

35 CHAIRMAN WAITS: -- this --

36 COMMISSIONER SPARKS: Oh.

37 AARON MARTINEZ: -- those --

38 COMMISSIONER SPARKS: Right here?

39 AARON MARTINEZ: -- are.

40 COMMISSIONER SPARKS: Right here.

1 AARON MARTINEZ: Yeah.

2 COMMISSIONER SPARKS: I see. Okay.

3 AARON MARTINEZ: So we kind of have Sheep Creek Road right
4 here. Okay.

5 These three parcels here, which I believe that's
6 represented as here. We have this parcel owner here who has
7 attended and is here today, as well as to the right over here,
8 the Battle Mountain Land Company representatives are also here
9 to -- they can speak during the public comment period if
10 necessary. Does that answer your question, Mr. --
11 Commissioner --

12 COMMISSIONER ALLAN: I don't --

13 AARON MARTINEZ: -- Sparks?

14 COMMISSIONER SPARKS: Yeah.

15 AARON MARTINEZ: Go back to my --

16 We're getting too far. Sorry, guys.

17 Okay. So what we've been tasked with is, again, we have
18 this current alignment that I've identified to you. The parcel
19 owners rescinded that, which is what you're seeing here.

20 So from an engineering perspective, the -- the most
21 cost-efficient route that I can come up with at this juncture of
22 the project is what I'm calling this Design Option 1.

23 Essentially what that design option does is it takes a
24 90-degree turn prior to that parcel. We then jump onto BLM
25 ground for about 2,400 linear feet for -- then entering back
26 onto private property and continue on the original alignment
27 that was intended for this project.

28 Some of the pros and cons that I've identified in this
29 analysis are -- some of it are my opinion. For instance, I
30 don't believe in placing public infrastructure on federal land
31 because it doesn't have that 360 effect that I talked to you
32 guys about previously --

33 COMMISSIONER SPARKS: Can you --

34 AARON MARTINEZ: -- whereas --

35 COMMISSIONER SPARKS: -- explain that to me? I apologize.
36 I don't think I was here for that meeting. Because that was one
37 of my questions is why don't we just go to -- through the BLM
38 section?

39 AARON MARTINEZ: Yeah. Well, it's -- it's a belief that I
40 think that I've expressed. And then some folks can take that

1 on. It's up -- totally up to you.

2 It's my belief that you have to have a 360-degree impact
3 with my tax dollars. So if you invest my tax dollars in a
4 particular area, as a resident, I want to see that expanded 360
5 degrees. And how -- what that means is literally --

6 COMMISSIONER SPARKS: Oh.

7 AARON MARTINEZ: -- who can tie into that water line? Who
8 can develop on that water line? Who can expand on that water
9 line? And ultimately does it pay back the taxpayers --

10 COMMISSIONER SPARKS: I see.

11 AARON MARTINEZ: -- and make it worth our investment?
12 Because we, as taxpayers, are paying for this infrastructure.
13 To go place it on a federal land is just really not something
14 that I'm typically comfortable with.

15 Because what that does is that -- that increases that
16 entire parcel for the BLM. That's a full section, 2000 linear
17 feet. You can do the numbers in terms of cost. What that does
18 is technically increases that -- that property value
19 inadvertently.

20 And, again, the land restrictions as to how I can tie into
21 that water line later, there are some significant things that
22 only legal would be able to tell you properly because there are
23 some limitations once that water line is on federal land.

24 Secondly, if -- with certain fund allocations from the
25 government, I know that once that land is -- has that water line
26 on there, your ability to use it in the future is obviously
27 limited. And that's why we don't recommend it on any federal
28 land. So that's why --

29 The other side is, too, we have this time frame issue.
30 Currently we're -- Lander County is under a development
31 agreement that's -- that has to be executed and continued
32 forward.

33 So we're under serious time constraints that the county
34 manager can identify to you that talks about how this project is
35 trying to push forward outside of these -- these -- these minor
36 changes here.

37 So with that, the time frame to work with the BLM is a
38 concern. And that's what I'm explaining in this report is
39 there's six months to nine months of typical working with to
40 obtain that easement. So that is a -- a potential concern.

1 Any questions on a Design Option 1?
2 I'm going to get into the financial numbers of Design
3 Option 1 in just a moment.
4 Okay. Design Option 2. So I start with this design option
5 by telling you there's a hundred different routes you can go.
6 If someone would like to sit down at a parcel map and identify
7 me something better, I am all ears. Please come to my office.
8 So what we tried to do is identify a feasible route that
9 provides us the end fire flow requirement.
10 Everyone keeps asking me, Aaron, why don't you go north?
11 Well, if I go north, I don't tie into this portion of the
12 loop line here, which is trying to force more gallons per minute
13 down the system's throat to get to the earthwork.
14 So if I go north, it really does me no good. We're coming
15 from the north. Our original line ties in at 305 near the
16 county airport -- or county building right here, just right
17 around this corner and comes down.
18 So it does not do this any good to do anything north. So
19 that's not even near any of my recommendations. If anything,
20 just scrap the loop line altogether because going north does you
21 nothing.
22 Going south is a potential option for future growth. It's
23 a pretty significant expenditure. And I'm going to get into
24 that a little bit. But going south, essentially we've come off
25 the tanks or near the tanks, potentially even a new tank.
26 These water modeling features would have to be figured out.
27 But hypothetically, if we come off the tanks and then perpetuate
28 across some private land and then again BLM land -- this is that
29 same section here -- BLM land -- we would then come across that
30 BLM land and then eventually try to hook up to Old 8A that way.
31 So that is what we could identify as the secondary route
32 for this Old 8A loop line.
33 Okay. So some of the biggest con- -- so some of the
34 biggest concerns for this Old 8A loop line is this smaller
35 exhibit that I've provided to you folks in your packets.
36 This was provided by the BLM. What it identifies is the
37 critical sage grouse area that these habitat management plans
38 have been trying to grapple with. Essentially what we're seeing
39 here is a byproduct of -- of the federal government was really
40 trying to push on the sage-grouse habitat. And you guys know

1 all about that. See, Nevada combated that with a few of these
2 studies in order to keep the federal government out of our
3 habitat management plan.

4 This map here identifies some of the critical sage-grouse
5 area. As you can see, our tanks are essentially sitting right
6 on that habitat area. And so any future development that comes
7 off of that is going to be a significant environmental impact
8 statement or assessment.

9 So those right there, when you talk EAs or EISs, we're
10 talking a year to two years of just studying.

11 And then in terms of what it takes to mitigate those items
12 and like, for instance, if we did put our new tank or a new
13 trench line, there's mitigation measures that will be in force
14 on that project. Could be reseeded. It could be as much as
15 farming your own sage grouse to replenish the numbers in which
16 you affect it. Okay.

17 So there's some serious ramifications there.

18 So John Wayne wants to know, So it sounds good, but what's
19 the cost impacts?

20 So Design Option 1 -- and I know it's a little hard to
21 read -- Design Option 1 has a 2.6 percent project increase,
22 which amounts to about \$25,500.

23 So by doing that Design Option 1 where I take that
24 90-degree and come back off that parcel here and coming over,
25 the cost impact of doing this minor design change is about
26 25,000.

27 COMMISSIONER SPARKS: So that makes our overall costs of
28 right around a million bucks, right?

29 AARON MARTINEZ: That's correct.

30 COMMISSIONER SPARKS: Okay.

31 AARON MARTINEZ: So, again, 2.6 percent increase. That
32 does include any additional engineering and surveying as well as
33 a \$5,000 contingency, which is about 25 percent.

34 On the Design Option 2, the hard tangible cost that I was
35 able to identify, basically just on the water line alone, you're
36 about an extra \$2 million.

37 The -- the potential cost that I'm discussing here of -- of
38 -- of a potential \$4 million has to do with an -- another
39 one-million-gallon tank.

40 If we do expand the water system as much as I'm showing

1 here, there's early water model studies we've been performing
2 that talks about us just kind of needing to upgrade our system
3 tankwise in order to even continue to feed that type of water
4 line.

5 So what -- you're seeing in some of these costs that I've
6 identified in this analysis here is there's a -- basically, a
7 one-million-gallon storage tank there.

8 So with the storage tank and -- and the water line
9 installation, you're staring at about \$4.2 million of additional
10 cost to do Design Option 2.

11 And then lastly, the unknown -- and I think the scariest
12 unknown -- is the sage-grouse habitat impact and the timeframe
13 for those studies to be finalized.

14 Any questions on Design Option 2?

15 COMMISSIONER CLARK: Yeah. I have a question. Which --

16 AARON MARTINEZ: Yes, sir.

17 COMMISSIONER CLARK: -- design is going to deliver the
18 gallons per minute needed at the airport?

19 AARON MARTINEZ: Say that one more time, Art. I'm sorry.

20 COMMISSIONER CLARK: Which design is the efficient design
21 to get the water to the airport at the proper -- at the proper
22 flow?

23 AARON MARTINEZ: So the most efficient design would be the
24 current alignment.

25 The second most efficient would be Design Option 1.

26 This -- Design Option 2 would most certainly get those same
27 flows or more to the airport if we did the design option.

28 COMMISSIONER CLARK: And that includes a million dollar --
29 a million gallon --

30 AARON MARTINEZ: Another --

31 COMMISSIONER CLARK: -- tank?

32 AARON MARTINEZ: -- tank. Yeah. You'd probably want to
33 upsize that tank.

34 COMMISSIONER CLARK: Okay.

35 AARON MARTINEZ: And that was one caveat I wanted to leave
36 you with on Design Option 2 is we haven't been paid to fully
37 analyze that through. Obviously you're not going to pay us
38 all -- a lot of money to analyze the design of that unless you
39 embark us on that.

40 COMMISSIONER SPARKS: Keith, so this is all just to stay in

1 compliance with our airport. Is this on our -- our FAA grants
2 that we get? This is --
3 KEITH WESTENGARD: It -- it --
4 COMMISSIONER SPARKS: -- one --
5 KEITH WESTENGARD: -- it has to do with the fire flow re-
6 -- requirements through the state fire marshal's office because
7 the airport's considered an occupied building.
8 So it has to do with our --
9 COMMISSIONER SPARKS: So this is a state --
10 KEITH WESTENGARD: And I believe we also got something
11 from -- was it E- -- EPA?
12 AARON MARTINEZ: In terms of --
13 KEITH WESTENGARD: In terms of the fire flow.
14 AARON MARTINEZ: No. It's strictly from the state fire
15 marshal's office.
16 KEITH WESTENGARD: Okay. So the state. Yes.
17 COMMISSIONER ANCHO: So I have a question on the -- on
18 Number 2, now you were saying the sage grouse. So at some point
19 that water line can be restricted because it's federal land?
20 AARON MARTINEZ: Let's go to that.
21 COMMISSIONER ANCHO: Is that what you were saying?
22 AARON MARTINEZ: So on Design Option 2, that's this guy,
23 right? And -- and it's near and around the sage-grouse habitat.
24 COMMISSIONER ANCHO: Uh-huh.
25 AARON MARTINEZ: So could it be restricted?
26 No, because eventually we would have developed those
27 easements. So then it's kind of ours --
28 COMMISSIONER ANCHO: Okay.
29 AARON MARTINEZ: -- within that easement.
30 But in terms of the cost impact to the project, again, they
31 may say, okay, you're going to go disturb this many acres,
32 you're going to have to go reseed those acres. You technically
33 killed this many sage grouse. You have to go farm that sage
34 grouse.
35 You'll see a lot of the mines have these farms for sage
36 grouse. And then they're showing that they're replanting those.
37 COMMISSIONER ANCHO: Okay.
38 AARON MARTINEZ: And so that's the impact.
39 CHAIRMAN WAITS: So, Aaron?
40 AARON MARTINEZ: Yes.

1 CHAIRMAN WAITS: I understand the -- the Phase 2 and -- and
2 the importance of what the fire marshal is saying and why we are
3 increasing our -- our time frame here. But have you talked to
4 the fire marshal about the fact that we may not do Project 2 and
5 what would happen if we didn't do it?
6 AARON MARTINEZ: No.
7 CHAIRMAN WAITS: Is he going to --
8 AARON MARTINEZ: I haven't --
9 CHAIRMAN WAITS: -- disa- -- is he going to disapprove
10 the --
11 AARON MARTINEZ: He has --
12 CHAIRMAN WAITS: -- water --
13 AARON MARTINEZ: -- no --
14 CHAIRMAN WAITS: -- line?
15 AARON MARTINEZ: -- control --
16 CHAIRMAN WAITS: Yeah.
17 AARON MARTINEZ: And he has no --
18 CHAIRMAN WAITS: I mean, I understand --
19 AARON MARTINEZ: -- control about --
20 CHAIRMAN WAITS: -- why.
21 AARON MARTINEZ: Yeah.
22 CHAIRMAN WAITS: And it would be the best. But -- but if
23 we can't, we can't. And --
24 AARON MARTINEZ: Yeah. So if you couldn't do it. If you
25 said, --
26 CHAIRMAN WAITS: Yeah.
27 AARON MARTINEZ: -- we're just not going to --
28 The fire marshal cannot deviate. He's strictly held by a
29 very specific code. So he goes by occupancy of the facility.
30 And then it goes into usage and occupancy to then identify those
31 fire flow requirements. So he can't waiver. It's simply
32 through code.
33 Now in terms of whether Lander County wants to move forward
34 with that Phase 2 or not would essentially not allow the entire
35 project to be accepted wholly because the Phase 1 project -- and
36 then we go to that document -- essentially everything's hanging
37 on -- on this -- on this loop line, to give you an idea, to
38 answer as quickly as possible.
39 So, again, we have the airport water line that's coming
40 like so. Correct?

1 I cannot achieve my fire flow at the airport without this
2 loop line. It's as simple as that. So if NDEP will not give us
3 approval to construct the water line, unless we can achieve the
4 fire marshal's concerns of the fire flow.

5 COMMISSIONER SPARKS: How'd this all come about? Did the
6 fire marshal come in and audit our airport fire flow? Or --

7 AARON MARTINEZ: No. This is simply a bureaucratic
8 process. You have NDEP who coordinates with these respective
9 agencies to get them all teed up on any new, upcoming project.

10 So then everything has to be brought exactly to code,
11 including evaluating the system as a communal water system where
12 we're actually -- go through and evaluate if there's 25 or more
13 users across the entire spectrum and tie those in too.

14 So you'll actually see us tying in the racetrack, the
15 motocross track, because those would be more than 25 people. So
16 what we're doing is -- is the federal government and the state
17 requires that when you add water line that certain areas be
18 added on that system so that they're being provided the federal
19 drinking standard requirements. And that's really what it comes
20 down to.

21 COMMISSIONER SPARKS: Oh.

22 CHAIRMAN WAITS: So we don't have any option of, like, just
23 drilling more wells?

24 Why can't we just drill --

25 AARON MARTINEZ: Well, --

26 CHAIRMAN WAITS: -- more wells?

27 AARON MARTINEZ: -- there's always more options. Yes, you
28 could definitely drill more wells.

29 The concern, I think, in the long-term approach that you'll
30 want to consider is to achieve federal drinking water standards
31 is an extremely stringent process for Lander County; right? You
32 guys have to find the right wells, make sure that the wells meet
33 the proper requirements to then add them to the tanks.

34 And so with the airport, it is not on a standard as of
35 right now.

36 So technically some of that water is maybe not meeting
37 those federal standards. So that is a liability concern that
38 you'll want to consider in the long term.

39 CHAIRMAN WAITS: Okay. But we still have bottom lines
40 here. And the bottom line is we haven't had it before. What if

1 we don't do it now?
2 KEITH WESTENGARD: The project won't happen.
3 CHAIRMAN WAITS: Right. And if the project doesn't happen?
4 KEITH WESTENGARD: If the project doesn't happen, it
5 affects -- it affects the airport. It affects our air tanker
6 operations.
7 COMMISSIONER SPARKS: How does it affect it? They -- do
8 they shut --
9 CHAIRMAN WAITS: Yeah.
10 COMMISSIONER SPARKS: -- us down? Is that what happens?
11 Or --
12 KEITH WESTENGARD: I don't know if they'd necessarily shut
13 us down. But it does affect, for instance, the air tanker
14 operations and the water that they need for retardant.
15 COMMISSIONER SPARKS: Well, that's the thing --
16 KEITH WESTENGARD: And --
17 COMMISSIONER SPARKS: -- is --
18 KEITH WESTENGARD: -- and --
19 COMMISSIONER SPARKS: -- what Patsy's saying. Sorry to
20 interrupt you. It's been -- we've done it for years. I -- I
21 used to work at the tanker base.
22 KEITH WESTENGARD: Right.
23 COMMISSIONER SPARKS: So why all of a sudden is it this,
24 like, urgent thing that we do it? I understand her question.
25 I'm just -- I'd like --
26 KEITH WESTENGARD: Right.
27 COMMISSIONER SPARKS: -- a clear answer on it.
28 KEITH WESTENGARD: So it -- it's -- it's to better the
29 airport. If -- if we ever get an industrial park out there,
30 it's -- it -- it's to better the air tanker operations. It's to
31 better the overall condition of the airport.
32 Right now out at the racetrack, they can't even flush a
33 toilet and run a sink at the same time. And let alone drink it.
34 They can't drink the water because it's -- it doesn't meet any
35 standards.
36 DISTRICT ATTORNEY HERRERA: Plus we have a contract.
37 KEITH WESTENGARD: Oh. Oh, yeah. Well, yeah. I didn't --
38 COMMISSIONER SPARKS: What's that?
39 KEITH WESTENGARD: That's secondary. But we do have a
40 contract in place. And we're going to go over the legal end of

1 that contract later in the -- in the --
2 DISTRICT ATTORNEY HERRERA: But to answer your question, --
3 CHAIRMAN WAITS: No.
4 DISTRICT ATTORNEY HERRERA: -- fully, we're under a
5 contractual --
6 CHAIRMAN WAITS: I understand --
7 DISTRICT ATTORNEY HERRERA: -- obligation --
8 CHAIRMAN WAITS: -- that.
9 DISTRICT ATTORNEY HERRERA: -- to go --
10 CHAIRMAN WAITS: But sometimes it's easier to buy out
11 somebody over here and -- and arbitrary for no lawsuit. So I'm
12 not concerned about that --
13 DISTRICT ATTORNEY HERRERA: Okay.
14 CHAIRMAN WAITS: -- right now. I'm concerned about where
15 we are, what we're going to do, and we're on a time constraint
16 to do this. But if we weren't on a time constraint, so we pay
17 off, you know, Battle Mountain Land Company or whatever that we
18 have this agreement with. Now, we know this is for the future
19 and we understand how important it is.
20 But I'm saying, it's not going to happen today. And all
21 our options are going to take longer. And they're going to be
22 more expensive, right?
23 COMMISSIONER ANCHO: But how's --
24 CHAIRMAN WAITS: There isn't any option --
25 KEITH WESTENGARD: Yes.
26 CHAIRMAN WAITS: -- that we can do today that would put us
27 on the contract and make everything go away.
28 KEITH WESTENGARD: No.
29 CHAIRMAN WAITS: Not one.
30 KEITH WESTENGARD: No.
31 COMMISSIONER ANCHO: But how expensive is that laws- -- is
32 that buyout or the lawsuit? Is it going to --
33 CHAIRMAN WAITS: Well, that's what --
34 COMMISSIONER ANCHO: I mean, --
35 CHAIRMAN WAITS: -- we have to --
36 COMMISSIONER ANCHO: -- that's --
37 CHAIRMAN WAITS: -- discuss.
38 COMMISSIONER ANCHO: I mean --
39 CHAIRMAN WAITS: Yeah.
40 KEITH WESTENGARD: Lots. Well --

1 DISTRICT ATTORNEY HERRERA: That was a --
2 CHAIRMAN WAITS: More than --
3 KEITH WESTENGARD: The -- the --
4 CHAIRMAN WAITS: -- 4 million?
5 KEITH WESTENGARD: -- cost to --
6 CHAIRMAN WAITS: More than --
7 KEITH WESTENGARD: -- buy out --
8 CHAIRMAN WAITS: -- \$4 million?
9 KEITH WESTENGARD: -- the lawsuit.
10 DISTRICT ATTORNEY HERRERA: A few million dollars of it.
11 KEITH WESTENGARD: Because they're going to -- they're
12 going to go -- they would go after their loss, --
13 DISTRICT ATTORNEY HERRERA: Yeah.
14 KEITH WESTENGARD: -- the loss to them because --
15 COMMISSIONER CLARK: Future loss.
16 KEITH WESTENGARD: Future loss.
17 DISTRICT ATTORNEY HERRERA: It's a --
18 KEITH WESTENGARD: Development --
19 DISTRICT ATTORNEY HERRERA: -- multimillion dollar
20 liability.
21 CHAIRMAN WAITS: Okay. But we don't have any option that
22 can meet that contract right now.
23 DISTRICT ATTORNEY HERRERA: Well, --
24 AARON MARTINEZ: I'm not sure that's correct in --
25 DISTRICT ATTORNEY HERRERA: -- I don't know --
26 COMMISSIONER ANCHO: I don't think --
27 DISTRICT ATTORNEY HERRERA: -- if that's --
28 AARON MARTINEZ: Forgive me --
29 COMMISSIONER ANCHO: -- that's --
30 DISTRICT ATTORNEY HERRERA: -- true.
31 COMMISSIONER ANCHO: I don't think that's --
32 AARON MARTINEZ: -- if I jump in here, but the Design
33 Option 1 is a trigger -- pull trigger option right now that
34 moves you forward --
35 DISTRICT ATTORNEY HERRERA: Right.
36 AARON MARTINEZ: -- today.
37 COMMISSIONER SPARKS: For an additional 25,000. Do we
38 already --
39 AARON MARTINEZ: No, not --
40 COMMISSIONER SPARKS: -- have the --

1 AARON MARTINEZ: -- the --
2 COMMISSIONER SPARKS: -- 900,000 --
3 AARON MARTINEZ: -- construction fees.
4 COMMISSIONER SPARKS: -- budgeted?
5 AARON MARTINEZ: That's not my fee. I had nothing to do
6 with that. But --
7 KEITH WESTENGARD: I'm sorry. What was --
8 COMMISSIONER SPARKS: So the --
9 KEITH WESTENGARD: -- that?
10 COMMISSIONER SPARKS: -- 900- -- so that fee schedule for
11 one, has it already been -- that 900,000 --
12 AARON MARTINEZ: That's --
13 KEITH WESTENGARD: That's -- that's there.
14 COMMISSIONER SPARKS: It's already budgeted.
15 KEITH WESTENGARD: Right.
16 COMMISSIONER SPARKS: So what he's saying would be an
17 additional -- it'd be a --
18 KEITH WESTENGARD: Twenty-five.
19 COMMISSIONER SPARKS: -- \$25,000.
20 KEITH WESTENGARD: Correct. Yes.
21 AARON MARTINEZ: Or you could do --
22 COMMISSIONER SPARKS: And this is --
23 AARON MARTINEZ: -- Design Option --
24 COMMISSIONER SPARKS: -- something that's been in the works
25 since 2017; correct?
26 KEITH WESTENGARD: Yes.
27 COMMISSIONER SPARKS: Okay.
28 KEITH WESTENGARD: Plus, we are going to have to either --
29 there's the two options that -- I know Aaron doesn't want to
30 touch this, but one of them is a BLM easement, which we've been
31 working on BLM to see what we can --
32 The other one is the eminent domain option.
33 AARON MARTINEZ: Which I have yet to cover.
34 KEITH WESTENGARD: We kind of skirted around it a little.
35 AARON MARTINEZ: Okay -- it's --
36 CHAIRMAN WAITS: But that takes --
37 AARON MARTINEZ: -- okay.
38 CHAIRMAN WAITS: -- us longer than our --
39 KEITH WESTENGARD: So I'm bringing it out.
40 CHAIRMAN WAITS: That takes --

1 KEITH WESTENGARD: Those are --
2 CHAIRMAN WAITS: -- us longer --
3 KEITH WESTENGARD: -- the two.
4 CHAIRMAN WAITS: -- than our contract on both of them.
5 DISTRICT ATTORNEY HERRERA: Yes.
6 KEITH WESTENGARD: It is. Yes.
7 CHAIRMAN WAITS: Yeah. So --
8 DISTRICT ATTORNEY HERRERA: It will --
9 CHAIRMAN WAITS: -- what --
10 DISTRICT ATTORNEY HERRERA: -- take the --
11 KEITH WESTENGARD: But --
12 DISTRICT ATTORNEY HERRERA: -- most time.
13 CHAIRMAN WAITS: So what's our option that we can get in
14 and still do the time frame?
15 KEITH WESTENGARD: There isn't one unless the landowner
16 agrees to what --
17 CHAIRMAN WAITS: That's --
18 KEITH WESTENGARD: -- he previously --
19 CHAIRMAN WAITS: -- what I'm saying.
20 KEITH WESTENGARD: -- agreed to.
21 CHAIRMAN WAITS: That -- that's exactly what I'm saying.
22 DISTRICT ATTORNEY HERRERA: Well, Design --
23 CHAIRMAN WAITS: So --
24 DISTRICT ATTORNEY HERRERA: -- Option 1 may -- we may be --
25 KEITH WESTENGARD: We --
26 DISTRICT ATTORNEY HERRERA: -- able to do --
27 KEITH WESTENGARD: -- we may.
28 DISTRICT ATTORNEY HERRERA: -- it.
29 KEITH WESTENGARD: I don't want to put time frames out
30 there. And I know at one point Aaron had some six -- six- to
31 twelve-month time frames.
32 There's things that we may be able to do with -- with the
33 county to work with the BLM to push it up, to maybe get as --
34 and I'm not -- I don't want this to be taken as a commitment.
35 But it could be as little as three months to get that easement
36 in place to --
37 DISTRICT ATTORNEY HERRERA: According to --
38 KEITH WESTENGARD: -- do --
39 DISTRICT ATTORNEY HERRERA: -- BLM.
40 KEITH WESTENGARD: -- to do his little --

1 COMMISSIONER SPARKS: Well, you would -- you would think if
2 we're going to run it on BLM land and it betters that BLM
3 parcel -- why --
4 KEITH WESTENGARD: And -- and --
5 COMMISSIONER SPARKS: -- wouldn't -- I don't understand why
6 all --
7 KEITH WESTENGARD: Well --
8 COMMISSIONER SPARKS: -- property owners wouldn't be in
9 favor of having that --
10 KEITH WESTENGARD: Right.
11 COMMISSIONER SPARKS: -- that option on their property.
12 KEITH WESTENGARD: Yes. And that's part of the -- the
13 argument on the -- from the county side is it betters the
14 airport air tanker operation.
15 That's one of them.
16 But they still have to do different studies and so forth.
17 So there -- they're -- rather than the BLM doing them,
18 maybe the county will hire a private person -- private entity or
19 vendor to go in and do the study, which it'll get done faster
20 that way, rather than -- which they will accept. If -- we've
21 discussed that.
22 COMMISSIONER ANCHO: So I have a question real quick.
23 So if it goes on the BLM land, are the people that are
24 protesting at this time, can they tie -- tie into that line?
25 KEITH WESTENGARD: So -- so that's something I want to
26 bring forward is if that's the way we go, I -- rather than a --
27 the landowner coming forth and just going to the water
28 department and say I want to hook up, I would recommend that
29 somewhere we put that -- that landowner has to ask permission of
30 the commission to put in water line service.
31 COMMISSIONER CLARK: Yeah. They can pay back the \$25,000.
32 CHAIRMAN WAITS: Well, I don't -- I don't think -- I don't
33 think that's going to work because -- just say a landowner has
34 to ask permission. I mean, they can sell the property and then
35 somebody else can just come over and tie in if we don't have --
36 I mean, it has to be whatever we decide to do. If that
37 landowner is causing us to do this extra expense and doesn't
38 want it going by their property, then that property's going to
39 have to be excluded.
40 KEITH WESTENGARD: Going through the property. Not --

1 we'll -- we'll go around it. It's --
2 CHAIRMAN WAITS: Right. But I'm --
3 KEITH WESTENGARD: -- fif- --
4 CHAIRMAN WAITS: -- Saying --
5 KEITH WESTENGARD: -- 25-foot difference is what we're
6 talking about here.
7 CHAIRMAN WAITS: I -- I understand --
8 KEITH WESTENGARD: Okay.
9 CHAIRMAN WAITS: -- that.
10 KEITH WESTENGARD: All right.
11 CHAIRMAN WAITS: But -- but I'm saying just to say that
12 landowner would have to come before us is going -- I mean,
13 you're going to have to do it where it's excluded from --
14 because otherwise they can sell it to somebody and they can just
15 hook on across --
16 COMMISSIONER SPARKS: I mean, --
17 CHAIRMAN WAITS: -- the --
18 COMMISSIONER SPARKS: -- this --
19 CHAIRMAN WAITS: -- across the --
20 COMMISSIONER SPARKS: -- this is --
21 CHAIRMAN WAITS: -- street.
22 COMMISSIONER SPARKS: -- this -- yeah. And this is where I
23 have a problem is like I believe a man's private property is his
24 private property. And so eminent domain, yeah, I understand
25 it's within our power. I don't like it. I don't understand why
26 you wouldn't want to as a property owner, you know, because it
27 makes it very convenient. It's like -- it's yeah. I just -- it
28 makes it nice if you want to do something in the future. So I
29 don't understand that point.
30 COMMISSIONER CLARK: It raises your property --
31 COMMISSIONER SPARKS: Yeah. Exactly.
32 COMMISSIONER CLARK: -- value.
33 COMMISSIONER SPARKS: But what -- but then on the same
34 token, you know, I'm not all about government coming in and it's
35 like, we're going to take it, you know, and this is how we're
36 going to do it. You know, I just --
37 CHAIRMAN WAITS: Well, it would take us much longer than
38 that to do eminent domain --
39 AARON MARTINEZ: Sure.
40 CHAIRMAN WAITS: -- anyway. It really would. So that's --

1 I don't think that's possible.
2 So when's the last time you've talked to the landowner?
3 AARON MARTINEZ: Which landowner were you speaking?
4 CHAIRMAN WAITS: The one that -- well, the one --
5 AARON MARTINEZ: That rescinded?
6 CHAIRMAN WAITS: -- that rescinded --
7 AARON MARTINEZ: So I was directed --
8 CHAIRMAN WAITS: -- the right-of-way.
9 AARON MARTINEZ: -- by the commission to proceed once their
10 representative identified that concern.
11 I actually met with the individual that I had been working
12 with. And I met him on-site per the direction of the county
13 manager. And at that time he expressed that he would no longer
14 be a part of the project so that was the day after that special
15 meeting.
16 CHAIRMAN WAITS: Okay. Well, then whatever they do,
17 that -- that property has to be excluded from ever tying on.
18 COMMISSIONER CLARK: Well, I agree with that, Patsy.
19 AARON MARTINEZ: I think -- I think legally you'll have
20 some -- some rough path getting there. I think there's a few
21 easement options you'll want to look at. One's called a
22 warranty easement. There's some particular easements you'll
23 want to look at that would probably help you identify some of
24 that.
25 CHAIRMAN WAITS: So you think the one coming across to the
26 BLM is possible to do within our time frame.
27 AARON MARTINEZ: If you're asking my opinion, yes. I think
28 that it's possible. We -- I think it's going to take some
29 serious close collaboration to achieve --
30 CHAIRMAN WAITS: Okay.
31 AARON MARTINEZ: -- those time frames because nothing --
32 CHAIRMAN WAITS: It just --
33 AARON MARTINEZ: -- with the federal government is --
34 CHAIRMAN WAITS: -- seems with all the property we own that
35 somewhere we can do another loop and tie in somewhere else to --
36 I mean, I -- I --
37 AARON MARTINEZ: Either they --
38 CHAIRMAN WAITS: -- I -- I don't understand that.
39 AARON MARTINEZ: I think I -- and I -- I'll be happy to go
40 over that exhibit again if you'd want to see that one more time.

1 CHAIRMAN WAITS: No, no.
2 AARON MARTINEZ: Because basically --
3 CHAIRMAN WAITS: No, I --
4 AARON MARTINEZ: -- when it --
5 CHAIRMAN WAITS: -- I understand --
6 AARON MARTINEZ: -- stops --
7 CHAIRMAN WAITS: -- this part.
8 AARON MARTINEZ: -- is there's several parcel owners.
9 There's several BLM parcels separating us from those loose --
10 that is really the difference between it is, yes, we could go
11 other areas, but ultimately you're still crossing BLM land.
12 And -- and essentially nothing north of our current loop
13 alignment helps us. So when you start to look south, the
14 numbers start to climb astronomically.
15 The route I gave you is by far the shortest route you can
16 achieve --
17 CHAIRMAN WAITS: Okay.
18 AARON MARTINEZ: -- on the parcels.
19 So it's outside --
20 CHAIRMAN WAITS: Okay.
21 AARON MARTINEZ: -- of that's a 20-, 30-, 40-million dollar
22 infrastructure --
23 COMMISSIONER ANCHO: And with the lands bill, can't it be
24 stated in there somewhere that they don't prohibit us from -- at
25 any time of blocking that -- the water that we've -- line that
26 we've put in there?
27 KEITH WESTENGARD: Well, I wouldn't say necessarily our
28 lands bill. But in our easement agreement -- and I -- and all
29 I'm suggesting is we may be able to go in and -- and negotiate
30 something as part of the easement agreement --
31 COMMISSIONER ANCHO: Okay.
32 KEITH WESTENGARD: -- with them.
33 COMMISSIONER ANCHO: Okay.
34 KEITH WESTENGARD: Once the commission decides the
35 direction to go, like I say, we've made contact. We had a
36 meeting last week, I think, --
37 AARON MARTINEZ: That's right.
38 KEITH WESTENGARD: -- with BLM. And we went over all the
39 different options. And speaking with BLM, they -- they are very
40 willing to work with us to get this easement in place and

1 fast-track it, so to speak.

2 AARON MARTINEZ: Yes.

3 COMMISSIONER ANCHO: Well, because I don't think it's fair
4 that the taxpayer should have to pay multimillion dollars for us
5 to put in a tank and all -- you know, the other options. I just
6 think that that's ludicrous to have to do -- to do that.

7 I also don't want the taxpayers -- us being sued and them
8 having to take -- pay out for a lawsuit either. So at the
9 25,000 and fast-tracking with the BLM would be the most
10 financially sound way to go.

11 CHAIRMAN WAITS: It doesn't seem like we have any other
12 choices really at this point.

13 KEITH WESTENGARD: Well, there's other choices. They just
14 cost a lot of money.

15 COMMISSIONER ANCHO: Well, and I don't --

16 CHAIRMAN WAITS: Well, but the -- the better choice. It
17 seems --

18 COMMISSIONER SPARKS: This lawsuit that we keep mentioning
19 I'm in the dark about. We're going to talk about that after the
20 meeting?

21 KEITH WESTENGARD: Yes.

22 COMMISSIONER SPARKS: I --

23 DISTRICT ATTORNEY HERRERA: Yeah. It's part of the
24 contract we entered into in 2017?

25 KEITH WESTENGARD: '17. Correct. With Battle Mountain
26 Land.

27 COMMISSIONER SPARKS: Oh, for -- oh. Battle Mountain --

28 KEITH WESTENGARD: Yes.

29 COMMISSIONER SPARKS: -- Lands.

30 COMMISSIONER ANCHO: So -- so --

31 COMMISSIONER SPARKS: Got you. Okay.

32 COMMISSIONER ANCHO: -- he can be in the loop on this, is
33 there -- can we bring -- just set these on the agenda for the
34 next meeting so he's in full understanding of what it -- I mean,
35 is it going to set --

36 AARON MARTINEZ: (Indiscernible.)

37 COMMISSIONER ANCHO: -- us back --

38 COMMISSIONER SPARKS: No, I'm --

39 AARON MARTINEZ: And we --

40 COMMISSIONER SPARKS: -- good.

1 COMMISSIONER ANCHO: -- that far that --
2 COMMISSIONER SPARKS: I'm --
3 AARON MARTINEZ: -- can get --
4 COMMISSIONER SPARKS: -- I'm --
5 AARON MARTINEZ: -- funding.
6 COMMISSIONER SPARKS: -- following --
7 DISTRICT ATTORNEY HERRERA: We can talk --
8 COMMISSIONER SPARKS: -- now.
9 DISTRICT ATTORNEY HERRERA: -- about --
10 COMMISSIONER ANCHO: Okay.
11 DISTRICT ATTORNEY HERRERA: -- that in a litigation --
12 COMMISSIONER SPARKS: Yeah.
13 COMMISSIONER ANCHO: Okay.
14 DISTRICT ATTORNEY HERRERA: -- meeting.
15 COMMISSIONER ANCHO: Okay.
16 DISTRICT ATTORNEY HERRERA: In fact, I'm going to --
17 KEITH WESTENGARD: Because it's currently in litigation.
18 COMMISSIONER ANCHO: Okay.
19 COMMISSIONER SPARKS: Yeah.
20 I got it.
21 CHAIRMAN WAITS: Okay. Any other discussion on it?
22 (No comment.)
23 CHAIRMAN WAITS: What's your pleasure?
24 COMMISSIONER ALLAN: We have public comment.
25 CHAIRMAN WAITS: I'm sorry, Judie?
26 COMMISSIONER ALLAN: I said we have public comment if you
27 wanted to open it up.
28 CHAIRMAN WAITS: Oh. Yes. Donnie, come on up.
29 DONALD NEGRO: (Off microphone) I'd like to ask Aaron
30 Martinez how wide is --
31 CHAIRMAN WAITS: Would -- would you --
32 COMMISSIONER CLARK: We need you to come up --
33 CHAIRMAN WAITS: -- please come up.
34 COMMISSIONER CLARK: -- for the recording. Thank you.
35 CHAIRMAN WAITS: And identify yourself for us, Donnie.
36 DONALD NEGRO: Donald Negro, landowner and taxpayer in
37 Lander County.
38 I'd like to ask Aaron, How wide of an easement do you want?
39 AARON MARTINEZ: (Off microphone) I'm sorry?
40 Yeah.

1 DONALD NEGRO: If you would.

2 AARON MARTINEZ: That documentation's been provided.

3 I typically don't answer directly during public comment
4 period. We can answer your questions in writing and you please
5 submit it through the county manager's office. Thank you.

6 DONALD NEGRO: Okay.

7 And my feelings, you know, what you're doing here, it
8 hasn't been budgeted for, this other loop road or loop line.
9 Why don't you go back up to the tank and hook into the tank? If
10 someone hits that -- that line down below, we're screwed.
11 Excuse the expression.

12 You know, now is a -- now is the time to do it. Go through
13 when you do your budgeting and budget money to do it right.

14 Because if we're, you know, we're getting growth from
15 Battle Mountain down the road like we did, say, ten years ago,
16 you know, what are we going to do?

17 COMMISSIONER SPARKS: Two questions. I thought it was
18 budgeted for. I thought we already budgeted
19 nine-some-thousand --

20 DISTRICT ATTORNEY HERRERA: It is.

21 COMMISSIONER SPARKS: -- dollars.

22 So that is correct? The money is --

23 KEITH WESTENGARD: Yes.

24 COMMISSIONER SPARKS: -- already --

25 KEITH WESTENGARD: It is budgeted for, Commissioner.

26 COMMISSIONER SPARKS: Okay. And then the water tank you're
27 talking about, Donnie, is that the one out by the -- the dump
28 area?

29 DONALD NEGRO: Yeah.

30 COMMISSIONER SPARKS: Would that -- is that an option? A
31 viable option, --

32 AARON MARTINEZ: Yes, --

33 COMMISSIONER SPARKS: -- Aaron?

34 AARON MARTINEZ: -- Commissioner Sparks. (Indiscernible.)
35 Can you ask that differently?

36 COMMISSIONER SPARKS: If we -- if we came if -- off our --
37 our water tanks over to the airport?

38 AARON MARTINEZ: Right. So that's what we were just
39 talking about --

40 COMMISSIONER ALLAN: That's --

1 AARON MARTINEZ: -- in that Design Option 2.
2 COMMISSIONER SPARKS: Oh, that's Design Option 2. Okay.
3 COMMISSIONER ALLAN: Yeah.
4 AARON MARTINEZ: And so essentially that's this guy right
5 here. And here's your tanks here.
6 So you can see, what --
7 COMMISSIONER SPARKS: Got you.
8 AARON MARTINEZ: -- that feasible route was.
9 And, obviously, you can go different directions during
10 that via -- through that BLM parcel. Typically, you'll go
11 through the surrounding boundaries of those parcels so you don't
12 lock any -- like, for instance, running it down the center of a
13 parcel usually isn't ideal unless that owner has that idea in
14 mind because it's just got this big transmission main in and
15 you're trying to --
16 COMMISSIONER SPARKS: So that'd be an increased cost of
17 \$1.2 million dollars plus we'd have to have all easement from those
18 property owners.
19 AARON MARTINEZ: Correct.
20 COMMISSIONER SPARKS: Got you. Okay.
21 COMMISSIONER ALLAN: So I'm just going to throw something
22 out here that is definitely an increase. And I know under the
23 contract, it -- it kind of goes against the contract.
24 Our public works director one time commented on he'd been
25 over to Crescent Valley looking at the arsenic treatment plant.
26 Anybody ever think about putting a small arsenic treatment plant
27 at the airport area with the wells there to treat the water?
28 Because one thing you're looking at bringing water from the
29 wells now, from the south wells to the airport, is, you know,
30 there are times of the year that there's a lot more demand.
31 And I don't know the specifics on those wells. I just
32 don't really have a whole lot of faith in --
33 AARON MARTINEZ: Yeah.
34 COMMISSIONER ALLAN: -- them.
35 AARON MARTINEZ: Sure.
36 COMMISSIONER ALLAN: Is we're creating another well system.
37 Is we're creating a separate well system with the potable water
38 in another area that could supply.
39 AARON MARTINEZ: So that --
40 COMMISSIONER ALLAN: And I know it's not necessarily as

1 cost-effective. But on the other hand, it's also looking
2 towards the future.

3 AARON MARTINEZ: So originally the -- there's res- -- these
4 were studies done well before my time here at Lander County.

5 But essentially working with some of the subconsultants
6 that Lander County uses, the wells in that area do not provide
7 any remotely close to water quality standards.

8 What my experience has been, just in the last few years, is
9 we seem to be finding all the good water near the golf course
10 area and kind of --

11 COMMISSIONER ALLAN: And that's --

12 AARON MARTINEZ: -- out of --

13 COMMISSIONER ALLAN: -- why I mentioned --

14 AARON MARTINEZ: And so we --

15 COMMISSIONER ALLAN: -- an arsenic --

16 AARON MARTINEZ: -- can't --

17 COMMISSIONER ALLAN: -- treatment --

18 AARON MARTINEZ: -- even just try to like -- yeah. And
19 so --

20 COMMISSIONER ALLAN: You can't even do -- you can't even
21 treat it enough for that.

22 AARON MARTINEZ: Absolutely. You can -- you could treat it
23 isolated. Again, isolated water treatment facilities has never
24 been a good -- a good idea.

25 If you look at some of the growing cities in the area,
26 they'll have these isolated treatment facilities all over their
27 community.

28 And then they'll eventually just get it to one because
29 keeping that facility operational for just that area is not
30 cost-effective. Whereas if you're going to do a treatment
31 facility, which I believe is in your long-term plan, you'd be
32 trying to treat it for the entire community to feed it to a
33 source location and then pump it or allow it to gravity feed to
34 wherever you want it to go.

35 And that's why this airport water line project -- I mean,
36 cost-effectively is the best option in terms of getting water
37 out there. Because to try to get isolated resources is a -- is
38 a problem.

39 COMMISSIONER CLARK: You -- you have a bachelor's degree in
40 engineering? Or a master's degree?

1 AARON MARTINEZ: I have a couple different degrees. But,
2 yeah, I have a degree in engineering. And I have a degree in
3 land surveying and geomatics --
4 COMMISSIONER CLARK: And --
5 AARON MARTINEZ: -- and also in methods.
6 COMMISSIONER CLARK: -- certifications.
7 AARON MARTINEZ: I have professional engineering license.
8 COMMISSIONER CLARK: Thank you.
9 CHAIRMAN WAITS: Do we have any other public comment?
10 COMMISSIONER ALLAN: Thank you, Aaron. I was just --
11 AARON MARTINEZ: Absolutely.
12 COMMISSIONER ALLAN: -- curious.
13 AARON MARTINEZ: Thank you, Sharon.
14 COMMISSIONER CLARK: Come on up, Jay.
15 Merry Christmas, Jay.
16 JAY WINTLE: Merry Christmas to you, Art.
17 Jay Wintle, for the record.
18 As he discussed, I'm one of the other landowners. I have
19 no problem giving any easements to county needs.
20 I've always worked with the county to support their needs.
21 Anywhere you need to go across my property, feel free to ask and
22 more than likely it will be granted.
23 COMMISSIONER CLARK: Well, I appreciate that, Jay.
24 CHAIRMAN WAITS: Thank you.
25 COMMISSIONER CLARK: And which are you?
26 JAY WINTLE: Which is -- what'd you say?
27 KEITH WESTENGARD: Your parcels?
28 JAY WINTLE: I can show you.
29 COMMISSIONER CLARK: Yeah. Which parcel are you? Are
30 you --
31 KEITH WESTENGARD: First two?
32 COMMISSIONER CLARK: -- the one --
33 JAY WINTLE: Well, the first two of these, bringing --
34 COMMISSIONER CLARK: You're here?
35 JAY WINTLE: -- it back. He moved it where he didn't have
36 to take out an existing water line was my suggestion.
37 COMMISSIONER CLARK: Jay's --
38 AARON MARTINEZ: Yeah.
39 COMMISSIONER CLARK: -- here?
40 AARON MARTINEZ: He's two on the left of that. Correct.

1 COMMISSIONER CLARK: Okay. And then we have three
2 uncooperative.
3 And who's the other one here? Nevada Lands?
4 COMMISSIONER ALLAN: No.
5 AARON MARTINEZ: I think that's where --
6 JAY WINTLE: Yeah.
7 COMMISSIONER ALLAN: The last one. Well, there's --
8 COMMISSIONER CLARK: Nevada Lands.
9 COMMISSIONER ALLAN: -- there's one --
10 AARON MARTINEZ: Yeah.
11 COMMISSIONER ALLAN: -- part.
12 AARON MARTINEZ: Nevada --
13 COMMISSIONER ALLAN: There's a --
14 AARON MARTINEZ: -- Lands right here.
15 COMMISSIONER CLARK: Thank you.
16 COMMISSIONER ALLAN: A 58 -- 53-acre parcel and then Nevada
17 Lands.
18 CHAIRMAN WAITS: Okay.
19 COMMISSIONER SPARKS: Well, I mean, looking at costs,
20 there's only two options. We either do B- -- BLM or you do the
21 eminent domain action. But that doesn't meet time frames. And
22 -- and I'm not for --
23 CHAIRMAN WAITS: BLM --
24 COMMISSIONER SPARKS: -- eminent --
25 CHAIRMAN WAITS: -- is a --
26 COMMISSIONER SPARKS: -- domain.
27 CHAIRMAN WAITS: -- possible and --
28 COMMISSIONER SPARKS: Possible. Yeah.
29 CHAIRMAN WAITS: -- and eminent domain is not for time
30 frame. That's all.
31 COMMISSIONER SPARKS: Yeah.
32 CHAIRMAN WAITS: So --
33 COMMISSIONER CLARK: We have any other public comment?
34 Nevada Lands coming up here? Are you -- are you Nevada Lands?
35 ISAAC MORRISON: Yeah.
36 Actually, clarification. I'll just come up.
37 CHAIRMAN WAITS: Thank you.
38 ISAAC MORRISON: Isaac Morrison, for the record, Battle
39 Mountain Land Company.
40 Point of clarification. Battle Mountain Land Company, New

1 Nevada Lands have absolutely nothing to do with each other.
2 Just FYI.

3 So the contract -- I technically work for New Nevada Lands.
4 But that's a whole separate entity. I'm an owner of Battle
5 Mountain Land Company. And we're, again, totally separate.

6 So with that, I -- yeah. I mean, I'm here. If you guys
7 have any questions on where we stand on the -- on the parcel for
8 Battle Mountain Land Company -- on the easement. But just a
9 point of clarification.

10 CHAIRMAN WAITS: You want the fire loop to go through.

11 ISAAC MORRISON: We are absolutely in favor of
12 infrastructure development in communities such as Battle
13 Mountain.

14 DISTRICT ATTORNEY HERRERA: And you have no problem giving
15 us easements?

16 ISAAC MORRISON: No, not at all.

17 And also I -- you know, without getting into too many of
18 the nuances of the existing contract, I don't know how we would
19 define this, but there is clauses in there for force majeure
20 type situations or -- or situations that might arise that --
21 that cause extensions of -- of or delays, I should say. So,
22 yeah. We're not -- we're going to -- we're not going to try and
23 beat up the county too bad. So --

24 CHAIRMAN WAITS: We're going to look very closely at those.
25 Thank you.

26 ISAAC MORRISON: Yeah.

27 COMMISSIONER SPARKS: Recorders are working, right?

28 CHAIRMAN WAITS: Okay, Board.

29 COMMISSIONER SPARKS: All right. So do we just move
30 forward with the BLM option? That's what I'm hearing. It's
31 like this --

32 COMMISSIONER CLARK: Have to do something, I think.

33 I mean, we can afford the 25,550. And we --

34 COMMISSIONER SPARKS: Right.

35 COMMISSIONER CLARK: -- certainly want the flow rate at
36 the -- at the airport to be correct.

37 I mean, we -- we were the only county in the state that got
38 \$2 million from the FAA. So we must be doing something right
39 with our airports.

40 COMMISSIONER SPARKS: Plus that, it's our future industrial

1 park we're looking at. It's, like, it just -- it makes sense,
2 you know.

3 COMMISSIONER CLARK: Get ready for the growth that's
4 inevitable.

5 I mean, look at Fernley and -- and Lovelock -- for goodness
6 sakes -- Winnemucca, Elko. We're on a -- we're on the line.

7 CHAIRMAN WAITS: Go for it, Bryan.

8 COMMISSIONER CLARK: Well, I'll make a motion. I'll make a
9 motion that we go with the option using the BLM land, which will
10 be an increase for \$25,550. I know that this is against what
11 the engineer is recommending, and I want to put that in there
12 too.

13 DISTRICT ATTORNEY HERRERA: No, it's --

14 AARON MARTINEZ: Wait, wait --

15 COMMISSIONER CLARK: And understand --

16 AARON MARTINEZ: -- wait.

17 DISTRICT ATTORNEY HERRERA: It's not --

18 AARON MARTINEZ: What -- what is --

19 CHAIRMAN WAITS: No.

20 COMMISSIONER CLARK: I thought he said he didn't want it on
21 the federal land.

22 AARON MARTINEZ: Oh, no.

23 DISTRICT ATTORNEY HERRERA: If --

24 AARON MARTINEZ: I just --

25 CHAIRMAN WAITS: No.

26 AARON MARTINEZ: -- said it as a pro and con.

27 CHAIRMAN WAITS: No, --

28 AARON MARTINEZ: I was --

29 CHAIRMAN WAITS: -- no.

30 AARON MARTINEZ: -- just giving you the con of it. But
31 that is --

32 COMMISSIONER CLARK: Okay.

33 AARON MARTINEZ: -- the right thing to --

34 CHAIRMAN WAITS: No, no.

35 DISTRICT ATTORNEY HERRERA: If -- for -- both options have
36 to do with -- with BLM land.

37 CHAIRMAN WAITS: Yeah.

38 AARON MARTINEZ: Yeah.

39 DISTRICT ATTORNEY HERRERA: So there's Option 1 and
40 Option 2.

1 COMMISSIONER CLARK: Okay.
2 DISTRICT ATTORNEY HERRERA: Option 1's the 25,000. But
3 both of them --
4 AARON MARTINEZ: (Indiscernible.)
5 COMMISSIONER CLARK: 1A. Option 1A.
6 DISTRICT ATTORNEY HERRERA: Okay.
7 CHAIRMAN WAITS: Yeah. We'll -- we'll go back. You -- you
8 want -- you want to try that one more time, Art?
9 COMMISSIONER CLARK: Okay.
10 AARON MARTINEZ: Okay.
11 COMMISSIONER CLARK: Go with Option 1A, an increase of
12 25,550, so that we can get this project done.
13 COMMISSIONER ALLAN: I have a question on that. Do we want
14 to put an amount on it?
15 DISTRICT ATTORNEY HERRERA: Probably not.
16 COMMISSIONER CLARK: Well, that's what's on the paper.
17 DISTRICT ATTORNEY HERRERA: That -- that's -- yeah.
18 COMMISSIONER ALLAN: But it still could --
19 COMMISSIONER CLARK: That's --
20 COMMISSIONER ALLAN: -- be an --
21 COMMISSIONER CLARK: -- an --
22 COMMISSIONER ALLAN: -- estimate.
23 COMMISSIONER CLARK: -- increase.
24 CHAIRMAN WAITS: But these -- these are approximate --
25 COMMISSIONER SPARKS: Probable.
26 CHAIRMAN WAITS: -- costs.
27 COMMISSIONER SPARKS: Yeah. Probable --
28 COMMISSIONER CLARK: Oh.
29 COMMISSIONER SPARKS: -- costs.
30 CHAIRMAN WAITS: They -- they are approximate because we
31 don't have the engineering costs in there either.
32 AARON MARTINEZ: That's correct.
33 CHAIRMAN WAITS: So if --
34 AARON MARTINEZ: In parallel --
35 CHAIRMAN WAITS: -- you want to try the motion again, we'll
36 just go with Option 1, --
37 COMMISSIONER CLARK: Okay.
38 CHAIRMAN WAITS: -- through --
39 COMMISSIONER CLARK: Go with --
40 CHAIRMAN WAITS: -- the BLM.

1 COMMISSIONER CLARK: -- option -- my motion will be to go
2 with Option 1.

3 COMMISSIONER SPARKS: I'll second.

4 CHAIRMAN WAITS: Okay. Art made the motion. And Bryan
5 seconded that.

6 Do we have any other discussion?

7 (No comment.)

8 CHAIRMAN WAITS: Okay. With that, I will call for the
9 vote.

10 All in favor?

11 COMMISSIONER ANCHO: Aye.

12 COMMISSIONER SPARKS: Aye.

13 COMMISSIONER CLARK: Aye.

14 CHAIRMAN WAITS: Aye.

15 COMMISSIONER ALLAN: And I'm --

16 CHAIRMAN WAITS: Any opposed?

17 COMMISSIONER ALLAN: -- going to abstain because of my
18 personal relationship with the owners of the property. And I
19 don't trust a single one of you guys.

20 CHAIRMAN WAITS: Thank you, Commissioner.

21 I -- I hope it works out with the time frame. It's a sad
22 situation that we are -- we are in. But I appreciate all of
23 your deliberation and your -- your concerns. So thank you.

24 And we'll move on. And thank you, Aaron. Did he leave?

25 AARON MARTINEZ: Thank -- no. Thank you, Commission.

26 CHAIRMAN WAITS: Oh, there he is.

27 AARON MARTINEZ: Yes, I was in the --

28 CHAIRMAN WAITS: Thank --

29 AARON MARTINEZ: -- middle with --

30 CHAIRMAN WAITS: -- you.

31 AARON MARTINEZ: -- someone.

32 CHAIRMAN WAITS: Yeah. Yes.

33

34 **14) CLERK'S OFFICE: For possible action to approve/disapprove a**
35 **contract between the Lander County Clerk and Tyler**
36 **Technologies and approve the chair or vice chair to sign.**

37

38 CHAIRMAN WAITS: Okay. Fourteen. Clerk's Office.

39 For possible action to approve or disapprove a contract
40 between the Lander County Clerk and Tyler Technologies and

1 approve the chair or vice-chair to sign.
2 And this is -- my understanding is the only option we have
3 to move forward with this. Nothing else was available for us.
4 SADIE SULLIVAN: Right. Sadie Sullivan, Lander County
5 clerk.
6 Tyler is in several offices here in the courthouse. Our
7 Recorder's Office has Tyler. The Treasurer's Office and
8 Finance.
9 And I was going to go with DevNet. And that did not work
10 out or move forward or there wasn't that interest, I believe, I
11 guess, on their end.
12 So we're in a rush. And Tyler was able to step up and --
13 and move forward for me on this.
14 CHAIRMAN WAITS: So let me just clarify, then, do -- will
15 we have a maintenance and support agreement? Is that -- is that
16 included as part of this? Or will we have to bring that forward
17 separate? Or --
18 SADIE SULLIVAN: Everything's included now. There'll be an
19 annual fee, like any other. But everything is here within
20 this --
21 CHAIRMAN WAITS: The support and maintenance --
22 SADIE SULLIVAN: -- large --
23 CHAIRMAN WAITS: -- agreement is part of it?
24 SADIE SULLIVAN: Correct.
25 CHAIRMAN WAITS: Okay.
26 SADIE SULLIVAN: And everything you've seen looked good for
27 legal?
28 DISTRICT ATTORNEY HERRERA: Yes.
29 CHAIRMAN WAITS: Okay.
30 COMMISSIONER CLARK: We're good?
31 COMMISSIONER SPARKS: So I'll --
32 CHAIRMAN WAITS: Okay.
33 COMMISSIONER SPARKS: -- make a motion we approve a
34 contract between the Lander County clerk and Tyler Technologies
35 and approve the chair or vice-chair to sign.
36 COMMISSIONER ANCHO: I'll second.
37 CHAIRMAN WAITS: Thank you. Moved by Brian, seconded by
38 Kathy.
39 Any other discussion?
40 (No comment.)

1 CHAIRMAN WAITS: All those in favor?
2 COMMISSIONER SPARKS: Aye.
3 COMMISSIONER CLARK: Aye.
4 CHAIRMAN WAITS: Aye.
5 COMMISSIONER ALLAN: Aye.
6 CHAIRMAN WAITS: Any --
7 SADIE SULLIVAN: Thank --
8 CHAIRMAN WAITS: -- opposed?
9 SADIE SULLIVAN: -- you.
10 CHAIRMAN WAITS: Thank you.
11 Okay. So we know the Clerk's Office is moving on.
12
13

14 **CORRESPONDENCE**

15
16 **15) Correspondence, reports, potential upcoming agenda items.**

17
18 CHAIRMAN WAITS: Correspondence. Number 15.
19 COMMISSIONER ANCHO: We have --
20 CHAIRMAN WAITS: -- correspondence, --
21 COMMISSIONER ALLAN: -- a (indiscernible) --
22 CHAIRMAN WAITS: -- reports, potential upcoming agenda
23 items.

24 I know we had NaCO in January, but I'm not sure when. If
25 you can verify the date on that.

26 KEITH WESTENGARD: You'll be first meeting. You'll be
27 voting for your chair or vice chair and board appointments.

28 CHAIRMAN WAITS: Yes.

29 Okay?

30 Okay. With that, I'll move into public comment.
31
32

33 **PUBLIC COMMENT**

34
35 CHAIRMAN WAITS: This is for nonagendiz- -- nonagendized
36 items only.

37 Persons are invited to submit comments in writing and/or
38 attend and make comments on any nonagenda item at the board
39 meeting, if any, and discussion of those comments at the
40 discretion of the board. All public comment may be limited to

1 three minutes per person, again at the discretion of the board.
2 Reasonable restrictions may be placed on public comments based
3 upon time, place, and manner, but public comment based upon
4 viewpoint may not be restricted.

5 Yes. We do have public comment?

6 SADIE SULLIVAN: Yes. Sadie Sullivan, Lander County clerk.

7 I wanted to apologize for the shuffling of the tables up
8 here. We're kind of looking at possible upgrade, which I know
9 it shouldn't sound like an upgrade for our cameras in here.

10 As -- as you speak on the microphone, the camera is to go
11 to the direction of that person speaking. So we were trying to
12 capture the people that were standing here, just to kind of give
13 you a heads-up.

14 But for whatever reason, there's just not that span or
15 whatever it may be. So I've touched base with Keith. I've
16 talked with Robert at the Sheriff's Office with him having some
17 knowledge of the technical type stuff.

18 And so I just want to give you a heads up that -- that
19 there may be something that we come before the commissioners to
20 try to make it better because it wasn't set up as well as we
21 would have liked.

22 So anyway --

23 CHAIRMAN WAITS: Thank you.

24 SADIE SULLIVAN: -- apologize for the shuffling, but that's
25 kind of what's going on.

26 When we do have a presentation, I was hoping to capture
27 them standing here with the camera. And, of course, I kind of
28 turned and looked at Robert and he could see my camera that we
29 can hear Aaron or Chad. And you can hear him, but you can't see
30 him. So I was hoping.

31 So anyway, I just apologize for that. And that's -- that's
32 what's --

33 CHAIRMAN WAITS: Thank you.

34 SADIE SULLIVAN: -- kind of going on.

35 Thank you much.

36 CHAIRMAN WAITS: Thank you.

37 In closing, I want to say since this is my last --

38 COMMISSIONER CLARK: We have --

39 COMMISSIONER ALLAN: Patsy.

40 COMMISSIONER ANCHO: There --

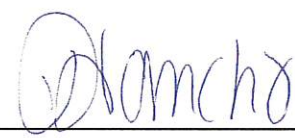
1 COMMISSIONER CLARK: -- comment.
2 COMMISSIONER ALLAN: We have another public comment.
3 CHAIRMAN WAITS: Oh, Donnie.
4 DONALD NEGRO: Donald Negro, for the record.
5 I just want you to know that we oppose the line 1 as --
6 Bart and I. So we'll see you in court.
7 CHAIRMAN WAITS: That -- that's an agenda item. And it's
8 not appropriate for public comment.
9 DONALD NEGRO: You didn't call -- you didn't call for any
10 more comment. And I wasn't done talking when you closed for
11 (indiscernible) .
12 CHAIRMAN WAITS: I don't call for public comment after each
13 one. But thank you.
14 Okay. With that, in closing, I want to say this is my last
15 meeting as chair. And I sincerely want to thank my
16 commissioners for the opportunity of chairing that.
17 And to our citizens, thank you. It's been a very humbling
18 and challenging year.
19 And we wish you all the beautiful magic of the holiday
20 seasons. May you all be safe and enjoy
21 With that, motion to adjourn?

22
23
24 **ADJOURNMENT**

25
26 COMMISSIONER ANCHO: So moved.
27 COMMISSIONER SPARKS: Second.
28 CHAIRMAN WAITS: Moved and seconded.
29 All in favor?
30 COMMISSIONER CLARK: Aye.
31 COMMISSIONER SPARKS: Aye.
32 CHAIRMAN WAITS: Aye.

33
34 (Meeting adjourned at 11:55 a.m.)
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**CHAIRMAN OR VICE 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.

1 STATE OF UTAH)
2) ss.
3 COUNTY OF DAVIS)
4
5
6

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
10
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
12
13 THE 19TH DAY OF DECEMBER, 2019, AND SAID RECORDING AND INFORMATION
14
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
16
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
18
19 THE AUDIO/VIDEO RECORDING ALLOWED.
20

21
22 DATED AT _____
23 THIS _____ DAY OF _____
24

25
26 _____
27 TIFFANY ELKINGTON, CCR #930
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<p>AARON MARTINEZ: [136] AMY NELSON: [35] 19/15 19/19 20/33 20/35 20/38 21/16 21/23 22/13 22/26 22/28 22/32 23/8 24/3 24/5 24/7 24/11 24/13 24/15 24/17 24/19 24/21 24/23 24/27 24/31 24/35 24/39 25/1 25/7 25/9 25/12 25/15 25/18 25/21 25/27 25/32 ANNA PENOLA: [7] 17/35 17/37 17/40 18/2 18/6 18/28 18/33 CHAD ATKINSON: [82] 43/19 43/23 43/28 46/26 46/28 46/30 47/2 47/6 47/13 47/15 47/17 48/30 48/32 49/1 49/12 49/26 49/36 49/39 50/2 50/5 50/31 50/34 50/37 50/40 51/7 51/9 51/12 51/17 51/20 52/8 52/10 52/21 53/17 53/19 53/21 53/29 53/32 53/34 53/36 54/5 54/30 54/36 54/38 55/10 56/6 56/9 56/21 56/27 56/31 57/34 58/1 58/14 58/16 58/21 58/31 58/34 58/36 58/40 59/3 59/5 62/1 62/3 62/6 62/8 62/14 62/18 62/20 62/23 63/12 63/16 63/20 63/23 63/27 63/30 63/32 63/35 64/1 64/3 64/6 64/17 64/19 64/21 CHAIRMAN WAITS: [435] CINDY BENSON: [7] 42/12 42/14 42/28 42/31 42/36 43/2 43/4 COLT NELSON: [20] 19/13 19/18 19/23 19/26 19/28 19/35 19/38 20/34 20/39 21/15 21/17 21/24 22/14 22/27 23/4 24/26 24/28 24/30 24/32 25/29 COMMISSIONER ALLAN: [64] 2/22 10/7 13/25 14/2 14/22 15/36 16/38 18/25 30/9 30/11 30/13 30/15 30/32 38/30 40/37 63/18 63/21 63/26 63/31 63/33 65/8 67/12 68/10 70/11 70/13 76/15 77/32 78/8 80/23 80/25 80/30 81/15 82/12 100/24 100/26 101/40 102/3 102/21 102/34 102/36 102/40 103/11 103/13 103/15 103/17 103/20 104/10 104/12 105/4 105/7 105/9 105/11 105/13 105/16 108/13 108/18 108/20 108/22 109/15 109/17 111/5 111/21 112/39 113/2 COMMISSIONER ANCHO: [161] COMMISSIONER CLARK: [179] COMMISSIONER SPARKS: [294] DISTRICT ATTORNEY HERRERA: [99] 4/25 8/21 8/23 8/25 8/28 8/32 8/37 8/40 9/2 9/5 9/10 9/12 9/15 9/25 9/27 12/26 12/29 12/31 23/36 23/38 23/40 24/4 24/6 24/8 24/20 24/22 33/28 33/31 33/33 33/35 33/37 34/1 48/19 48/22 48/25 48/27 71/17 71/22 71/40 72/2 72/6 72/8 72/11 72/13 72/15 72/18 72/21 72/30 72/33 72/38 73/17 73/19 73/21 73/23 73/26 90/36 91/2 91/4 91/7 91/9 91/13 92/1 92/10 92/13 92/17 92/19 92/23 92/25 92/27 92/30 92/35 94/5 94/8 94/10 94/12 94/22 94/24 94/26 94/28 94/37 94/39 99/23 100/7 100/9 100/11 100/14 100/16 101/20 106/14 107/13 107/17 107/23 107/35 107/39 108/2 108/6 108/15 108/17 110/28 DONALD NEGRO: [7] 100/29 100/36 101/1 101/6 101/29 113/4 113/9 HOLLY GATZKE: [21] 31/28 31/31 34/4 34/26 34/31 34/33 35/8 35/10 35/12 35/14 35/16 35/19 35/21 35/23 36/12 36/14 36/23 38/20 38/23 38/36 38/39 ISAAC MORRISON: [5] 105/35 105/38 106/11 106/16 106/26 JAY WINTLE: [6] 104/16 104/26 104/28 104/33 104/35 105/6 JEANNE FALZONE: [1] 76/39 JUDGE DENISE FORTUNE: [17] 73/35 73/37 74/2 74/5 74/7 74/11 74/13 74/18 74/20 74/23 74/25 74/27 75/16 75/19 75/22 75/25 75/28 JUDGE JIM SHIRLEY: [1] 74/9 JUSDIVIA JOHNSON: [2] 54/23 54/26 KEITH WESTENGARD: [238] LESLEY BUNCH: [11] 68/17 68/20 68/34 69/6 69/8 69/20 69/26 69/28 69/31 69/33 69/35 LURA DUVALL: [30] 26/37 27/3 27/31 28/26 28/29 28/31 28/34 28/36 28/38 29/1 29/3 29/5 29/8 29/10 29/12 29/14 29/16 29/18 29/20 29/22 29/24 29/27 29/31 30/5 30/7 30/10 30/12 30/14 30/34 30/39</p>	<p>MARLA SAM: [1] 71/9 MITESHELL LANHAM: [2] 10/14 10/16 NETTIE QUINTANA: [3] 5/29 5/32 7/5 RAY WILLIAMS: [10] 10/19 10/21 10/38 10/40 11/2 11/34 12/2 12/11 12/13 12/19 SADIE SULLIVAN: [13] 17/14 78/28 78/30 110/4 110/18 110/22 110/24 110/26 111/7 111/9 112/6 112/24 112/34 SHANNON BERUMEN: [2] 39/15 41/5 UNIDENTIFIED PARTICIPANT: [6] 67/33 71/3 71/4 71/13 71/15 78/29</p> <hr/> <p>\$</p> <p>\$1.2 [1] 102/17 \$100,000 [1] 42/24 \$125,000 [1] 58/37 \$2 [4] 3/30 3/31 85/36 106/38 \$25,000 [2] 93/19 95/31 \$25,500 [1] 85/22 \$25,550 [1] 107/10 \$282,000 [1] 33/16 \$282,585.11 [2] 32/21 32/31 \$300,000 [1] 4/33 \$4 [2] 85/38 92/8 \$4.2 [1] 86/9 \$40,379.95 [1] 42/22 \$5,000 [1] 85/33 \$50,000 [1] 58/36 \$56,948.12 [1] 42/20 \$62 [1] 22/17 \$9,000 [1] 34/16 \$90,000 [2] 32/26 33/23</p> <hr/> <p>'</p> <p>'15 [1] 60/20 '16 [1] 27/34 '17 [2] 60/21 99/25 '18 [1] 60/26 '19 [5] 42/19 42/22 44/18 60/26 61/29 '19/'20 [2] 42/19 42/22 '20 [3] 42/19 42/22 46/7</p> <hr/> <p>-</p> <p>-- public [1] 10/16 -17 [1] 80/21</p> <hr/> <p>.</p> <p>.015 [1] 32/4</p> <hr/> <p>0</p> <p>001 [1] 46/1 002 [1] 46/13 003 [2] 49/2 54/38 005 [2] 51/26 58/4 01 [4] 17/22 17/30 18/13 81/26 02 [3] 8/5 8/11 9/33 03 [3] 39/2 39/10 39/38 05 [1] 81/28</p> <hr/> <p>1</p> <p>1's [1] 108/2 1.3 [1] 60/9 1.7 [2] 61/7 61/10 1.8 [1] 61/28 1/2-day [1] 71/30 10 [16] 10/31 13/4 13/8 13/9 32/23 32/29 33/32 34/8 34/15 35/17 35/25 35/29 43/7 43/9 64/33 70/20</p>
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<p>1</p> <p>10-minute [1] 64/26 100,000 [2] 77/19 77/21 10:00 [1] 69/20 10:37 [1] 64/29 10:47 [1] 64/29 10th [1] 2/22 11 [7] 13/2 65/12 65/18 76/26 77/3 77/7 77/36 11.8 [2] 59/15 59/16 11:55 [1] 113/34 12 [5] 17/22 17/30 18/14 76/18 76/30 1200 [1] 81/5 129 [1] 44/39 12:00 [7] 2/2 65/13 65/20 65/29 65/35 66/12 76/1 13 [2] 78/14 78/21 13.5 [1] 61/17 131 [1] 45/18 137 [1] 45/29 13th [2] 2/32 3/15 14 [1] 109/34 15 [7] 10/31 17/22 17/30 18/13 61/32 111/16 111/18 15,000 [1] 22/8 150 [2] 21/29 58/3 150,000 [1] 26/27 1500 [1] 81/3 151 [1] 64/12 16-inch [2] 81/19 81/20 17 [1] 80/21 18 [2] 59/7 59/11 1800 [1] 81/8 19 [5] 1/4 1/24 7/25 12/40 77/34 198 [1] 61/8 19TH [1] 115/13 1:00 [3] 65/15 65/22 76/3 1:15 [1] 2/3 1A [3] 108/5 108/5 108/11 1st [1] 4/22</p>	<p>205853 [2] 13/31 14/5 205954 [2] 13/31 14/5 21 [1] 59/26 21,000 [1] 40/9 22.1 [1] 60/39 23 [1] 13/1 23rd [2] 5/6 13/13 24 [5] 13/4 65/14 65/21 65/28 76/2 240 [2] 47/21 47/25 245.040 [1] 71/25 25 [5] 13/3 13/6 85/33 89/12 89/15 25,000 [4] 85/26 92/37 99/9 108/2 25,550 [2] 106/33 108/12 25-feet [1] 96/5 250 [1] 22/9 252,900 [1] 32/12 26th [1] 9/8 280 [1] 48/7 282 [1] 33/9 2:00 [1] 68/35</p>
<p>2</p> <p>2,000 [1] 81/8 2,400 [1] 82/25 2.1 [1] 59/20 2.4 [1] 61/12 2.6 [2] 85/21 85/31 2.8 [3] 59/13 59/29 60/2 2.9 [1] 59/29 20 [5] 6/15 6/39 53/22 80/19 98/21 20/20 [1] 53/22 200,000 [1] 33/2 2000 [2] 7/25 83/16 2016 [1] 54/38 2017 [4] 51/26 58/4 93/25 99/24 2018 [4] 17/24 17/32 18/15 52/11 2018-2019 [4] 43/10 43/15 64/34 64/36 2019 [34] 1/4 1/24 12/40 13/1 13/2 13/3 13/4 13/5 13/5 13/6 13/7 43/10 43/15 43/33 44/30 45/9 45/27 46/1 46/13 46/15 46/33 49/2 51/28 52/18 60/28 64/34 64/36 65/14 65/21 76/26 77/3 77/7 77/36 115/13 2019-01 [3] 17/22 17/30 18/13 2019-02 [3] 8/5 8/11 9/33 2019-03 [3] 39/2 39/10 39/38 2020 [14] 15/4 15/12 15/27 16/7 16/15 16/24 27/19 27/35 28/15 28/32 40/1 40/30 60/7 66/24 2020-2021 [1] 42/7 2020/2021 [1] 42/2 2021 [4] 39/24 42/2 42/7 42/26</p>	<p>3</p> <p>30 [10] 15/4 15/12 15/27 16/7 16/15 16/24 33/29 33/29 68/27 98/21 30,000-foot [1] 79/2 30-day [1] 31/22 300,000 [1] 4/32 305 [3] 1/4 81/20 84/15 32 [1] 61/13 332 [1] 63/2 34,269.84 [1] 22/16 360 [2] 82/31 83/4 360-degree [1] 83/2 39.5 [1] 60/3 3:00 [1] 68/35</p> <p>4</p> <p>4.9 [1] 59/21 40 [2] 48/8 48/17 40-hour [1] 48/17 40-million [1] 98/21 408 [1] 27/25 417 [1] 22/10 42.8 [1] 60/27 4:00 [2] 67/37 67/38 4:15 [6] 67/35 67/36 67/38 68/3 68/31 68/33 4:30 [4] 67/35 68/17 68/31 74/30 4a [1] 71/27</p> <p>5</p> <p>50 [1] 1/4 50,000 [1] 22/5 500 [1] 81/7 501 [6] 21/12 22/20 22/25 24/2 24/10 25/31 53-acre [1] 105/16 550 [1] 27/24 58 [1] 105/16 5:00 [2] 67/39 68/2</p> <p>6</p> <p>6.2 [1] 61/20 6.5 [1] 60/6 6.7 [1] 61/27 60-day [1] 31/23 60-hour [1] 24/19 6th [3] 2/35 3/5 54/24</p>

<p>7</p> <p>700 [1] 61/31 705,000 [1] 61/21 749,000 [1] 61/11</p>	<p>address [1] 71/20 addressed [2] 46/6 46/7 addresses [1] 63/35 adjourn [1] 113/21 adjourned [1] 113/34 admin [1] 32/9 administer [3] 46/36 48/32 48/35 administration [2] 1/3 60/23 administrative [2] 68/8 68/9 adopt [4] 9/31 17/23 17/31 18/15 adoption [6] 8/5 8/11 17/22 17/29 18/13 40/34 advanced [1] 28/8 advertise [3] 15/22 58/9 62/15 advertised [3] 15/18 16/20 63/2 advertisements [2] 62/16 62/25 advertising [3] 41/35 62/13 62/29 Advisors [2] 43/12 43/17 advisory [2] 11/9 11/19 aerial [3] 26/2 26/8 30/19 affect [5] 3/6 6/1 85/16 90/7 90/13 affects [5] 6/8 71/19 90/5 90/5 90/5 afford [1] 106/33 after your [1] 12/15 afternoon [1] 68/16 ag [1] 32/40 against [3] 5/40 102/23 107/10 age [1] 50/9 agencies [1] 89/9 Agency [1] 40/8 agenda [25] 2/3 2/5 6/33 6/34 7/13 7/16 7/17 7/21 7/22 7/40 10/15 12/33 12/36 12/38 12/40 13/13 17/27 26/5 52/33 53/37 64/33 99/33 111/16 111/22 113/7 agendas [1] 67/9 agendized [1] 5/18 agent [1] 70/18 ago [8] 4/39 6/33 6/34 23/28 56/26 57/4 57/6 101/15 agree [4] 58/19 75/27 77/18 97/18 agreed [2] 69/40 94/20 agreeing [1] 34/38 agreement [15] 26/18 27/28 31/16 31/29 34/7 34/35 35/16 35/25 77/24 83/31 91/18 98/28 98/30 110/15 110/23 agreement is [1] 110/23 agrees [1] 94/16 air [7] 4/2 4/4 40/18 90/5 90/13 90/30 95/14 airport [36] 3/30 6/27 42/18 42/21 45/27 78/15 78/23 79/21 79/22 79/26 79/28 79/35 80/34 81/2 81/5 81/9 81/10 81/14 84/16 86/18 86/21 86/27 87/1 88/39 89/1 89/6 89/34 90/5 90/29 90/31 95/14 101/37 102/27 102/29 103/35 106/36 airport's [2] 4/1 87/7 airports [1] 106/39 Alarm [1] 1/30 alignment [4] 82/18 82/26 86/24 98/13 all-school [1] 22/36 ALLAN [2] 1/9 5/39 Allegiance [2] 1/27 1/34 Allen's [1] 80/13 allocations [1] 83/24 allow [5] 54/30 65/29 71/21 88/34 103/33 allowed [3] 48/10 79/11 115/19 allows [1] 79/34 alone [2] 85/35 90/33 along [5] 12/13 12/21 20/22 20/23 55/37 Also just [1] 64/9 altogether [1] 84/20 always [9] 3/2 27/20 39/30 42/29 53/24 56/40 68/34 89/27 104/20</p>
<p>8</p> <p>82,000 [1] 33/3 85 [1] 61/22 8:58 [1] 1/4 8A [8] 78/40 79/20 80/11 80/14 80/18 84/30 84/32 84/34</p>	
<p>9</p> <p>90 [3] 10/34 34/17 36/14 90,000 [13] 32/2 32/30 33/10 34/21 34/28 34/30 35/40 36/2 36/2 36/20 36/36 37/18 38/2 90-degree [2] 82/24 85/24 900 [1] 93/10 900,000 [2] 93/2 93/11 930 [2] 1/5 115/27 958,000 [1] 60/4 9:10 [3] 7/31 8/3 8/10 9:24 [1] 17/7 9:28 [1] 17/7 9:30 [4] 10/12 17/13 17/20 17/28</p>	
<p>A</p> <p>Aaron [16] 78/19 78/26 78/35 79/8 80/23 81/23 84/10 87/39 93/29 94/30 100/29 100/38 101/33 104/10 109/24 112/29 AB [1] 61/8 abilities [1] 80/38 ability [3] 4/23 35/39 83/26 absence [1] 46/13 absences [1] 46/14 abstain [2] 14/25 109/17 ac [1] 59/14 accept [4] 43/9 43/15 64/33 95/20 acceptance [1] 79/10 accepted [1] 88/35 accepting [1] 12/20 access [1] 42/22 accommodate [1] 24/10 accomplish [1] 21/1 accomplished [1] 20/28 accountants [2] 44/14 54/23 accounts [1] 46/3 accumulating [2] 32/6 35/37 accuracy [1] 28/13 achieve [7] 79/30 79/34 89/1 89/3 89/30 97/29 98/16 acre [1] 105/16 acres [2] 87/31 87/32 acronym [1] 19/39 act [4] 55/8 76/24 77/2 77/34 acted [3] 7/18 7/21 12/38 acting [3] 76/20 76/33 77/27 action [34] 7/19 8/4 8/10 15/1 15/9 16/4 16/12 17/21 17/29 26/1 26/7 31/2 31/8 39/2 39/3 39/9 39/11 39/19 39/39 40/1 40/30 40/34 43/9 43/15 46/9 65/12 65/19 76/18 76/31 78/14 78/22 105/21 109/34 109/39 activities [1] 55/9 activity [2] 59/10 59/15 ad [1] 32/4 add [4] 22/27 37/28 89/17 89/33 added [1] 89/18 addition [4] 33/16 70/32 78/18 78/25 additional [11] 11/34 27/2 33/25 45/22 45/27 47/7 80/13 85/32 86/9 92/37 93/17</p>	

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