

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 September 19, 2019, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

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

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

20 **CHAIRMAN WAITS:** Okay. We are ready to begin. And we call
21 to order the Lander County Commissioners' meeting, Town of --
22 Board of Battle Mountain and Austin, Board of County Highway
23 Commissioners for September 19, 2019.

24 And welcome, everyone.

25 And please remember to mute your cell phones for us.

26 There is general information on the agenda about how our
27 schedule works and where your public comment can be made on the
28 different items if you so choose.

29 And be- -- before we begin the Pledge of Allegiance this
30 morning, it -- it's probably in the history as we give a -- our
31 salute to the flag. It may be one of the last times that we'll
32 be saluting the 50 because Congress is voting on our 51st state
33 today. So we'll see if Washington, D.C., will become a state
34 and we'll change to 51 stars. "

35 So if you'll all rise and give our salute to this 50 stars
36 and join us in the Pledge of Allegiance.
37

38 (Pledge of Allegiance)
39
40

1 CHAIRMAN WAITS: Thank you.
2 Now if you'll join us in a moment of silence, please.

3
4 (Moment of Silence)

5
6 CHAIRMAN WAITS: Thank you.

7 Lander County Commissioners may break for lunch from
8 12:00 o'clock to 1:15. Any item -- any agenda item may be taken out
9 of order, may be combined for consideration by the public body, and
10 items may be pulled or removed from the agenda at any time.

11
12
13 **COMMISSIONER REPORTS**

14
15 CHAIRMAN WAITS: We'll begin with our commissioners'
16 reports.

17 And we'll start with you, Art. Do you have anything to
18 report on for us?

19 COMMISSIONER CLARK: We met with Senator Masto Cortez
20 informally. We talked about a few things.

21 One thing that stood out was -- for me -- was that the
22 senator did not understand or even know about the PROMISE plan,
23 which led to the Marjory Stoneman Douglas school shooting on
24 February 14th last year. So I gave her a copy.

25 Since that time, a couple weeks ago, Andrew Pollack wrote
26 a book about his daughter, *Why Meadow Died*. And it lists all
27 the things in the book of what led up to what the school did and
28 what the sheriff's office did that led up to the shooting and
29 the killing of 17 different people. And I would suggest you get
30 a copy of this book and read it because it's pretty darn scary.

31 CHAIRMAN WAITS: Thank you.

32 Kathy?

33 COMMISSIONER ANCHO: Just a hospital board meeting. I'm
34 not -- make sure to report on that. All -- everything else is
35 out break for the summer. And we'll be restarting this next
36 month.

37 CHAIRMAN WAITS: Okay. Bryan?

38 Thank you.

39 I did have a few I'll just share quickly.

40 Yes, the meeting with Senator Cortez Masto is always

1 appreciated. She seems to do that Highway 80 for us and -- and
2 take us in and remember us. And we sincerely appreciate that.

3 We also discussed the public lands and how our bill was
4 coming with that. She had been contacted already by -- by our
5 folks that are handling that.

6 On August 28th I did have an NNRDA meeting. And this is
7 our regional development. They have signed a two-year contract
8 with GOED, the Governor's Office on Economic Development. And
9 we're working on the new contract that will be including
10 Humboldt to join us.

11 On August 29th we had the Kingston Town Board meeting.
12 And actually the CEO from the hospital, Jason Bleak, attended
13 and gave them a heads up on where they are as far as the clinic.
14 And they're still discussing that with hospital on the Kingston
15 clinic and what's going to happen.

16 But he's really pretty sure everybody's going to go with
17 the closure if they don't find somebody else to take that over.
18 And they've been at least contacting the Nevada Rural Health
19 Centers to see if they might be interested.

20 On August 30th I did have a NACo meeting. Of course we're
21 getting ready for conference. But there's a couple things. We
22 had -- we had a speaker from the Forest Service. And she really
23 gave us quite a bit of information on -- on their -- their
24 new -- their new ideas of -- of how they're going to work with
25 our ranchers, our grazing. They're looking at all year-round
26 grazing, actually. There's several things that they are
27 considering that seem a lot more user friendly to -- to the
28 ranchers and to our citizens. So it was -- that was good.

29 And, of course, the conference is coming up next Wednesday
30 and Thursday in Sparks. And so there's a lot on that. We do have
31 one of our national deputy legislators that will be out -- that
32 handles legislation -- that will be out to speak with us.

33 And also along that -- and I think most of you have
34 probably got the information as far as our commissioners -- but
35 on September 12th the Trump administration released a final rule
36 to repeal the Waters of the US. So that was the one that was in
37 2015 under Obama. And that has been officially repealed. We've
38 been hearing about that for a long time.

39 So the definition and reinstatement goes back to 1986, how
40 it was before. I think they'll be addressing that again. But

1 at least we don't have that terribly strong and -- definition
2 that we had that was so difficult for all of the counties.

3 On September 4th I did attend a LEDA meeting. Actually,
4 they're going forward with a lot of different things, main
5 street program and such. And I had excellent response from
6 the -- the outside of our new bike trail. They had been selling
7 benches and trees. And we had an excellent response that the
8 citizens have turned out to -- to handle that. And it should be
9 really beautiful.

10 On September 9th we had an Austin Airport Advisory Board
11 meeting. Actually, there were six different folks that we had
12 out of the naval air station in Fallon. And that's also
13 on -- on the agenda today. So I won't be going into that.

14 And on September 16th the Cooperative Extension search
15 committee met and did final interviews for our new educator for
16 Lander County. And we had two of them that came in that were
17 our top two choices. And they will be making a decision on
18 that, not just the search committee, but, of course, they
19 interview with all the folks in Reno and such too.

20 So hopefully that decision will be done soon and we will
21 have an educator before the end of the year. We're looking
22 forward to that.

23 24 25 STAFF REPORTS

26
27 CHAIRMAN WAITS: Moving on. We'll go into staff reports on
28 meetings, conferences, and seminars attended.

29 Keith?

30 KEITH WESTENGARD: The -- the only thing I have today is
31 with a -- a lot of work from Ms. Madonna Long. We've
32 completed our Amercas -- Americans with Disabilities Act
33 transition plan.

34 There's a copy here. It's been submitted into the NDOT.
35 And so we're moving forward. And we will have an ADA plan in
36 place in Lander County shortly.

37 Thanks.

38 CHAIRMAN WAITS: Short?

39 KEITH WESTENGARD: Short and sweet. Yep.

40 CHAIRMAN WAITS: Okay. Next is our public comment.

1 PUBLIC COMMENT

2
3 CHAIRMAN WAITS: This is for nonagendized items only.
4 Persons are invited to submit comments in writing and/or attend
5 and make comments on any nonagenda item at the board meeting, if
6 any, and discussion of those comments at the discretion of the
7 board. All public comment may be limited to three minutes per
8 person, again at the discretion of the board. Reasonable
9 restrictions may be placed on public comments based upon time,
10 place, and manner, but public comment based upon viewpoint may
11 not be restricted.

12 Do we have any public comment this morning?

13 JUDGE DENISE FORTUNE: Looking at me.

14 CHAIRMAN WAITS: Judge, good morning.

15 JUDGE DENISE FORTUNE: Good morning.

16 Denise Fortune, for the record. Argenta Justice Court
17 justice of the peace.

18 I'm here this morning just to give you guys kind of a heads
19 up. I was hoping to get on the next agenda, but I'm not going
20 to have my ducks in a row by then because it's a lot of
21 information to get.

22 So kind of in a nutshell, it's kind of all tied in
23 together. But what I'm going to be asking for is a possible
24 bailiff, court marshal, somebody for the Argenta Justice Court.

25 Out of 20 courts in the state of Nevada -- and I've known
26 this. I've been an employee there for 25 years -- we are --
27 there are three courts, three rural courts out of 20 that do not
28 have security. We are one of them.

29 It's kind of funny. We just found this out. Of the three
30 that do not have security -- Judge Shirley and I just realized
31 this the other day -- it is Mineral County, which is Hawthorne,
32 which falls under Judge Shirley, which he doesn't -- I'm not
33 saying it's his fault. It's not. It's just these three ended
34 up being Judge Shirley is our district judge. Hawthorne,
35 Lovelock, and Lander, us three do not have any type of security
36 in the courtroom.

37 It's been an issue for myself, as an employee, for a lot of
38 years. I used to give Max a hard time about it, going, "Hey, we
39 want some security."

40 And he -- he's an ex-cop. He's a guy. He's -- you know,

1 he never felt that he needed security.

2 Last week, for the first time, I had a defendant in
3 court -- this has never happened before -- after -- nice guy.
4 Don't know the guy. But after his case, said, "Your Honor, can
5 I ask you a question?"

6 And I said, "Sure."

7 And he said, "Why don't you have a bailiff in here?"

8 Nobody's ever asked us that question, and it kind of made the
9 hair on the back of my neck stand up a little bit. And my clerk
10 kind of looked at me and went like, you know, Why did -- why are
11 they asking us why we don't have a bailiff in here?

12 Makes you a little bit nervous.

13 The law says district courts have to have bailiffs in court.
14 So the sheriff's office provides bailiffs to the district court.

15 The sheriff's office provides bailiffs to us when they're
16 doing transport from the Lander County Sheriff's Office and the
17 people are in custody.

18 But besides those times, I do not have any security in the
19 courtroom.

20 There's no security getting into this courthouse to get to
21 the courtroom.

22 For the safety of myself, the public, the defendants, my
23 staff, we want some security.

24 My plan, which I had talked to Cindy about this the other
25 day, since I got into office my plan had always been to come to
26 you guys next fiscal year, you know, have it in my budget, have
27 all my ducks in a row and come see you guys.

28 Well, we had a law passed last Thursday, one week from
29 today. Justice courts in all state -- in the state of Nevada,
30 all justice courts now have to do jury trials. Justice courts
31 don't do jury trials. If you guys have been watching the news,
32 every justice court in the state of Nevada right now are losing
33 their minds. I'm not the only one in front of their
34 commissioners saying, Hey, I've got jury trials.

35 I did talk to Judge Shirley a couple days ago. He showed
36 me a letter. I don't know if he has submitted it to you or not,
37 explaining to you -- thank goodness, Judge Shirley has the funds
38 right now to cover us. He has a -- a jury commissioner who will
39 do the -- send out the summons, do all of that. We have a court
40 reporter. Monetary-wise, it's not going to affect justice court

1 right now because Judge Shirley has it in his budget to cover
2 his three counties, which, thank goodness, we're underneath that
3 one.

4 So for now, if you haven't received a letter yet, you're
5 receiving a letter from Judge Surely that says, Hey, justice
6 court's got to do jury trials. There's going to be a lot of
7 cost for that.

8 Okay. You have gotten it. Okay.

9 For now, we're good. But we may have to come.

10 One of the things that we're not good at is if I have a
11 jury trial, I have to have bailiffs. I have to have a bailiff
12 in there. It is the law. I have to have a bailiff in there.

13 I have had a meeting with Ron and Robert. Sheriff's Office
14 is very good to us. They've always been very good to us.
15 They'll help us out when they can. But it's not guaranteed, you
16 know, if I need a bailiff that -- if they're short staffed or
17 they've got an important call going on or district court's
18 going on, I may not be able to have a bailiff. I have to have a
19 bailiff.

20 So we're researching it right now.

21 I -- for the last few months -- had thought it would be
22 pretty simple. I could create a position in justice court, ask
23 you guys for the money, pay them as a position under the justice
24 court, and I would have a bailiff.

25 There's also another law that is in effect. It's ADKT 539.
26 All courts now have to do a risk assessment tool.

27 It is Lander County's policy -- at least our policy,
28 justice court's policy. We do not usually OR on felonies.
29 Well, the law changed. And if they fall under certain criteria,
30 I have to OR.

31 COMMISSIONER SPARKS: Hm.

32 JUDGE DENISE FORTUNE: So I have to help figure out if I
33 can OR them, if I should OR them, and who's going to keep track
34 of these alleged felons while they're out on OR.

35 Well, I need somebody that carries a gun and can drug test
36 people to do that.

37 So if I have a bailiff, we're hoping to implement that in
38 with it also. So it will not just be a bailiff. The law says I
39 have to do risk assessment now on everybody that goes to jail.
40 If they can't bail out, I have to look at certain criteria to

1 see if I have to OR them.

2 So I'm also stating -- in case I forget to in the future --
3 when the public's wondering why there's felons being let out of
4 jail, just so that they know, I -- I don't have control anymore.
5 The law says if they fall under these guidelines, I have to let
6 them out.

7 So I have also talked to Liz Barela at the HR department
8 because, again, I had thought it would be a simple thing,
9 creating the position, putting it out.

10 We're rural. We're small. I may not get anybody that
11 wants to do it. I don't know. I may not have somebody that is
12 going to be qualified to do it. But I need to at least try.

13 Ms. Barela brought up the issue, which I didn't even think
14 of, of the liability, insurance liability. And I think Robert
15 and Ron touched on it when I was over there meeting with them
16 the other day.

17 As a Lander County employee, I fall under certain umbrella
18 for liability. Law enforcement falls under another one.

19 So this is kind of one of the things we need to figure out.
20 Do we get an employee that is a court employee, but we have to
21 worry about the liability insurance? Do we get an employee but
22 is considered a Lander County employee and which one do you put
23 them under? Or do we hopefully, if -- if we need to, give the
24 money to the Lander County Sheriff's Office and say, here's an
25 employee that is -- with an agreement that they're my employee
26 first.

27 CHAIRMAN WAITS: Judge, may I ask you a question?

28 JUDGE DENISE FORTUNE: Uh-huh.

29 CHAIRMAN WAITS: Because I know we're way over the three
30 minutes.

31 JUDGE DENISE FORTUNE: Oh, I'm --

32 CHAIRMAN WAITS: But --

33 JUDGE DENISE FORTUNE: -- sorry..

34 CHAIRMAN WAITS: -- but that's okay. It's at our
35 discretion. And -- and we appreciate what you're saying.

36 But sounds like you're more arguing the case. And I'm
37 going, We can put this on the agenda and --

38 JUDGE DENISE FORTUNE: Yes.

39 CHAIRMAN WAITS: -- all those things are --

40 JUDGE DENISE FORTUNE: Yes.

1 CHAIRMAN WAITS: -- very --
2 COMMISSIONER CLARK: Yes.
3 CHAIRMAN WAITS: -- important.
4 JUDGE DENISE FORTUNE: Yes. Yes. Yes. Just --
5 CHAIRMAN WAITS: So --
6 JUDGE DENISE FORTUNE: -- to give you guys heads --
7 CHAIRMAN WAITS: Appreciate --
8 JUDGE DENISE FORTUNE: -- up, --
9 CHAIRMAN WAITS: -- it.
10 JUDGE DENISE FORTUNE: -- it's -- it's coming. We're going
11 to get our ducks in a row.
12 CHAIRMAN WAITS: Okay.
13 JUDGE DENISE FORTUNE: We'll bring some options to you
14 guys. I just -- in the middle of a -- you know, we're halfway
15 between the budget year. When I come to you guys and say, "Hey,
16 I need money to do this," I just want to give you a heads-up.
17 CHAIRMAN WAITS: Thank you. Appreciate --
18 JUDGE DENISE FORTUNE: Okay?
19 CHAIRMAN WAITS: -- the --
20 JUDGE DENISE FORTUNE: All right.
21 CHAIRMAN WAITS: -- update.
22 JUDGE DENISE FORTUNE: Thank you.
23 CHAIRMAN WAITS: Any other public comment.
24 JUDGE DENISE FORTUNE: (Indiscernible)
25 UNIDENTIFIED PARTICIPANT: (Indiscernible.)
26 UNIDENTIFIED PARTICIPANT: No. It's good to know.
27 SHERIFF RON UNGER: Good morning.
28 CHAIRMAN WAITS: Good morning.
29 SHERIFF RON UNGER: And as you may know, I sent to you this
30 letter stating that our drug dog, Dallas, we had to put him
31 down.
32 And I just wanted to make sure you folks all knew that.
33 The reason we had to put him down, as you know, when we
34 retired him, he had arthritis breaking down in the hips real
35 bad. And then later on, he got like a dementia.
36 He'd wake up and he'd run into walls. And so we took him to the
37 vet, had him checked. And the vet recommended we put him down.
38 So we did.
39 So I wanted to let you folks know. He's been -- he was a
40 great dog. As you know, he got one of the largest drug busts in

1 the state of Nevada or the northern part. It was astronomical.
2 He did a great job. So we'll probably get a plaque for him and
3 put it somewhere in the sheriff's office. But, --

4 CHAIRMAN WAITS: Great.

5 SHERIFF RON UNGER: -- anyway, I wanted to inform you of
6 that.

7 COMMISSIONER SPARKS: Thanks, Ron.

8 COMMISSIONER ANCHO: Thank you.

9 CHAIRMAN WAITS: Thank you.

10 SHERIFF RON UNGER: Thank you.
11
12

13 **CONSENT AGENDA**
14

15 CHAIRMAN WAITS: Moving on to our consent agenda.

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

24 Number 1, approval of September 19, 2019, agenda notice;
25 Number 2, approval of April 11, 2019, meeting minutes; Number 3
26 approval of April 25, 2019, meetings minutes; Number 4, approval
27 of May 9, 2019, meeting minutes; Number 5, approval of May 23,
28 2019, meeting minutes; Number 6, approval of June 27, 2019,
29 meeting minutes; Number 7, approval of July 11, 2019, meeting
30 minutes; Number 8, approval of July 25, 2019, meeting minutes;
31 Number 9, approval of August 8, 2019, meeting minutes; Number 10,
32 approval of August 22, 2019, meeting minutes; and Number 11 is
33 the approval of the payment of bills.

34 We do have today the agenda notice, Number 2, April 11th
35 minutes; Number 3, April 25th meeting minutes. And I would like
36 to pull the rest of them, including Number 11, the approval of
37 the payment of bills.

38 So if I could have a motion for the top three, please.

39 COMMISSIONER SPARKS: I'll make a motion.

40 CHAIRMAN WAITS: Thank you.

1 COMMISSIONER ANCHO: I'll second.
2 CHAIRMAN WAITS: Bryan made the motion and Kathy seconded.
3 Any other discussion?
4 (No comment.)
5 CHAIRMAN WAITS: All in favor?
6 COMMISSIONER CLARK: Aye.
7 COMMISSIONER SPARKS: Aye.
8 CHAIRMAN WAITS: Aye.
9 COMMISSIONER ANCHO: Aye.
10 CHAIRMAN WAITS: Okay. Thank you.
11 And now under the approval of the payment of bills.
12 COMMISSIONER ANCHO: I'll make a motion.
13 CHAIRMAN WAITS: We have four checks we do need to take
14 out: #204501, 204578, 204668, and 204739. And those are for
15 Bryan's employer?
16 COMMISSIONER SPARKS: Yeah. I'll -- I'll abstain from
17 those checks because they're made to my employer.
18 CHAIRMAN WAITS: Thank you. A motion to approve the rest
19 of the bills without those?
20 COMMISSIONER ANCHO: I make the motion.
21 COMMISSIONER SPARKS: I'll second.
22 CHAIRMAN WAITS: Thank you. Kathy made the motion. Bryan
23 seconded.
24 Any discussion?
25 (No comment.)
26 CHAIRMAN WAITS: All in favor?
27 COMMISSIONER SPARKS: Aye.
28 COMMISSIONER CLARK: Aye.
29 COMMISSIONER ANCHO: Aye.
30 CHAIRMAN WAITS: Thank you. Now we need a motion to pay
31 for those four bills.
32 COMMISSIONER ANCHO: I'll make a motion to pay for those
33 four.
34 COMMISSIONER CLARK: Aye.
35 CHAIRMAN WAITS: Thank you. Kathy made the motion. Art
36 seconded on that one.
37 And all in favor?
38 COMMISSIONER ANCHO: Aye.
39 CHAIRMAN WAITS: Aye.
40 COMMISSIONER CLARK: Aye.

1 COMMISSIONER SPARKS: And I abstained.

2 CHAIRMAN WAITS: Thank you.

3
4
5 COMMISSIONERS

- 6
7 1) Commissioners: For possible action: Consider the character,
8 alleged misconduct, professional competence, or physical or
9 mental health of Lander County Commissioner Judie Allan
10 including but not limited to her failure to offer courtesy
11 and respect during open meetings and her failure to observe
12 ethics guidelines. Action may include censure, admonishment
13 or such other action deemed appropriate by the board.
14

15 CHAIRMAN WAITS: Moving down to our Commissioners. The
16 first item on the agenda.

17 For possible action, consider the character, alleged
18 misconduct, professional competence, or physical or mental
19 health of Lander County Commissioner Judie Allan, including, but
20 not limited to, her failure to offer courtesy and respect during
21 open meetings and her failure to observe ethics guidelines.
22 Action may include censure, admonishment, or other such action
23 deemed appropriate by the board.

24 This is -- this is a sad one to put on.

25 And we, as a commission, were getting a little bit
26 uncomfortable with some of the things that were going on. And
27 we thought this would be good, actually, for all of us to
28 consider. But we need to look at the professionalism and the
29 respect and the courtesy that we have as commissioners.

30 There's a reason that they call us honorable. If we slip
31 from that, we certainly need to be on our toes and we apologize.

32 It's unfortunate that -- that this did have to be addressed.
33 But it was felt that if we did that perhaps we might be able to do
34 a little bit more on a better decorum with our -- our agendas and
35 our -- our commission meetings from now on.

36 COMMISSIONER SPARKS: So I'd like to say something. I'm --
37 I'm removing myself from this item because I felt strong. I
38 don't think it's the forum to ridicule an elected official.
39 That's my -- my beliefs. That's my integrity. It changed no --
40 and it's no different than when we had the legal outside of our

1 meeting where we had a consensus that it wasn't the right road
2 to go down. And I'm still holding to that opinion. So I'll
3 have nothing more to say about the issue.

4 CHAIRMAN WAITS: Okay.

5 COMMISSIONER ANCHO: All right.

6 CHAIRMAN WAITS: Thank you.

7 Kathy?

8 COMMISSIONER ANCHO: Which I respect.

9 My issue that is civil -- the civility of the meeting and
10 trying to keep it to where -- we're not belittling one another
11 or the public.

12 That is my hot topic on this. And -- and my -- my -- my
13 only personal issue is that.

14 And we are -- won't -- can't vote or do anything on this
15 issue other than just at this point state our opinion, like
16 Bryan did. He's removing himself and -- which I totally
17 respect.

18 But my issue, again, is civility and that we hold ourselves
19 to the same level as we hold our employees and that we don't
20 allow our employees to treat each other and speak to each other
21 like that. And I think we are the same way. We should not
22 treat each other or speak to our employees or the public without
23 civility.

24 And that is my -- my issue in a nutshell. So --

25 CHAIRMAN WAITS: Thank you.

26 Any other discussion?

27 COMMISSIONER CLARK: I'm recusing myself from this
28 situation. I was one of the people that filed a complaint
29 against Commissioner Allan.

30 I took my concern to Keith in June. And he took it to the
31 chair and the vice chair. And they decided to put this on the
32 agenda. So I'm recusing myself from this.

33 CHAIRMAN WAITS: Thank you.

34 With that, we apologize for any embarrassment this might
35 have -- have brought on. But we did feel it was important. It
36 should be addressed.

37 And we were given that legal information and the
38 information from our POOL/PACT liability carrier of the way it
39 needed to be on.

40 So with that, we take no action.

1 16) FISCAL OFFICER: For possible action to approve/disapprove
2 Resolution 2019-10 to augment the FY '19/'20 budget funds
3 226, 236, and 015.
4

5 CHAIRMAN WAITS: And we move directly out of order to
6 Number 16.

7 We have an employee that needs -- needs to be on the road.
8 So we need to look at the fiscal officer.

9 For possible to approve or disapprove Resolution --
10 Resolution 2019-10 to augment the fiscal year '19/'20 budget
11 funds for 226, 236, and 015.

12 COMMISSIONER SPARKS: Seventeen? Or six- -- sixteen?

13 CHAIRMAN WAITS: Sixteen.

14 COMMISSIONER SPARKS: Fifteen or sixteen?

15 COMMISSIONER ANCHO: Fifteen?

16 CHAIRMAN WAITS: Good morning, Cindy.

17 CINDY BENSON: Cindy Benson, for the record.

18 COMMISSIONER ANCHO: Oh.

19 CHAIRMAN WAITS: Thank you.

20 This is to change, as we said, the -- the budget funds in
21 these three areas. But we do have to have the motion in -- with
22 the full resolution read into the record.

23 COMMISSIONER ANCHO: So I'll approve -- I'll make a motion
24 to approve Resolution 2019-10 of the Board of Lander County
25 Commissions -- I've got to get my glasses -- a resol- -- a
26 resolution to augment the FY 2019-2020 budget of the Water Fund,
27 226; the Sewer Fund, 236; and the Lander County Economic
28 Development Authority Fund, 015.

29 Whereas certain funds of -- of the approved budget require
30 changes based on requests from department heads or elected
31 offic- -- officials, which chan- -- changes are specifically
32 described and detailed below.

33 And whereas certain areas of the approved budget require
34 changes to reflect budgeting according to generally accepted
35 accounting principles which changes are specifically described
36 and detailed below.

37 And whereas in the Water Fund, 226, Lander County road
38 (verbatim) of Commissioners desire to fund an additional
39 400,000 -- four -- is that -- is it four million four --

40 CHAIRMAN WAITS: Four million.

1 COMMISSIONER ANCHO: -- \$4,481,432, which brings the total
2 appropriations to 5,521,322. The available resource for this --
3 this augmentation came from a higher than anticipated fund
4 balance.

5 Whereas in the Sewer Fund 236, Lander County Board of
6 Commission desires to fund an additional \$5,761,884, which
7 brings the total appropriations to 6,790,339.

8 The available resources for this augmentation came from a
9 higher than anticipated fund balance.

10 And whereas in the Lander County Economic Authority Fund
11 015, Lander County Board of County Commissioners d- -- desires
12 to fund an additional 21,500, which brings the total
13 appropriations to 29,000.

14 The available resource for this augmentation came from a
15 higher than anticipated fund balance.

16 Passed on this 19th day of September, 2019.

17 CHAIRMAN WAITS: And authorize --

18 COMMISSIONER ANCHO: And authorize the chair to sign.

19 COMMISSIONER SPARKS: I'll second.

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

22 Any other discussion?

23 (No comment.)

24 CHAIRMAN WAITS: All those in favor?

25 COMMISSIONER SPARKS: Aye.

26 COMMISSIONER ANCHO: Aye.

27 COMMISSIONER CLARK: Aye.

28 CHAIRMAN WAITS: Aye.

29 Thank you. And that passes.

30 Thank you, Cindy.

31 CINDY BENSON: Thank you.

32 COMMISSIONER CLARK: Ted.

33
34 2) COMMISSIONERS: For possible action to nominate a Lander
35 County Commissioner to be a representative on the State Land
36 Use Planning Advisory Council (SLUPAC)
37

38 CHAIRMAN WAITS: We are back to Number 2 under
39 Commissioners.

40 For possible action to nominate a Lander County

1 commissioner to be a representative on the State Land Use
2 Planning Advisory Council, which is SLUPAC.
3 Actually we do -- we do nominate somebody as a
4 representative. And that goes before the governor. And the
5 governor makes the appointment.
6 Commissioner Clark has been our representative on SLUPAC.
7 And apparently that time is up. Is that correct?
8 KEITH WESTENGARD: No. What -- what it is, is the --
9 COMMISSIONER CLARK: My -- it is. It -- it -- it -- my
10 term was over in -- in '18.
11 KEITH WESTENGARD: Right. And then in --
12 COMMISSIONER CLARK: December 18. (Indiscernible.)
13 KEITH WESTENGARD: -- January -- in January, when you
14 guys -- when the commission assigned --
15 COMMISSIONER CLARK: Right.
16 KEITH WESTENGARD: -- different groups, --
17 CHAIRMAN WAITS: Uh-huh.
18 KEITH WESTENGARD: -- the commissioners, you voted on it.
19 But the -- to -- to leave him as SLUPAC -- SLUPAC
20 representative. But SLUPAC needs an o- -- an official separate
21 vote from the commission to reappoint him.
22 COMMISSIONER CLARK: Yeah. SLUAC needs a --
23 KEITH WESTENGARD: Yeah.
24 CHAIRMAN WAITS: Not lumped in with what we --
25 COMMISSIONER CLARK: Right.
26 CHAIRMAN WAITS: -- did with -- when we did all the
27 appointments?
28 KEITH WESTENGARD: Yes.
29 COMMISSIONER CLARK: Right.
30 CHAIRMAN WAITS: Got it. Okay.
31 And, Commissioner Clark, so you want to serve --
32 COMMISSIONER CLARK: Yes.
33 CHAIRMAN WAITS: -- continue to serve on that board?
34 COMMISSIONER CLARK: Yes.
35 CHAIRMAN WAITS: Okay.
36 COMMISSIONER ANCHO: So I'll make the motion to nominate
37 Commissioner Clark to the --
38 COMMISSIONER CLARK: State lands.
39 COMMISSIONER ANCHO: -- State Land Use -- Use Planning
40 Advisory Council.

1 COMMISSIONER SPARKS: I'll --
2 COMMISSIONER CLARK: Thank you.
3 COMMISSIONER SPARKS: -- second it.
4 CHAIRMAN WAITS: Thank you.
5 Kathy made the motion. Bryan seconded.
6 Any other discussion?
7 (No comment.)
8 CHAIRMAN WAITS: All those in favor?
9 COMMISSIONER SPARKS: Aye.
10 COMMISSIONER ANCHO: Aye.
11 CHAIRMAN WAITS: Aye.
12 KEITH WESTENGARD: Commissioner?
13 COMMISSIONER CLARK: Aye.
14 KEITH WESTENGARD: We bounce to Number 9 and have the high
15 school come up with their item? They need to have
16 (indiscernible). Time -- time-sensitive.
17 COMMISSIONER CLARK: You would think they'd want to be
18 last.
19 DISTRICT ATTORNEY HERRERA: Commissioner --
20 SONDRA TORGERSON: We'll let (indiscernible) go.
21 ALEXI DIAZ: I'm Alexi. And I am student body --
22 CHAIRMAN WAITS: Good morning.
23 ALEXI DIAZ: -- president.
24 CHAIRMAN WAITS: Just a minute.
25 SONDRA TORGERSON: They're a little nervous.
26 CHAIRMAN WAITS: Thank you. We're glad you're here.
27 And I'll read it into the record.
28 ALEXI DIAZ: Oh, okay.
29 CHAIRMAN WAITS: And then you can explain this to us.
30
31 9) BATTLE MOUNTAIN HIGH SCHOOL: For possible action to
32 approve/disapprove the homecoming parade permit/route.
33
34 CHAIRMAN WAITS: Battle Mountain High School, Number 9.
35 For possible action to approve/disapprove the homecoming
36 parade permit and the route.
37 ALEXI DIAZ: I'm Alexi. And I'm the president of
38 the Battle Mountain High School.
39 JULIAN RUBIO: Hi. My name is Julian Rubio. And I'm the
40 student body vice president.

1 SONDRA TORGERSON: And I'm Sondra Torgerson, the principal
2 and student council adviser.
3 CHAIRMAN WAITS: Welcome. Welcome to our commission.
4 Okay. So, Commissioners, you have the permit and the
5 parade route in front of you.
6 Do you have any questions?
7 COMMISSIONER ANCHO: So I'll make a motion to approve the
8 homecoming parade permit route.
9 COMMISSIONER SPARKS: I'll second.
10 CHAIRMAN WAITS: And authorize --
11 COMMISSIONER ANCHO: The chair to sign.
12 COMMISSIONER SPARKS: I'll second that as well.
13 CHAIRMAN WAITS: Thank you. Kathy made the motion. Bryan
14 seconded.
15 Any other discussion?
16 SONDRA TORGERSON: I have -- may I make a comment?
17 CHAIRMAN WAITS: Yes. Absolutely.
18 SONDRA TORGERSON: I'm -- just want to ask, if -- if this
19 is the procedure, it seems like kind of a waste of your time for
20 something that happens yearly. It's not --
21 COMMISSIONER CLARK: Has to be done --
22 SONDRA TORGERSON: -- a waste of your time, --
23 COMMISSIONER CLARK: -- every -- no.
24 SONDRA TORGERSON: -- okay. Because we were wondering if
25 we could maybe make it approved for every Friday of homecoming
26 week or something like that.
27 CHAIRMAN WAITS: You -- you could put that on the agenda to
28 do. We couldn't do it today because it's not part of what we're
29 doing for today.
30 But whether the commissioners would feel that they'd want
31 to do that far -- that far ahead? You might decide to change
32 the route or something.
33 COMMISSIONER CLARK: Yeah.
34 CHAIRMAN WAITS: And the day. We wouldn't know. And
35 coming before us, we know the time frame and everything too.
36 COMMISSIONER CLARK: Well, we like to see you guys --
37 COMMISSIONER SPARKS: Yeah, --
38 COMMISSIONER CLARK: -- from the --
39 COMMISSIONER SPARKS: -- I think --
40 COMMISSIONER CLARK: -- high school.

1 COMMISSIONER SPARKS: -- it's --
2 SONDRA TORGERSON: Okay.
3 COMMISSIONER SPARKS: -- great experience for the kids too.
4 COMMISSIONER CLARK: Yeah.
5 COMMISSIONER ANCHO: Oh, yeah.
6 SONDRA TORGERSON: Okay. Thank you.
7 COMMISSIONER SPARKS: Yeah.
8 COMMISSIONER CLARK: Not a waste of time. That's for --
9 CHAIRMAN WAITS: Okay.
10 COMMISSIONER CLARK: -- sure. It's government.
11 CHAIRMAN WAITS: All in favor?
12 COMMISSIONER CLARK: Aye.
13 COMMISSIONER ANCHO: Aye.
14 CHAIRMAN WAITS: Aye.
15 Okay. Thank you. And thank you for coming.
16 SONDRA TORGERSON: Thank --
17 JULIAN RUBIO: Thank --
18 SONDRA TORGERSON: -- you.
19 JULIAN RUBIO: -- you.
20 CHAIRMAN WAITS: Have a wonderful, wonderful homecoming.
21 COMMISSIONER CLARK: Win.
22
23 3) COUNTY MANAGER: For possible action to appoint one
24 individual to serve on the Austin Airport Advisory Board. The
25 term expires on June 30, 2020: a) Kim Schacht, new
26 applicant.
27
28 CHAIRMAN WAITS: Okay. We're going to go back to Number 3
29 under County Manager.
30 For possible action to appoint one individual to serve on
31 the Austin Airport Advisory Board. The term expires on June 30,
32 2020. And that individual is Kim Schacht, our new
33 applicant.
34 And she has stepped forward to assist us by filling our
35 board finally.
36 So this is exciting.
37 Kim, are you there?
38 KIM SCHACHT: Yes, I am.
39 CHAIRMAN WAITS: See? I just knew she would be.
40 We're -- we're so delighted you stepped forward.

1 Any of you have any questions?
2 KIM SCHACHT: No, thank you.
3 COMMISSIONER SPARKS: I'll make a motion we approve Kim
4 Schacht for the position.
5 COMMISSIONER ANCHO: I'll second.
6 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy
7 second that.
8 Any other discussion?
9 KIM SCHACHT: Yeah.
10 RAY WILLIAMS: This is Ray Williams. I'm the current
11 chairman of the board. And I certainly support her appointment.
12 Thank you.
13 CHAIRMAN WAITS: Thank you, Ray. Thank you for all being
14 there.
15 All in favor?
16 COMMISSIONER SPARKS: Aye.
17 COMMISSIONER ANCHO: Aye.
18 CHAIRMAN WAITS: Aye.
19 And that passes.
20 Thank you, Kim.
21 And thank you, Ray.
22
23 4) COUNTY MANAGER: For possible action to reappoint two
24 individuals to serve on the Lander County Advisory Board to
25 Manage Wildlife. The term expires on June 30, 2022:
26 a) Worth Nelson, b) Ted McElvain.
27
28 CHAIRMAN WAITS: Number 4. County Manager.
29 For possible action to reappoint two individuals to serve
30 on the Lander County Advisory Board to Manage Wildlife. The
31 term expires on June 30, 2022.
32 And under this one, fortunately, we have our two
33 individuals that have served before and are putting their --
34 their application in to continue to serve with us.
35 So that would be Worth Nelson, Number A. And Number B, Ted
36 McLe- -- McLevin? No. McElvain.
37 COMMISSIONER ANCHO: McElvain.
38 SHERIFF RON UNGER: McElvain.
39 CHAIRMAN WAITS: McElvain. There we go. Thank you.
40 And so we're delighted they're going to do that.

1 And any other questions from the board?
2 COMMISSIONER SPARKS: I'll make a motion that we accept
3 Worth Nelson and Ted McElvain to the Lander County Advisory
4 Board to Manage Wildlife.
5 COMMISSIONER ANCHO: I'll second.
6 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy
7 seconded.
8 Any other discussion?
9 (No comment.)
10 CHAIRMAN WAITS: All in favor?
11 COMMISSIONER CLARK: Aye.
12 COMMISSIONER ANCHO: Aye.
13 CHAIRMAN WAITS: Aye.
14 Thank you. And that passes.
15
16 5) COUNTY MANAGER: For possible action to appoint one
17 individual to serve on the Battle Mountain Livestock Advisory
18 Board. The term expires on June 30, 2020: a) William Neal,
19 new applicant.
20
21 CHAIRMAN WAITS: Number five. County Manager.
22 For possible action to appoint one individual to serve on
23 the Battle Mountain Livestock Advisory Board. The term expires
24 on June 30, 2020. And this would be William Neal, who is a new
25 applicant.
26 COMMISSIONER ANCHO: I'll make the motion to appoint
27 William Neal.
28 COMMISSIONER SPARKS: I'll second.
29 CHAIRMAN WAITS: Thank you. Kathy made the motion that we
30 approve Mr. Neal as our new applicant. And Bryan seconded that.
31 Any other discussion?
32 (No comment.)
33 CHAIRMAN WAITS: All in favor?
34 COMMISSIONER SPARKS: Aye.
35 COMMISSIONER ANCHO: Aye.
36 COMMISSIONER CLARK: Aye.
37 CHAIRMAN WAITS: Aye.
38 Thank you.
39 And that -- we welcome Mr. Neal. And thank you very much
40 for -- for coming in to handle that on the Livestock Advisory

1 Board. Hope that goes well.

2
3 6) COUNTY MANAGER: For possible action to approve, modify, or
4 disapprove a franchise agreement between Lander County and NV
5 Energy.
6

7 CHAIRMAN WAITS: Number 6. County Manager. For possible
8 action to approve, modify, or disapprove a franchise agreement
9 between the Lander County and Nevada Energy.

10 This is not going to go as quickly as the others just did.

11 LINDA BISSETT: Okay. We'll -- we'll be here for as long
12 as it takes.

13 CHAIRMAN WAITS: Welcome. Good morning.

14 LINDA BISSETT: Welcome. Good morning, --

15 BOB RICE: Good morning.

16 LINDA BISSETT: -- Commissioner Waits.

17 Linda Bissett with NV Energy and the government affairs
18 representative.

19 BOB RICE: And Bob Rice. I'm the area service manager over
20 Lovelock, Winnemucca, and Battle Mountain.

21 CHAIRMAN WAITS: Thank you. Thank you for coming.

22 LINDA BISSETT: We're here to --

23 CHAIRMAN WAITS: Okay.

24 LINDA BISSETT: -- ask --

25 CHAIRMAN WAITS: We see our -- our time is up, actually.
26 We had 50 years --

27 LINDA BISSETT: Yes. It was a long one.

28 CHAIRMAN WAITS: -- under this franchise? And --

29 LINDA BISSETT: Long one.

30 CHAIRMAN WAITS: -- and our legal counsel tells us now that
31 according to -- what? -- the Nevada Statutes, it's limited to 25
32 years.

33 LINDA BISSETT: Yes. Some of the laws have changed. And
34 so we are asking for a 20-year agreement with the option to
35 extend an additional five years to get the maximum 25 to serve,
36 provide electric service to the customers in Lander County and
37 to use the county rights-of-way to do so.

38 CHAIRMAN WAITS: Thank you. We do see we have some options
39 on that.

40 Did all of you have a chance to study this and look into

1 it?

2 The -- the way I understand it is that the 2 percent that you
3 actually collect that goes to the schools, that stays the same on
4 all three options.

5 LINDA BISSETT: Yes.

6 CHAIRMAN WAITS: Right? Okay.

7 LINDA BISSETT: Yes.

8 CHAIRMAN WAITS: So it's just our percentage that we're
9 looking at of what county gets.

10 And the main one is 2 percent. And then there's the
11 different options in there that allow you to raise that to a
12 maximum of five, if you would like to, over a period of time.
13 It actually can increase 1 percent every two years if you'd like
14 to do something like that.

15 My understanding is, though, if -- if I have this right,
16 that if we vote for higher taxes, if we decide to go up to the
17 5 percent -- 1 percent, then you just tack that on and your --
18 your price goes higher to all of our -- our citizens; right?

19 LINDA BISSETT: Correct. That's -- it's a --

20 CHAIRMAN WAITS: Okay.

21 LINDA BISSETT: -- pass-through --

22 CHAIRMAN WAITS: So we might --

23 LINDA BISSETT: -- to customers.

24 CHAIRMAN WAITS: -- want to think about not increasing that
25 and perhaps --

26 LINDA BISSETT: And it is --

27 CHAIRMAN WAITS: -- not take --

28 LINDA BISSETT: -- it is noted on the bill. When there's
29 something new on a customer's bill, we do provide a one-time
30 notice with that first bill, you -- that they will see a change.
31 And this is pursuant to a county action or -- or a county
32 decision to implement this fee that's allowed by state law.

33 So it does end up bringing a little attention to it. And
34 sometimes customers have questions.

35 CHAIRMAN WAITS: Okay.

36 Did you folks have any other questions on it?

37 Did I explain that right?

38 COMMISSIONER CLARK: Half a percent a year up to 5 percent.
39 So it would be ten years it would be five percent?

40 CHAIRMAN WAITS: No. It goes up a percent every two years.

1 It starts with two. And then for the next two years, one, and
2 then two years, one; two years, one. Goes up to five, max if --
3 if we wanted to choose that.

4 COMMISSIONER CLARK: Up to 5 percent every two years?

5 CHAIRMAN WAITS: No, no. No. After a period of -- it
6 would be six -- six years -- it hits 5 --

7 LINDA BISSETT: Yes.

8 CHAIRMAN WAITS: -- percent.

9 LINDA BISSETT: Yes.

10 COMMISSIONER CLARK: Right. Half a percent per year.

11 CHAIRMAN WAITS: The -- that's the max. Okay.
12 But it actually goes up one percent every two.
13 Or we could decide not to change anything at all.

14 COMMISSIONER SPARKS: Yeah. It's worked for 50 years. I'm
15 not in favor of increasing fees.

16 DISTRICT ATTORNEY HERRERA: Or you can take the option to
17 decrease it by 2 percent. That's one of the three options.

18 COMMISSIONER CLARK: Decrease it?

19 DISTRICT ATTORNEY HERRERA: Decre- -- take -- pull the --
20 and that would be option number one. It would -- it still would
21 contain the 2 percent net profits for the school. And it would
22 not contain a gross franchise fee language.

23 So you would take the 2 percent away. So basically you
24 would be giving back money to the constituents and -- and
25 their -- their -- people they provide service to.

26 So you have -- you can reduce it by 2 percent. You can
27 keep it current, which is 2 percent for the schools and
28 2 percent franchise fee. Or you can go up to 5 percent and have
29 the 2 percent on the school.

30 But ei- -- all three options includes the 2 percent net
31 profits for the school.

32 COMMISSIONER SPARKS: So all of them are 2 percent to
33 school. But then we could reduce 2 percent to our constituents.

34 DISTRICT ATTORNEY HERRERA: Absolutely.

35 LINDA BISSETT: Uh-huh.

36 DISTRICT ATTORNEY HERRERA: You can --

37 COMMISSIONER SPARKS: That's the option --

38 DISTRICT ATTORNEY HERRERA: -- do that.

39 COMMISSIONER SPARKS: -- I'm in favor for.

40 COMMISSIONER ANCHO: Okay.

1 So want to make that motion?
2 COMMISSIONER SPARKS: And that was option one; correct,
3 Ted?
4 DISTRICT ATTORNEY HERRERA: That was option one.
5 Right, Linda?
6 LINDA BISSETT: Yes. Yes.
7 DISTRICT ATTORNEY HERRERA: Making sure.
8 LINDA BISSETT: Yeah. We had several --
9 CHAIRMAN WAITS: So --
10 LINDA BISSETT: -- options.
11 CHAIRMAN WAITS: -- option one is effective October 1st;
12 right? Well, --
13 DISTRICT ATTORNEY HERRERA: You --
14 CHAIRMAN WAITS: -- they're --
15 DISTRICT ATTORNEY HERRERA: -- you --
16 CHAIRMAN WAITS: -- all effective October 1st, but --
17 DISTRICT ATTORNEY HERRERA: Yeah. It would be.
18 CHAIRMAN WAITS: -- but -- October 1st is right. Okay.
19 DISTRICT ATTORNEY HERRERA: It would go back.
20 LINDA BISSETT: Yeah.
21 COMMISSIONER SPARKS: I'll make a motion -- are we ready
22 for a motion, Patsy?
23 COMMISSIONER CLARK: Yeah.
24 CHAIRMAN WAITS: We are as long as I just clarify one thing
25 here.
26 When I'm looking at it, on the very first "whereis,"
27 though, which is on the very first page, it does say -- no, I
28 think we're all okay.
29 Yeah. It's been 50 years. So this is our new one since
30 1969.
31 DISTRICT ATTORNEY HERRERA: Right.
32 CHAIRMAN WAITS: Okay. So -- and the new one is 20 plus
33 the five extend automatically --
34 DISTRICT ATTORNEY HERRERA: Right.
35 CHAIRMAN WAITS: -- unless you tell us no.
36 DISTRICT ATTORNEY HERRERA: Right.
37 CHAIRMAN WAITS: Okay.
38 LINDA BISSETT: And I will --
39 CHAIRMAN WAITS: Yeah.
40 LINDA BISSETT: -- add --

1 CHAIRMAN WAITS: Option 1.
2 LINDA BISSETT: -- if you do decide to remove it and go
3 back to zero, there's always the option down the road if there's
4 a different sentiment in the future, you can reinstate that by
5 ordinance.
6 DISTRICT ATTORNEY HERRERA: By ordinance. We'd have --
7 LINDA BISSETT: Yeah.
8 DISTRICT ATTORNEY HERRERA: We would have to make an
9 ordinance that -- that would allow it. But we don't have to
10 make an ordinance on any one of these options today if you do it
11 today.
12 CHAIRMAN WAITS: Okay.
13 DISTRICT ATTORNEY HERRERA: But any -- any further
14 proceedings --
15 CHAIRMAN WAITS: It's contractual. But to change the
16 contract, we have to do an ordinance.
17 DISTRICT ATTORNEY HERRERA: Yes.
18 CHAIRMAN WAITS: Got it. Okay.
19 COMMISSIONER SPARKS: I'd make a motion that we approve
20 franchise agreement number one between Lander County and Nevada
21 Energy.
22 COMMISSIONER CLARK: Second.
23 CHAIRMAN WAITS: Bryan made the motion. Art seconded it.
24 Is there any other discussion?
25 Okay. So this actually will reduce all of the Nevada Energy
26 bills --
27 LINDA BISSETT: Yes.
28 CHAIRMAN WAITS: -- to our citizens; right?
29 LINDA BISSETT: Yes.
30 That's --
31 CHAIRMAN WAITS: How about --
32 LINDA BISSETT: -- a nice --
33 CHAIRMAN WAITS: -- that?
34 LINDA BISSETT: -- that's a nice --
35 CHAIRMAN WAITS: Okay.
36 LINDA BISSETT: -- present for them.
37 CHAIRMAN WAITS: No public comment on that?
38 LINDA BISSETT: Yeah.
39 CHAIRMAN WAITS: Okay. All in favor?
40 COMMISSIONER SPARKS: Aye.

1 COMMISSIONER ANCHO: Aye.
2 CHAIRMAN WAITS: Aye.
3 COMMISSIONER CLARK: Aye.
4 LINDA BISSETT: Great. Thank --
5 CHAIRMAN WAITS: Any --
6 LINDA BISSETT: -- you.
7 CHAIRMAN WAITS: -- opposed?
8 LINDA BISSETT: I want to thank Mr. --
9 CHAIRMAN WAITS: And that --
10 LINDA BISSETT: -- Westengard --
11 CHAIRMAN WAITS: -- passes.
12 LINDA BISSETT: -- and Mr. Herrera for their efforts in
13 getting this together for you of all the --
14 CHAIRMAN WAITS: Thank you.
15 LINDA BISSETT: -- different options to consider.
16 So --
17 COMMISSIONER SPARKS: Thanks, (indiscernible).
18 DISTRICT ATTORNEY HERRERA: Thank you --
19 LINDA BISSETT: Thank you for your time.
20 CHAIRMAN WAITS: We're --
21 DISTRICT ATTORNEY HERRERA: -- for --
22 CHAIRMAN WAITS: -- going to go --
23 COMMISSIONER ANCHO: Thank you.
24 CHAIRMAN WAITS: -- ahead and take a quick -- just a quick
25 five-minute break.
26 MITESHELL LANHAM: Okay.
27 CHAIRMAN WAITS: Okay.
28 Thank you.
29
30 (Break taken between 9:44 a.m. and 9:49 a.m.)
31
32 CHAIRMAN WAITS: Thank you. The commission will come back
33 to order.
34
35 (Indiscernible simultaneous conversations.)
36
37 CHAIRMAN WAITS: And we are on Number 7.
38
39
40

1 7) COUNTY MANAGER: For possible action, renewal of ease for
2 Women, Infant, and Children (WIC) located at 370 south
3 Mountain Street, Battle Mountain, Nevada 89820.
4

5 CHAIRMAN WAITS: County manager.
6

7 (Indiscernible simultaneous conversations.)
8

9 CHAIRMAN WAITS: For possible action, renewal of lease for
10 Women, Infant, and children, which is WIC --
11

12 (Indiscernible simultaneous conversations.)
13

14 CHAIRMAN WAITS: -- located at 370 South Mountain Street,
15 Battle Mountain, Nevada, 89820.

16 And I'm going to ask, Austin, are you on?

17 MITESHELL LANHAM: We're here.

18 CHAIRMAN WAITS: Thank you.

19 KEITH WESTENGARD: There's no change to this lease other
20 than the dates. It's been reviewed by the DA. It's just a date
21 change is all -- is all it is to do it for another two years.
22 But other than that, there are no changes.

23 CHAIRMAN WAITS: It's a two -- two years, --

24 KEITH WESTENGARD: Yeah.

25 CHAIRMAN WAITS: -- you said. Okay.

26 And also the Frontier Community Action Agency uses the same
27 building, does it?

28 KEITH WESTENGARD: Yes. And I believe Brenda's here.

29 CHAIRMAN WAITS: But our -- our lease is --

30 KEITH WESTENGARD: The state wanted two separate contracts.
31 Because we did one last meeting and then we needed to do two
32 separate --

33 CHAIRMAN WAITS: Okay.

34 KEITH WESTENGARD: -- contracts.

35 CHAIRMAN WAITS: So this one is just for WIC?

36 KEITH WESTENGARD: Yes.

37 CHAIRMAN WAITS: Got it. Okay.

38 They're currently paying \$250 a month?

39 KEITH WESTENGARD: I think that's what it is. Yes.

40 BRENDA THOMAS: Yeah.

1 KEITH WESTENGARD: Yeah.
2 BRENDA THOMAS: Brenda Thomas.
3 The -- both programs are paying \$250 each. So for the
4 state to -- to justify the expense, they have to have a sole
5 lease. Because it's two totally different grants, two totally
6 different programs. One's federal. One's state. So --
7 CHAIRMAN WAITS: So how much are we changing the Frontier
8 Community Action?
9 KEITH WESTENGARD: 250.
10 DISTRICT ATTORNEY HERRERA: 250.
11 BRENDA THOMAS: 250.
12 KEITH WESTENGARD: \$250.
13 CHAIRMAN WAITS: 250?
14 KEITH WESTENGARD: Yes, 250.
15 BRENDA THOMAS: So it's 500 total --
16 KEITH WESTENGARD: Total.
17 BRENDA THOMAS: -- for the building.
18 CHAIRMAN WAITS: Got it. And that's comfortable enough
19 and --
20 BRENDA THOMAS: No. But it's okay. We make do.
21 COMMISSIONER ANCHO: All right. I'll make a motion to
22 renew the lease for the WIC program located at 370 South
23 Mountain Street for two years.
24 COMMISSIONER SPARKS: I'll second.
25 CHAIRMAN WAITS: Thank you. Kathy made the motion. Bryan
26 seconded that.
27 Is there any other discussion?
28 (No comment.)
29 CHAIRMAN WAITS: All those in favor?
30 COMMISSIONER SPARKS: Aye.
31 COMMISSIONER ANCHO: Aye.
32 COMMISSIONER CLARK: Aye.
33 CHAIRMAN WAITS: Aye.
34 Thank you. And that passes.
35 BRENDA THOMAS: Uh-huh.
36 CHAIRMAN WAITS: Okay. And you're for the next one too.
37 BRENDA THOMAS: Yes.
38 CHAIRMAN WAITS: Right?
39 BRENDA THOMAS: I am. Brenda Thomas.
40

1 8) BRENDA THOMAS: For possible action to name the dog park,
2 located at Lions Park, after Michael Ferguson.
3

4 CHAIRMAN WAITS: Number 8. It says, Brenda Thomas, for
5 possible action to name the dog park, located at Lions Park,
6 after Michael Ferguson.

7 COMMISSIONER ANCHO: So --

8 BRENDA THOMAS: I am Brenda Thomas, for the record. And
9 I'm just a community member on this one.

10 And I'm just coming to represent other community members
11 that thought it would be nice to honor Michael Ferguson in
12 naming the dog park after him, simply because he was such a huge
13 advocate for the dogs and was kind of -- from my understanding,
14 he's one of the reasons that we have the dog park today.

15 So I just thought it would be a nice and appropriate to
16 honor him and name it after him.

17 CHAIRMAN WAITS: Actually, he -- he did come before us. He
18 had been turning his dogs loose in the park and got citations.

19 BRENDA THOMAS: Yes.

20 CHAIRMAN WAITS: And -- and he did say, I'd love to have a
21 place for my dog to run. That was true. I -- I remember that.
22 However, we -- we had been discussing it for some time.
23 Unfortunately he didn't come to a lot of the other discussions
24 that we had.

25 But I'm so pleased he's there to use it.

26 But I'll tell you on my personal opinion, it's like when we
27 start naming things after people, usually like the big ones,
28 hospitals and -- and schools and stuff are -- are very often
29 named after someone that's gone before us.

30 And -- and when we start naming things after living people,
31 that's usually because they gave --

32 COMMISSIONER ANCHO: He's not --

33 CHAIRMAN WAITS: -- huge --

34 BRENDA THOMAS: He -- he --

35 CHAIRMAN WAITS: -- contributions.

36 BRENDA THOMAS: -- passed away.

37 COMMISSIONER ANCHO: He passed away.

38 ELIZABETH BARELA: He passed --

39 BRENDA THOMAS: He passed --

40 ELIZABETH BARELA: -- away.

1 BRENDA THOMAS: -- away in October of '17.
2 CHAIRMAN WAITS: Yeah. Okay. But I'm saying, it's usually
3 with a wing or something like that, you know, if -- if --
4 COMMISSIONER CLARK: Yeah.
5 CHAIRMAN WAITS: -- they do that. And so I understand
6 since we have lost him that you'd like to do something. And I
7 think rather than the park -- because it is the Lions Park.
8 COMMISSIONER CLARK: Yes. That's the name of the park.
9 The Lions --
10 BRENDA THOMAS: Right.
11 COMMISSIONER CLARK: -- park.
12 CHAIRMAN WAITS: Right. And it -- so therefore it's the
13 dog park at the Lions Park.
14 But I -- I would very much like to see us think about
15 something like perhaps a park bench or something else that you
16 can contribute to the dog park and put a plaque on that rather
17 than renaming the park completely.
18 It is --
19 BRENDA THOMAS: I wasn't asking for the renaming of the
20 park, just of the little corner in the park -- just -- just --
21 COMMISSIONER ANCHO: Just where the actual --
22 BRENDA THOMAS: Yeah.
23 COMMISSIONER ANCHO: -- fencing is for --
24 BRENDA THOMAS: No.
25 COMMISSIONER ANCHO: -- the --
26 BRENDA THOMAS: I --
27 COMMISSIONER ANCHO: -- dog park.
28 BRENDA THOMAS: Yeah.
29 COMMISSIONER ANCHO: She's not asking to rename the entire
30 park.
31 BRENDA THOMAS: Oh, no.
32 COMMISSIONER ANCHO: That --
33 BRENDA THOMAS: No, no --
34 COMMISSIONER ANCHO: -- wasn't the --
35 BRENDA THOMAS: -- no, no.
36 COMMISSIONER CLARK: Oh, I understand that. But the name
37 of the park is Lions Park.
38 BRENDA THOMAS: Yes.
39 COMMISSIONER CLARK: Baldini -- Lion Baldini.
40 CHAIRMAN WAITS: It says to name the dog park located --

1 COMMISSIONER CLARK: Yeah.
2 CHAIRMAN WAITS: -- at Lions Park. That's what it says.
3 And so --
4 COMMISSIONER ANCHO: But she wasn't meaning to truly name
5 the --
6 CHAIRMAN WAITS: We don't want --
7 COMMISSIONER ANCHO: -- whole park.
8 CHAIRMAN WAITS: -- to --
9 BRENDA THOMAS: Not --
10 CHAIRMAN WAITS: -- name the dog park. Okay. You just
11 want -- you want a plaque somewhere?
12 BRENDA THOMAS: Yes.
13 CHAIRMAN WAITS: Is that --
14 BRENDA THOMAS: Just to --
15 CHAIRMAN WAITS: -- what you're saying?
16 BRENDA THOMAS: Yes.
17 COMMISSIONER ANCHO: Just a recognition --
18 BRENDA THOMAS: Just a recognition.
19 COMMISSIONER ANCHO: -- that his --
20 And that he had a --
21 BRENDA THOMAS: I --
22 COMMISSIONER ANCHO: -- hand in getting it there, I guess.
23 CHAIRMAN WAITS: I'm -- I'm okay with recognition. I mean,
24 if you put it on -- on one of the park benches or -- I don't
25 know -- a -- a tree. Can -- can we put a plaque on a tree
26 without harming the tree or something? And --
27 KEITH WESTENGARD: When I -- when Brenda and I discussed
28 this, it was to take that corner of the park, the actual fenced
29 area of just the dog park. Am I correct?
30 BRENDA THOMAS: Yes.
31 KEITH WESTENGARD: And naming that the Michael Ferguson dog
32 park or something, but not to change the name of the actual
33 park. Is that --
34 BRENDA THOMAS: Yes.
35 CHAIRMAN WAITS: No.
36 KEITH WESTENGARD: Am I --
37 CHAIRMAN WAITS: No, no, --
38 BRENDA THOMAS: That's --
39 CHAIRMAN WAITS: -- no, no. No. I -- I -- I don't think
40 we interpreted we were changing the Lions Park.

1 KEITH WESTENGARD: Right. I just --
2 CHAIRMAN WAITS: No.
3 KEITH WESTENGARD: -- want to make --
4 CHAIRMAN WAITS: But we're --
5 KEITH WESTENGARD: -- that --
6 CHAIRMAN WAITS: -- naming the dog park. And I'm saying
7 I -- you know, when we start naming things after citizens
8 that -- that's just a person, that's really difficult.
9 But something in the park, if you wanted to do --
10 COMMISSIONER ANCHO: Or even don't we have the ability to
11 make signs ourselves where we can just do a thank-you to him?
12 We can put --
13 COMMISSIONER SPARKS: Yeah. In memory --
14 COMMISSIONER ANCHO: -- a sign on --
15 COMMISSIONER SPARKS: -- of?
16 COMMISSIONER ANCHO: -- in -- in mem- -- in memory of him.
17 Thank you to your contributions in helping us get this park. I
18 mean -- I mean, we can do something like that, that just goes on
19 the fence. It's not renaming that area. It's just: Thank you
20 to Michael Ferguson for assisting us with this --
21 BRENDA THOMAS: Just honoring --
22 COMMISSIONER ANCHO: -- dog -- or yeah. Just so it's --
23 he's -- you know. And we have the ability to make those --
24 KEITH WESTENGARD: We can --
25 COMMISSIONER ANCHO: -- signs and just put it on the fence.
26 We're not renaming anything. We're just thanking and putting
27 recognition to him.
28 BRENDA THOMAS: And -- and I -- I guess I -- I stand
29 corrected on my agenda item. I just --
30 COMMISSIONER ANCHO: Yeah.
31 BRENDA THOMAS: -- I just wanted to honor him. I mean,
32 I -- I just thought it would -- I mean, he was such a lover of
33 animals and --
34 COMMISSIONER ANCHO: And dogs.
35 BRENDA THOMAS: And dogs. Dogs.
36 UNIDENTIFIED PARTICIPANT: Dogs. Not --
37 BRENDA THOMAS: (Indiscernible.)
38 CHAIRMAN WAITS: Yes, he was.
39 BRENDA THOMAS: And not necessarily humans, --
40 COMMISSIONER ANCHO: Right.

1 BRENDA THOMAS: -- but he loved dogs. And I just wanted to
2 honor him, you know.
3 Well, I'm representing the community and they wanted to
4 honor him. And I think it would be very appropriate.
5 COMMISSIONER ANCHO: So --
6 So can I make A motion that we do a sign to honor Michael
7 Ferguson and place it on the fence of the dog park?
8 BRENDA THOMAS: That would be great.
9 DISTRICT ATTORNEY HERRERA: Yes.
10 COMMISSIONER ANCHO: Okay. So I'm making that motion.
11 CHAIRMAN WAITS: Okay.
12 COMMISSIONER SPARKS: I'll second --
13 BRENDA THOMAS: (Indiscernible.)
14 COMMISSIONER SPARKS: -- the motion.
15 CHAIRMAN WAITS: Okay. The motion has been made that we --
16 that we -- we honor him in memory of him, of his contribution.
17 But we're not changing the name of the --
18 COMMISSIONER ANCHO: No.
19 CHAIRMAN WAITS: -- dog park. Okay.
20 Kathy made the motion. Bryan seconded.
21 Any other discussion?
22 (No comment.)
23 CHAIRMAN WAITS: Who wants to work with who on the wording?
24 Brenda?
25 KEITH WESTENGARD: If you can get me some wording that you
26 would like or if Ruth would like, --
27 BRENDA THOMAS: Okay.
28 KEITH WESTENGARD: -- I'll get it on the sign --
29 BRENDA THOMAS: Okay.
30 KEITH WESTENGARD: -- or a plaque. We'll mount it there.
31 BRENDA THOMAS: Okay. I'll talk to his daughter again just
32 to make sure.
33 KEITH WESTENGARD: Okay. Yes. Can you email it or drop it
34 by?
35 BRENDA THOMAS: Okay.
36 KEITH WESTENGARD: And we'll -- we'll get it set up and
37 mounted.
38 BRENDA THOMAS: All right.
39 COMMISSIONER ANCHO: Very good.
40 CHAIRMAN WAITS: All in favor?

1 COMMISSIONER ANCHO: Thank you.

2 COMMISSIONER SPARKS: Aye.

3 COMMISSIONER ANCHO: Aye.

4 CHAIRMAN WAITS: Aye.

5 Thank you. And thank --

6 COMMISSIONER CLARK: Nay.

7 CHAIRMAN WAITS: -- you, Brenda.

8 BRENDA THOMAS: Thank you.

9

10 10) GOVERNOR'S OFFICE OF SCIENCE, INNOVATION AND TECHNOLOGY: For
11 possible action to approve/disapprove the Lander County
12 manager to post a survey through Survey Monkey regarding
13 business and residential broadband services in Lander County,
14 created by Governor's Office of Science, Innovation and
15 Technology (GOSIT).

16

17 CHAIRMAN WAITS: Number 10. Governor's Office of Science,
18 Innovation and Technology.

19 For possible action to approve or disapprove the Lander
20 County manager to post a survey through Survey Monkey regarding
21 business and residential broadband services in Lander County,
22 created by Governor's Office of Science, Innovation and
23 Technology.

24 KEITH WESTENGARD: This is the lady. She wanted to be
25 called in. She's from the governor's office.

26 COMMISSIONER SPARKS: Let me see if I can remember this.

27 CHAIRMAN WAITS: We're going to take just a moment as we
28 make a call in to someone from the governor's --

29 KEITH WESTENGARD: Just in case --

30 CHAIRMAN WAITS: -- office.

31 KEITH WESTENGARD: -- you have any more questions.

32

33 (Attempting to contact Jojo Myers Campos by telephone.)

34

35 COMMISSIONER SPARKS: You still with us, Austin?

36 MITESHELL LANHAM: We're still here.

37

38 (Attempting to contact Jojo Myers Campos by telephone.)

39

40 JOJO MYERS CAMPOS: This is Jojo.

1 CHAIRMAN WAITS: Jojo, hi. This is the Lander County
2 Commission. And we just read our item into the -- into the
3 record. And so we're just about ready to discuss --

4 JOJO MYERS CAMPOS: Perfect.

5 CHAIRMAN WAITS: -- the survey. Thank you.

6 For the record, can we have your last name? It's
7 Jojo; right?

8 JOJO MYERS CAMPOS: Correct. My- -- for the record, it is
9 Jojo Myers Campos. And I am the state broadband development
10 manager for the Governor's Office of Science, Innovation and
11 Technology.

12 CHAIRMAN WAITS: Thank you.

13 Kyla, are you going to start us on this? Or Keith?

14 KEITH WESTENGARD: Well, I -- I -- Jojo --

15 CHAIRMAN WAITS: Oh.

16 KEITH WESTENGARD: Jojo, this is Keith. If you could
17 explain what the survey is about.

18 I don't know if she can hear me. Could she hear me?

19 JOJO MYERS CAMPOS: I'm sorry. I -- I did not hear that.

20 CHAIRMAN WAITS: No, Keith wants you to -- to start it out
21 and tell us what the survey's about.

22 JOJO MYERS CAMPOS: Oh, yes. Absolutely.

23 When we come into a community and we do what is called a
24 whole community connectivity approach, we always start with a
25 survey. We have done this exact approach in Elko, including the
26 Spring Creek, City of Elko, and Elko County. We have also done
27 this process in Ely, Nevada, as well as all of the surrounding
28 areas there in White Pine County. We have also done this in
29 Humboldt. We have also done this in Mesquite. And we've also
30 done this in Pershing, Lovelock, and to include the surrounding
31 areas, of course, of Rye Patch and Imlay as well.

32 So when we want to really start looking at how can we get a
33 city and/or county completely connected -- and that means
34 schools, libraries, public safety, transportation, which will
35 also increase economic development opportunities -- we always
36 start with a survey.

37 What the survey does is it starts giving me a baseline of the
38 true issue, both commercial and residential. Well, most of the
39 time, the commercial and residential will look very, very similar.
40 And what it states is -- and it's only, like, ten questions in

1 that -- is basically do you think you have what you need on an
2 everyday basis to conduct business, to close the gap of public
3 safety, to increase any of your health care clinics that could
4 also do, say, telemedicine. Also this lets us know about schools,
5 libraries.

6 And so, therefore, when we send out the survey, it creates
7 a baseline so I can start doing a -- a -- a business case.
8 Because my next step is then to start attracting providers that
9 would be interested -- and that's going to sometimes be both
10 middle-mile and last-mile providers that would be inter- --
11 interested in coming in and doing some kind of infrastructure
12 broadband solution.

13 So when I can show a provider, ROI -- so that's going to be
14 the bottom line. If we -- if we have a business, we do not have
15 a business, if we're going to go broke. We have a business that
16 can -- that can actually help us propel and actually have a
17 healthy bottom line.

18 So these surveys we give directly to providers saying, See?
19 This entire area is looking for better connectivity.

20 Then we start the negotiations of what they can bring to
21 the table.

22 But without the survey, it is very difficult for me to
23 start describing a business case.

24 CHAIRMAN WAITS: Thank you.

25 One of my questions, then, is you keep saying "area." And
26 I'm assuming that's Battle Mountain area. However, on the
27 agenda, we do have Lander County.

28 JOJO MYERS CAMPOS: That's correct. It is going to be
29 Battle Mountain and Austin.

30 CHAIRMAN WAITS: Great.

31 JOJO MYERS CAMPOS: We have already started doing some
32 improvements in Austin. And so we want to make sure that we
33 continue the progress that we're already working with.

34 CHAIRMAN WAITS: Thank you. That's what we wanted to hear.
35 Commissioners, do you have any questions?

36 COMMISSIONER ANCHO: Not --

37 CHAIRMAN WAITS: Keith?

38 KEITH WESTENGARD: No. I don't.

39 CHAIRMAN WAITS: No.

40 Okay. Then I guess we're ready for a motion?

1 COMMISSIONER SPARKS: I'll make a motion that we allow
2 Survey Monkey to do a survey on behalf of the Governor's Office
3 of Science, Innovation and Technology to determine interest in
4 broadband service.

5 COMMISSIONER ANCHO: I'll second.

6 CHAIRMAN WAITS: Thank you. Bryan made a motion. And
7 Kathy seconded that.

8 Is there any other discussion?

9 KIM SCHACHT: This is Kim Schacht with Lander County EMS in
10 Austin, Nevada.

11 CHAIRMAN WAITS: Yes. Go ahead.

12 KIM SCHACHT: What are the improvements they've already
13 started working on here in Austin?

14 JOJO MYERS CAMPOS: In Austin, we actually have a fiber
15 build that will be going directly to the school. Your school is
16 not -- I mean, as you already know, it is not in good shape. So
17 we went out for an E-rate build for the school district through
18 the USAC SBC program called the E-rate program.

19 Every single district has already a discount rate with
20 that. So we take, actually, the district rate. We take -- I
21 have what's called a state match through the Nevada Connect Kids
22 initiative.

23 Any time a state has state match and I put an additional
24 10 percent to help you build that, they then have to match me.
25 So you get another 10 percent from the FCC.

26 What the school district did -- and I was so, so thankful
27 that the superintendent was so -- so pro-progress because they
28 actually -- the entire fiber build is only going to cost \$36,000
29 because the rest of it all got paid for by -- through my office
30 and through the FCC and the USAC office out of D.C.

31 And so that school for the first time, starting in the
32 spring, will have a fiber connectivity, allowing those students
33 to then expand all of their digital and distance learning. They
34 will be able to, then, do online curriculum.

35 And so that is -- that is going to be a game changer.

36 One of the things we heard when we went there last year,
37 there was some parents actually doing home schooling because
38 they did not feel that the Austin school had what it took to
39 actually keep up with today's demand.

40 Well, now they will have that demand because they will have

1 a fiber connection. And they will be able to build and expand.
2 And it will be completely sustainable.

3 The other thing that we have done, we are going out -- we
4 have the RFP ready to go. So we will be going out for an RFP
5 for the Austin library. And then we are going out for a fiber
6 build for the library.

7 So now when you get fiber through the USAC program, both to
8 the library and the school, what this does is it's going to set
9 you up to have a provider come in. This will be a last-mile
10 provider. Because being that this -- we -- we put in -- we
11 always request a big bundle of fiber, not like, you know, four
12 strands, six strands. We will request 48 to 96 strands of
13 fiber. We will then cost allocate out the fiber to be used by
14 the library, the fiber to be used by the school, allowing the
15 rest of that fiber to be used by a last-mile provider to then
16 actually benefit your residents and any other key stakeholders
17 you have there in Austin.

18 CHAIRMAN WAITS: Thank you.

19 JOJO MYERS CAMPOS: You're welcome.

20 CHAIRMAN WAITS: Any other questions, Austin?

21 KIM SCHACHT: No. Just I -- is this kind of a guarantee
22 that the school will have that internet set in the spring?
23 Because we're kind of relying on that for our school for next
24 year for the high school as we have --

25 JOJO MYERS CAMPOS: I know. You know, it -- it is a
26 guarantee. It is -- the -- the funding has already been
27 approved. And the network design is, as we speak, being
28 performed.

29 KIM SCHACHT: Amazing. Thank you.

30 JOJO MYERS CAMPOS: You're so welcome.

31 CHAIRMAN WAITS: Thank you.

32 Okay. I'll call for the vote.

33 All in favor?

34 COMMISSIONER SPARKS: Aye.

35 COMMISSIONER ANCHO: Aye.

36 CHAIRMAN WAITS: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN WAITS: Any opposed?

39 And that passes unanimously.

40 Thank you, Jojo.

1 JOJO MYERS CAMPOS: Oh, you're so welcome. Thank you,
2 everyone.

3 CHAIRMAN WAITS: Yep. We'll be working with you.

4 JOJO MYERS CAMPOS: Oh. I'm -- I'm with (indiscernible). I
5 look very forward. Thank you.

6 Have a great day.

7 CHAIRMAN WAITS: Thank you. You too.

8 Do we have to disconnect her? She's on. Okay.

9
10 11) CENTRAL NEVADA REGIONAL WATER AUTHORITY: For possible action
11 to approve/disapprove a resolution, 2019-11, for Humboldt
12 County to join the Central Nevada Regional Water Authority
13 (CNRWA).
14

15 CHAIRMAN WAITS: Number 11. Central Nevada Regional Water
16 Authority.

17 For possible action to approve or disapprove a resolution,
18 2019-11, for Humboldt County to join the Central Nevada Regional
19 Water Authority.

20 I'm not sure why they weren't on -- on the beginning one.
21 I know they have attended many of the meetings. And they
22 certainly are qualified with the district that they're in. So
23 I'm really excited that they want to join. And they have to
24 have the approval from all the members.

25 KEITH WESTENGARD: Yes. That's --

26 CHAIRMAN WAITS: Right.

27 KEITH WESTENGARD: -- that's correct. So --

28 CHAIRMAN WAITS: Yes.

29 KEITH WESTENGARD: -- Lander County is a -- is a voting
30 member. And due to the fact that Humboldt County has come in
31 and requested to be part of the -- be a voting member -- they
32 are currently not a voting member -- the -- all the current
33 membership -- counties have to pass a resolution to allow them
34 to be part of Central Nevada Regional Water Authority.

35 COMMISSIONER SPARKS: Why the change of heart on Humboldt's
36 part? I mean, they didn't and now they do want to. Why?

37 KEITH WESTENGARD: You know, I -- I don't know why they
38 want to. I just know they've requested to be part of -- of it.
39 I don't know if you know why they might, Kathy? But --

40 COMMISSIONER ANCHO: I do not.

1 KEITH WESTENGARD: Okay.
2 CHAIRMAN WAITS: I know --
3 COMMISSIONER CLARK: Maybe --
4 CHAIRMAN WAITS: -- they've been attending for the last --
5 KEITH WESTENGARD: Yeah.
6 CHAIRMAN WAITS: -- few years.
7 COMMISSIONER ANCHO: Yeah.
8 KEITH WESTENGARD: They have.
9 CHAIRMAN WAITS: And we're sorry they weren't.
10 COMMISSIONER CLARK: There was a -- there was a push in
11 Humboldt County for some company in New York City to gobble up a
12 whole bunch of water that they say is there, but it's not there.
13 KEITH WESTENGARD: Just have a voice.
14 COMMISSIONER ANCHO: Do you want to read these through?
15 COMMISSIONER CLARK: Yeah.
16 COMMISSIONER SPARKS: Gamble.
17 KEITH WESTENGARD: Yeah.
18 COMMISSIONER CLARK: They wanted, like, a billion acre-feet
19 in reserve around Button Point. And they're saying that there's
20 water there, but there's not.
21 DISTRICT ATTORNEY HERRERA: Every seven years. It's the --
22 CHAIRMAN WAITS: Okay.
23 DISTRICT ATTORNEY HERRERA: -- flood. When it floods or
24 something.
25 COMMISSIONER CLARK: Right. The flood.
26 DISTRICT ATTORNEY HERRERA: So, like, every seven years,
27 they want -- they want to collect the water.
28 COMMISSIONER CLARK: And they want to -- some company wants
29 to claim that water.
30 DISTRICT ATTORNEY HERRERA: And that would be going to the
31 Reno area, I believe.
32 COMMISSIONER SPARKS: Hm.
33 CHAIRMAN WAITS: Okay. If we agree, we do need to have the
34 resolution read into the record.
35 COMMISSIONER SPARKS: I'll make a motion we approve the
36 Resolution 2019-11 for Humboldt County to join the Central
37 Nevada Regional Water Authority, which reads:
38 A resolution recommending that Lander County approve
39 Humboldt County as a member county of the Central Nevada
40 Regional Water Authority, effective July 1, 2019.

1 Whereas the members of the Central Nevada Regional Water
2 Authority, hereafter referred to as "Authority," are Churchill
3 County, Elko County, Esmeralda County, Eureka County, Lander
4 County, Nye County, Pershing County, and White Pine, County,
5 each of which of the general purpose unit of local government
6 and subdivision of the state of Nevada.

7 And whereas the authority of the unit of local government
8 create a pursuant -- pursuant -- pursuant to the Nevada
9 Interlocal Cooperation Act with a goal to collaboratively and
10 proactively address water resource issues common to the Nevada
11 Central Hydrographic Region, and whereas a groundwater basin in
12 Humboldt County is partially located in the Nevada Central
13 Hydrographic Region, and whereas on May 6, 2019, the Humboldt
14 County Board of Commissioners voted to join the authority with
15 the understanding that they must pay the requisite assessment.

16 And whereas on May 17, 2019, the Authority board of
17 directors voted unanimously to recommend member county
18 commissions approve Humboldt County as a member county pursuant
19 to Article 12B of the Cooperative Agreement creating the
20 Authority. And now, therefore, be it resolved by the Lander
21 County Board of Commissioners that pursuant to Article 6 and 12B
22 of the Cooperative Agreement creating the Authority that
23 Humboldt County is accepted as an Authority member effective
24 July 1, 2019.

25 And be it further resolved that Humboldt County had all the
26 rights and privileges as conferred in the Cooperative Agreement
27 creating the Authority.

28 And be it further resolved that a copy of this resolution
29 be maintained in the official files of the Authority with the
30 original of the executed Cooperative Agreement establishing the
31 authority.

32 Adapted this 19th day of September, 2019.

33 CHAIRMAN WAITS: And au- --

34 COMMISSIONER SPARKS: And authorize the chair to sign.

35 COMMISSIONER ANCHO: I'll second it.

36 CHAIRMAN WAITS: Thank you. Bryan made the motion. And
37 Kathy seconded that.

38 Any other discussion?

39 (No comment.) All in favor?

40 COMMISSIONER CLARK: Aye.

1 COMMISSIONER SPARKS: Aye.
2 COMMISSIONER ANCHO: Aye.
3 CHAIRMAN WAITS: Aye.
4 Any opposed?
5 Okay. So that passes unanimously. And Humboldt County is --
6 has our resolution.
7
8 12) HEALTH NURSE: For possible action to remove the current
9 Lander County Health Board Officer Abby Burkhardt and
10 approve/disapprove the appointment of the new Lander County
11 Health Board Officer Brandy Bengoa.
12
13 CHAIRMAN WAITS: Number 12. We are on the health nurse.
14 For possible action to remove the current Lander County
15 Health Board Officer Abby Burkhardt and approve or disapprove the
16 appointment of the new Lander County Health Board Officer Brandy
17 Bengoa.
18 KEITH WESTENGARD: So last year when we put the health
19 board -- or two years ago when we put the health board together,
20 the -- the commission put Abby Burkhardt in place there.
21 And as everybody knows, she's no longer with the county.
22 So our current hea- -- we need to make that change to our
23 current health nurse as the health off- -- as a health officer,
24 which is the Lander County Commissioners, the sheriff, and our
25 community health nurse.
26 CHAIRMAN WAITS: And this is for two years?
27 KEITH WESTENGARD: Until you -- is it two years? I thought
28 it was until you dec- -- I believe it's until you decide --
29 BRANDY BENGOA: No. I think it's two years. I'll come up
30 here.
31 DISTRICT ATTORNEY HERRERA: I think it's two years too.
32 KEITH WESTENGARD: It is two years.
33 BRANDY BENGOA: It is two years.
34 KEITH WESTENGARD: Okay. It is two years.
35 DISTRICT ATTORNEY HERRERA: Yes. Two-year appointment.
36 COMMISSIONER SPARKS: Good morning, Brandy.
37 BRANDY BENGOA: Good morning. I'm Brandy Bengoa.
38 CHAIRMAN WAITS: Thank you.
39 BRANDY BENGOA: You're welcome.
40 DISTRICT ATTORNEY HERRERA: Do you want this, Brandy?

1 BRANDY BENGEOA: Yeah.
2 DISTRICT ATTORNEY HERRERA: Okay. Just thought I'd ask.
3 CHAIRMAN WAITS: Okay. So -- so you're okay to step --
4 BRANDY BENGEOA: Yes.
5 CHAIRMAN WAITS: -- up and take --
6 BRANDY BENGEOA: It's fine.
7 CHAIRMAN WAITS: -- care of that.
8 BRANDY BENGEOA: Totally fine with that.
9 CHAIRMAN WAITS: Thank you. Okay.
10 COMMISSIONER ANCHO: I'll make the motion, then, to approve
11 the appointment of Brandy to the Lander County Health Board
12 officer, Brandy Bengoa.
13 COMMISSIONER SPARKS: I'll second.
14 CHAIRMAN WAITS: Thank you. Kathy made the motion. And
15 Bryan seconded it.
16 BRANDY BENGEOA: Thank you.
17 CHAIRMAN WAITS: Any other discussion?
18 (No comment.)
19 CHAIRMAN WAITS: All those in favor?
20 COMMISSIONER ANCHO: Aye.
21 CHAIRMAN WAITS: Aye.
22 COMMISSIONER CLARK: Aye.
23 COMMISSIONER SPARKS: Aye.
24 CHAIRMAN WAITS: Thank you, Brandy.
25 BRANDY BENGEOA: Thank you.
26 CHAIRMAN WAITS: Okay. We're going to take another quick
27 five-minute break and come back to our building official.
28
29 (Break taken between 10:14 a.m. and 10:22 a.m.)
30
31 CHAIRMAN WAITS: We're going to get Austin back. And I'm
32 going to read in Number 13.
33
34 (Attempting to establish telephone communication with
35 Austin.)
36
37
38
39
40

1 13) BUILDING OFFICIAL: For possible action to amend the language
2 in the International Residential Code (IRC) and International
3 Building Code (IBC) to allow portable storage units 500
4 square feet or less to be exempt from permits.
5

6 CHAIRMAN WAITS: Building official. For possible action to
7 amend the language in the International Residential Code --

8 MITESHELL LANHAM: Austin.

9 COMMISSIONER SPARKS: Yeah.

10 CHAIRMAN WAITS: -- IRC --

11 COMMISSIONER SPARKS: Back on.

12 CHAIRMAN WAITS: Thank you, --

13 MITESHELL LANHAM: Okay.

14 CHAIRMAN WAITS: -- Austin.

15 We're reading Number 13.

16 And International Building Code, IBC, to allow portable
17 storage units 500 square feet or less to be exempt from permits.

18 And this is what we asked Anna to look into. And this is
19 what she brought back.

20 ANNA PENOLA: Okay. Anna Penola with the Building
21 Department.

22 It's the same language as the seatainers. It's just it's
23 got to be amended out of the code.

24 COMMISSIONER SPARKS: So basically, Anna, we'd -- it would
25 be the same. We're just -- we're just changing the 200 to
26 500 --

27 ANNA PENOLA: Correct.

28 COMMISSIONER SPARKS: -- at this point in time? Okay.

29 ANNA PENOLA: Correct.

30 COMMISSIONER SPARKS: And I'm fine with that for the time
31 being because I know she's kind of under the gun on some other
32 stuff. So --

33 CHAIRMAN WAITS: Okay. Want to do a motion, then?

34 COMMISSIONER SPARKS: Yeah. Let's see.

35 I'll make a motion that we amend the language in the
36 International Residential Code, IRC, and International Building
37 Code, known as IBC, to allow portable storage units, 500 square
38 feet or less to be exempt from permits.

39 COMMISSIONER ANCHO: I'll second.

40 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy

1 seconded.

2 Any other discussion?

3 (No comment.)

4 CHAIRMAN WAITS: All in favor?

5 COMMISSIONER SPARKS: Aye.

6 COMMISSIONER ANCHO: Aye.

7 CHAIRMAN WAITS: Aye.

8 COMMISSIONER CLARK: Aye.

9 CHAIRMAN WAITS: Okay. And that passes.

10
11 **14) BUILDING OFFICIAL: Discussion only: Impacts of Insurance**
12 **Services Offices (ISO) ratings on homeowner insurance rates.**
13

14 CHAIRMAN WAITS: Number 14. Building official. Discussion
15 only. Impacts of Insurance Service-- Services Offices, just
16 ISO, and their ratings on homeowner insurance rates.

17 ANNA PENOLA: So you guys got your backup.

18 And so what it is, it's -- it's a -- just lost my thought.
19 It's a survey of how well we are equipped with emergency
20 management, fire, our communications for the homeowner, how fast
21 we can get to a fire and put the fire out.

22 So it's based on -- they look at fire hydrants, location.
23 The closer you are, the better premium you get.

24 For people outside the town limits where it takes longer
25 for fire to respond, like at Hill Top or Muleshoe or out at the
26 new places, the rating is higher.

27 Part of that is being on the -- the building codes.

28 We're on 2003. And this is Humboldt, Elko, and Lander have
29 been hit hard with this ISO.

30 If we don't cha-- if we don't adopt the '18 codes, we are
31 going to go to a ten, and everybody's premiums are going to go
32 through the roof.

33 The code change is to -- because it's more stringent than
34 the 2003, which makes the liability less -- better for the
35 homeowner for the building code to be more up to date.

36 COMMISSIONER SPARKS: Yeah. I asked Anna. One of the
37 reasons it's on there is because I wanted some clarification.
38 Because I know, like, Eureka, they don't have a building
39 department, I guess.

40 So I was curious to what was the insurance rates of those

1 people compared to us? I just -- I don't like somebody coming
2 in and saying you need to adopt this or we're going to raise
3 your rates. I just feel like it's just a bully. So I always
4 kind of fluff up a little bit and say, Well, I don't like it.
5 And I want some explanation and justification why it's that way.
6 And -- and that's why -- that's why we're discussing it. So --

7 KEITH WESTENGARD: So it's not ISO that's saying it.
8 What -- what ISO does is they rate the community. They rate the
9 county as a whole.

10 And like Anna said, it's based on -- a lot of it's based on
11 fire department, their response times. It's -- it's rated on --
12 on the type of equipment that they have, the -- their gallons
13 per minute that the engine can pump, their -- their records of
14 maintenance. It's rated on a lot of things, on several
15 different things.

16 So when ISO says, for instance, we have a -- say we have a
17 ten. It's -- it's based on one to ten. Ten is the worst, the
18 worst rating that you can get. One is obviously the best.

19 So they come in and say, okay. Our building code -- and --
20 and they base it on our building codes. And I'll get to Eureka
21 in a minute, Commissioner. But -- so they say -- okay -- Lander
22 County or -- or Battle Mountain has a -- a ten rating as a -- as
23 an example. That's the worst.

24 Now ISO just gives the rating. Then the insurance companies
25 will -- will -- will come in there or the -- the mortgage
26 companies will come in and say, Well, you guys have a ten. So
27 based on that ten, we're going to give you the -- the highest
28 rates possible because you're -- whatever it may be. Our building
29 codes are outdated, our response times are long, our -- our
30 equipment -- and I'm not saying it is. I just want -- I'm using
31 this as an example. Your equipment is outdated or it doesn't meet
32 minimum GPM flow with gallons per minute flow.

33 So the -- but that's how -- that's how the ISO gives their --
34 their rating. Then the mortgage companies are basing it on -- on
35 that part of it, that one to ten. Ten being the worst.

36 Eureka doesn't have a building department so they're not
37 rated on a buil- -- on their building department. So that part of
38 it is -- gets left out of the -- the -- the equation, so to speak.
39 Is that --

40 COMMISSIONER SPARKS: Yeah. No, I understand. So it's --

1 but see when we -- so we're -- we're adopting the IRC and the
2 IBC. Now these I imagine are pretty thick books.

3 ANNA PENOLA: Yes.

4 COMMISSIONER SPARKS: And that's the problem that I have
5 is -- is just -- it's lumping us in. I mean, we're Lander --
6 we're Battle Mountain, Nevada -- Austin, Nevada. And we're
7 adopting these books that these big cities use. And I just -- I
8 think there's some just -- that's why I'm -- that's the problem
9 I have with it. I just think there's some things in that book
10 that shouldn't apply and that don't apply to us. But by --

11 ANNA PENOLA: We --

12 COMMISSIONER SPARKS: -- adopting it, we're accepting --

13 ANNA PENOLA: No, we -- there's amendments. And I've
14 amended -- there's -- the amendments have amended a lot of
15 things out. It's not --

16 COMMISSIONER SPARKS: Oh.

17 ANNA PENOLA: -- verbatim.

18 COMMISSIONER SPARKS: Okay.

19 COMMISSIONER CLARK: Well, I --

20 ANNA PENOLA: And one of it is residential sprinklers.

21 KEITH WESTENGARD: Yes.

22 ANNA PENOLA: That's amended out.

23 COMMISSIONER SPARKS: Oh, okay.

24 COMMISSIONER CLARK: Where are we deficient?
25 What -- what specific areas? Fire? EMS? The emergency --

26 ANNA PENOLA: Building department.

27 COMMISSIONER CLARK: -- plan.

28 ANNA PENOLA: The building department having the 2003
29 IBC/IRC code. And that's -- but that's the -- what all three
30 counties are deficient in.

31 COMMISSIONER CLARK: That's -- that's 16 years ago.

32 ANNA PENOLA: We should -- they have new code cycles every
33 three years. We just choose --

34 COMMISSIONER CLARK: And we drop --

35 ANNA PENOLA: Have too much old --

36 COMMISSIONER CLARK: -- from a one to a four?

37 CHAIRMAN WAITS: We went to --

38 ANNA PENOLA: We've never been --

39 CHAIRMAN WAITS: -- a ten.

40 ANNA PENOLA: -- a one.

1 DISTRICT ATTORNEY HERRERA: No.
2 CHAIRMAN WAITS: We're at a ten.
3 COMMISSIONER CLARK: We dropped --
4 ANNA PENOLA: We will be --
5 COMMISSIONER CLARK: -- from a --
6 ANNA PENOLA: -- at a ten --
7 COMMISSIONER CLARK: -- four to a --
8 COMMISSIONER SPARKS: To a --
9 ANNA PENOLA: -- if we don't --
10 COMMISSIONER SPARKS: -- ten --
11 ANNA PENOLA: -- get the --
12 COMMISSIONER CLARK: -- a ten.
13 COMMISSIONER SPARKS: Yeah.
14 So -- so we adopt this and then we're saying that we abide
15 by it, but then we have the power to amend what we don't like in
16 it?
17 ANNA PENOLA: Absolutely.
18 COMMISSIONER CLARK: Or we just don't have a building
19 department and then we're not a (indiscernible) --
20 ANNA PENOLA: Hey, hey.
21 COMMISSIONER SPARKS: Right.
22 ANNA PENOLA: Hey, hey, hey.
23 COMMISSIONER CLARK: I mean. No, no. No, no, no. This
24 does not make any sense --
25 COMMISSIONER SPARKS: That's --
26 COMMISSIONER CLARK: -- at --
27 COMMISSIONER SPARKS: -- right.
28 COMMISSIONER CLARK: -- all --
29 COMMISSIONER SPARKS: Well, that's what --
30 ANNA PENOLA: Well, --
31 COMMISSIONER SPARKS: -- I'm saying --
32 COMMISSIONER CLARK: -- that we're --
33 ANNA PENOLA: -- the --
34 COMMISSIONER CLARK: -- doing more --
35 ANNA PENOLA: You --
36 COMMISSIONER CLARK: -- than --
37 ANNA PENOLA: -- you know --
38 COMMISSIONER CLARK: -- enough, --
39 ANNA PENOLA: -- because Eureka --
40 COMMISSIONER CLARK: -- please.

1 We're doing more than another county and we're at a ten?
2 That doesn't --
3 ANNA PENOLA: No.
4 COMMISSIONER CLARK: -- make any sense.
5 ANNA PENOLA: We will be at a ten. We're not right now.
6 We're at a four --
7 COMMISSIONER CLARK: Patsy --
8 ANNA PENOLA: -- to stay at --
9 COMMISSIONER CLARK: -- just --
10 ANNA PENOLA: -- a four.
11 COMMISSIONER CLARK: -- said we're a ten.
12 ANNA PENOLA: No. We're at a four right now.
13 COMMISSIONER SPARKS: With threat --
14 COMMISSIONER CLARK: Right.
15 COMMISSIONER SPARKS: -- of drip- -- dropping --
16 COMMISSIONER ANCHO: With threat.
17 COMMISSIONER CLARK: And we're --
18 COMMISSIONER ANCHO: Yes.
19 COMMISSIONER CLARK: -- headed to --
20 ANNA PENOLA: And Eureka, --
21 COMMISSIONER CLARK: a -- ten.
22 ANNA PENOLA: -- Eureka is rated also, just not on the
23 building side. They're re- -- evaluated -- in fact, I talked to
24 their public works director and they dropped because their
25 equipment was old and they couldn't do the GPMs through their
26 fire truck.
27 COMMISSIONER CLARK: We have the most up-to-date fire
28 equipment, emergency equipment. We buy the best and we're in
29 trouble?
30 KEITH WESTENGARD: Let -- let me clarify.
31 ANNA PENOLA: Do you have any feedback?
32 KEITH WESTENGARD: -- our fire department -- there's not an
33 issue with the fire department. That's just one of the rating
34 systems. And when I spoke of how it's rated, it -- it's rated
35 on that.
36 It's not an issue with our fire department. It's an issue
37 with our building codes because they're so old.
38 That's what's going to kick us to a ten if we don't --
39 COMMISSIONER CLARK: I thought we --
40 KEITH WESTENGARD: -- cooperate.

1 COMMISSIONER CLARK: -- were working on that.
2 KEITH WESTENGARD: Well -- well, we are. We are. We're
3 just giving it a background on how -- on how ISO is used.
4 And -- and if we don't up- -- update these building codes to
5 the -- '17?
6 ANNA PENOLA: Eighteen.
7 KEITH WESTENGARD: -- eighteens -- that, we're going to get
8 dinged hard on.
9 Our -- our response with our -- our fire department is
10 fine. The equipment's fine.
11 COMMISSIONER CLARK: Okay.
12 KEITH WESTENGARD: We're not being dinged on that.
13 COMMISSIONER CLARK: Ambulances? All --
14 ANNA PENOLA: It's -- all --
15 COMMISSIONER CLARK: -- that's good.
16 ANNA PENOLA: -- that --
17 KEITH WESTENGARD: That's --
18 ANNA PENOLA: -- is good.
19 KEITH WESTENGARD: -- all good.
20 COMMISSIONER CLARK: It's --
21 KEITH WESTENGARD: It's --
22 COMMISSIONER CLARK: -- all --
23 KEITH WESTENGARD: -- it's all building --
24 COMMISSIONER CLARK: -- building code?
25 KEITH WESTENGARD: Yes. Because our building codes are so
26 old.
27 COMMISSIONER SPARKS: So, Anna, so -- so we're on 2003 and
28 we'd be adapting 2018. So we do that and then we amend changes.
29 It's kind of -- it's counterproductive. You see what I'm
30 saying? They're -- they're wanting us to adopt the new set, but
31 then we have --
32 ANNA PENOLA: The amendments --
33 COMMISSIONER SPARKS: -- the power to --
34 ANNA PENOLA: -- are the same as we have now.
35 COMMISSIONER SPARKS: Right.
36 COMMISSIONER ANCHO: Because you opt out --
37 ANNA PENOLA: Nothing --
38 COMMISSIONER ANCHO: -- of certain --
39 ANNA PENOLA: -- nothing --
40 COMMISSIONER ANCHO: We opt out of the same things that

1 we're opting out of now.
2 ANNA PENOLA: Correct.
3 COMMISSIONER SPARKS: Okay.
4 CHAIRMAN WAITS: Okay. I still need a clarification
5 because your correspondence in here is a year old. And it says
6 that we're moving you from a four to a ten. And then it says
7 you can do a couple things if you want to try and preserve it.
8 So since this was a year ago, I -- I thought we were at the
9 ten. That's what the correspondence --
10 ANNA PENOLA: No.
11 CHAIRMAN WAITS: -- said.
12 ANNA PENOLA: I -- I have until Octo- --
13 COMMISSIONER SPARKS: That's what she --
14 ANNA PENOLA: -- October --
15 COMMISSIONER SPARKS: -- said last --
16 ANNA PENOLA: -- 27th --
17 COMMISSIONER SPARKS: -- meeting.
18 ANNA PENOLA: -- to get the codes adopted or we're going to
19 go to a ten.
20 KEITH WESTENGARD: We've been working -- Anna's been
21 working with ISO --
22 ANNA PENOLA: So they --
23 KEITH WESTENGARD: -- to get these --
24 ANNA PENOLA: -- gave me an --
25 KEITH WESTENGARD: -- things in line.
26 ANNA PENOLA: -- extension, --
27 KEITH WESTENGARD: You've got to be --
28 ANNA PENOLA: -- a time frame --
29 CHAIRMAN WAITS: Okay.
30 ANNA PENOLA: -- to m- -- to adopt the codes to keep our
31 rating.
32 CHAIRMAN WAITS: Okay.
33 COMMISSIONER CLARK: Okay. So what about people that
34 don't -- there's just no way that they can follow the code?
35 What do we do with their house?
36 COMMISSIONER ANCHO: When they --
37 ANNA PENOLA: When they --
38 COMMISSIONER ANCHO: -- follow --
39 COMMISSIONER CLARK: What happens --
40 ANNA PENOLA: -- they pull --

1 COMMISSIONER ANCHO: -- follow --
2 ANNA PENOLA: -- a --
3 COMMISSIONER CLARK: -- to them?
4 ANNA PENOLA: -- permit, I don't pass the permit. And then
5 (indiscernible) --
6 COMMISSIONER CLARK: No, no, no. I'm talking about
7 existing homes. Now --
8 There's a house --
9 ANNA PENOLA: They're --
10 COMMISSIONER CLARK: -- not far from me that part of the
11 house is a camp trailer. It's right up next to the house.
12 People are living in the camp trailer and what looks to be a
13 square building approximate 24-by-24.
14 ANNA PENOLA: This is all new construction. It does not
15 retro or anything else. It's anything new construction forward.
16 And the more -- and you have to have a mortgage. If you don't
17 have a mortgage, you --
18 COMMISSIONER CLARK: Well --
19 ANNA PENOLA: -- don't even need flood insurance.
20 COMMISSIONER CLARK: All the new stuff is being done to
21 code. I don't -- I'm not worried about the new stuff.
22 ANNA PENOLA: It -- it has nothing to do with the old
23 stuff.
24 COMMISSIONER CLARK: The old stuff isn't dragging us down?
25 ANNA PENOLA: No.
26 CHAIRMAN WAITS: No.
27 COMMISSIONER ANCHO: It's all the new.
28 ANNA PENOLA: New construction.
29 COMMISSIONER CLARK: Okay.
30 COMMISSIONER SPARKS: Thanks, Anna.
31 CHAIRMAN WAITS: So are we on track to be able to get that?
32 And before the expiration --
33 ANNA PENOLA: Well, that's why I have --
34 CHAIRMAN WAITS: -- is up?
35 ANNA PENOLA: -- the first --
36 The item prior to this I had to have in so I can get it.
37 Yes, we'll be on track.
38 CHAIRMAN WAITS: But that's --
39 COMMISSIONER ANCHO: So then --
40 CHAIRMAN WAITS: -- what --

1 COMMISSIONER ANCHO: -- you'll --
2 CHAIRMAN WAITS: -- I'm saying.
3 COMMISSIONER ANCHO: -- come back --
4 CHAIRMAN WAITS: You're on --
5 COMMISSIONER ANCHO: -- to us on the next -- I didn't mean
6 to inter- -- interrupt you. I'm sorry. So you'll come back to
7 us at the next meeting and we can adopt the --
8 ANNA PENOLA: We'll have to have two public hearings, which
9 is open meeting.
10 COMMISSIONER ANCHO: Uh-huh.
11 ANNA PENOLA: And then we get it adopted, get the ordinance
12 done, send it to ISO, and we're good.
13 COMMISSIONER ANCHO: Thank -- with the same opt-outs as we
14 have now?
15 ANNA PENOLA: Yes.
16 COMMISSIONER ANCHO: Okay.
17 All right.
18 ANNA PENOLA: Sadie's here. She used to be in insurance
19 for years with Susie Davis. If you guys have questions that she
20 can answer, feel free.
21 TASHA SILL: For the insurance. Tasha Sill, for the
22 record.
23 COMMISSIONER ANCHO: As far as the rates going up, --
24 TASHA SILL: Yeah.
25 COMMISSIONER ANCHO: -- when you're rated at a ten --
26 TASHA SILL: So you're going to run into the problem of
27 people -- say on average you're paying 5-, \$600 a year for
28 insurance out of four, you're going to get tripled.
29 And then you're going to have companies -- like higher
30 companies like All State, those -- some of them won't even
31 accept you. They're going to dump you. Because a lot of them
32 don't want it above a seven or an eight. So it's going to be
33 a -- a storm if it goes -- allow us to go to a ten.
34 And then also if it does and then it's not something you
35 can usually just turn around and fix. They usually have a time
36 frame.
37 ANNA PENOLA: If we --
38 TASHA SILL: I think --
39 ANNA PENOLA: -- go to a ten, we have to stay at a ten
40 before for a year before we can be reevaluated.

1 COMMISSIONER SPARKS: Hm.
2 TASHA SILL: Right. Which is going to cause a
3 (indiscernible).
4 COMMISSIONER ANCHO: A nightmare for homeowners.
5 TASHA SILL: Yeah.
6 COMMISSIONER ANCHO: Okay.
7 CHAIRMAN WAITS: We can't let that happen.
8 TASHA SILL: No.
9 COMMISSIONER ANCHO: No.
10 CHAIRMAN WAITS: Because the underwriting, like you said,
11 is all -- considers it. And that's one of the things they
12 consider is the ISO, of course.
13 TASHA SILL: Yes.
14 ANNA PENOLA: Tell how --
15 TASHA SILL: Yes.
16 ANNA PENOLA: -- you look it up and it gives you --
17 CHAIRMAN WAITS: Okay.
18 ANNA PENOLA: -- the rating.
19 TASHA SILL: Yeah. So then when somebody was to come in
20 for insurance, we have an agency management system that you put
21 it in and it pulls up the rating depending on where you're at in
22 the town, how close you are to a fire hydrant, like she said,
23 the response time of the fire department, that kind of thing.
24 And that's how it helps you get your base price of what they're
25 going to charge you and if they will or won't accept you. So
26 that's kind of how it's set up.
27 So some of our out -- outskirts are already a little bit
28 higher. So --
29 COMMISSIONER CLARK: So the thing that affects your fire
30 insurance the most is fire suppr- -- suppression rating, and
31 that's on response time.
32 TASHA SILL: Uh-huh. A lot of it. Yeah. And how close
33 you are to a fire hydrant. Yeah. Yeah. That's a huge, huge
34 deal.
35 COMMISSIONER CLARK: So it's the -- the fact is that
36 because we didn't change anything since 2003, that's the whole
37 issue?
38 ANNA PENOLA: Yes.
39 COMMISSIONER CLARK: So all we need to do is update it and
40 we're fine?

1 ANNA PENOLA: Correct.
2 KEITH WESTENGARD: You need to -- you -- you -- the
3 commission needs to adopt this '18 ISO/IBC codes with our --
4 ANNA PENOLA: Amendments.
5 KEITH WESTENGARD: -- amendments.
6 COMMISSIONER CLARK: And it's a two-year cycle or a
7 three-year?
8 ANNA PENOLA: Three-year.
9 COMMISSIONER SPARKS: Yeah.
10 COMMISSIONER CLARK: So every three years you come to
11 the --
12 ANNA PENOLA: Probably -- we probably won't do this again
13 for another six years.
14 CHAIRMAN WAITS: Okay. So the first thing that comes back
15 is -- is the adoption? And then we have to do the hearings on
16 the ordinance? Is that right?
17 KEITH WESTENGARD: Yes.
18 CHAIRMAN WAITS: In that order?
19 ANNA PENOLA: The hearings and then the adoption.
20 CHAIRMAN WAITS: The hearing and the adoption.
21 DISTRICT ATTORNEY HERRERA: Well, the adoption --
22 KEITH WESTENGARD: And it would --
23 DISTRICT ATTORNEY HERRERA: -- would probably be -- you --
24 you would adopt the codes at the same time you -- you would have
25 the original ordinance. And then you would -- by adopting it,
26 you'd send the ordinance to the clerk's office and we do the
27 public hearings and stuff.
28 CHAIRMAN WAITS: Okay. So we still have time?
29 ANNA PENOLA: Yes.
30 CHAIRMAN WAITS: Okay. So you're on it.
31 ANNA PENOLA: Little, but still.
32 CHAIRMAN WAITS: That's okay. We'll work with you.
33 ANNA PENOLA: All right.
34 CHAIRMAN WAITS: Thank you.
35 ANNA PENOLA: Thank you.
36 CHAIRMAN WAITS: Thank you, --
37 TASHA SILL: Thank you.
38 CHAIRMAN WAITS: -- both.
39
40

1 15) PUBLIC WORKS: For possible action to award the 2019 Effluent
2 Wetlands Project to one of the following bidders: a)
3 Hunewill Construction Company., Inc.: \$1,094,286.00; b) Great
4 Basin Engineering Contractors: \$1,681,495.96; c) MKD
5 Construction Inc.: \$1,917,000.00; d) Burdick Excavating Co.,
6 Inc.: \$1,116,200.00.
7

8 CHAIRMAN WAITS: Number 15. Public works.

9 For possible action to award the 2019 Effluent Wetlands
10 Project to one of the following bidders who have submitted sealed
11 bids: Number 1, A, Hunewill Construction Company, Incorporated:
12 \$1,094,286; B, Great Basin Engineering Contractors:
13 \$1,681,495.96; C, MKD Construction Incorporated: \$1,917,000; D,
14 Burdick Excavating Company Incorporated: \$1,116,200.

15 BERT RAMOS: Bert Ramos, for the record. So I would
16 recommend, A, Hunewill.

17 We do not have -- I have the money in the budget. We did
18 not budget this much money for this particular project. So
19 we'll have to do some -- some changing in some of our projects.
20 I'll have to get with Cindy on that if we do approve this.

21 But I do believe we need to approve this because to stay in
22 compliance with the state and our -- you know, the effluent that
23 we discharge to the river, we're high in nitrates and our TDS,
24 which is Total Dissolved Solids.

25 So if we -- if we put all this out into a wetlands, it's --
26 it's not a problem. We're in compliance a hundred percent with
27 the state at that point.

28 And a lot of this is infiltration from groundwater. So
29 when we have high water years, like we did the last couple of
30 years, some of our pipes and manholes aren't perfectly
31 watertight so we end up getting a lot of water in.

32 That doesn't sound like much, but it -- it changes the
33 numbers of what we're putting out. For example, some of the
34 roads get a lot of salt on them in the winter and then you see
35 these great big puddles and you'll see little bubbles coming up.
36 That's a manhole with the holes in it sucking water in from the
37 street that has a bunch of salt in it. And it really throws our
38 plant into a tailspin.

39 COMMISSIONER SPARKS: Hm.

40 BERT RAMOS: Where if we can just put this out into a

1 wetlands, then we don't have to comply with all that.
2 COMMISSIONER CLARK: If we --
3 CHAIRMAN WAITS: So --
4 COMMISSIONER CLARK: What are they going to do?
5 BERT RAMOS: So it will -- it'll just be a giant wetland.
6 So it -- it's going to be 72 acres out there by the sewer plant.
7 So instead of us discharging out into the river, we'll discharge
8 into this wetlands. And then it'll -- it'll go through the
9 ground just similar to a -- you know, a septic system --
10 COMMISSIONER CLARK: You're --
11 BERT RAMOS: -- going into --
12 COMMISSIONER CLARK: -- you're going --
13 BERT RAMOS: -- the ground.
14 COMMISSIONER CLARK: -- to redo the settling ponds out
15 there?
16 BERT RAMOS: No. It's -- it's just a great big wetlands.
17 It's just a place where all the water just flows out there and
18 sits. And, you know, we'll plant little fish that eat
19 mosquitoes and, --
20 COMMISSIONER CLARK: Okay.
21 BERT RAMOS: -- you know, there'll be cattails and stuff
22 that take up your nitrates.
23 COMMISSIONER CLARK: Okay.
24 BERT RAMOS: And that changes the -- the dynamic for the
25 state and we'll --
26 COMMISSIONER CLARK: And we have --
27 BERT RAMOS: -- keep both --
28 COMMISSIONER CLARK: -- the land --
29 BERT RAMOS: -- permits.
30 COMMISSIONER CLARK: -- for this?
31 BERT RAMOS: Yes. We'll keep both permits. So we will
32 continue to have the permit to discharge to the -- to the river
33 as well as to our wetlands as kind of a -- a backup.
34 Half the year we'll try to discharge to the river when our
35 numbers are really good and keep our wetlands from getting
36 overly saturated.
37 And then the other half of the year when our numbers, like,
38 in the winter months when, you know, we're getting a lot of --
39 of rainfall and stuff going into our manholes or a lot of
40 infiltration, we'll --

1 COMMISSIONER CLARK: Then we'll have --
2 BERT RAMOS: -- discharge to the --
3 COMMISSIONER CLARK: -- a nice --
4 BERT RAMOS: -- wetlands.
5 COMMISSIONER CLARK: -- little wet area with tules around
6 it.
7 BERT RAMOS: Correct. So this is just a levee they're
8 going to build around it to make sure it holds --
9 COMMISSIONER CLARK: Okay.
10 BERT RAMOS: -- everything.
11 COMMISSIONER CLARK: Okay. Now I see.
12 BERT RAMOS: And it won't be -- it won't be very --
13 COMMISSIONER CLARK: Okay.
14 BERT RAMOS: -- deep. It's not something that's going to
15 have, you know, five- or ten-pound bass in it.
16 COMMISSIONER CLARK: Okay.
17 CHAIRMAN WAITS: So when --
18 BERT RAMOS: Disappointingly.
19 CHAIRMAN WAITS: Yeah. The bids are in. So when -- when
20 would they be able to start?
21 BERT RAMOS: Well, hopefully as soon as we can get this
22 awarded, they can -- they can start, you know, getting material
23 and getting all --
24 CHAIRMAN WAITS: And how long --
25 BERT RAMOS: -- their equipment stuff.
26 CHAIRMAN WAITS: -- will it take?
27 BERT RAMOS: Six months.
28 CHAIRMAN WAITS: Thank you.
29 Okay. Folks, do we have a motion?
30 COMMISSIONER SPARKS: I'll make a motion that we award the
31 2019 Effluent Wetlands Project to low bidder Hunewill
32 Construction Company in the amount of \$1 million -- one million
33 94 thousand, two hundred and eighty-six thousand dollars.
34 COMMISSIONER ANCHO: I'll second.
35 CHAIRMAN WAITS: Not to --
36 COMMISSIONER CLARK: Second.
37 CHAIRMAN WAITS: Say not to exceed?
38 COMMISSIONER SPARKS: Not to exceed 1 million --
39 COMMISSIONER CLARK: Second that.
40 COMMISSIONER SPARKS: -- 94 thousand 286 dollars.

1 CHAIRMAN WAITS: Thank you. Bryan made the motion. And
2 Art seconded that.
3 Any other discussion?
4 (No comment.)
5 CHAIRMAN WAITS: All in favor?
6 COMMISSIONER ANCHO: Aye.
7 COMMISSIONER SPARKS: Aye.
8 COMMISSIONER CLARK: Aye.
9 CHAIRMAN WAITS: Aye.
10 BERT RAMOS: The last thing -- comment I'll add to that is
11 hopefully with the money we saved on putting that wet well in
12 out here for the project on the -- on the colony road there
13 going for our sewer project there, we saved a bunch of money
14 with dewatering, hopefully that money will cover the difference
15 that we're missing on this.
16 COMMISSIONER CLARK: Keep up the --
17 CHAIRMAN WAITS: We'll -- we'll know --
18 COMMISSIONER SPARKS: I see.
19 COMMISSIONER CLARK: -- good work, --
20 CHAIRMAN WAITS: -- soon.
21 COMMISSIONER CLARK: -- Bert.
22 BERT RAMOS: We will. Thank you.
23 CHAIRMAN WAITS: Thank you.
24
25

26 AIRPORT ADVISORY BOARD

- 27
28 17) AUSTIN AIRPORT ADVISORY BOARD: For possible action to
29 approve/disapprove NAS Fallon staging several military
30 vehicles at the Austin Airport.
31

32 CHAIRMAN WAITS: Number 17. Austin Airport Advisory Board.
33 For possible action to approve or disapprove NAS
34 Fallon, which is the naval air station staging
35 several military vehicles at the Austin Airport.

36 And at the last meeting that we had and as I mentioned, we
37 had the naval air station there to tell us what they needed and
38 what they wanted and what their plans were. And the advisory
39 board approved that to come and -- for us to take a look at.

40 And Keith, you were at that meeting. Do you want to give

1 any information on this?

2 KEITH WESTENGARD: So this will be part of the training
3 exercise that the Naval Air Station Fallon would like
4 to do at the Austin Airport. They want to stage some vehicles
5 in the area. These vehicles are nothing more than a shell.
6 They are not live. None of the -- none of the weapons work on
7 it. It's just simply for their training exercise. We've talked
8 with J-U-B, our airport engineers because we do have projects
9 coming up next year.

10 They're looking at this as a one-year or give or take
11 one-year staging of the vehicles.

12 We've -- I've -- we've talk requested J-U-B several times
13 about this.

14 There are -- they're putting it in areas, the recommended
15 areas that they've put in the book here, in no way will affect
16 our projects that we have upcoming in the next year. So it
17 shouldn't be an issue there.

18 And -- and I believe it's going to be good for the county
19 to -- to put this out there for the navy -- navy to use.

20 They'll be buying fuel. They'll be using our facility for
21 their -- like I say -- their training.

22 CHAIRMAN WAITS: For some of the exercises, yes, in fact
23 they've already been doing exercises with helicopter over the --
24 this month.

25 But one of the neat things, I think, is to think that our --
26 our little county here and, of course, the south end with our
27 small little community of Austin and here we are going, there's
28 nowhere anything else in the world that they would be able to
29 stage something like that and have them do their -- their
30 practices to -- to identify these -- in fact the pictures are in
31 here of what they'll be using to identify these type of vehicles
32 that would be sitting there.

33 So they were real excited about it and we were too. I
34 mean, talk about patriotism to think, wow, nowhere in the world
35 on any range is anything ever like this.

36 COMMISSIONER CLARK: No.

37 CHAIRMAN WAITS: But we have the availability and the --
38 the -- the rangeland and sparseness enough for them to do it.

39 So it's before you to see what you would like to do.

40 COMMISSIONER ANCHO: And I'll make the motion to approve

1 NAS Fallon staging their vehicles at the Austin Airport.
2 COMMISSIONER SPARKS: I'll second.
3 CHAIRMAN WAITS: Thank you. It's been moved by Kathy and
4 seconded by Bryan that we do that.
5 And it could be as long as a couple years, actually.
6 That's the whole point. They -- once they move them in, they
7 don't have to move them back out.
8 Ray, did you have any comments?
9 MITESHELL LANHAM: Ray is not here.
10 CHAIRMAN WAITS: Okay. Then I guess he doesn't.
11 Thank you.
12 All right. No other discussion.
13 I'll call for the vote.
14 All in favor?
15 COMMISSIONER SPARKS: Aye.
16 COMMISSIONER ANCHO: Aye.
17 COMMISSIONER CLARK: Aye.
18 CHAIRMAN WAITS: Aye.
19 Thank you. And that passes.
20 JENNIFER ITURRIAGA: Can we revisit Item Number 1?
21 CHAIRMAN WAITS: Ex- -- excuse me?
22 JENNIFER ITURRIAGA: Can we revisit Item Number 1.
23 CHAIRMAN WAITS: Can we redo it?
24 JENNIFER ITURRIAGA: Revisit it? Revisit. Reopen it? Go
25 back?
26 Because I didn't hear public comment on that. And I --
27 that's why I was here. So I stayed till the end of the meeting
28 so --
29 CHAIRMAN WAITS: Okay.
30 JENNIFER ITURRIAGA: -- that I could --
31 CHAIRMAN WAITS: We don't -- we don't call for public
32 comment after every item. We -- you're entitled to give it, but
33 we don't stop and call for it. If you --
34 JENNIFER ITURRIAGA: Oh, I see.
35 CHAIRMAN WAITS: -- if you missed it.
36 JENNIFER ITURRIAGA: I -- I'm sorry. I don't know how this
37 all works, but --
38 CHAIRMAN WAITS: No. That's okay. That's -- that --
39 that's what we do. And that's the -- the explanation at the
40 beginning.

1 I don't know. Can we go ahead and --
2 DISTRICT ATTORNEY HERRERA: You --
3 JENNIFER ITURRIAGA: It moved on pretty quickly, --
4 DISTRICT ATTORNEY HERRERA: You --
5 JENNIFER ITURRIAGA: -- though.
6 DISTRICT ATTORNEY HERRERA: -- took no action on it so you
7 really can't reopen it.
8 But -- but since you confined the commission's comments to
9 a -- a certain area, I believe that -- in talking to Bryan -- I
10 believe that you add public comment at the end. They can make
11 public comment about those -- anything --
12 CHAIRMAN WAITS: Even though it was agendized, the -- she
13 can make public comment for that item at the end?
14 DISTRICT ATTORNEY HERRERA: Well, on things outside of the
15 confines that you -- that you yourself set, which is --
16 CHAIRMAN WAITS: Okay. Did you follow that?
17 JENNIFER ITURRIAGA: No, not really. I'm sorry.
18 COMMISSIONER SPARKS: Jen, at -- at the very end, we have a
19 segment for public comment.
20 JENNIFER ITURRIAGA: Okay. I just --
21 COMMISSIONER SPARKS: Which --
22 JENNIFER ITURRIAGA: -- didn't want it to move on as
23 quickly as it got over with or else I --
24 DISTRICT ATTORNEY HERRERA: But we can't really open it
25 because no action was taken.
26 JENNIFER ITURRIAGA: Then I would like to have a public
27 comment.
28 DISTRICT ATTORNEY HERRERA: Right.
29 CHAIRMAN WAITS: Right.
30 DISTRICT ATTORNEY HERRERA: That's what I'm saying.
31 CHAIRMAN WAITS: Okay. Thank you.
32
33

34 CORRESPONDENCE

36 18) Correspondence, reports, potential upcoming agenda items.

37
38 CHAIRMAN WAITS: We are on Number 18. Correspondence.
39 Correspondence, reports, potential upcoming agenda items.
40 COMMISSIONER SPARKS: Are we going to be looking at any of

1 the new, like, RS 2477 road stuff, particularly the North Fork
2 Road closure that we have up here?
3 COMMISSIONER CLARK: I'm -- we're just waiting to get
4 another person on PLUAC --
5 COMMISSIONER SPARKS: Okay.
6 COMMISSIONER CLARK: -- to get an opinion.
7 COMMISSIONER SPARKS: Okay.
8 COMMISSIONER CLARK: Go through PLUAC --
9 COMMISSIONER SPARKS: Yeah.
10 COMMISSIONER CLARK: -- and then --
11 COMMISSIONER SPARKS: Because is -- after that new law, is
12 that still locked --
13 COMMISSIONER CLARK: Yeah.
14 COMMISSIONER SPARKS: -- up there?
15 COMMISSIONER CLARK: I know.
16 COMMISSIONER SPARKS: Yeah.
17 DISTRICT ATTORNEY HERRERA: It's still locked and --
18 COMMISSIONER CLARK: And it's on -- it's on BLM property
19 according to the BLM map.
20 COMMISSIONER SPARKS: Right.
21 DISTRICT ATTORNEY HERRERA: Right.
22 COMMISSIONER CLARK: So --
23 That's what -- that's the only reason it's not come
24 forward.
25 DISTRICT ATTORNEY HERRERA: And -- and at some point in
26 time, you -- you could -- you could ask me to send them a
27 letter. If -- if after what Art's saying happens, you could --
28 the -- the remedy would be first to send them a letter
29 outlining --
30 COMMISSIONER SPARKS: Right.
31 DISTRICT ATTORNEY HERRERA: -- what the current law is --
32 COMMISSIONER SPARKS: The current --
33 DISTRICT ATTORNEY HERRERA: -- that --
34 COMMISSIONER SPARKS: -- law. Right.
35 DISTRICT ATTORNEY HERRERA: And ask them to unlock the --
36 COMMISSIONER SPARKS: Right.
37 DISTRICT ATTORNEY HERRERA: -- unlock the --
38 COMMISSIONER CLARK: Have --
39 DISTRICT ATTORNEY HERRERA: -- the gate.
40 COMMISSIONER CLARK: -- have we had any responses on the

1 PLUAC advertisement for a member?
2 KEITH WESTENGARD: No.
3 COMMISSIONER CLARK: No? We need one more person for --
4 we've got Dan and Louis Lani, I think, are on there. And we
5 need one more for a quorum.
6 CHAIRMAN WAITS: And actually --
7 COMMISSIONER CLARK: But if it does -- if we don't get
8 anybody in a reasonable amount of time, we'll just bring it
9 forward.
10 CHAIRMAN WAITS: Actually, at the NACo conference, there --
11 there is a whole workshop on two oh -- 2477 roads too.
12 So hopefully we'll be able to sit in on that.
13 KEITH WESTENGARD: Commissioner Clark?
14 CHAIRMAN WAITS: Okay. Any agenda items?
15 KEITH WESTENGARD: Is the doctor ready to discu- --
16 COMMISSIONER CLARK: I can't hear you.
17 KEITH WESTENGARD: Is the doctor ready to talk about the
18 transportation stuff that he wanted to talk about?
19 COMMISSIONER CLARK: Yeah. Yeah. Next --
20 KEITH WESTENGARD: So next --
21 COMMISSIONER CLARK: -- meeting he should be. Yeah.
22 Just to have that on the record, more leverage.
23 COMMISSIONER SPARKS: And then also we -- we had discussed
24 the civic center. And we were going to try to get some of the
25 archived data to present to where we could have some real clear
26 instruction on how it should be used and whatnot. I think we
27 kind of left it kind of unclear.
28 KEITH WESTENGARD: Okay.
29 COMMISSIONER SPARKS: Is that something that we can --
30 COMMISSIONER ANCHO: All the stuff that I have found for
31 that is all civic because it started with the library, when
32 they began the library. So it -- everything that has to do with
33 that grant he -- is all civic stuff. I mean, I can bring it
34 forward --
35 COMMISSIONER SPARKS: Yeah. Maybe with all the backup
36 documentation and --
37 COMMISSIONER ANCHO: -- with everything that they've done.
38 Because he donated multi millions of dollars towards all of
39 these types of projects. And -- so -- and that's what they were
40 all -- museums and libraries and those kind of things. So --

1 DISTRICT ATTORNEY HERRERA: And I'd like to make a
2 statement on -- it was brought to my attention by -- by Keith
3 and Sean, on behalf of the rec center, they -- they ordered
4 some tarps -- was it tarps? -- for about \$5,000. And the -- and
5 we weren't sent them. And it looked like it was fictitious
6 business and everything.

7 We found out yesterday that the guy who owns the
8 business -- it's not fictitious. It's a real business -- he had
9 a heart attack and he was out. And apparently his employee took
10 our money and used -- embezzled it from him, basically. And
11 he's making good on it. And he's going to be sending my office
12 the money back. And I'll turn that over to Keith's office as
13 soon as we get it. I just wanted to --

14 CHAIRMAN WAITS: Okay. Any other agenda items?

15 (No comment.)

16 CHAIRMAN WAITS: Okay. Move into public comment.
17
18

19 **PUBLIC COMMENT**

20
21 CHAIRMAN WAITS: This is for nonagendized items only.

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

30 So because we've had the request, we're making an exception
31 on an agenda item.

32 If you'd like to come forward and --

33 JENNIFER ITURRIAGA: Okay.

34 CHAIRMAN WAITS: -- make your public comment.

35 COMMISSIONER SPARKS: Oh, wait a se- -- Ted, are we making
36 an exception or is she --

37 CHAIRMAN WAITS: Yeah.

38 COMMISSIONER SPARKS: -- just speaking under public
39 comment?

40 DISTRICT ATTORNEY HERRERA: She's speaking under public --

1 COMMISSIONER SPARKS: Public --
2 DISTRICT ATTORNEY HERRERA: -- comment.
3 COMMISSIONER SPARKS: -- comment.
4 CHAIRMAN WAITS: But public --
5 COMMISSIONER ANCHO: Yeah.
6 CHAIRMAN WAITS: -- comment is for nonagendized only.
7 DISTRICT ATTORNEY HERRERA: Right.
8 CHAIRMAN WAITS: And so we're making an exception.
9 DISTRICT ATTORNEY HERRERA: Well, you --
10 CHAIRMAN WAITS: Right?
11 DISTRICT ATTORNEY HERRERA: -- the except- -- it's kind of
12 an exception, but not really, because you -- you confined Number
13 1 to a very limited section. So if they want to make a public
14 comment on anything outside that, --
15 COMMISSIONER SPARKS: We can't censure that.
16 DISTRICT ATTORNEY HERRERA: -- they're entitled to it.
17 CHAIRMAN WAITS: Okay.
18 COMMISSIONER SPARKS: Right.
19 JENNIFER ITURRIAGA: Do you want me to come forward? Or
20 just --
21 CHAIRMAN WAITS: Yes. Please.
22 JENNIFER ITURRIAGA: Jennifer Iturriaga, for the record.
23 So in Judie's defense right now, she probably was very well
24 aware that this was on the agenda. Correct?
25 CHAIRMAN WAITS: Yes.
26 JENNIFER ITURRIAGA: Yes. So I want to know if she's not
27 here because she was asked not to be here or if she's a coward.
28 Because if it was maybe you guys' brother, maybe you would
29 take this a little bit more serious.
30 There has been some very unprofessional things that she has
31 done. And it's been very kept -- it's been kept very quiet. I
32 don't know why nobody wants to step forward and call bullshit on
33 it, but it's wrong what she's done.
34 And everybody likes to sit back and not say very much. And
35 then you want to close it up. And I -- I -- I want to know why.
36 COMMISSIONER CLARK: Well, I --
37 JENNIFER ITURRIAGA: It -- it --
38 COMMISSIONER CLARK: -- recused myself so I can't discuss
39 it.
40 JENNIFER ITURRIAGA: Yes. Thank you.

1 COMMISSIONER ANCHO: There -- well -- (indiscernible) what.
2 You -- I can even -- because I think there's limited things that
3 you're -- we're allowed to say without breaking --
4 JENNIFER ITURRIAGA: Yeah.
5 COMMISSIONER ANCHO: -- ethics. I think that's --
6 JENNIFER ITURRIAGA: For sure.
7 COMMISSIONER ANCHO: You know, that's where I think --
8 JENNIFER ITURRIAGA: Uh-huh.
9 COMMISSIONER ANCHO: -- for -- the -- the limit comes into.
10 JENNIFER ITURRIAGA: And that's fine. But this is the
11 position she has chose as a public offic- -- like what her
12 position is, is to be out here in the public.
13 COMMISSIONER ANCHO: But she still --
14 JENNIFER ITURRIAGA: And --
15 COMMISSIONER ANCHO: -- has -- she's -- there's still --
16 JENNIFER ITURRIAGA: Right. So --
17 COMMISSIONER ANCHO: -- still has --
18 JENNIFER ITURRIAGA: -- so when --
19 COMMISSIONER ANCHO: -- protection --
20 JENNIFER ITURRIAGA: -- she goes scrooge in front of my
21 brother out in the -- in front of nobody and so that nobody gets
22 to see and she acts un- -- very unprofessional and she's been
23 chosen for this position that is nonsense. And then it gets
24 quieted down.
25 And Bert has shown nothing but professionalism in
26 everything he does. Correct me if I'm wrong.
27 And then she gets called on something and gets put on the
28 agenda and then doesn't show up. That is coward. And that is
29 bullshit.
30 And nobody -- everybody wants to sit back. I don't
31 understand it.
32 COMMISSIONER ANCHO: Once again, it's --
33 CHAIRMAN WAITS: Well, it was on --
34 COMMISSIONER ANCHO: -- not that -- oh, I'm sorry. Go
35 ahead.
36 CHAIRMAN WAITS: It was on the agenda.
37 JENNIFER ITURRIAGA: And she didn't show.
38 CHAIRMAN WAITS: And -- but we still discussed it.
39 JENNIFER ITURRIAGA: Briefly.
40 And -- and how did you discuss it? Did anything get done?

1 It got shoved under the carpet.
2 CHAIRMAN WAITS: No. No. We couldn't make a motion
3 because --
4 COMMISSIONER ANCHO: It's just --
5 CHAIRMAN WAITS: -- Bryan ex- -- recused himself and so did
6 Art.
7 COMMISSIONER CLARK: I had to.
8 CHAIRMAN WAITS: So there was only --
9 JENNIFER ITURRIAGA: Right.
10 CHAIRMAN WAITS: -- two of us.
11 So -- so no action was taken, but --
12 JENNIFER ITURRIAGA: So that's --
13 CHAIRMAN WAITS: -- we --
14 JENNIFER ITURRIAGA: -- what -- in order to do that, that's
15 how it gets swept under the carpet is that one -- one's already
16 said something about her and one decides not to back up a
17 commissioner whose been nothing but professional. And then --
18 and so therefore it gets swept under the --
19 CHAIRMAN WAITS: Okay.
20 JENNIFER ITURRIAGA: -- carpet.
21 CHAIRMAN WAITS: I wouldn't say it was swept under the
22 carpet. It -- it was officially put on the agenda, and we did
23 discuss it and our -- our remarks of how we felt. And we're
24 being -- needed more civility, more respect, more
25 professionalism. And we hope all of us will do that. And that
26 went on the record.
27 JENNIFER ITURRIAGA: So she can read it and then -- and
28 then maybe she'll just step up to the --
29 CHAIRMAN WAITS: Do you know, I -- I'll just have to say, I
30 don't know what Judie will do. But we will try and maintain
31 that decorum --
32 JENNIFER ITURRIAGA: I really hope so.
33 CHAIRMAN WAITS: -- in this --
34 JENNIFER ITURRIAGA: Because I don't know what else is
35 going to happen --
36 CHAIRMAN WAITS: -- in this --
37 JENNIFER ITURRIAGA: -- with this.
38 CHAIRMAN WAITS: -- commission.
39 And -- and we will try --
40 JENNIFER ITURRIAGA: Thank you.

1 CHAIRMAN WAITS: -- very hard.
2 JENNIFER ITURRIAGA: Thank you.
3 COMMISSIONER ANCHO: And --
4 JENNIFER ITURRIAGA: Because if -- I mean -- something
5 needs to happen.
6 Because if something happens to my brother -- and this has
7 been brought up and brought up -- and if something happens to my
8 brother because of her crazy ways, it's not going to be good,
9 because this has been brought to everybody's attention.
10 CHAIRMAN WAITS: But there's gui- -- there's guidelines
11 that we have to be with- -- stay within too.
12 JENNIFER ITURRIAGA: Yeah. Her too.
13 COMMISSIONER ANCHO: I un- -- no. And I'm not --
14 JENNIFER ITURRIAGA: A hundred --
15 COMMISSIONER ANCHO: -- I'm not --
16 JENNIFER ITURRIAGA: -- percent.
17 COMMISSIONER ANCHO: -- say- -- I am not saying that, that
18 she does not. But we have to also.
19 And --
20 JENNIFER ITURRIAGA: Yes.
21 COMMISSIONER ANCHO: -- we do. Or -- we -- we have to stay
22 within guidelines of what we can say and what we --
23 JENNIFER ITURRIAGA: Uh-huh.
24 COMMISSIONER ANCHO: -- can do.
25 JENNIFER ITURRIAGA: So should we readdress this when she
26 shows up?
27 CHAIRMAN WAITS: I think some of your concerns are what she
28 does outside of the commission meetings. And we can't really
29 comment on that. But we can certainly try and keep, as I said,
30 the decorum and the --
31 JENNIFER ITURRIAGA: No.
32 CHAIRMAN WAITS: -- professionalism and the respect --
33 JENNIFER ITURRIAGA: Hey.
34 CHAIRMAN WAITS: -- back in this commission.
35 COMMISSIONER ANCHO: And -- and --
36 JENNIFER ITURRIAGA: Because this has been an obvious
37 problem for --
38 CHAIRMAN WAITS: And --
39 JENNIFER ITURRIAGA: -- quite --
40 CHAIRMAN WAITS: -- we --

1 JENNIFER ITURRIAGA: -- some --
2 CHAIRMAN WAITS: -- will try.
3 JENNIFER ITURRIAGA: -- time.
4 CHAIRMAN WAITS: Yes.
5 COMMISSIONER CLARK: To some people it's been obvious.
6 It's been obvious to me from the beginning.
7 JENNIFER ITURRIAGA: Right. If you have --
8 COMMISSIONER CLARK: And I think --
9 JENNIFER ITURRIAGA: -- eyes --
10 COMMISSIONER CLARK: -- that --
11 JENNIFER ITURRIAGA: -- that see, --
12 COMMISSIONER CLARK: -- something --
13 COMMISSIONER ANCHO: And --
14 JENNIFER ITURRIAGA: -- it's very --
15 COMMISSIONER CLARK: -- should --
16 JENNIFER ITURRIAGA: -- obvious --
17 COMMISSIONER CLARK: -- have --
18 JENNIFER ITURRIAGA: -- and ears that hear.
19 COMMISSIONER CLARK: Something should have been done in the
20 meetings --
21 JENNIFER ITURRIAGA: Absolutely.
22 COMMISSIONER CLARK: -- to -- to --
23 JENNIFER ITURRIAGA: Yeah.
24 COMMISSIONER CLARK: -- stop it --
25 JENNIFER ITURRIAGA: Yes.
26 COMMISSIONER CLARK: -- because it only escalated.
27 JENNIFER ITURRIAGA: Yes. It has escalated. For sure.
28 So I want something to be done about it besides it just
29 like, oh, okay. Yep. That's it. Nope.
30 She was coward.
31 COMMISSIONER CLARK: No, all of --
32 JENNIFER ITURRIAGA: And now we're --
33 COMMISSIONER CLARK: -- all of --
34 JENNIFER ITURRIAGA: -- done.
35 COMMISSIONER CLARK: -- this -- all of this is on the
36 record at a minimum.
37 JENNIFER ITURRIAGA: Good.
38 COMMISSIONER CLARK: So --
39 JENNIFER ITURRIAGA: Thank you.
40 COMMISSIONER CLARK: -- it's there.

1 JENNIFER ITURRIAGA: All right. That's all I have to say.
2 Anything you need to say to me?
3 Because I did show up, unlike --
4 COMMISSIONER ANCHO: Well --
5 JENNIFER ITURRIAGA: -- Judie.
6 Thank you.
7 CHAIRMAN WAITS: Any other public comment?
8 Hearing none...
9
10

11 **ADJOURNMENT**

12
13 COMMISSIONER SPARKS: I'll make a motion to adjourn.
14 COMMISSIONER CLARK: Second.
15 COMMISSIONER ANCHO: I'll second.
16 CHAIRMAN WAITS: Moved and seconded and thirded.
17 All in favor?
18 COMMISSIONER SPARKS: Aye.
19 COMMISSIONER ANCHO: Aye.
20 CHAIRMAN WAITS: Aye. Aye.
21 Thank you.
22

23 (Meeting adjourned at 10:57 a.m.)
24
25

26
27 

28 **CHAIRMAN OR VICE CHAIRMAN OF THE**
29 **BOARD OF LANDER COUNTY**
30 **COMMISSIONERS AND THE LANDER**
31 **COUNTY LIQUOR BOARD**

32
33
34 **ATTEST:**



35 **LANDER COUNTY CLERK**
36
37
38

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