

1 The Honorable Board of Lander County Commissioners met in regular session in
2 the Commission Chambers of the Lander County Courthouse and Administration
3 Building in Battle Mountain, Nevada, 50 State Route 305, on September 9, 2021, at
4 9:00 a.m. Transcript produced by Paige Brown.

5 **PRESENT: PATSY WAITS, COMMISSIONER**
6 **KATHLEEN ANCHO, COMMISSIONER CHAIR**
7 **ART CLARK III, COMMISSIONER**
8 **WALLACE (JR) THOMAS, COMMISSIONER**
9 **THEODORE HERRERA, DISTRICT ATTORNEY**
10 **ELIZABETH MACDONALD, DISTRICT ATTORNEY'S**
11 **OFFICE**

12 **ABSENT: BRYAN SPARKS, COMMISSIONER**

13 (Let the record reflect the presence of a quorum of four commissioners. Let the
14 record reflect the presence of Austin via teleconference. Let the record reflect the
15 meeting is also an Audio Conference by Go-To-Meeting.)

16 **9:00 A.M.**

17 Chair Kathy Ancho called the meeting to order.
18 Commissioner Clark led the Pledge of Allegiance.
19 Chair Kathy Ancho called for a moment of silence.

20 **COMMISSIONER REPORTS**

21 Commissioner Waits: Just a quick reminder our Chamber of Commerce is hosting
22 the Wine Walk and the supper at Stokes Castle and that is this Saturday coming up. I
23 did attend last week the Nevada Recovery Team tour event they did up and down
24 Highway 80 and that was with our treasurer. I also responded as far as the information
25 on the internet with the ideas for their money and how it should be spent; that is, it.

26 Commissioner Clark: No report.

27 Chair Kathy Ancho: I also attended the meeting with the treasurer when they had
28 it here - - looking for different ideas for community projects and things like that. There
were some really good ideas put out there. I also attended the hospital board meeting
and at this point regular business. Beyond that, I think those are the only two meetings
I have attended.

Commissioner Thomas: No report.

STAFF REPORTS

County Manager Bert Ramos: I actually wrote my thoughts down today for you
guys because often times I get up here and start stuttering through everything. We do
have our COVID Townhall meeting tonight at 7:00 p.m. It is going to be at the civic
center. We will be broadcasting it through Zoom. It will be the same link people get on
to watch this. You can Zoom in tonight at 7:00 p.m. and hear what needs to be said. It

1 is held by our health board which is Dr. Troy Ross and Dr. Willcourt; they will be the
2 ones speaking and answering questions. It is more for public input and answering
3 concerns and questions for our community. There was an article in the newspaper that
4 was put out on what Lander County is doing and what we are doing hiring counsel, and
5 I didn't respond - - most of the commission didn't, I believe Patsy is the only one that
6 did out of the five commissioners. The reason I didn't respond is because I think it is
7 better to do here in an open meeting where comments can't be cherry picked and it is
8 open to go through everybody. With that said, I am going to read exactly what we have
9 going on, so everybody understands what we hired counsel for and where we are going
10 as a county.

11 Commissioner Waits: Bert before you start that, since you said that I responded, let me
12 at least put on the record what I responded because I don't want you to think I was
13 talking out of school. I simply said - - he said he had deferred it and he asked to college
14 hat; I simply said that my understanding was we would be addressing it at another
15 meeting and to contact our County Manager for when it would be on the agenda. That
16 was my response. So, I didn't get into anything.

17 County Manager Bert Ramos: Correct, and if that came off as misrepresented, I
18 apologize. If any of the Commissioners - - If anything I read here, if you guys disagree,
19 please speak up for the public so they know exactly what we have going on. *Read the*
20 *letter:* As many of you know there has been some confusion and rumors promulgating
21 throughout our community regarding concerns raised by this board relative to what
22 was happening during the 2020 election. As you are well aware this board certified the
23 election results and are confident in Lander County and its Clerk did everything
24 appropriate to ensure that each and every vote cast by the residents of Lander County
25 was counted. However, the board has expressed its concerns with regard how other
26 counties in the state of Nevada conducted their elections and whether the way in which
27 our other counties conducted their elections may have diluted the votes of Lander
28 County residents and/or disenfranchised them entirely. For this reason, the board
retained counsel to review allegations of voter fraud in other counties and to determine
whether such is true, whether these allegations, fraudulent votes, disenfranchised
Lander County residents. The board is committed to ensuring elections are transparent
and that their integrity is paramount amongst all counties in the State of Nevada.
Simply put, if one county fails to ensure voting integrity it has a severe impact on all
counties in the State of Nevada. This is particularly true of rural counties such as
Lander County which are important to the state but are often overlooked and
underappreciated by many of Nevada's elected officials. The only way Lander County
residents can voice their opinion is through the power of the ballot. If the power is
diluted or otherwise disenfranchised, the voice of Lander County residents becomes
nullified. As part of its ongoing obligation to ensure the voter integrity is consistent
across all counties, this board reviewed its statutory obligations including those
delineated under NRS 293B.115, which requires the board of county commissioners,
when they have adopted mechanical voting systems, to retain custody of such devices
between elections. Given that it is a statutory mandate that the board retains custody
of Lander County machines - - mechanical voting systems when the devices are not in
use, the board reached out to the county clerk and asked her to work with the Nevada
Secretary of State, Nevada Attorney General's Office, and/or individuals within the
U.S. Department of Justice to identify the appropriate procedures preserving all data

1 and information required under the law while at the same time allowing the board to
2 take possession of the mechanical voting systems as required under NRS293B.115. The
3 board was clear that the county clerk was to assure that she had fulfilled her statutory
4 obligations and preserved all data and/or ballots cast by Lander County residents so
5 that it could not be modified, tampered with, or altered in any fashion. It was
6 determined that the best way for both the county clerk and the board of county
7 commissioners to follow their respective statutory mandates would be for the county
8 clerk to retain possession of all electronic voting machines and their respective data in
9 her vault while at the same time notifying the board prior to allowing any person to
10 alter, modify, or tamper with any mechanical voting system. In this way, the data on
11 the machines remains uncompromised and the board can fulfill its obligation relative
12 to controlling the electronic voting machines by staying informed prior to anyone
13 accessing the devices. It is and always has been the commitment of this board that all
14 Lander County votes are protected and preserved and that each and every ballot cast
15 by a Lander County voter is counted. I know that this board is committed to voter
16 integrity and assuring that every vote in Lander County has a voice in what happens in
17 Nevada, and with that I stand with this board in that regard. *End of letter* – So I know
18 that is long and drawn out, but I just wanted it to be clear to what we are doing and
19 what we are trying to do that we are not trying to - - nobody thinks that we are going to
20 overturn a past election. Nobody has that - - at least that I am aware of up here, but we
21 want to make sure that the integrity is kept in future elections and anything that is
22 going on with the machines right now - - that they aren't tampered with because it is
23 the duty of this board to make sure of that. And with that, that is all I have to report.

15 PUBLIC COMMENT

16 Commissioner Clark: The Civic Center is looking good Rita.

17 Chair Kathy Ancho: Those are beautiful what you have done out front.

18 Amy Nelson: One thing I wanted to follow up on and it doesn't have to be this
19 meeting, but Bryan Sparks did bring up a couple months ago, the 5G tower - - and I
20 was just curious because I saw it when I was driving through town. As you know, they
21 emit extreme radiation at times, and I just didn't know if there is any kind of controls.
22 You know it is right there when the kids are walking to school and things. He had asked
23 for some follow-up information, and I may have missed that meeting but if not, that is
24 something I would be interested in hearing about later is what kind of controls and
25 what is happening. There is videos and articles all over the place about the dangers of
26 5G - - benefits of 5G and the dangers of 5G but that was just an aside. The main reason
27 I am here is because the Constitution was originally designed for the states to hold
28 power, that is the Tenth Amendment of the Constitution. The federal government was
designed to have limited powers. Interstate commerce - - you know if I go to Utah, I
can still use the same money, protect our borders and of course foreign interference
type stuff. States also have constitutions as we know and, in those constitutions, they
did something similar with the local counties, they tried to establish local controls
because we are so different. Just like was mentioned early, Clark County has very
different needs than Lander County, Humboldt County - - and so, for the most part
counties have local jurisdiction as most of us know. And, over time it is clear to all of
us - - and that is what you guys have been trying to correct, there has been some

1 massive overreach from the federal to the states, from the states to the local and we
2 need to reestablish those healthy boundaries. Also, in my belief there is a lot of
3 compromised and corrupt politicians, court systems - - actually I think all three, the
4 executive, legislative and judicial are all really struggling right now in my opinion. *Read*
5 *part of the Constitution regarding laws*. So, my question is about local control. I spent
6 30-years in public education, and I dedicated time - - came early and left late. Made a
7 lot of mistakes along the way, but I loved what I did. I rarely missed school - - never
8 took a sick day. I made a lot of mistakes; I will be the first to admit. I need to probably
9 apologize to most parents in the town. I believe public education has been
10 compromised and corrupted. It is somewhat of a monopoly when it comes to funding.
11 It is a monopoly when it comes to funding. And local revenues are all forced to go into
12 the public education system. Is there any constitutional language which prohibits the
13 local county from taking locally generated revenue and having it follow students? You
14 have the institution of public education, you have this new school, and you have people
15 that are doing co-ops locally. There are a lot of these homeschool co-ops that meet and
16 do different things. As a taxpayer in Lander County, my property taxes go into a pool,
17 the state takes all the local, the net proceeds of the mines and of course any state federal
18 revenue which is very small amount, maybe 5 percent. They look at we have locally and
19 then they look at their adjustments through Nevada Plan and they give us back money
20 and it all goes to public education, and we get a distributed amount for each student. I
21 don't think constitutionally that we really have a whole lot to say over what comes in
22 federally and from the state for allocation. I believe that all has to go to public school,
23 So I believe what I am asking is Lander County generated revenue. I think it is ethical,
24 I don't know if it is legal, but I think it is ethical and moral for it to follow students
25 because we as a county have students who are opting out of public education for a
26 variety of reasons, and we need to honor that and at the same time they are getting no
27 revenue to follow them in their education. It is all falling back on parents and as
28 taxpayers, I am wondering locally if there is anything that prohibits us from saying as
local entity, we are going to take local control and we are going to honor the wishes of
our local parents. Not necessarily write a check and give it to the parents but go to
wherever the choice is to be educated. I don't know if it is legal but would like to look
into it. I don't think it is ethical what we are doing. Public education has a place, but it
shouldn't be the only show in town. It has essentially taken over and it has all control,
and we need to have a balance for the kids who are opting out for a variety of reasons.
I am asking if there is anything that prohibits the board from entertaining that. Is there
anything that prohibits that legally in Lander County?

D.A. Ted Herrera: The states have control over the education.

Amy Nelson: Even local revenue.

D.A. Ted Herrera: We are a legal subdivision over the state of Nevada. That means
what laws that exist, by state law, we can do everything that we are not excluded from.
But we are excluded from having control of the education system.

Amy Nelson: What about local property taxes? Could a local property tax owner do
something to petition for taxation without representation?

D.A. Ted Herrera: Lander County can put on a separate independent tax and put
it to whatever purpose they want. It is a long-drawn-out process, but I am sure we could
do that. Some states have allowed tax dollars for education to go to charter schools and
follow suit just like you are saying but very few states and Nevada is not one of them.

1 Amy Nelson: And the local county has no jurisdiction to take property taxes?
2 D.A. Ted Herrera: The local control argument is good on the state level when it
3 comes to education. It is not good on the county level as a legal subdivision of the state
4 because the state has retained all of that authority for education - -
5 Amy Nelson: And for revenue distribution.
6 Commissioner Clark: Amy, do homeschool parents get money or does the school
7 district get the money?
8 Amy Nelson: All of the money goes to the school district?
9 Chair Kathy Ancho: Well, they are not counted. If they are not counted in the
10 attendance - -
11 D.A. Ted Herrera: They don't get the money. It is who is sitting in the seat, that is
12 why they have a problem with students being tardy, because if they are too late, they
13 don't get paid for that student on that particular day.
14 Amy Nelson: Okay, thank you. Appreciate it.
15 Chair Kathy Ancho: Thank you.
16 County Manager Bert Ramos: I do have one more thing to add, the Air Force will
17 be here early. They won't be here the 3rd now; they will be here the 2nd. So, if you guys
18 see some Black Hawks and some big helicopters flying in here, they are just coming in
19 a day early.

20 **CONSENT AGENDA**

21 Chair Kathy Ancho: All matters listed under the consent agenda are considered
22 routine and may be acted upon by the board of commissions with one action without
23 extensive discussion. Any member of the board or any citizen may request that an item
24 be taken from the consent agenda to be discussed and acted on separately during this
25 meeting. Consent agenda materials are available at the Lander County Clerk's Office
26 for viewing and copies are available for a nominal charge: 1) Approval of September 9,
27 2021, agenda notice; 2) Approval of July 12, 2021, special meeting minutes; 3)
28 Approval of July 22, 2021, meeting minutes; 4) Approval of August 12, 2021, meeting
minutes; 5) Approval of August 26, 2021, meeting minutes; 6) Approval of payroll
change requests.

Motion to approve 1) agenda notice: Commissioner Waits.
Seconded by: Commissioner Thomas.
The motion was voted and carried.

22 **COMMISSIONERS**

23 **1) Discussion and possible action to approve or disapprove the payment**
24 **of bills.**

25 **Motion to approve:** Commissioner Clark.
26 **Seconded by:** Commissioner Thomas.
27 **The motion was voted and carried.**

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1 **2) For discussion and update and possible action to either modify,**
2 **approve, or disregard the proposed contract by Elko County or to move**
3 **forward with a Lander County Library.**

4 County Manager Bert Ramos: I think you guys have the email chain that I sent over
5 with our concerns and their response and from that point I will leave that to Ted since
6 he is our contract guy.

7 D.A. Ted Herrera: Good morning commissioners. This is not really a legal question
8 because Elko has reached a point where they demand control out of Elko, so our Lander
9 County Library is in name only as long as you know that under this contract, under the
10 terms and provisions they want us to follow. It should be Elko County Library in Battle
11 Mountain or Elko County Library in Austin because that is what it is. They want to
12 retain all the control on who they hire, the hours, what goes in there - - this is what
13 Bartolo was in disagreement with is, if they get money, they apply for a grant and they
14 buy equipment and everything with the grant then it is their property it is not Lander
15 County's property even if they used the grant for Lander County. This is a matter of
16 local control. You have to decide as a commission whether you want to seek control like
17 we have *inaudible* for years and continue the library as-is, or whether you want to take
18 that control and establish your own Lander County Library because we have reached a
19 point in the negotiations where we don't believe Elko is going to budge and they are
20 not going to concede any control over to us. I would like HR to give some comments
21 on what they want to do with employees. It is against our policy. So, there is layers of
22 issues there that you have to be aware of all of them. Liz, could you please explain.

23 Elizabeth Macdonald: Well, part of their agreement they pay retirement for part-
24 time employees; Lander County's policy does not do that, and they are not willing to
25 budge on that. Another section is, they increase the salary for the Battle Mountain part-
26 time employee, but they didn't increase it for Austin. They claim because Battle
27 Mountain gets COLA and merit, and Austin doesn't and that is not how we work. So,
28 they really didn't give us any response back on it. They just said, that is how it is.

Commissioner Waits: Can I have a clarification on the actual contract itself. This is
the way it has always been, has it not?

Elizabeth Macdonald: Yes.

Commissioner Waits: It isn't that they have changed anything, we just simply
questioned it when it came up last year.

County Manager Bert Ramos: No, there are some changes. If you go back through
my email chain that is - - I went and pointed out the seven changes. Because I know
when myself, you and Bryan went and met with them over at their local Elko County
Library Board Meeting - -

Commissioner Waits: The ones in the email are the changes from the previous
contract?

County Manager Bert Ramos: There are seven changes that weren't in previous.
Some as little as a word from shall to may or vice versa, but there were seven changes
that we addressed; and then there are other things that are in the contract that you are
referring to like them paying employees differently. Some of the things have remained
in the contract, there are two layers here that we are - -

Commissioner Waits: Okay, because when I read through, I didn't realize those
were the changes. I thought you were just questioning them.

1 Elizabeth Macdonald: There are six new sections that are completely added new
clauses.

2 Commissioner Waits: Okay, I am fine with that. The other one on the part-time,
we used to never pay that either.

3 Elizabeth Macdonald: No.

4 Commissioner Waits: We would never give the part-time an increase or the 2
percent. We only recently started doing that and like you said, all of the sudden one of
5 ours in Austin isn't getting it.

6 Elizabeth Macdonald: And their response, they are saying Battle Mountain gets the
COLA and a merit increase and part-times don't get - - even now part-times don't get
7 merit, they only get the COLA.

8 Commissioner Waits: No, we do not. We get the COLA now.

9 Elizabeth Macdonald: Yes.

10 Commissioner Waits: Which we never did before.

11 Elizabeth Macdonald: Yes.

12 Commissioner Waits: And it is not right for one of ours to be in the middle of it and
not get it. That does seem like - - they weren't ready to give her a raise at all apparently.
They could do that - -

13 Elizabeth Macdonald: Not in their contract they didn't, they only gave Battle
Mountain.

14 Commissioner Waits: I saw that, okay thank you.

15 Chair Kathy Ancho: My biggest concern on this, is that they haven't been doing a
very good job in the library for a long time I don't believe and there is so much more
that can be done. My biggest fear is because we really don't know how to run a library
and that's not an insult on anyone, that is just - - it is what it is and that if we give it
back to them is a lose and I wanted to make sure that if we do it on our own, that we do
16 it to the very, very best of our ability. If we are going to do something we are going to
do it right in that we don't exclude books because we don't believe in this, or we don't
17 exclude this because - - we do a library like a library is supposed to be and that we get
programs in there for kids that want to utilize it because there is just so much that can
18 be done and I hate to see us ponder and let it sit like that, like it has been because it is
such a wonderful resource. And that is my biggest fear, but we are not doing any good
19 this way either and I don't agree with them in our contract not allowing all of our
employees to be the same. Like Austin doesn't get what Battle Mountain - - that is not
20 okay and that is not fair. Those are my biggest concerns. I just don't want it to sit there,
and we forget about it, and they only have this thing that trickles along that we put only
21 a little bit of money into, and we don't truly pay attention because it is just a huge
resource that needs to be paid attention to so that is my two cents.

22 Commissioner Clark: Do we have money put aside for this, Bert?

23 County Manager Bert Ramos: We do.

24 D.A. Ted Herrera: Humboldt County has a good library and they - - if you wish to
proceed - - you have had a policy of local control for six years that I have been in this
25 seat and it seems like most of your policies are around, you are tired as a county - - I
think we are all are tired as a county of paying for another county's services. When the
26 services are located in another county, even if they bring them here, they have total
control and we just pay the money - - if you are tired of that, and you give Bert
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1 permission to go out, he would meet with Winnemucca and do it right. This county
2 does not believe in censorship in any way Kathy.

3 Chair Kathy Ancho: No, I just wanted to make sure - - because that is the first thing
4 that people - - you know you hear "well, we want to make sure we have anything and
5 everything we are supposed to and we are not censoring," and so - -

6 D.A. Ted Herrera: Legally I would fight against any type of censorship. I don't agree
7 with it, I believe it violates the First Amendment of the Constitution.

8 Chair Kathy Ancho: I mean I know that the public has had some concerns in
9 wondering why we are taking over this and we are taking over this and it is not taking
10 over, it is kind of taking back control. And like I said, Elko I haven't been overly
11 impressed with and if we can do it - - if we are going to do it, we are going to do it better
12 and that is just my main concern in making sure - - I know that Winnemucca has a
13 wonderful program - - and I know I have browbeaten Round Mountain and I know that
14 is the Taj Mahal, but still that is absolutely incredible and those are things that can be
15 done here as well.

16 Commissioner Clark: How was that funded in Round Mountain?

17 Chair Kathy Ancho: By tax dollars. They actually levied a tax. I am not asking for
18 that. That is why they have the Taj Mahal is because they levied a tax. I am not asking
19 for a tax, if we are going to do it that we do it correctly and put the money into it that it
20 - -

21 County Manager Bert Ramos: And what I am kind of asking for is that - - in this
22 item here and I think Ted is as well - - we don't want to be overstepping our grounds
23 by holding a hard line with Elko until we have approval from this board of what we are
24 setting - - here is what we are expecting from you, if you guys can't meet these
25 expectations then we do want it back. We need that hard line from this board on where
26 we set that. What exactly do we want to set these hard lines on, and you are dead spot
27 on we know nothing about running a library? Everything that the county has taken over
28 or taken back, we have improved on. There have been some serious concerns with
everything that we have taken back but everybody when they look back, they go, "hey,
it is a better system now." We have things that are really working well. Austin water is
one of them. People had some grave concerns with us touching Austin water and sewer
and I think if you talk to the people up there now, they are like, "hey this is a pretty
good system we have going on and it is ever improving." Me and Ted just need some
direction on what kind of hard line we need drawn for us and we can draw that over to
Elko County and make some negotiations. Neither me nor Ted want to make those hard
lines without this board's approval.

D.A. Ted Herrera: Right.

Commissioner Waits: I think the hardest part for us is the timeframe and that is
why we got the 3-month extension for July, August, and September is so that we really
could look at it. With that, I believe that is what you have been doing. You have been
looking to see if we can. The questions back to you is, is September 30, 2021, too quick
for us? Are we all set to take it over, or do we indeed need to finish this contract and
take it over next year? It would be July 1st.

County Manager Bert Ramos: We would have to ask for another extension or we
would be agreeing to a new contract with all the changes, which I don't think is a good
idea, so I think that if we are going to stay with them, we should ask for an extension -
-another extension of the old contract like we are currently on and look at taking that

1 over. I do know that some of the community was concerned with the library being
2 closed for a period of time there. That wasn't Lander County, that was Elko County
3 having trouble getting an employee in there. And that is a sidenote that I wanted to
4 make sure I threw out there. I do think if we add another extension, did a little more
5 research, and had a better idea of what all entails in a library, because there is a lot it
6 wouldn't hurt and if they don't agree to it, I think we could be successful at this point.

7 Commissioner Clark: The whole goal of this has been to get local control back and
8 that is what I want to do. If we need an extension, then we go with an extension, but
9 the goal is local control, make your contacts, and let's get our library rolling and again,
10 it will be top shelf just like everything else we do, so I have no fears about anything - -

11 County Manager Bert Ramos: And I think that is what we are asking for. If that's a
12 hard line if we want to draw with Elko and say, "hey, if you guys can't come to the table
13 with us and give us local control back, and us work through you guys, then maybe we
14 do need to separate, then that is a line that me and Ted will take, but we need direction
15 from this board to do so.

16 Commissioner Clark: Because if they are getting grant money, we need to benefit
17 from that too. They write a grant, they get \$250,000.00 and we don't get anything, that
18 is just not - -

19 D.A. Ted Herrera: We get use of the monies, temporary use of it, but they get
20 ownership of all of the equipment that is purchased with it.

21 Elizabeth Macdonald read a public comment from Linda McMahon: At an earlier
22 meeting I believe Mr. Ramos said that he estimated the cost of the library to be
23 \$70,000.00 plus salaries. The current contract from Elko charges \$31,000 plus for
24 their services. The balance of their charges are things that may not have been
25 considered originally. If you try to set up a Lander County only library there is so much
26 work to be done before you can consider this. Please do not leave us without a library
27 even if it is temporarily.

28 Commissioner Waits: I think that is what it goes back to, and I also think if we vote
for an extension that we may have to be prepared that they are not going to give us the
extension. So, with that, like I said I think - -

Commissioner Clark: I would agree to an extension, if necessary, but only if
necessary.

Commissioner Waits: The extension we have now, terminates the end of
September and I don't think we are ready to take it over.

Chair Kathy Ancho: And that closes the library for the people trying to utilize it
while we are trying to figure it out. That is not fair to the people.

Commissioner Waits: No, that is why I think - -

D.A. Ted Herrera: It may not necessarily be a closure of the library; we do own the
books. I mean some of them are theirs, but there are certain things we have ownership
of that we paid for. And this \$31,000.00 is not a correct - - \$31,000.00 is what they
charge us just for their bookkeeping stuff in Elko.

Elizabeth Macdonald: Fees.

D.A. Ted Herrera: It doesn't include salaries that we pay, and it doesn't include the
equipment that we buy. So, that \$31,000.00 is not a fair value to be addressed by the
commissioners, and that is all it is going to cost to have Elko do it. That is not true. We
will have no control - - how much do we pay total?

Elizabeth Macdonald: \$120,000.00.

1 D.A. Ted Herrera: We pay \$100,000.00 for zero control. So, you are either going
2 to accept that, and that is what Bert is asking. Accept that - - okay, that is the cost of
3 having an Elko County library in Battle Mountain and Austin, or say no - - that
4 \$120,000.00, you can go find a librarian and set up our library. It is that simple, in my
5 opinion.

6 Chair Kathy Ancho: So, in asking for the extension, if that is where the board wants
7 to go, where do we start? The very beginning of ground zero, okay from October 1st this
8 is where we need to get the ball rolling and start getting things done if we have an
9 extension, so we can have it completed.

10 County Manager Bert Ramos: Well, if they can't contractually give us control back
11 to the county, then I think the first thing we do is we advertise for positions and get the
12 positions filled. Most of the Elko County stuff is already out of the library here in Battle
13 Mountain. It is a matter of having somebody in there opening the door, letting people
14 in there at this point.

15 Chair Kathy Ancho: Same as Austin as far as employees - -

16 County Manager Bert Ramos: Austin has its own set of challenges just finding
17 employment. It is tough to get people to apply for jobs down there right now. The
18 keeping the library open is getting the applications. That is really it. I am hoping the
19 individual that is down there now would want to re-apply and work with the county. If
20 not, then that puts us in another little bit of a situation, we would have to get it figured
21 out. I don't think it is something that is impossible, we can do this, it is going to be a
22 learning curve. There is a lot to this with the state archives and everything else we have
23 to be involved in and there is going to be some expenses and it may come out to be
24 slightly more expensive for us to do it, but we will own our product when we are done,
25 and it won't be a loss of service.

26 Commissioner Waits: The real question is the timeframe. I think everyone is pretty
27 much in agreement with what is going on. My concern is if they don't go for the
28 extension, are we actually okay that we can start - - immediately we will have to make
29 whatever motion we do to give you that authority because we won't have time because
30 it terminates the end of September. We are talking two weeks basically.

31 County Manager Bert Ramos: I do have a plan for Battle Mountain, I can tell you
32 that as far as being able to open our library we have a nice lady that busts her tail over
33 there and opens that civic center every day and can open that as well. The Austin one
34 we will have to come through with somebody in there. As far as - -

35 Commissioner Waits: Connie has already contacted you; she is the current
36 librarian - - that she did have an interest in staying so - -

37 County Manager Bert Ramos: Correct.

38 Commissioner Waits: We would have to do the applications again, but we know
39 somebody that could apply.

40 County Manager Bert Ramos: That is great news. That is half the battle. I would
41 like to be able to reach out to Elko and say this is what we would like. If you guys can
42 meet these terms of Lander County great, if not we would ask for a couple month
43 extension and if you guys don't wish to grant us that, then we need to start making our
44 moves immediately.

45 Commissioner Waits: What if they agree to only a couple of things but not all six?

46 D.A. Ted Herrera: They are not going to agree to any of them Patsy.

47 County Manager Bert Ramos: We can attempt.

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D.A. Ted Herrera: Well, we have been attempting for two months but - -

Commissioner Waits: Well, I thought they might some. They did seem fairly open to at least talking with us, so I thought they might give us some.

Elizabeth Macdonald: I have another public comment, sorry; from Linda McMahon again: Our libraries currently have very few books and no interlibrary loan system. I implore you to sign this contract and to take the time to research what needs to be done.

Rita Rogers: Hi, Rita Rogers from both the civic center and the library. I have been there five years and I have seen what that library has done, and I have seen what Elko County has not done. Have you ever seen Elko County here at any of your meetings when you sign contracts? Have they ever been here to talk about them or anything?

Commissioner Waits: Yes, they have.

Rita Rogers: Not since I have been in here and I think the young lady that is in there right now I think would stay and I know of another young lady that is standing in line - - she is going to school right now for a library and I know she would step right in to take over if she needed to. We need to learn a lot, but isn't that in anything we do? That is the only way we are going to grow and right now with Elko County; we are not going to grow. It has done nothing. Those computers are so old in there and yet people can sit at that computer, and they can do pornography and they can do Al-Qaeda and the gal that is working cannot say one word to them because that is private and yet I am standing back here, and I am watching it when I called the cops on it. So, there is a lot that needs to be said on this and if we have to deal with Elko County, well they are 75 miles away. We need to do our own stuff for Lander County - - for Battle Mountain. And I know Austin can do it because I am pretty sure there is some people in Austin that would take it on. I have been in Austin for years. This is something I think we really, really need to look into is running our own library and I know of a couple that would come in and really help us set up. She has the library that she goes to, and I won't mention names right now - - you walk in - - it is a little town. They have a section over here for children - - computers for children. They have a section of here - - for adults. It is little, but they have set it up for the whole community. Not just what we have got here in this library.

Commissioner Clark: So, Elko County doesn't have a firewall for the things that you mentioned.

Rita Rogers: I don't know.

Chair Kathy Ancho: I know that they are investigating that. They stated - - the statement was made that it happened, it wasn't something that was going on all the time, regardless, it doesn't matter if it happened once or happened five times, it happened, and I want to make sure we put this stuff into perspective. Yes, these are issues, but it is not something that - - it is not someone doing a manifesto in our library, that is not what it was. Those people were caught and told not to come back, but the library doesn't have help in controlling it either. That is an issue, but we need to put those types of things into perspective. I don't want to see putting a fear into people that, that is what has been going on.

Rita Rogers: My concern was the person that is running that library, the reception that is in there, she should have control - - if something is not going right, to do something about it. She had to sign a paper not too long ago, with Elko, that if she walked from the library to my office to ask me any questions, she would be fired. Every

1 time she turned around; she was going to be fired by Elko County. This is why I brought
2 all of this up.

3 Chair Kathy Ancho: And with that being said, I think that when there are those
4 types of issues, we have a contract. That is something that should have been brought
5 to the county to where we could have dealt with it because you have to really know what
6 is going on or is there something fear based. Is it fear based because somebody said
7 something or is there something in writing?

8 Rita Rogers: This lady feared for her job.

9 Chair Kathy Ancho: And I respect that Rita, I do but you have to make sure if it was
10 fear based just because she was afraid or something that was tangible that she signed.
11 You have to find out because obviously this county would not let that go on regardless
12 if we were in contract with them or not. So, she would have need to speak up obviously
13 to our county if that was truly going on, and I am not saying it wasn't, but we have to -
14 - there has to be fact base on those kinds of things. So, there is a lot of stuff that needs
15 to be done here.

16 Rita Rogers: There is a lot of stuff that needs to be done and we really need to
17 improve our library. The only way we are going to get that done, is we do it.

18 Chair Kathy Ancho: I think we are all in agreement to that.

19 Charlie Vaughn: On the library issue, it seems like we are under the gun for time
20 and if we move forward, people are going to just have a lot of grace to go through the
21 changes throughout the year. Another option might be to accept the contract this year
22 and then have a committee or whoever in the county who wants to come together to
23 formulate the plans to start again next year under Lander County control rather than
24 Elko County. It would give the time to set the framework for what kind of library the
25 county wants.

26 Chair Kathy Ancho: So, am I under the understanding correctly that they have
27 already come in and pulled out a bunch of their books already under the - - So, they
28 have already come in and removed a bunch of their books and their things already out
of there and so, we are going to pay that much money for that much less. I can't see
them coming back and restoring all of that stuff they have taken out. They may put a
little of it back so then we are actually getting less for what we are paying for.

Charlie Vaughn: So, this reveals an attitude of Elko County toward Lander County
that I am not sure we can tolerate.

Chair Kathy Ancho: This library has been under managed by them. We pay this
amount of money into it, and it is not getting any better and it is just something, I don't
know, that has been overlooked for years. There are a lot of people in this community
that use our library. We are trying to make the best decision for the community to try
to get that - - for what we are paying for to get that up to what it needs to be.

Comment from Austin: I really think that it is time to put our feet to the fire and
find out from the community who is going to join in and help us out. *Inaudible*. We
have a lot of people that help out the Austin location. We have an employee who would
love to stay. We have a city manager who cares about what is happening over here in
Austin. We have an entire community that doesn't want to be treated like a stepchild.
We have a lot of people who love the library and the library system. We have a contract
that is not favorable to Austin, and it is not favorable to Battle Mountain either. I am a
newcomer to the situation - - everything that has gone on and in the past. But, as a
businesswoman in the Austin community and a businesswoman at large for many,

1 many years, it looks like we have enough support even on a volunteer basis for enough
2 people to come in and pull together. We might have a rocky road together and as
3 Charlie mentioned, we are going to need a little bit of grace, and we are going to make
4 some mistakes and we might need a little extra money and we might not. We might
5 find the whole community is going to rouse around this, because libraries are a place
6 of truth and gathering. In areas of where we have lacked support in the past, we are
7 going to find employees like Connie who have been treated unfairly and with disparity,
8 even under a pay scale. We are going to find there is going to be probably a ground
9 swell of support that is going to get us through the next year, two years, policies,
10 budgeting - - I think we are going to find that we have everything we need to launch a
11 library system that works for all of us, through Lander County.

12 Chair Kathy Ancho: Thank you.

13 Lori Price: I am not saying I am for or against a library, but I think it sounds like
14 everyone is worried about the timeline. I don't want to jump into something. You guys
15 want to make it great; I want to make it great; I think it needs to be great for Battle
16 Mountain and Austin. My concern is jumping into something that we are not ready for.
17 Why do that to ourselves if we don't have to? As far as the extension, do you - - I know
18 you don't think there is going to be one - - you don't think Elko County is going to work
19 with us; maybe there has been too much water under the bridge between Elko and
20 Lander County I don't know, but who is working in the library now?

21 County Manager Bert Ramos: Elko County employees.

22 Lori Price: We don't have anybody in Battle Mountain that is running our library
23 right now?

24 County Manager Bert Ramos: Well, we do but they are Elko County employees
25 under the current contract of Elko County.

26 Lori Price: I realize that but who is the person from Battle Mountain right now that
27 is running the library?

28 County Manager Bert Ramos: I am not certain about that. They just switched
employees the other day and I am not certain, with the downfall - -

Lori Price: That is what I am saying, nobody knows who is running the library right
now.

County Manager Bert Ramos: With the downfall - - nope because it is under Elko
County, it is under contract with Elko County. We don't have any say in that.

Lori Price: I realize that, but we don't know who the Battle Mountain person is or
is it an Elko person that is coming down every day?

D.A. Ted Herrera: The only information we have is what Elko decides to give us,
when they want to give it to us.

Chair Kathy Ancho: I mean short of going down and seeing who is in there, I don't
know. I haven't gone down there to see who the librarian is.

D.A. Ted Herrera: We have no representation on their library board, none.

Lori Price: So, is this contract what Elko has done, and these were things that Bert
and you were trying to get changed or were they trying to change it?

D.A. Ted Herrera: We were.

County Manager Bert Ramos: There is a mix there, let's clarify. These are two
different contracts. We have been under contract with Elko County for years that has
maintained. They changed some of the verbiage in the contract and wanted us to re-

1 sign a new contract with different verbiage. Six of those questions in there are changes
2 to the contract that they made.

3 D.A. Ted Herrera: And we responded to.

4 County Manager Bert Ramos: Which brought us to kind of where we are. So,
5 everybody knows - - it won't just be like we are just taking over blindly at this point.
6 We have been looking at this and talking to them and going through a lot of the motions
7 trying to figure out how the county would run a library ourselves, what archives we
8 would have to have, what it would cost to join the state - - who can do a bunch of things.
9 So, we aren't going into this completely blind at this point.

10 Lori Price: It sounds like there are an awful lot of things to do before you start the
11 library then?

12 County Manager Bert Ramos: There is a lot of things, anything you take over there
13 is a lot of things. It doesn't matter if it is stuff you are familiar with. We took over the
14 Austin Water Department. There are a lot of things we need to refamiliarize ourselves
15 with even though we have great water techs and sewer techs. There is a lot to familiarize
16 ourselves with just the same as there would be with this library. We aren't going in
17 completely blind. It is the change in the contract that they have sent over to us. It is the
18 fact that they are wanting to keep all of the items - - or choose what they do and don't
19 give us based on grants that they apply for and get. And a big portion of these grants
20 that they apply for and get is because of us smaller communities. Elko has their own
21 library that is really nice. They can upgrade whenever they want and then they can kick
22 everything out to Eureka and Lander. On the outset to that, Rita had spoke to the
23 computers and one of our contracts they were supposed to provide us with 10 new
24 computers, these are the questions - - we are saying hey guys we want to be on the front
25 of your to do list, not on the back of it. I don't know that we have burned any bridges
26 with Elko per say that they may not re-up another three months with us. It is money in
27 their pocket. I don't know why they wouldn't.

28 Lori Price: Well, I am hoping that will happen because just listening to everyone's
comments we need more time to get the library - -

D.A. Ted Herrera: We don't know if we need more time or not. One thing we do
know for sure, we can't make any improvements on our library. Our library, if we stick
with Elko, can never get any better than it is right now, Lori. Everyone wants an
improvement in our library. We will never get it through Elko, never.

Lori Price: I understand that.

D.A. Ted Herrera: So, if we have to step in next week, we can give the same service
that they are giving now - - the same, but we want to give better. It is our library; it is
our community, and we should have local control. That is my personal opinion.

Chair Kathy Ancho: Bert said something that made a lot of sense. We can do this
and what somebody said that makes a lot of sense, is they put in grants for us, these
little libraries like Austin and Battle Mountain because we are a catch, they are able to
put in for these grants that they are too big to get. However, that stuff they are putting
into the grants is not trickling down to us. They are able to utilize it and those things
are not trickling down to us and that is not okay. You are putting \$25,000.00 for new
computers three years ago and because we had this uproar, well the lady goes, "we want
7 more computers, but we want you to pay for them," yet there have been grants that
have applied for that. So those things they have already put in for grants for and then
the librarian was here, and she said, "well, we were going to come to you guys and ask

1 for money for new computers. We were going to pay for them and there has been at
2 different times grants put in for that kind of stuff and the trickling down effect is not
3 trickling down all of the way; it's not. And so, I think our libraries kind of get the shaft
4 and we are paying this amount of money and we are not getting anything for it in return
5 other than a human being sitting there.

6 Lori Price: I understand that I am just worried about jumping in and not being
7 ready.

8 Chair Kathy Ancho: As am I.

9 Elizabeth Macdonald: I have another public comment from Linda McMahon: Elko
10 has guaranteed a certain number of volumes in their contract. I believe the books would
11 be returned to honor the number of volumes. Per the contract, you do have a say in
12 recommending employees. Have you budgeted to buy books right now because you
13 have very few? Have you budgeted for software to issue library cards and check out
14 books? Have you budgeted for an interlibrary loan system?

15 Elizabeth Macdonald: I want to respond to her on the part where she says we have
16 a say. If you do go into this new contract, we will not have no say. They changed the
17 language.

18 D.A. Ted Herrera: She is in error. The library can be as good as you want it to be.

19 Chair Kathy Ancho: And yes, there are some wonderful programs as we saw.

20 D.A. Ted Herrera: Unless we are in contract with Elko, then it can't be as good as
21 you want it to be.

22 Laken Sullivan: I wanted to respond to Linda. We did budget to buy all of this stuff
23 if we do take it over. We do have money in the budget if we need to buy a software
24 system, or books, or whatever.

25 Commissioner Clark: For six years the computer issue with the library has been
26 stagnant. It has always been the computers don't work; the computers are old. We can
27 update the computer system and that is going to bump us up several levels on having
28 our own library.

Chair Kathy Ancho: Well, there are tons of resources out there that I say however
this board votes that we jump on immediately. There are some wonderful programs
out there that we can start moving right away so we don't start losing the trust of the
community that we are moving forward, and it is not sitting there stagnant because - -
I understand their fear that you guys don't know what you are doing, and I get it. But I
would rather learn and get this done and keep moving, making sure we are moving
along and doing it the right way than it to sit the way it is. So, we will entertain a motion
unless we have any other public comment.

Commissioner Waits: You know it is only right that we certainly give them a
timeframe and the timeframe has been with our extension, so they expect things to
stop the end of September. Do you have a date set up? Is there a meeting set up or
anything Bert for you to go forward with it?

Ruth O'Day: Right now, our library looks like a thrift store bookstore. There is a
wonderful young woman in there that is really enthusiastic, she has children - - I think
she would be wonderful with the kids. But are we willing to hire a grant writer and IT
and all of that? There is a lot to it, and it sounds like no one here has invited the Hadley
people who offered to come and let you know what it takes, and they thought that a
year was ridiculous to be able to get everything set up; that it would really take longer
than that. With all the connections you have to have to get interlibrary loans and I

1 agreed with the Austin person, that we renew the contract for another year and make
2 Elko bring the books back and do the IT according to their contract. At least have them
3 do that, and then we be actively doing all that we need to do - - whether we contact
4 Winnemucca, but it takes a lot of time to set all that up. I believe several of you said the
5 timeframe is the problem.

6 Chair Kathy Ancho. We have IT. The county has IT that would be working with
7 that.

8 Ruth O'Day: We need books. I mean, make Elko do that for the next year.

9 Chair Kathy Ancho: Are they going to do that? That is where the problem is.

10 Ruth O'Day: If we just do extensions, they aren't going to keep bringing them back.
11 I am sure they took them because you guys were going to end it. It is really sad in there,
12 but I think the woman there is really wonderful and I think it is sad that no one here
13 knows who is in our library if that is the thing you are making decisions on.

14 County Manager Bert Ramos: Her name is Isabella. She is a nice lady.

15 Ruth O'Day: Yeah, a really wonderful person. I think you need to listen to other
16 librarians because Hadley was willing to do something with Skype or whatever that is
17 to listen to them and see what all it really takes. I can tell from the conversation no one
18 really knows, and it is a lot. And, if you want to do it right to them. Maybe we can't do
19 as much as they have but they will really set you straight. I hope you make an informed
20 decision, instead of - - I have heard a lot of misinformation here and it is sad. I hope
21 you do the right thing and get us a good library.

22 Commissioner Waits: When this first came up and we were looking at the contract
23 originally, the decision of the board at that point was not to sign that contract. We
24 looked at the same thing. If we could sign it and go ahead for one year and then do our
25 investigation, but the board's decision at that point was that we would not sign that
26 contract, and would Elko please give us an extension for three months so we could look
27 into our own. So, that level has passed. So, now we are on - - it is the end of our
28 extension now what do we do if they don't extend it any further it is ours.

Ruth O'Day: I don't think an extension would do any good. They aren't going to
bring books back if we are only going to extend for three months. And nobody can use
their library card to do things on the internet to get books, so we are closed off right
now in all different ways. And like I said, a thrift store might even have more of a
selection than we do right now.

Amy Nelson: Two things - - I agree with her the library is embarrassing and it is
not going to get better with Elko County involved. Sometimes it is really hard because
you have to take that leap of faith, but this county has shown over and over again that
you guys have the will, the resilience to make it better. Just like the two people in Austin
said, we need to give you guys' grace while you make this transition. When my kids
were young, I would drive to Elko's library because even then this library was so
unimpressive. I spent the last 8 years working for Humboldt County School District
and they were so amazing and so involved with the schools and they do art shows - - I
would recommend you contract with them and have them come over once or twice a
week and work with you; send our people over to Humboldt County for a day or two to
look at the different activities they have going on. They have a wonderful program. Elko
has a really nice program in Elko. It is not going to change, at some point you just got
to take a leap - - it is not even faith because due diligence has been done. If you already
have personnel involved, Austin said they are going to step up and help each other and

1 there is going to be need for grace. There will be some pains, but local control is the
2 right move for everything. I graduated from Elko High School; they have done
3 absolutely nothing for our library program. It is embarrassing. It is dusty, dark and no
4 life to it. If you take control of it there is no doubt in my mind within two or three
5 months - - it might take a little while - - it will be alive and pulsing and there will be
6 activity, so I have faith in you guys.

7 County Manager Bert Ramos: I do have a comment on this. There is that moment
8 of time where the interim there is going to be a little growing pain because we don't
9 have the authority to sign anything for our library until we take back possession. So,
10 this well you guys haven't done anything, well we really can't do anything until we have
11 control if you guys so choose to give us that. I just want to make sure everybody knows
12 there is going to be a few weeks there where we are getting some contract signed with
13 the state, we are getting on the archives, and we are getting some library cards and
14 getting the IT in there to get involved. You can't prepare for that other than jumping in
15 the middle of that. There is no preparation for that because you have to - - redoing a
16 bunch of contracts so, there is going to be downtime no matter how prepared we have
17 become. I just want to point that out for clarification because there does need to be a
18 small amount of grace given if we take that back just to get ourselves incorporated into
19 a lot of these systems.

20 Commissioner Waits: Okay, so what you have done in the last three months is what
21 needed to be done. So, what we are saying if we sign the contract right now, we aren't
22 going to gain anything with any more information waiting six months or six weeks is
23 not going to make any difference right?

24 D.A. Ted Herrera: Correct.

25 Commissioner Waits: So, we don't need another six months to make this decision
26 because that was our main concern was how long we needed. So, if you have done
27 everything you needed to do up until the end why do we need - -

28 County Manager Bert Ramos: That is entirely up to you guys.

Chair Kathy Ancho: Well, every meeting we come back and say where we are at,
just like - -

D.A. Ted Herrera: Just like Bartolo pointed out. We can't do anything until we have
the authority to make decisions.

Commissioner Waits: What would we gain by this three-month extension?

D.A. Ted Herrera: Nothing.

Commissioner Thomas: Let Elko go their way and we will start our library. Why
spend any more money with them if we are not going to get anything out of it. Let's
spend that money on us and build our library.

Rita Rogers: And if we are worried about hiring somebody that knows what they
are doing with that library, Clair Hamilton knows everything and right now she had to
take a short retirement because of her husband but she will take and come in and do
whatever she has to help do this. The little gal in there right now, Isabella, she is
awesome. She is learning, she is getting it done. I had another young lady come to me
about - - when they were to hire in there and I told her she had to go through Elko, well
right now she is going to school to be in the library system. We have people out there
that are going to be qualified to walk right into this job and help us.

Chair Kathy Ancho: That system is not all that easy as we found out given, we have
to make sure when we get a hold of Humboldt County and Hadley, find out what

1 systems they have, figure out what is going to work best for the county and jump on
2 that and get that started because there's a lot.

3 Rita Rogers: And Humboldt would be great.

4 County Manager Bert Ramos: The state and everybody that we have reached out
5 to are extremely helpful. They don't know much about how a transition goes from
6 moving out of Elko to our own, but they want to help in anything they can. There hasn't
7 been anybody that - - there is not really any hard feelings. That is why I'd like to say as
8 far as Elko, I think the only confusion we have going on with Elko right now is if we are
9 going to stay with them or not. I don't think that they have a big distaste for us, nor do
10 we have for them. There is a lot of research going on in both sides and finding that
11 common ground is about the only thing that we have that is of issue. But everybody is
12 really helpful and have been.

13 Rebecca Lake: So, I am going to school right now for my degree in library science
14 and media. I just wanted to put it out there that I think the first thing to do is get a
15 library committee after you make this motion and get this going as soon as possible
16 and I am willing to dedicate any of my time to help with that.

17 Chair Kathy Ancho: And yes, I agree so however we get that - - to be able to get
18 that set up to get that board right away. However, that works.

19 D.A. Ted Herrera: Well, we really can't until we take over.

20 Chair Kathy Ancho: No, I know that, that is what I am saying, if a decision is made
21 to go that way, then - -

22 D.A. Ted Herrera: At the end of September, we can do it.

23 County Manager Bert Ramos: Well, that and then this board here becomes the
24 library board until we have one in place. We went through some of these steps.

25 Chair Kathy Ancho: Okay.

26 Commissioner Thomas: I make a motion that we direct Bert to work on our own
27 Lander County Library.

28 Ted Herrera: No, we have already done that. What we need right now is we either
do not get into a contract with Elko and start our own library system.

Commissioner Thomas: That was the second part of my motion - - and to
discontinue the contract with Elko County.

Chair Kathy Ancho: Alright, and then a second.

Elizabeth Macdonald: Had another public comment from Linda McMahan: What
happens on September 30, 2021, library cards will not be valid? How can you check
out a book?

County Manager Bert Ramos: We have to get that authority first before we can
reinstate.

D.A. Ted Herrera: The next day we can have it set up where every library card in
existence not valid is a Lander County library card. It won't be valid in Elko.

Chair Kathy Ancho: It will be valid in Lander and Austin.

**Motion to direct Bert to work on our own Lander County Library and
to discontinue the contract with Elko County:** Commissioner Clark.

Seconded by: Commissioner Thomas.

The motion was voted and carried.

Break taken at 10:17 a.m. - - meeting reconvened at 10:24 a.m.

1 **3) For discussion and possible action to approve or disapprove the request**
2 **of China Springs Youth Center who is experiencing an unexpected**
3 **revenue shortfall for Lander County's American Recoveries Act**
4 **Funding:**

5 *No one on the phone*

6 Chair Kathy Ancho: If I am correct, they are requesting money from the American
7 Recovery Act Fund which we receive no money from so we are unable to give any funding
8 from something we didn't receive?

9 D.A. Ted Herrera: That is correct. That is my interpretation of that letter. You have
10 the same interpretation?

11 Chair Kathy Ancho: Well, if they are requesting from the American Recoveries Act
12 funds from that, we have no funds available for that, under that request.

13 Commissioner Clark: I see this was suggested by NACO which we are not a part of
14 either. How many kids do we send from Lander County to China Springs every year?

15 D.A. Ted Herrera: One maybe.

16 Elizabeth Macdonald: Zero.

17 D.A. Ted Herrera: And this letter says, and I quote, "at the suggestion of the NACO
18 Working Group, this request for American Recovery Act Funding is being made to your
19 county."

20 Chair Kathy Ancho: It is basically a form letter they send to all the counties that
21 received it, however, we didn't so we don't have the funds.

22 D.A. Ted Herrera: Right.

23 **Motion to deny because no funds were collected:** Commissioner Clark.

24 **Seconded by:** Commissioner Thomas.

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

26 **4) Lander County Cooperative Extension Director:** Update only from the
27 Lander County Cooperative Extension Director.

28 Lois Erquiaga: I became the Lander County extension educator on July 1st and the
first priority was renovating the building and getting an idea on the inventory that we
had of extension equipment and vehicles. We are in the process of starting - -
auctioning off the vehicles, the trailers, the campers; and then on the small equipment
that was used for the Bootstrap program - - we are going to donate those items to
another non-profit that has a similar structure as the Bootstrap program and hopefully
they can utilize some of that stuff. I started attending meetings and talking to folks
about opportunities in Lander County as well as maybe some needs and then I attended
the treasurer's meeting here at the Owl Club and I heard a common theme about
children and teens, additionally programing for them. There are two opportunities.
One is a priority I am going to start working on building the 4-H programs back that
we had prior. Some of the problems have been COVID obviously. We are going to build
those back and I am looking for volunteers. If you know anybody that wants to please
give them my number. The beauty about the 4-H program is that it is extremely
flexible. For example, if you had one person that wanted to do canning and preserving
on one Saturday in October then that is the entire program. So, it doesn't have to be
something that is all time consuming. We have resources available. We have places we

1 can work with. The building is set up for conducting classes and that type of thing. The
2 other avenue is setting up something where we are utilizing STEM or STEAM training,
3 Science, Technology, Engineering and Mathematics and those types of things. UNR
4 already has all of the curriculum. Not only is it evidence based and free to us; they have
5 experts that will come down and help us teach. I think that is a great opportunity - -
6 maybe in the new library. It develops some mentoring opportunity for adults and our
7 teams which helps with communication, problem-solving, social skills - - that is what
8 I am focusing on right now. I am open to ideas about any programming or any
9 development or any educational opportunities, please give me a call.

10 Chair Kathy Ancho. We just got the greenhouse. I think that will help utilize that
11 for these programs also.

12 Lois Erquiaga: Yes, and we have a beautiful recreational center - - maybe some of
13 our training we could utilize that facility. There is stuff out there we can use. On the
14 way back burner, I really would like to look at some programming and services for our
15 seniors, but I am not there yet.

16 Commissioner Waits: While you are putting your plans together for the future,
17 don't forget the south.

18 Lois Erquiaga: Oh, most definitely.

19 Commissioner Waits: And we do have our greenhouse too, so that will be at the
20 senior center in Austin next year so perhaps we can start the program on that. You
21 mentioned STEM. There are grants available, there is a STEM advisory board that gives
22 grants.

23 Lois Erquiaga: Yes, I did hear that.

24 Commissioner Waits: So that too. Welcome aboard.

25 Commissioner Clark: Can you bring Bootstraps back?

26 Lois Erquiaga: No.

27 Commissioner Clark: Why? That was one program that Austin absolutely loved
28 because they had access to wood.

Lois Erquiaga: I did talk to my supervisor and some other people, and they thought
that as we are moving forward, that the Bootstrap has run its course and that we need
to focus in a different direction.

Commissioner Clark: Okay.

Lois Erquiaga: If it is something that I think we can truly move forward on, I would
at least try. I would see if I could find some people that had that area of expertise. We
could take a look at it if you think it is important.

*Recessed the Board of Lander County Commissioners and convened the meeting
of the Lander County Liquor Board composed of the Lander County Board of
Commissioners and the Lander County Sheriff, Ron Unger.*

5) Lander County Sheriff: Discussion and possible action to approve/disapprove
the Lander County Liquor License for Cindy Ayala DBA Taquería El Gavilan.

Sheriff Ron Unger: We have an application from Cindy Ayala for a liquor license.
It will be on the catering and the mobile side of it since we wrote this up. We have done
the background checks on it, and everything is checked out. We found no problems
whatsoever.

1 Chair Kathy Ancho: Following under the catering portion of the license?
2 Sheriff Ron Unger: Catering and the mobile. She has a taco wagon.
3 Commissioner Thomas: They do catering too - - weddings or whatever?
4 Sheriff Ron Unger: Yes.
5 D.A. Ted Herrera: So, the license follows the mobile unit for catering and
6 everything.
7 Sheriff Ron Unger: That is correct.
8 D.A. Ted Herrera: Wherever that unit is, that is where the license is.
9 Commissioner Clark: Out of county?
10 D.A. Ted Herrera: In our county.
11 Sheriff Ron Unger: Just in our county.
12 Commissioner Waits: If we approve just one, let's say we approve the catering one,
13 that means if they go somewhere and set up for that location for a group, they could
14 sell the beer and liquor; but if we don't approve the mobile one, that means they can't
15 do it every day?
16 Commissioner Clark: I believe that is correct in the way the policies are written.
17 Sheriff Unger: *Nodded his head yes.*
18 Commissioner Waits: I have a real concern out of just selling out of a mobile one
19 when we have bars and restaurants that have it. I guess that is kind of a concern to me,
20 but I am - -
21 Chair Kathy Ancho: Except we passed this with a mobile in there. We passed this
22 new liquor license ordinance, and you have the mobile in there.
23 D.A. Ted Herrera: What you are doing - - if you allow this one you are creating a
24 new policy basically.
25 Chair Kathy Ancho: I thought we already did that.
26 D.A. Ted Herrera: You have never given a liquor license for a mobile unit.
27 Chair Kathy Ancho: I respect that, but why would we write it into our policy - -
28 D.A. Ted Herrera: Because we took the scheme from the water to aerate and that
is why it is in there.
Commissioner Waits: Now it is up to us to approve it if we want to.
D.A. Ted Herrera: Whether you want to apply that to your county. If you are
thinking of saying yes, just because it is in our scheme, I would advise you against that
approach.
Chair Kathy Ancho: I understand that. We should have never put it in here if it was
something that was going to, by approval do that. I mean that - - start a policy. Why
would you - -
D.A. Ted Herrera: How would we anticipate that?
Chair Kathy Ancho: The anticipation is that it was written in here. Had it not been
written in here then I could see that. But the anticipation was already put out there
when it was written in to begin with.
D.A. Ted Herrera: There is a lot of laws that - - just because the law is there doesn't
mean you have to allow it. This is a licensing thing. It is not a speed limit or something.
This is a request. By granting it you will establish new policy. That is, it. It would be
easy to say no if it wasn't part of the scheme. Now it is a harder decision for you to make
but you just need to know that you are going to start to adopt a policy. That is all I am
saying. I am not for or against it.

1 Chair Kathy Ancho: I know you are not. I am just trying to make you make me
2 understand that. I totally understand where you are coming from. I am just trying to
3 understand why would we even put that in there if we were going to cause a concern.
4 We should have just left it out.

5 Commissioner Waits: Maybe we should have just discussed this a little bit further,
6 but we didn't. So now it is before us whether we indeed want to set a precedent and go
7 forward or not.

8 Chair Kathy Ancho: So, can you split them - - and I am not saying this sarcastically,
9 I am asking a question, can you hold them apart and grant one without the other?

10 D.A. Ted Herrera: Yes. Don't you agree Robert?

11 Robert Quick: They are two separate licenses that are requested.

12 Commissioner Waits: Okay, my other question and this is to the Sheriff because I
13 see we have so much blanked out on this application that is of course public record. I
14 am asking you if all your information on the original that you hold is not blanked out?

15 Sheriff Ron Unger: When I reviewed this, I didn't see anything blanked out.

16 Robert Quick: We black out personal identifiable information that is confidential.
17 The application we have on file is complete.

18 Commissioner Clark: What is the concern about giving the license so that she can
19 sell alcohol?

20 D.A. Ted Herrera: I am assuming that the concern is that - - I know that we have
21 never granted a license to a vehicle, a wagon, a unit that can go from point A to point B
22 at whim; they can sell alcohol here, they can go 10 blocks away and sell alcohol there
23 right out of the unit.

24 Commissioner Clark: What about alcohol that is sold at events at the park?

25 Commissioner Waits: Those are special events.

26 D.A. Ted Herrera: This is why I said you are establishing kind of a new policy with
27 this. And it's what direction you want to go. Maybe when this was brought up - - it is
28 hard to go through each and every element of that statutory scheme and say this may
happen or this may happen. We don't know until the applications are made how it is
going to affect us, so you make the policy, I believe it is a policy - - determination, do
you want - - because if she does it, there is nothing to prevent somebody else from
doing it. And pretty soon you could have a few carts going around selling alcohol. Is
that what you want? I don't care. It is policy.

Commissioner Clark: What is the concern? What is the downside?

Commissioner Waits: I guess my concern is if you are grabbing a sandwich and a
beer you are usually in the middle of something on your way to work. It is usually in
the middle of the day or in the evening or whatever and there is no place to sit and
enjoy. You are just picking up liquor and leaving. I have a problem. If you sell off-site,
then that is different because you are taking the alcohol and it is not open.

D.A. Ted Herrera: This is an open container. The person can probably get into a
vehicle, and they are going to have an open container in a vehicle, or they are going to
be walking. If they are walking, they are going to have an open container. Unless they
drink right there on the premises, but there is really no premises or wherever she parks
the unit.

Commissioner Clark: So, the downside is somebody may stop there on their way
to work and get something to eat and drink a beer?

Commissioner Waits: Where are they going to drink it?

1 D.A. Ted Herrera: What if they take it with them?
Commissioner Clark: It is not her problem; it is not Richard's problem.

2 D.A. Ted Herrera: It is your problem because you are allowing to potentially break
the law by having an open container.

3 Commissioner Clark: We are absolved from having any responsibility. She takes
4 all the responsibility. That is what it says on the form.

5 Chair Kathy Ancho: Is it a tap or are you selling it like a bottle of beer?

6 Cindy Ayala: I understand your concerns. Any grocery store you can walk in and
get your beer and take it to work equally. It will be closed, and we do hope to provide
7 seating if this is approved because this is what our customers are requesting. It is
similar to - - I have my license to operate food safety; everywhere we go we take that
with us so that will be similar.

8 Commissioner Clark: When they park the wagon does the owner of the property
have a say in what is sold?

9 D.A. Ted Herrera: The owner of the property has a say on whether it can be parked
10 there or not. And if anybody gets hurt as a result; the owner of the property gets sued
as well as the county that allows that license.

11 Commissioner Clark: We would be in jeopardy if we approve it.

12 D.A. Ted Herrera: In jeopardy of most things, you do. You just need to understand
there is potential liability about every decision you make. I don't know how else to
13 answer that. This is alcohol and there are consequences sometimes to people drinking
alcohol and that is why usually the licenses are provided for in site licenses where they
14 drink the alcohol in there and then when they walk out in an intoxicated state it is really
hard to sue the licensee although they have tried it.

15 D.A. Ted Herrera: Now if she goes to an event, if she has a caterer's license, she can
16 sell wherever she caters. If she goes to an event and it is not catering, she can get a
special license for that.

17 Cindy Ayala: Also, the taco wagon in Elko sells liquor off their wagon and there
hasn't been any issues that I know of. We are mostly in the same area. If we move, it is
18 because we are going to an event like at the park or - -

19 Sheriff Ron Unger: So, for discussion so that Cindy understands, if this passes, she
can only have a caterer's license. Meaning it would be for a wedding or something of
20 that nature. She would not be able to sell any alcohol out of the mobile food facility.

21 Chair Kathy Ancho: Affirmed.

**Motion that we approve the application for Cindy Ayala for a caterer's
22 license:** Commissioner Waits.
Seconded by: Commissioner Clark.
The motion was voted and carried.

23

24 Chair Kathy Ancho: I will make a motion to approve the mobile license as well
because I do not see any difference in that than they have things set up in the park and
25 they have bars at the park set up in those areas.

26 **Motion to grant the mobile license:** Kathy Ancho.
Seconded by: Commissioner Thomas.

27 **Motion voted:** Commissioner Thomas. Chair Kathy Ancho. Sheriff Ron Unger.
28 **Nay:** Commissioner Clark. Commissioner Waits.

1 Commissioner Clark: I don't want to set a precedent that is going to put this board
in jeopardy.

2 Sheriff Ron Unger: Here is my question on this here. For clarification mainly for
3 Cindy. If she takes her mobile and parks it at Elquist Park, she is going to have to get
the special license.

4 Chair Kathy Ancho: Affirmed.

5 *Recessed the meeting of the Lander County Liquor Board and reconvened the*
6 *meeting of the Lander County Board of Commissioners.*

7 **See D.A. Ted Herrera's comments on page 25 regarding Item 5.**

8 **6) Public Works Director:** Update and discussion only from Lander County Public
9 Works Director.

10 Don Prince: Let's start with Austin. Austin Airport: SNC has paved the road in.
11 Rick has been out there brush cutting the weeds down. They are trying to get that
12 triangle thing rebuilt. We have to talk to David Meyer about this because I don't know
13 if that is allowed out there or not. There is some discussion going on about that, but we
14 are working on that. Rick has been hauling in base out there and filling in low spots.
15 The water line out there - - I have been talking to Marty about that - - running water
16 from the wells down to the airport - - we are looking into that, and it is not looking very
17 viable at this moment. It is such a long run and so little water being used. It will go
18 stagnant fast so we are looking into options seeing if we can make it viable right now.
19 There is a meeting to attend to on that on the 13th. Gillman Springs and Kingston: We
20 finished the *inaudible* and I am in the process of trying to get a hold of somebody at
21 the state to talk about getting some of the approaches fixed out there and around the
22 mailboxes it is really rough. I have made a few calls and haven't gotten a hold of anyone
23 yet, but I am still working on that. In Battle Mountain. Yellow Brick Road: the sewer
24 lines were put in. The water lines I see just finally showed up and they plan on starting
25 that next week. Probably the 13th or the 14th. The force main: we are working on getting
26 the D.O.T. permitting done right now and so after that hopefully that will get going.
27 The golf course pond liner: they have removed all the old pond liner and reshaped the
28 pond and removed the field pump house out there. It went really fast. It is really
surprising to go out there and see the progress they have done out there. Hopefully
within a week or two they will have a liner down. We will get the new building put up
and the new pump put in and a fountain going. I am sure it is a month or so out still,
but it is looking really good out there. Safe routes: I talked to Frank Sullivan and Loren
Hunewill; they plan on starting on the 27th of this month on that. Austin road and
bridge: we have been doing some weed maintenance. Rick went out there and
uncovered the old runways. The water system in Austin: we had a big leak there in front
of the library. It was covered under warranty. SNC came in and they fixed the leak and
waited to cover it up the next day and during the night it blew apart again, but they
were right on hand and got it taken care of. Battle Mountain: basically, the same thing;
we are doing weeds and road maintenance and will start prepping for winter mixing
sand and salt. In Battle Mountain, fixing leaks in the west community is an ongoing
battle. I have been working on getting an easement out here to run a new sewer line off

1 of Mount Lewis Drive to the safety lift station and that is about it. Has a blade operator
2 and a water truck driver working on the weeds along the roads. I am going to hire
temporary help here soon and get some more hands on it.

3 Chair Kathy Ancho: I have a question. When you are going towards Reno, and they
4 know a storm is coming in they go out and they shoot stuff on the road. Is there any
way that we can have that or is that something feasible? That is something that can be
done in parking lots and stuff a head of time.

5 Don Prince: I have been talking to a guy and I have got to get some numbers from
6 him. You have to get a holding tank and a sprayer system set up on your trucks and
7 stuff. But I have been talking to a guy about this. If I ever get some hard numbers, I am
sure it will have to be budgeted for. Maybe next year we might have it if we get it
approved in our budget.

8 D.A. Ted Herrera intervened regarding Item 5: I am speaking to the Liquor Board.
9 You don't have to go into the Liquor Board, but I am speaking to the Liquor Board. A
10 majority of a six-member quorum is four. So, neither one of those votes satisfied the
quorum because the Sheriff didn't vote on the first one which means he abstained. On
11 the second one he did vote which is a 3-3 vote. The first one would have been a 3-3
vote. We need a four for a quorum on a six-member board because it is half plus one.
That is what a quorum is. It has to be brought back.

12 Sheriff Ron Unger: Can we reopen now and vote?

13 D.A. Ted Herrera: You can reopen it now and address both of them or just one of
them.

14 Commissioner Waits: Or we can bring it back and have Bryan here next time and
have all six of us.

15 Commissioner Clark: Just let her know we won't issue the license until after the
16 next meeting.

17 **7) COMMISSIONERS: For discussion and possible action to**
18 **approve or disapprove Lander County Plan for provisions of**
19 **indigent defense services required by the regulations**
20 **implemented by the Board of Indigent Defense Services.**

21 D.A. Ted Herrera: I am making this presentation on behalf of Mr. Forgeron who
22 couldn't be here because he is out looking for an antelope and the reason, he was
23 going to present it is because Mr. Forgeron put a lot of time in the development of
24 this plan as well as Judge Shirley and they did it with our Justice of the Peace here
25 and I believe the public defender was here. If you recall the presentation given to you
26 by Mr. Forgeron a few weeks ago, and his thoughts on the law that mandates this
27 presentation of this plan. He doesn't believe it is necessary and neither did I at the
28 time. We believe it is not only inconvenient, it is unnecessary in Lander County, but it
is a law, so we have to deal with it. That aside, we are creating a structure for what we
believe is an unnecessary mandate. Therefore, the structure that was created by Mr.
Forgeron and the two judges, was that we would keep control local. This is structured
to give Lander County local control. I believe we have two representatives on the
phone from the Indigent Defense Services, Marcy, and Tom. They may want to
discuss this matter afterwards and I will tell you why. The plan presented is your
backup. It was the plan presented to me by them and I made small minute changes

1 and the changes I made - - there are two aspects of it that gave control to Judge
2 Shirley in Lovelock and I took that out of there and brought all of the control to
3 Lander County. I ran this by Denise Fortune and Jim Shirley and they all concurred.
4 We are asking you to adopt the plan presented in the backup as the plan best suited
5 for Lander County and giving us the most local control. That being said, I had the
6 opportunity before the meeting to present you with a copy sent to me yesterday about
7 4:30 p.m. from Tom and Marcy from the Indigent Defense Commission. They have
8 red highlights; strike outs and stuff and they are suggesting certain modifications of
9 the plan. Mr. Forgeron, Judge Shirley, and myself, didn't think much of those
10 suggestions or modifications but I told them they would have the opportunity today
11 to address the potential modifications to the commission at this point.

12 Commissioner Clark: If we didn't adopt this plan and we went with what the state
13 wanted, that is an additional \$250,000.00 that we would have to pay out.

14 D.A. Ted Herrera: No, we are going to pay out anyway. We budgeted the money.
15 The questions is do we want to give Carson City control, Lovelock control, or do we
16 want control here in Lander County.

17 Commissioner Clark: Lander County taxes should be spent in Lander County for
18 Lander County residents that is how I see it. It is unfortunate that the state takes so
19 much control away from the rural counties.

20 Commissioner Waits: Actually, that is not quite the way it goes, the state is
21 responsible, and they are supposed to be paying for it. That is where the difference is,
22 and they haven't done a good job in a lot of counties. We have stepped up and we
23 have done a really good job, so we want to leave it the way it is. My question is on the
24 council administrator, if we pass our plan, we hire our own or identify our own
25 council administrator?

26 D.A. Ted Herrera: Yes.

27 Commissioner Waits: If we pass their plan, they choose the council
28 administrator?

D.A. Ted Herrera: If we allow them - - we can allow Judge Shirley to appoint
council administrator out of Lovelock for his three counties in the Eleventh Judicial
District. That is the part I changed in the proposed plan and made it that the court
administrator would be appointed, it would be a Lander County person in Lander
County. I mean we are going to pay for it either way. If we go with the state's
suggestion, they would be the county administrator, their designee - - it is going to be
their designee regardless. So, if they accept our plan and they adopt it, the law says
that their designee is the person we hire but their designee could be located in Lander
County, in Lovelock, or in Carson City. It is the commission, or its designee is the
pertinent language. We are asking that it be their designee who is located in Lander
County, appointed by Lander County paid for by Lander County and controlled by
Lander County. That is our plan and that is where we are suggesting it and I can open
the floor to Marcy and Tom.

Chair Kathy Ancho: So, what we are adopting today is without the changes in it?

D.A. Ted Herrera: I am recommending the adoption of what is in your backup. If
you choose to adopt that. I am asking of the authority to make small changes in the
boiler plate language of this. Because when it was first set up and prepared it was
before some of the regulations that went into effect. Now that the regulations went
into effect - - because some of their suggestions or moderations are based on the

1 changed regulations. I want you to adopt the structure which is local control of the
2 plan and allow me to make small regulatory changes in the boiler plate of the
3 language.

4 Commissioner Waits: When this committee was created and - - meaning this
5 indigent committee, my understanding was that they were going to let the counties
6 keep their control that wanted to.

7 D.A. Ted Herrera: Well, we are about to find out.

8 Commissioner Waits: We will find out by submitting our own plan? Got it.

9 Thomas Qualls: I can give you an overview that I think will help dispel some of
10 the misinformation out there about the plans and what we are doing. The
11 Department of Indigent Defense and the regulations and statutes that concern this
12 process, I just think there is a lot of misinformation about it. The department has no
13 interest or design in taking local control away from Lander County. We applaud all of
14 the efforts that you are making, and we have been on the line all morning listening to
15 the library stuff and all the other things, and I think you guys are doing a great job.
16 This plan is no different and its design is to provide a standardized, statewide,
17 indigent defense systems and plans county for county. One of the things that it
18 addresses is independence from the judiciary. Mr. Herrera already addressed that,
19 and I applaud his effort in doing what is best for Lander County as opposed to a judge
20 that also works in other counties wants to do. Part of the idea is, this puts indigents
21 on level footing with prosecution as far as *inaudible* control the judiciary has over the
22 process. As I understand it from reading this plan and speaking with Ted, there is
23 basically a three-tier indigent defense system in this plan; the main contracted public
24 defender, the second tier is the alternate public defender that is also contracted and
25 then there is another provision for a panel attorney, and I am unclear whether those
26 are contracted or not. One area in which the council administrator comes into play is
27 once we at least go through those first three tiers then there needs to be a system for
28 assigning conflict counsel and that system needs to be outside the judiciary.
Inaudible had offered for no money, no money whatsoever to Lander County to be
the person who assigns counsel in the rare event if we get to a third or fourth tier
conflict. In my discussions with Ted, that happens almost never. I mean I don't know
if that happens a half of dozen times a year. Regardless, we don't have a dog in that
fight. We are not attached to whether Lander County hires someone to do that or not
as long as it just meets the requirements of independence from the judiciary. There
are a number of things set out that have to be in the plan like initial appearance of
counsel, whether they are conflicted or contract, those kinds of things. The last thing I
will address is there is a misconception about funding and whether there are all of
these unfunded mandates or whether the state is going to cost the county a lot of
money. Based on previous numbers that we got from Lander County, our department
set a maximum contribution that the county would have to pay indigent appearance
based upon what it has paid in the past. The way the formula works is everything that
the county goes over that, under the maximum contribution formula, we can go back
to the legislature and request money for reimbursement to the county. The state pays
anything over what the county used to pay. That is how the system is set up. Marcy
Ryba has been here since the beginning and can probably answer more detailed
questions that I can, but I am happy, and Marcy is happy to address any other
concerns that I have missed.

1 Marcy Ryba: If I could add a couple of items. As Tom told you there is the
2 maximum number contribution formula but based on what Lander County spent on
3 average for fiscal year 2018-2019, that amount as reported was \$99,581.96. We asked
4 Lander County how much do you believe you will be spending this fiscal year on
5 indigent defense, and we were informed \$120,500.00. Based upon that information
6 when we go with our budget we go with our budget, we will collect in our request
7 from the legislature around \$20,918.04 for Lander County's needs. That money at
8 this point is with the finance committee and once Lander County goes over their
9 maximum contribution, they can request those fund to reimburse Lander County.
10 The proposal has greatly increased from the original estimate of \$120,000.00 to
11 \$250,000.00. I don't have specifics on why they increased it so much, but it appears
12 \$130,000.00 was set aside for the public defender; I don't know if that is to pay the
13 public defender in full or if that is set aside for some expert and investigative fees for
14 that person. The conflict public defender - - the plan provides \$50,000.00 set aside
15 and it is unclear if that is what their payment is or if that includes expert and
16 investigator fees. And then the second-tier public defender is \$25,000.00 and that
17 would be the same question. There is that council administrator where it appears
18 \$20,000.00 is being requested for that and like I said our department could fulfill
19 that role at no cost to Lander County. And basically what would happen is the Court
20 would notify us when there is a conflict, and we could go down the list of approved
21 attorneys and call them on Lander County's behalf and meet with the attorneys that
22 the board of commissioners can review and limit from the approved list and once the
23 attorney agrees to take the case we still have the appropriate paperwork and can get it
24 to the Court; so we could easily fulfill that role. The importance of providing
25 separation from the judiciary is to provide the same oversight to the public defender
26 as the prosecutor has. When the prosecutor needs money for a case, he doesn't need
27 to go to the judge to ask for money because it is built into his budget and that is what
28 we are encouraging for public defenders. Public Defenders shouldn't have to go in
front of a judge, explain the theory of the case and ask for those fees to be approved
or denied. With the change in the law of AB480, the law has changed so that request
could either be built into their budget or it could be our department or our designee.
So those are some items that I would like to point out with the approval of the fees.
There are some areas where the Court wants it to come back to them, but the
prosecutor doesn't have to spend anything to the Court as to they are hiring for their
experts. There are also statements in there as to the selection of the council to the
parties should go back to the judge for the judge to review and make the ultimate
determination but that does not happen to a prosecutor. If a prosecutor has a conflict,
a prosecutor contacts another office and asks them if they will appear as a special
prosecutor and there is no request for a judge to approve that. We are trying to make
consistency in separation from the judiciary. We want to make sure the public
defender has what they need to fully defend individuals in Lander County that are
charged with a crime and ultimately, we want to have a step-by-step process so if a
person comes in who has a question as to how public defense works in Lander
County, they can pull the plan and learn how it works in Lander County.

Commissioner Clark: Why is the state offering Lander County a solution when we
don't have a problem with this? We have never had a problem with representation

1 and when you say standardized representation, there is no difference between Clark
2 County, Washoe County and the rurals?

3 Chair Kathy Ancho: Questioned the process of how an attorney is selected.

4 D.A. Ted Herrera: Our plan - - the public defender is by contract by Kyle - - he is
5 our public defender. He would be appointed to all cases. If he has a conflict, he would
6 say, "I have a conflict." Then it would go to our Tier-1 attorney, Tier-1 would be our
7 first conflict; we would have a contract with another attorney for instance, Dave
8 Lockie and Sherb Macfarlan and the contract would say something to the effect that
9 you agree to represent any first level conflict in return for so much money an hour.
10 And then if he has a conflict, or if there are two conflicts with multiple defendants in
11 the same case, the public defender would take the first one, the first-tier conflict
12 contractor would take the second one and then the second-tier public defender
13 contractor who we have a contract with under the same terms would take the third
14 one. And what Tom was talking about if there were four people were involved, we
15 don't have a third tier, our third tier is a list of approved attorneys and our court
16 administrator which would be here in Lander County, thank you very much Carson
17 for offering, but the court administrator here in Lander County would then go
18 through the list according to the rules and regulations set forth by the honorable
19 commission that is speaking to you and they would appoint that attorney. With this
20 we would have three contracts; one of them the public defender and the second and
21 third one would be conflicts and we would not pay them unless they are utilized. Just
22 like now. It doesn't cost us for conflicts unless they are used, unless they are
23 appointed. We paid for this year in the District Court judge's budget for the cost of
24 these people. So, this year we are paying it twice just so you know. We have developed
25 our own budget to comply with the rules and regulations set forth by this commission
26 and by the legislature and we put it in Judge Shirley's budget already because he
27 requested it, so we paid it twice. Hopefully Judge Shirley will return that at the end of
28 the year during his reconciliation.

Jenny Martin: I just want to clarify because this plan does create another position
which would go under the county manager - - they would oversee it, but I want to
clarify what Mr. Herrera is saying. It is not a court administrator; it would be a
council administrator. In the paperwork it says council administrator, Mr. Herrera
keeps referring to it as the court administrator. There is a big difference there.

Chair Kathy Ancho: That is what we are doing now.

Commissioner Clark: We haven't had a problem.

D.A. Ted Herrera: We would be having a third party as a council administrator
and that council administrator would be doing certain functions as required by our
plan if it was adopted. If a public defender or conflict public defender wanted the
services of an investigator. They make applications, instead of to the Court - - they
would still make it to - - so no matter - - what Marcy said, they would be making
application to someone out of the budget that we have made. They don't
automatically get the money doing anything they want. They would still say, "well, we
want so much money out of our budget for a private investigator," and the council
administrator would say, "okay." Or, if they would do it from Carson City, they would
ask them and they would take it out of the budget we make. So, we are funding it
regardless.

1 Chair Kathy Ancho: We are paying for it regardless if they are doing it or we are
2 doing it.

3 D.A. Ted Herrera: Right.

4 Commissioner Waits: Wanted clarification about the \$130,000.00.

5 Thomas Qualls: It wasn't questioning the plan, it wasn't a recommendation not to
6 adopt the plan because of the amount, it was a clarification that the \$130,000.00
7 figure was what Lander County originally reported to us as their projected indigent
8 defense cost for this coming fiscal year. And then when the plan was written, the cost
9 was increased to \$250,000.00. The \$130,000.00 was what we originally reported
10 and now it is \$250,000.00. This was not a cost that we put on the county, and this is
11 also not the cost the county originally reported to our department that was their
12 projected spending for this plan. That was our only statement. It wasn't a
13 recommendation to adopt of not adopt. It wasn't even saying that the \$250,000.00
14 wasn't necessary. It was simply a statement in the difference in previous reporting
15 from Lander County to what is being set forth in this plan. We have requested to be
16 placed on the commission meeting two different times and it was dropped from the
17 agenda two different times, so we have tried very hard to educate and work with
18 Lander County to make this process as smooth as possible and we are still here
19 available to do that.

20 D.A. Ted Herrera: They put an agenda request in, we put them on the agenda,
21 and it came off of the calendar, end of story.

22 Commissioner Clark: If this was really that important you two would be right
23 here. That is how I see it. I am ready to make a motion.

24 **Motion to approve the Lander County Plan for the provision of
25 indigent defense services required by the regulations implemented by the
26 Board of Indigent Defense Services submitted by our D.A. Ted Herrera
27 included in the back up. We will grant the D.A. permission to make some
28 boiler minimum changes to satisfy the regulations: Commissioner Clark
29 Seconded by: Commissioner Thomas.**

30 **Motion voted and carried.**

31 **8) COMMISSIONERS: For discussion and possible action to allow the
32 Lander County Clerk to have constructive custody of Lander County's
33 electronic voting machines with conditions set by the commission.
34 These conditions possibly include but are not limited to first seeking
35 and then be granted permission by the county commissioners prior to
36 anyone or any agency from accessing the machines or to take another
37 course of action pursuant to NRS 293B.115:**

38 D.A. Ted Herrera: What NRS 293B.115 states, is if the governing body which is
39 your body, purchases electronic voting machines, when they are not in use, "they
40 shall," that is a mandatory word, should be put in the custody of the controlling body
41 which is the county commissioners. So, that is what the statute says. It is plain
42 language, I have given you a copy of it, it speaks plainly, it is not ambiguous. The
43 problem comes from the county clerk, Sadie in this instance has a mandate where she
44 has to legally keep the data for 22 months after an election. Now, the data is on the
45 electronic machines so the question is can it be separated. Yes, if they choose to, but

1 they choose not to. The county clerk chooses not to. This suggestion is put by Bert
2 and I to you - - this is one way to solve the problem instead of going to court
3 *inaudible* for whatever reason she doesn't want to move the data, that is up to her. I
4 am not condemning that; I am just saying if she chooses not to remove the data from
5 the machine *inaudible* - -

6 Chair Kathy Ancho: We are getting feedback from something.

7 D.A. Ted Herrera: The Dominion called me, the attorney for the Dominion called
8 me and said there is another problem, we own the software, so we don't like people
9 looking at the machines because they have access to our software. The secretary of
10 state and Sadie is saying the data is on there and we don't want to separate and then
11 you have your legal duty to make sure no one messes with or looks at those machines.
12 A reasonable approach would be to grant the clerk constructive custody and have her
13 keep them under lock in key before anyone, including Dominion, secretary of state, or
14 any other body looks at your machines once they are in your custody. They would get
15 authority from you. That seems to be the reasonable approach and that is what we are
16 suggesting.

17 Commissioner Clark: Well, the whole issue from me is that each one of us has to
18 sign the certification under penalty of a felony, but we don't have any representation
19 when an agency comes in and does a physical audit; that is not right.

20 Chair Kathy Ancho: That is where this would correct that issue. The bottom line
21 without anybody being able to come in and inspect those machines comes before the
22 commission first.

23 Commissioner Clark: That should have been done before this happened.

24 D.A. Ted Herrera: We ran this by the attorney general. The attorney general was
25 representing the secretary of state and he said, "I will tell my client it seems a
26 reasonable approach," the attorney for Dominion out of Denver thought it was a
27 reasonable approach; I haven't heard anyone say it is not a reasonable approach.

28 Chair Kathy Ancho: I think it is reasonable because I truly do not want to have
the responsibility of those machines. I would rather they be left where they are at and
if anybody wants to view them it goes through the proper channels and it comes in
front of us, and they be left where they are at.

D.A. Ted Herrera: You have a legal obligation. It is in your legal - - you have legal
custody of those machines.

Commissioner Waits: Read the statute. Our motion would say we are giving
custody to our county clerk:

D.A. Ted Herrera: Constructive custody.

Commissioner Waits: Constructive custody for the systems and devices, the
mechanical recording devices - -

Chair Kathy Ancho: And equipment.

D.A. Ted Herrera: Yes.

County Manager Bert Ramos: So, my understanding is the reason why the clerk's
office does not want to - - they are under contract with Dominion and in talking to
Richard the data can be separated that is not a problem, however Dominion - - it
might violate their contract which we have not seen and that is why we are leaving all
of them as one and that is where the concern lies. Now you have your "monitor", and
you have - - all in the same location under lock and key and the burden falls on this
board.

1 Commissioner Waits: But legally, we have to meet and give her constructive
custody.

2 D.A. Ted Herrera: Make sure it is under lock and key because you will be liable
3 for it if they are damaged. When we find the contract from Dominion so we can - -
4 between Lander County and Dominion we just can't find it. We will bring that in front
of you too.

5 Commissioner Clark: We should have had an agenda item addressing this before
6 the feds came in, homeland - - because it was an anomaly for homeland security to
7 come to Lander County to do a physical audit. That is what especially upset me is that
we didn't even know that we were going to have the machines looked at and we didn't
have any representation there; none. We don't know what has happened to those
machines.

8 D.A. Ted Herrera: I don't know if they were doing an audit. I know that they - -
Elizabeth Macdonald: They were trying to "hack" the machines.

9 D.A. Ted Herrera: They were trying to hack the machines and apparently Sadie
10 says that they do this - - we have contract with them that is going to be brought in
11 front of you; Sadie says they do it from Washington every year, but this is the first
year they came here physically to do it and we didn't understand that, and she didn't
understand that, and no one understands that.

12 Chair Kathy Ancho: Clarified the term "hacking" regarding ensuring the
13 machines are safe and no one can get into them.

14 D.A. Ted Herrera: The concern was that you had legal custody of the machines,
Sadie has legal custody of the data, and a third-party was coming in and it made us
uncomfortable.

15 Richard Green: DHS did not come in and test those machines. They tested our
16 workstations. They didn't test the ICX at all. They tried to hack our email and our
17 server to make sure it was up to spec. Anything they found, they would act like a
18 hacker, and they would try to find weaknesses within the system and then report back
to us telling us what to fix. It had nothing to do with those ICX machines because we
can't let anybody touch those that are not within the scope of the chain of custody.

19 D.A. Ted Herrera: Where were the machines when they were in there.

Richard Green: They were locked up in - -

20 D.A. Ted Herrera: They weren't locked, there was an open door with them sitting
there.

21 Richard Green: They had an open door to the breakroom which they were sitting
22 in. The ICX machines were in the other room.

23 Chair Kathy Ancho: The voting machines are always left under lock and key and
there is a room that they stay in separately?

24 Richard Green: Yes. There are two different components. They have one where
25 the voter checks in and then they get a voter card and then they have another
26 machine, and those machines are usually kept together under lock and key and then
there are other printers and other apparatus that we don't keep in the same room.
There is no data that is stored on those.

27 Commissioner Clark: But still, there is no reason for the commission not to have
28 representation when these machines are in question, or they are trying to be hacked
or whatever. Because - -

Richard Green: Everybody should know what is going on with these machines.

1 Commissioner Clark: Everybody should know, and we were in the dark.
2 Richard Green: I came in just before these guys started this and the year before it
3 came before you guys. I don't know if it was you guys particularly, but we did read
4 where it was passed that they come in, but they didn't do it in 2020 because of
5 COVID. They did it remote. This is the first time in a few years that they have been on
6 sight to try to do it.
7 Commissioner Clark: There is a rumor circulating around Battle Mountain that
8 the county was 92 votes over on the count versus registered voters, is that true?
9 Richard Green: No, not even close. The clerk's office does a triple redundancy.
10 Sadie does a time-consuming job of making sure things happen in a lot of different
11 ways. She counts people coming in, going out, she counts actual bodies that show up
12 and what is compared on the machine and then she makes the actual poll workers
13 keep another tally on individual machines that came from an individual side of that.
14 At first, I thought it was complete redundancy but now it wasn't. Now I know why she
15 did it that way. It might come to question and if there are questions you better have
16 answers, and she has them and so that is why it was done that way.
17 Sadie Sullivan, Lander County Clerk: As far as the data that is on those voting
18 machines, there is 26 of them and you would have to physically remove the hard
19 drive. When it was stated that I did not want to do that, Richard or an IT person
20 would physically have to remove the hard drive from those voting machines.
21 Richard Green: Affirmed. The data would have to be removed physically to be
22 cloned from there and then put back onto the actual device. I don't believe there is a
23 method of distraction externally on the device at all. They have built in so many
24 redundancies within there. You are actually correct. It would have to be pulled from
25 there and then copied from there.
26 Sadie Sullivan: I just wanted to clarify. It is not something that can be done in a
27 quick minute. Also, with NRS 293B.115 it states the governing body for the counsel
28 and within that, I am elected, and the board is elected and so they are equal in that. I
have not ever gone to an elected official and told them how to do their job and I was
elected as the clerk to be over the election and that statute there - - you guys are
elected, I am elected and so to me there is a line there that I was voted in to do the
job. The cyber security that touched base with you on that, they did not touch those
machines. There were a couple comments stated and my comment back at this time is
there are legal processes, audits can be done but there are legal steps to follow
through on auditing purposes and I do not have a problem as long as each step is
legally followed to be able to do the right thing and the legal thing.
Chair Kathy Ancho: So, just in the case that you were able to separate the
information, Richard off of the hard drives or whatever, is that stuff reusable or do we
have to purchase all new equipment if we are in there messing around asking for stuff
to be taken off? Does that stuff need to be replaced or can it still be used for voting?
Richard Green: Number one, if the machines are opened, they lose their
certification. If anyone touches them that is not in the chain of custody, they are
decertified. They won't be able to be used again, they won't be able to be used as
evidence and they won't be used as anything. They will be junk because the validity of
that has to be followed with the chain of custody. Now, if you broke the chain of
custody and got information that was completely everybody's worst fear, you still
couldn't use it. You have to use the chain of custody; you have to use all these steps

1 that are set in motion to make sure that everything is done right. Now, hypothetically
2 if we were to take the information off of there, we would still have to have the
3 encryption code, so if you have the data, you still have to have it encrypted and the
4 one who holds that is the manufacturer of the device.

5 Commissioner Clark: If a machine is opened by a voter does that negate - -

6 Richard Green: Yes.

7 Commissioner Clark: We had that happen last year.

8 Richard Green: I don't know if it was opened but it was breached, and I believe
9 that one was pulled just because of that, and it was all bad news for everybody.

10 **Motion to allow the County Clerk constructive custody of Lander
11 County's electronic voting machines with the conditions but not limited
12 to anyone seeking that may be granted permission by the county
13 commissioners prior to anyone or any agency from accessing the
14 machines:** Commissioner Waits.

15 **Seconded by:** Commissioner Clark.

16 **Motion voted and carried.**

17 *Item reopened for the Clerk's question regarding Item 8.*

18 Sadie Sullivan County Clerk: When it comes time for pre-LAT and to go program
19 or maintenance on the machines, am I required to fill out an agenda request for the
20 board for you guys to say yes or no that I can do my job? So, my question is the
21 primary election will be coming up and we will program them in May, and so do I
22 have to do an agenda request and say, "can I please do my job," and do my pre-LAT
23 and does that have to come before the board so I have to come to you and say, "board
24 may I do my pre-LAT?" If something arises, do I have to bring an agenda request and
25 bring it before the board to have permission to do my job."

26 Chair Kathy Ancho: I am going to add to that. I would say, my questions is - -
27 anything other than the scope of her job I would think that she would have to ask for
28 permission. When I am looking at this, I am looking at anybody from outside other
than her and her IT people - - her doing her job is her doing her job.

D.A. Ted Herrera: She is talking about doing her job months from now. It is my
understanding that the county manager's going to bring more issues that will come
before this board that will answer these questions. Right now, if she had to do her job
next week, of course she would have access to it. But they are not in use right now.

Sadie Sullivan County Clerk: They are absolutely still in use because *inaudible* is
still on there.

D.A. Ted Herrera: That is not legally in use, that is my legal opinion.

Commissioner Waits: Okay, so we are looking at it like a parent and a child. We
are saying our children are in your office and that is fine, you can feed them lunch
and blah, blah, blah, but if you are going to do something with that child then you are
going to have to come to the parent and those machines are ours. So therefore, if it
isn't within your working scope of the day, someone outside - - it is going to have to
come on the agenda.

Chair Kathy Ancho: So, yeah, if it is outside the scope of your job and doing the
elections for viewing of anyone else, that is where you at this point have to ask for
written permission.

1 D.A. Ted Herrera: This was agendized for the purpose of immediacy to solve the
2 problem. It is my understanding that these issues could be raised again to develop a
3 policy that will satisfy Sadie's question in the future. We needed something
4 immediately because we had all these interests competing and fighting with each
5 other and we wanted to put that aside so that we can heal and come together as a
6 county and continue to do our job including Sadie doing her job.

7 Chair Kathy Ancho: Sadie, at this point the policy will be brought forward so you
8 are able to do your job and all of those interests brought forward. This is just for right
9 now to get this issue solved at this current time.

10 Sadie Sullivan County Clerk: Okay, thank you.

11 *Meeting concluded for lunch at 12:01 p.m. - - meeting reconvened at 1:21 p.m.*

12 **9) PUBLIC WORKS DIRECTOR: For discussion and possible action after**
13 **the presentation by Aaron Martinez dba A& M Engineering covering**
14 **the Battle Mountain West Community Project. More specifically to**
15 **discuss the utilities to be replaced and to request the Commissioners'**
16 **direction on how to proceed with specific utility and infrastructure**
17 **upgrades as it relates to communications:**

18 Don Prince/Public Works: I am here with Aaron Martinez with AM Engineering.
19 Good afternoon commissioners Aaron Martinez with AM for the record. The item in
20 front of you today is an existing project that is currently going on which is the Battle
21 Mountain West Community Project. There is an exhibit that shows the entire project
22 encompassed into four phases. Phase 1 starts on the northern end and working south.
23 The reason for that is primarily sewer infrastructure. Overall, the project is designed
24 to replace sewer and water infrastructure underneath the roadways. On the surface
25 infrastructure we would replace the roads themselves and upgrade the sidewalks to
26 meet the ADA compliance component. We are starting north and working south is so
27 we can tie into the existing sewer infrastructure and then perpetuate our work to the
28 south. The item in front of you today is being brought forward because typically
under most projects we do not install communication line such as fiber optic conduit
things like that. The public works director and the county manager's office wanted to
bring this item in front of you as a decision that needed to be made as to whether the
county should or should not install the fiber optic or conduit for the fiber optic. In
other municipalities, what we have been doing when we are coming in to replace all
the roadway and utility infrastructure, we don't want to get back under that roadway
five years later so we try to have some forethought and put as much of that
infrastructure in as possible so that we can maintain our roads' integrity and
obviously maintain that investment. Those decisions come with costs, I have provided
you an engineer's estimate of the cost increase if you did choose to install fiber optic
conduit and it is an upwards of \$600,000 total. I would like to caution you that these
prices are based on the inflating costs of those utilities, so I would say in normal
circumstances it would probably be half that price, but prices seem to be climbing.
The item in front of you today is should we or should we not install conduit under
neath the roadways in phases 1-4 which is basically impacting the entire west side of
305, or Broad Street. The conduit we typically do - - we do like 2-inch conduit under

1 the ground, and they will run to prospective pole boxes throughout the entire
2 community at the point the commission can lease those lines out to fiber optic
3 companies that then pay the county to utilize those lines and then they pull their fiber
4 through. Most municipalities will drop in the conduit infrastructure, basically blank
5 pipe and then hoping that you can provide your residents with private companies to
6 come in - - do line agreements with the county and then they can provide those
7 residents with those communication abilities like fiber optic.

8 Commissioner Waits: Inquired about the budget.

9 Aaron Martinez: This would be something you would have to expand your budget
10 on. This infrastructure was not accounted for. This would be something in addition if
11 you wanted to do that.

12 Commissioner Waits: Would this be the total for all four projects.

13 Aaron Martinez: This would be for phase 1-4; it would be all the phases. The
14 reason it is all encompassing is we are designing the entire project and then we will
15 place phase 1 out to bid, then phase 2 out to bid and the reason we are doing that is
16 from an engineering standpoint I need to be able to see all the project and design it as
17 one kind of monolithic project then break it into phases. Initially, your cost would
18 only need to fund phase 1, technically and that project has not gone out to bid, it is
19 still in the design phase. It is nearing completion which is why we are kind of in front
20 of you today to get some of these caveats explained and outlined before we proceed
21 with bidding purposes.

22 County Manager Bert Ramos: Aaron discussed in further depth with me and
23 Donnie about companies coming in and actually paying for that to be installed within
24 our right of way and it not costing us anything and they use that as their remedy to
25 get to people and customers; or the county doing it and doing it on our side and there
26 is a variety pack on options there and maybe he can touch on that.

27 Commissioner Waits: So, in the long run we may or may not pay for it coming in,
28 but if we do, we will certainly get it back over a certain period of time with the fiber
optic people.

Aaron Martinez: The return on the investment, I am not sure a Wall Street man
would say this is a great return on the investment. I don't want to create any fallacies
here; the return on the investment is unknown. I wouldn't think that is what a Wall
Street guy would say that is where I would put my money. It is a benefit for the
community, and you do receive some dividends from that. As Mr. Ramos was talking
about there is kind of a few ways that we can approach this. One, the county installs
the blank conduit and then you put line agreements out with a private contractor to
pull his fiber through and connect it to the residence. Another way to approach it is in
our bid package we state that the submitting contractors are required to link up with
a company that would be able to perform that. They actually install it under their
purview of the contract and whether it would cost us more or less in the project is
unknown because it is kind of outside of our realm at that point but the fiber optic
companies would typically love to piggyback on a project like that because they will
install their line, they will own the line and they can maintain it and reap all the
benefits of it is their line, they can provide it to whichever customers they would like
and you kind of lose control if you start to allow to contractor to navigate those
contractual aspects of it and you maintain more control of it if it is your line and you
pay for it installed. I hope that that clears those two avenues up for you.

1 Commissioner Waits: Inquired about the request for replacing sewer and water
lines that are already there.

2 Aaron Martinez: That is technically not a request from us today. That is a
3 decision that has already been made in previous commission actions. This project
4 overall is to replace the sewer and the water infrastructure. Currently, that is the
project's scope and what we are looking for today is do you want to add the fiber optic
to that scope.

5 Commissioner Waits: Inquired about the utilities to be replaced.

6 Aaron Martinez: As it relates to communications. That would be the internet,
7 fiber optic, conduit - - just that. I am happy to answer questions on the other utilities
8 - - again, they are all being replaced. We have contacted NV Energy and Southwest
9 Gas and we are going to be coordinating with them in hopes that they will also replace
10 their infrastructure underneath the roadway also. What we were missing from an
11 engineering standpoint from our end was what utility are we not addressing and the
12 only one was and the only one we currently are not is the communications and that is
13 what we are here for you in front of you today to see if the commission would like to
see if adding the blank conduit as part of our primary contract or we can have the
contractor delegate that component under his purview. My recommendation to you
would be to do as we have done in other municipalities where we handle the fiber
optic conduit blank pipe and then you do line agreements with private companies as
you see fit to occupy that line and then supply the fiber optic to your community.

14 Commissioner Waits: If we maintain authority and put it in - - you know the
costs, then that means we have control over what fiber optic company - -

15 Aaron Martinez: That is correct.

16 Commissioner Waits: Where if the fiber optic company comes in and puts it in for
us through our contractor then they can charge anything they want to charge?

17 Aaron Martinez: Absolutely.

18 Commissioner Waits: So that way we can take bids because we own the fiber
optic.

19 Aaron Martinez: To some degree yes. You really have control of who goes in the
20 line and how much you charge them to go into your line. That is really the extent of
21 your control. Outside of that, if they were charging your residence an unreal amount
22 of money there may be some legal retribution in there. And the another thing, I am a
23 big proponent of underground utilities when it comes to communications because I
24 am not a big fan of broadcasting waves across our air and right now we are
discharging an immense amount of internet across our air waves and everybody will
rely on it is a government approved device, we can discharge those frequencies, but I
just don't believe in all of what they are saying, so if you can get it under ground and
hard wired to people's houses, they are getting better communication, faster internet
and it is probably best for our health and our community.

25 Commissioner Thomas: So, if we put this conduit in, it is not going to cost that
much to put it in is it.

26 Aaron Martinez: So right here I have got basically on the mainline infrastructure,
27 I have it listed at \$30.00 a linear foot and at the lateral infrastructure, I have it listed
28 at \$15.00. Two years ago, it would have been \$7.50 and \$15.00. In total it is going to
range somewhere in between \$300,000.00 and \$650,000.00 most certainly to do all
of the infrastructure. Again, that is four phases - - that is a lot of linear footage. We

1 are looking over 16,000 linear feet of main line. It is a big area, and a lot of residents
2 will be impacted by it. I have been instructed from the public works department that
3 phase 1 will go out to bid the 1st of January.

4 Commissioner Waits: So, the question is if we really have enough in our budget of
5 when they start before July to handle phase 1.

6 County Manager Bert Ramos: What we should probably do is think about it as
7 using an alternate - - put it in as a bid alternate where we get separate budget number
8 from the bids on installing this conduit as opposed to our main bid. That way it
9 doesn't affect our budget that we put aside just for the sewer and water that we are
10 going to do as a main infrastructure and that should kind of protect us if we come
11 into a budget issue.

12 Chair Kathy Ancho: How many years is this for?

13 Aaron Martinez: Some of that is going to be dictated by the ability of the
14 contractor in how fast they can complete phase 1. The design itself will be completed
15 by the end of this year for all four phases. Technically we could put them out to bid
16 immediately but not to overwhelm and make the project unreal for our residents and
17 turn everything upside down - - we are thinking it would be a 4-6-year total
18 completion.

19 Commissioner Thomas: Our cost would be spread out every four to six years.

20 Aaron Martinez: That is correct.

21 **Motion to approve the money for the conduit with phase 1-4 on the
22 infrastructure upgrades as it relates to the communications:** Commissioner
23 Clark.

24 **Seconded by:** Commissioner Thomas.

25 **Motion voted and carried.**

26 **10) Nevada Rural Housing Authority: For discussion and possible action
27 to approve/disapprove the Amended Resolution 2021-14, providing
28 the transfer of Lander County's 2021 private activity bond volume cap
to the Nevada Rural Housing Authority, in an amount not to exceed
\$347,054.07:**

County Manager Bert Ramos: As you recall we just had this on the past agenda,
we did have to amend this because we had the wrong resolution number. Nothing in
the verbiage has changed other than the resolution number so I don't believe we have
to re-read that.

**Motion for the administrative correction to approve amended
resolution number 2021-14. The resolution of the Board of
Commissioners of Lander County, Nevada providing for the transfer of
the county's 2021 private activity bond volume cap to the Nevada Rural
Housing Authority:** Commissioner Waits.

Seconded by: Commissioner Thomas.

Motion voted and carried.

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1 **11) SUMMIT ENGINEERING: Update from Summit Engineering on**
2 **progress made on the current “project” pursuant to the agreement**
3 **between Lander County and Summit Engineering with the effective**
4 **date of April 14, 2013. For discussion and possible action to approve/**
5 **disapprove the continuation, termination and/or modification of**
6 **the existing contract between Summit Engineering and Lander**
7 **County on the Austin Town Boundary Realignment Project:**

8 County Manager Bert Ramos: There are three phases. The question I have for
9 Larry is which phase we are on and then we can go from there.

10 D.A. Ted Herrera: Basically, to broaden what Bartolo said, it basically tells you
11 that on April 23, 2009, a contract was signed for Summit Engineering to do task one,
12 compilation of the Donovan map; that was completed in 2010. In 2013, the county
13 again contracted with Summit Engineering to accomplish task two. And task two
14 consists of 3 phases. Phase 1, feasibility; Phase 2, *inaudible*; and Phase 3, final
15 determination of *inaudible*; so, that was 8 years ago, so Bert was correct in saying he
16 would like to know what exactly Summit Engineering has done in the last 8 years.

17 Larry Grube/Summit Engineering: I am going to bring up on the screen a
18 diagram of all of the maps we have submitted to the county.

19 County Manager Bert Ramos: I don't know how we are going to get it up on the
20 screen for everyone else to see.

21 Larry Grube/Summit Engineering: We ended up having issues because the
22 general survey we thought they belonged to the assessor's office to be owned by
23 Lander County, but they belong to the federal government. We have got about 60% of
24 the town divided now based on the maps *inaudible*. So, what we have done is
25 essentially *inaudible* updates on the subdivision maps we have proposed so far which
26 are the ones A-K. You have another map, L we could do but we need to know if we are
27 supposed to proceed or not.

28 County Manager Bert Ramos: Phase two was a preliminary controls surveying
and mapping. Phase 3 was final determination of right of ways and necessarily for the
orderly growth. Are we to Phase 3?

Larry Grube/Summit Engineering: We are at Phase 3, as far as determining the
remaining lines, we don't have that much work to do. We may need maybe up to 5
days to survey where we have the buildings on main street. Some of those maps along
main street are since *inaudible* and are probably acceptable.

Chair Kathy Ancho: It is 60% done 8 years into the project. We have had this on
the agenda a couple times - - where is Thomas Gallagher, this is his company isn't it -
- correct? Why isn't anyone here to show us? All of this is extremely confusing of what
phase and prior to me even on this board coming in and listening it has sounded like
the same issues are still there that were there 5 years ago before I even came on to
this board. My only issue is if that it came to an agreement to no longer go with
Summit can - - whatever engineering company picks up, can they pick up from right
where they left off or are we starting all over again? That is where I don't want to be.
However, I don't want to see 5 years from now you guys are still having this
discussion.

County Manager Bert Ramos: The engineer for the county is Summit currently.
There are many opinions out there.

1 Larry Grube/Summit Engineering: In March, that is when the issue of incorrect
ownership of the assessor's data base came up. About 3 or 4 weeks ago,
2 Commissioner Waits asked me, "are you guys getting title reports?" The agreement
was that the Lander County Assessor's office would basically *inaudible* off on the
3 *inaudible* title. The title reports on all of these properties should have been five
hundred thousand to one million dollars' worth of getting title reports but there are a
4 lot of errors in the data base. Fortunately, *inaudible* the GIS person in Lander County
is using, Nancy *inaudible* and she is very good at mapping, and she understands mine
5 claims very well in resolving some of that ownership for us.

6 Commissioner Clark: How much longer do you need?

7 Larry Grube/Summit Engineering: This could take years. I would like to get
closer to the conclusion of the project because honestly, I want to retire. As long as
8 Lander County wants me to continue on this project, I will continue. And I think I
have the best background on it.

9 D.A. Ted Herrera: There are two questions, how long do you need, and we need a
not to exceed amount. Just answer those two questions.

10 Larry Grube/Summit Engineering: Can I send a proposal in to Lander County?
You have to understand I can give you a proposal for doing exactly what we do. *Went*
11 *on to explain the obstacles.*

12 D.A. Ted Herrera: Larry, I understand there are problems, but you need to give
the commissioners a certain answer as possible to those two questions. If you need a
13 few days to do it and supply the answer by paper that is fine and you can also detail
the potential problems, but we need to know. It has been 8 years into the project.

14 Larry Grube/Summit Engineering: And I don't like that.

15 D.A. Ted Herrera: I know that.

16 Larry Grube/Summit Engineering: If possible, I would like to respond by
Wednesday of next week.

17 D.A. Ted Herrera: Okay, put it on paper. That is fine Larry. We need a how long
and to not exceed amount, okay?

18 Commissioner Waits: Larry, we probably need Tom on this, but what we are
asking if you are looking at this project tell us how much it is going to cost us and how
19 long before you can get it done; just like you are bidding a new project. We don't want
to jump ship and lose everything we put into this; we want answers.

20 Chair Kathy Ancho: Can we have that in writing next Wednesday please?

21 Larry Grube/Summit Engineering: Yes, ma'am.

22 Question from Austin/Charlie Vaughn: What happens if you don't receive that
Wednesday?

23 D.A. Ted Herrera: We will put it on the agenda and the commissioners can make
a decision to terminate their contract. We will also ask for Tom's appearance.

24 County Manager Bert Ramos: It will be on the agenda either way.

25 **12) CORRESPONDENCE: CORRESPONDENCE/REPORTS/FUTURE**
26 **AGENDA ITEMS:**

27 Commissioner Clark: Can you look into buying the lot across from the civic
28 center?

1 County Manager Bert Ramos: I will reach out. I know in the past we have reached
out. The county can't pay over assessed value, so it makes it very difficult.

2 Commissioner Waits: Did you all read the letter on the crickets? Apparently, we
3 were under some federal monies - - the Department of Agriculture was taking care of
4 some of the crickets, and we took care of some of them ourselves and now they are
5 saying whoops, we don't have anymore money agendized; they are going to ignore
three states that have all of these crickets? I think we need to put it on the agenda to
discuss it because we should be contacting Congress; I think we need to take some
action on the letter.

6 County Manager Bert Ramos: I passed that on to some of the other boards in the
7 county that are concerned with that as well. Lander County has not received much
8 funding from them or assistance for those crickets. I do know that money you are
speaking of should have been trickling down and it is running out so definitely.

9 Chair Kathy Ancho: So, the library - - if we are able to have some kind of
10 information on the operating system for the library, the cataloging all that, some
11 information if possible. What can we do moving forward on whatever policy put in
place in regard to the voting machines so we are not - - so we can get this done
instead of dragging it out?

12 D.A. Ted Herrera: We need to put that on the agenda to determine if you want to
go with a different manufacturer or the same manufacturer or just *inaudible* the
13 voting machine; that would be the question.

14 Chair Kathy Ancho: What my - - the policy - -

15 D.A. Ted Herrera: We have to decide what type of voting methodology you are
going to be using. Before you establish a policy, you need to establish and adopt a
16 specific voting method. If you want to stay with the same one, do you want to go with
another method or do you want to go to paper ballots? And then we can say - - "and
to adopt a policy."

17 Chair Kathy Ancho: Okay, I see.

18 County Manager Bert Ramos: On the crickets, library and voting machines, I
would also like to put my evaluation on the agenda. We are due for that.

19 D.A. Ted Herrera: Can we do that please?

20 Chair Kathy Ancho: Yes, please.

21 Commissioner Clark: Send Bert a notice that he is going to be evaluated
counselor.

22 D.A. Ted Herrera: Absolutely.

23 Commissioner Waits: We also asked for quarterly reports or semi-annual reports
from our public defender.

24 Elizabeth Macdonald: I think they turn those into the court.

25 Laken Sullivan: We get them. *Inaudible*

26 Commissioner Waits: We don't have to put it on the agenda if you just want to
send the information out to us.

27 Laken Sullivan: It is in your correspondence.

28 Elizabeth Macdonald: It is in with their quarterly bill, right?

Laken Sullivan: Shannon takes the bill and the correspondence - - the quarterly
report is supposed to be in your correspondence every quarter, in your packet.

Commissioner Waits: I have the general information, but I haven't received one
from the public defender.

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County Manager Bert Ramos: We will reach out to them.

D.A. Ted Herrera: We have them.

Commissioner Waits: Just send them we don't need them agendized.

County Manager Bert Ramos: Do you want them to show up and give a report or do you want them just in the packet?

Commissioner Waits: Just in the packet.

PUBLIC COMMENT

Sadie Sullivan: I just want to say on behalf of staff and several election board workers that have contacted me since the item, they would like to say that the election that has been brought forward - - it is extremely hard to not take it personal - - they are all sworn in under oath and they do their jobs for the election. I have election workers that go back from when *inaudible* and Judy Negro 1992 to 2010, they would like to see *inaudible* people that are involved moving forward and this is why the oath is taken very seriously. Their integrity *inaudible* has been there in the past and will be there for all elections in the future. Thank you.

Chair Kathy Ancho: Okay, Sadie some of the stuff you were saying was breaking up. I think we got the gist of it, but we didn't get it all, so I just want you to know that.

Sadie Sullivan: Okay, and I can submit it.

Chair Kathy Ancho: Okay, very good.

Motion to adjourn: Commissioner Clark.

Seconded by: Commissioner Thomas.

The motion was voted and carried.

Meeting adjourned at 2:00 p.m.

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

ATTEST: Sadie Sullivan
LANDER COUNTY CLERK